

October 27, 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, Tom Russo.

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. Unhoch, seconded by Mrs. LeFrois and carried that the minutes of September 15, 2008 (Special); September 15, 2008 (Special Regular & Work) and September 29, 2008 (Special Regular & Work) was approved.

Mayor Ricciardo declared the meeting open to the public.

Mr. Harold Storm, Jr., Owner of Chip’s Taxi and Limo, addressed Council and requested the Town Council to “reconsider” his renewal taxicab application, denied on October 6, 2008.

Mayor Ricciardo had several questions regarding the operation of the taxicab business, which was addressed by Mr. Harold Storm, Jr. Mayor Ricciardo directed asked Mr. Storm if he has operated his taxicab business without a taxicab license and Mr. Storm advised that the ticket issued to him for unlicensed business was “dismissed in court”.

Councilwoman LeFrois and Councilwoman Becker addressed additional questions to Mr. Storm. Mrs. LeFrois re-questioned his unlicensed business in Newton and Mr. Storm advised that he has not operated his taxicab business while unlicensed.

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Mayor Ricciardo clarified that his taxicab business will only be conducted out of the office on Spring Street including all dispatching. It was noted that there is only one vehicle on the renewal application, which is the only vehicle to be parked at the rear of the business address on Spring Street. His communication is through Nextel phone (via walkie-talkie). Mr. Storm concurred with these statements.

Mrs. Doragail Spicer, 382 Rt. 94, Newton, owner of DADS Taxi & Limo, addressed the Town Council opposing the reinstatement of the licensing of Mr. Harold Storm of Chip's Taxi. Mrs. Spicer submitted an outline of several reasons, Mr. Storm should not be reinstated for his taxicab business license in Newton. Mrs. Spicer also showed pictures of vehicles she indicated was taxicabs of Mr. Storm and in operation while unlicensed.

After a lengthy discussion, Mayor Ricciardo advised Mrs. Spicer that all her statements are "hearsay" therefore without proof of receipts, or customer statements, there is no evidence of proof of Mr. Storm was running his taxicab in Newton unlicensed.

Dr. Sandra Dudek, a retired veterinarian, of 16 Orchard Street, addressed the Council on the deer over population problem in the Town of Newton. Dr. Dudek outlined several hazards due to the over population with deer. She suggested that the Town create an Ordinance to disallow the feeding of deer.

Mr. Jeff Babcock, 16 Stuart Street, expressed his displeasure with Chip's Taxi and indicated that Mr. Storm has been running without a taxicab license for over a year. Mr. Babcock suggested that there should be a paper trail at Newton Memorial Hospital since he has been paid by voucher, as stated earlier.

Mayor Ricciardo asked Mr. Storm if he was paid by vouchers and Mr. Storm indicated that he was paid by voucher when he was a "licensed" taxicab

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Mr. Raymond Storm, 202 Main Street, addressed his concerns with the new lights displayed on Main Street and questioned why the new lights are in close proximity of the existing lights. Mayor Ricciardo agreed with Mr. Storm and advised that he has already directed Mrs. Millikin, Community Development Director, to address the questions to JCP&L.

Mr. Lawrence Kimberly, 285 Spring Street, requested the State Statue regarding taxicabs.

Mr. Kimberly complained about Mr. Robert Bittle, Construction Official, regarding a property maintenance violation ticket issued to him. Mr. Kimberly advised that he is saving up money to renovate his bathroom and plans on placing the antique bathtub, which is in his backyard, in the newly renovated bathroom. After a brief discussion, Mayor Ricciardo directed Mr. Russo, Jr., Town Manager, to set up a meeting with Mr. Bittle and Mr. Kimberly in order to communicate their differences regarding the issued property maintenance violation.

Mayor Ricciardo addressed a survey he received, as Mayor, which he feels that the entire Council should review. The survey addresses issues regarding arbitration and should be submitted as a whole governing body, not just the Mayor. Mr. Russo will distribute the survey to the entire Council for their input.

Council & Manager Reports

Water Tank

Mrs. Millikin hoped the Town Council has had the opportunity to view the “cleaned” water tank on High Street. Natgun has completed the project on the water tank.

Safe Routes to School

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Mrs. Millikin updated Council on the progress of the safe routes to school project.

GNCC Dinner - 5:30 pm on Wednesday, October 29, 2008

Mr. Russo advised that the Newton Department of Public Works has been nominated for an award at the Greater Newton Chamber of Commerce.

Employees of the DPW will be attending the dinner. “Thank you to the Town Council for allowing the members of DPW to attend”, Mr. Russo concluded.

Halloween Parade - 6 pm on Friday, October 31, 2008

Mr. Russo advised that the annual Halloween Parade will be held on Friday, October 31, 2008 at 6 p.m., which is sponsored by the Newton Fire Department.

2008 NJ Planning Conference - Commitment to Community Planning

Award

Mr. Russo advised Council that the Town of Newton is the recipient of the New Jersey Chapter of the American Planning Associations “Commitment to Community Planning Award”. The APA-NJ recognizes awardees at a luncheon set for November 7th at the Hyatt Regency in New Brunswick. Mr. Russo congratulated the Town of Newton.

Firehouse Renovations - Architect Interview - November 10th Council

Meeting

Mr. Russo advised Council that at the next Town Council Meeting, November 10th, there will be three interviews with architects submitting separate proposals for the firehouse renovations.

ORDINANCES

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

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Mrs. Jennifer Credido, Bond Counsel representative, updated Council on the Newton Armory project.

ORDINANCE #2008-26

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE NEWTON ARMORY IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$476,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

The following RESOLUTION was offered by Mrs. Becker, 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 November 10, 2008.

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 #2008-25

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 PATERSON AVENUE REDEVELOPMENT AREA

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*, (the "Redevelopment Law" or the "Act") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, pursuant to Sections 5 and 6 of the Redevelopment Law, and to prepare and adopt a redevelopment plan therefore, pursuant to Section 7 of the Redevelopment Law; 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 1201.02, Lot 2 &

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2.01 in the Town (the "Study Area" or the "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

WHEREAS, the Planning Consultant produced a report regarding the study and investigation of the Study Area entitled "Redevelopment Investigation of Block 1201.02, Lot 2, and Lot 2.01" (the "Report"); and

WHEREAS, at a duly noticed public hearing held on December 5, 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) 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, at the public hearing, all those who were interested in or would be affected by a finding that the Study Area is an area in need of redevelopment were given the opportunity to ask questions, provide testimony, and question the Planning Consultant; and

WHEREAS, on December 6, 2007, the Planning Board Secretary forwarded to the Town Council a Resolution of the Planning Board indicating that on December 5, 2007 the Planning Board adopted a resolution at the conclusion of the public hearing recommending that the Town Council designate the Study Area 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 July 28, 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 August 27, 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

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WHEREAS, in order to afford additional time for due consideration, the Planning Board continued the meeting to September 10, 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 September 10, 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 "Redevelopment Plan"),

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 C, 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 Paterson Avenue Redevelopment Area.

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

Mayor Ricciardo declared the hearing on Ordinance #2008-25 open to the public.

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

The following RESOLUTION was carried to the November 10, 2008 Council meeting in order to review the amended changes to the Paterson Avenue Redevelopment Plan by Mayor Ricciardo, seconded by Mr. Elvidge and roll call resulted as follows:

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

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.

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ORDINANCE #2008-24

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 PATERSON AVENUE REDEVELOPMENT AREA

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*, (the "Redevelopment Law" or the "Act") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, pursuant to Sections 5 and 6 of the Redevelopment Law, and to prepare and adopt a redevelopment plan therefore, pursuant to Section 7 of the Redevelopment Law; 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 1201.02, Lot 2 & 2.01 in the Town (the "Study Area" or the "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

WHEREAS, the Planning Consultant produced a report regarding the study and investigation of the Study Area entitled "Redevelopment Investigation of Block 1201.02, Lot 2, and Lot 2.01" (the "Report"); and

WHEREAS, at a duly noticed public hearing held on December 5, 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) 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, at the public hearing, all those who were interested in or would be affected by a finding that the Study Area is an area in need of redevelopment were given the opportunity to ask questions, provide testimony, and question the Planning Consultant; and

WHEREAS, on December 6, 2007, the Planning Board Secretary forwarded to the Town Council a Resolution of the Planning Board indicating that on December 5, 2007 the Planning Board adopted a resolution at the conclusion of the public hearing recommending that the Town Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on December 10, 2007, the Town Council, acting by

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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 July 28, 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 August 27, 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 September 10, 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 September 10, 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

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

WHEREAS, upon introduction of this ordinance on October 6, 2008, 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, upon introduction of this ordinance on October 6, 2008, the Mayor and Town Council revised Section 9.5, subsection entitled "Affordable Housing", first paragraph to read as follows:

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"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 Paterson Avenue Redevelopment Area.

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

Mayor Ricciardo declared the hearing on Ordinance #2008-24 open to the public.

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

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

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

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.

Under Old Business, Mayor Ricciardo directed the Clerk to read aloud

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the following Ordinance relative to final adoption.

ORDINANCE #2008-20

TO REMAIN ON THE TABLE

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

ORDINANCE #2008-21

Upon motion of Mr. Elvidge, seconded by Mrs. LeFrois and carried, Ordinance 2008-21 has been removed from the table.

AN ORDINANCE TO ACCEPT THE DEDICATION OF PORTIONS OF DOUMA DRIVE, BABBIT COURT, VALLEY VIEW COURT, DOUMA COURT AND RYERSON AVENUE BY THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX

BE IT ORDAINED by the Town Council of the Town of Newton as follows:

WHEREAS, certain streets in the Town of Newton, hereinafter more particularly described on **Schedule A** attached hereto, have been dedicated to public use by virtue of the filing of a certain map in the Sussex County Clerk's Office showing "Final Plat, Section 1, Greenville, Town of Newton, Sussex County, New Jersey" filed in the Sussex County Clerk's Office on September 10, 1987, as registered Map No. 905; and

WHEREAS, the Town Council deems it in the public interest to accept the dedication of said streets shown on said map for public use.

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

Section 1. The Town of Newton does hereby accept the dedication of the streets more particularly described on **Schedule A** attached hereto.

Section 2. The aforesaid streets shall continue to be known and designated by the names and designations shown on the filed maps hereinbefore referred to.

Section 3. This Ordinance shall take effect after publication and passage according to law.

After a much discussion and with the assistance of Mr. Hinkes, Esq., upon motion of Mrs. Becker, seconded by Mrs. LeFrois and carried, Ordinance 2008-20 be approved as amended.

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Mayor Ricciardo declared the hearing on Ordinance #2008-20 open to the public.

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

The following RESOLUTION was offered by Mrs. Becker who moved its adoption with amendments, seconded by Mrs. Le Frois 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 re-introduced, with hearing on same to be held on November 10, 2008.

The Clerk will advertise the above Ordinance according to law.

The Town Manager requested a resolution (for reconsideration) for Approval of a Renewal Application for Taxicab Owner's License

After a lengthy discussion, the governing body had several questions and concerns which was addressed by Mr. Hinkes, Esq. and Mrs. Read, Municipal Clerk. The Council expressed their concerns, surrounding all of the controversy and complaints received regarding this taxicab business. It was noted that there is no evidence of any of these claims stated this evening. The Governing Body is noted that the applicant is now in compliance with Town Ordinance, related to the taxicab business.

The following RESOLUTION was offered by Mayor Ricciardo, seconded by Mrs. Unhoch, with the condition that a renewed lease be presented by February 15, 2009, and roll call resulted as follows:

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

RESOLUTION #165-2008

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”, and

WHEREAS, the Police Chief has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner’s License application is complete and accurate, and

WHEREAS, in accordance with **9-6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the town it shall be inspected.....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ 07860, t/a Chip’s Taxi, Limo & Courier, which shall expire May 31, 2009;

BE IT FURTHER RESOLVED that the applicant must be in compliance with all aspects of **Chapter 9**, of the Newton Revised General Ordinances, as well as, the provisions of N.J.R.S. 46:16.

The Town Manager requested a resolution (for reconsideration) for Approval of a Renewal Application for Taxicab Driver’s License.

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

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

RESOLUTION #166-2008

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to

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expiration to the Chief of Police”;

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s License application is complete and accurate;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for a renewal Taxicab Driver’s License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, N.J., who represents Chips Taxi, Limo and Courier and shall expire on May 31, 2009.

CONSENT AGENDA

RESOLUTION #171-2008

Requesting Approval of the Director of The Division of Local Government Services to Establish a Dedicated Trust By Rider for the DARE Program under the Municipal Alliance on Alcohol and Drug Abuse pursuant to N.J.S.A. 40A:5-29, PL 1989, c.51

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, the State of New Jersey sets forth that any local unit is authorized and empowered to accept bequests, legacies and gifts made to it per NJSA 40A:5-29 and the Division of Local Government Services sets forth that per c.51, PL 1989 the Municipal Alliance on Alcohol and Drug Abuse program is an allowable dedication by rider, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Mayor and Town Council hereby request permission of the Director of the Division of Local Government Services to accept donations and approve expenditures for the DARE Program under the Municipal Alliance on Alcohol and Drug Abuse as set forth in chapter 51, PL 1989, per N.J.S.A. 40A:5-29.
2. The Municipal Clerk of the Town of Newton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION #172-2008

Requesting Approval of the Director of The Division of Local Government

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Services to Establish a Dedicated Trust By Rider for Donations for the Night Out Program pursuant to N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, the State of New Jersey sets forth that any local unit is authorized and empowered to accept bequests, legacies and gifts made to it per NJSA 40A:5-29 and the Division of Local Government Services sets forth that this is an allowable dedication by rider, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Mayor and Town Council hereby request permission of the Director of the Division of Local Government Services to accept donations for the Night Out Program which include bequests, legacies and gifts and utilize such in the manner set forth in the donation per N.J.S.A. 40A:5-29.
2. The Municipal Clerk of the Town of Newton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION #173-2008

Requesting Approval of the Director of The Division of Local Government Services to Establish a Dedicated Trust By Rider for Donations for the Police Department pursuant to N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, the State of New Jersey sets forth that any local unit is authorized and empowered to accept bequests, legacies and gifts made to it per NJSA 40A:5-29 and the Division of Local Government Services sets forth that this is an allowable dedication by rider, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

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1. The Mayor and Town Council hereby request permission of the Director of the Division of Local Government Services to accept donations for the Police Department which include bequests, legacies and gifts and utilize such in the manner set forth in the donation per N.J.S.A. 40A:5-29.
2. The Municipal Clerk of the Town of Newton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION #174-2008

Requesting Approval of the Director of The Division of Local Government Services to Establish a Dedicated Trust By Rider for Outside Employment of Off Duty Police Officers pursuant to N.J.S.A. 40A:4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, the Division of Local Government Services sets forth that Outside Employment of Off Duty Police Officers is approved under a blanket provision approved by the Local Finance board, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Mayor and Town Council hereby request permission of the Director of the Division of Local Government Services to establish/formalize by a dedication by rider resolution the receipt and disbursement of funds for Outside Employment of Off Duty Police Officers per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Town of Newton is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION #175-2008

Establish Mileage Reimbursement Rate for Town Employees

WHEREAS, Section 4-10.7(a) within Chapter 4 of the Town of Newton Revised General Ordinances requires the Town Council to establish the rate of reimbursement for employees who use their private vehicles for Town business;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the rate of reimbursement for employees who are required

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to use their personal vehicles for Town approved business who have been authorized by the Town Manager shall be equal to the Standard Mileage Deduction established by the Internal Revenue Service for the second half of calendar year 2008, which is fifty-eight and one-half cents (\$.585) per mile.

RESOLUTION #176-2008

Approve Change Order No. 1 for the Main Street Beautification Phase III

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Main Street Beautification Project – Phase III to Tony’s Concrete in the amount of \$314,968.00 by Resolution #142-2008, which was adopted on August 11, 2008, and

WHEREAS, Harold Pellow & Associates, Inc. has prepared Change Order No. 1 for said project and recommends approval:

	<u>Amount</u>
<u>Supplemental & Extra</u>	\$ 1,488.00
<u>Reductions</u>	<u>\$ (8,835.00)</u>
Total Change Order No. 1	\$ (7,347.00)

WHEREAS, the adjusted contract amount will be decreased by Change Order No. 1 to the new contract total of \$307,621.00;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Main Street Beautification-Phase III Project based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute said Change Order No. 1 resulting in a new contract total of \$307,621.00.

BE IT FURTHER RESOLVED that a copy of the Engineer’s certification detailing the change order be attached and made part of this resolution.

RESOLUTION #177-2008

Approve Change Order No. 1 for Traffic Striping for the Paving Various Streets Project (Ryerson Avenue Portion)

WHEREAS, the Town Council of the Town of Newton awarded a contract for traffic striping of for the Paving of Various Streets Project to Denville Line Painting through the Morris County Co-op in the amount of \$632.21 for the Ryerson Avenue portion of the project by Resolution #85-2008, which was adopted on June 9, 2008, and

WHEREAS, Harold Pellow & Associates, Inc. has prepared Change Order No. 1 for said project and recommends approval:

<u>Supplemental & Extra</u>	<u>Amount</u>
	\$ 897.89

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Total Change Order No. 1

\$ 897.89

WHEREAS, the adjusted contract amount will be increased by Change Order No. 1 to the new contract total of \$1,530.10;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for traffic striping for the Paving of Various Streets Project based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute said Change Order No. 1 resulting in a new contract total of \$1,530.10.

BE IT FURTHER RESOLVED that a copy of the Engineer's certification detailing the change order be attached and made part of this resolution.

RESOLUTION #178-2008

CAPITAL BUDGET									
Whereas, the local capital budget for the year 2008 was approved on the 28th day of April 2008; and									
Whereas, it is desired to Amend said adopted Capital Budget Section.									
Now, Therefore Be It Resolved, by the governing body of the Town of Newton, County of Sussex that the following capital budget amendment of 2008 be made.									
RECORDED VOTE:	AYES	(NAYS	(ABSTAIN	(
(Insert last name)		(((
		((ABSENT	(
		(((
		(((
CAPITAL BUDGET (Current Year Action)									
2008									
PLANNED FUNDING SERVICES FOR CURRENT YEAR 2008									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2008 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Acquisition of Newton Armory	1	500,000	0		24,000				476,000
TOTAL ALL PROJECTS		500,000		0	24,000	0	0	0	476,000
3 YEAR CAPITAL PROGRAM 2008 - 2010									
Anticipated Project Schedule and Funding Requirements									
FUNDING AMOUNTS PER YEAR									
PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	BUDGET YEAR: 2008	2009	2010	2011	2012	TO BE FUNDED IN FUTURE YEARS
Acquisition of Newton Armory	1	500,000	2,008	500,000					
TOTAL ALL PROJECTS		500,000		500,000	0	0	0	0	0
3 YEAR CAPITAL PROGRAM 2008 - 2010									
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS									
BUDGET APPROPRIATIONS					BONDS AND NOTES				
PROJECT	ESTIMATED COST	CURRENT YEAR 2008	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT SCHOOL
Acquisition of Newton Armory	500,000			24,000		480,000			
TOTAL ALL PROJECTS	500,000			24,000	0	480,000	0		
Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Township Auditor and Chief Financial Officer.									
It is hereby certified that this is a true copy of a resolution creating the capital budget section adopted by the governing body on the 27th day of October, 2008.									
Certified by me									
Date	Lorraine A. Read, RMC								

RESOLUTION #179-2008

Final Acceptance of the Paving of Ryerson Avenue Project and Paving of Various Streets Project within the Town of Newton

WHEREAS, on June 9, 2008 by adoption of Resolution #85-2008, the

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Newton Town Council awarded a contract to Owl Contracting for the Paving of Ryerson Avenue Project and Paving of Various Streets Project in the Town of Newton through the Morris County Co-operative Pricing Council, and

WHEREAS, the Newton Town Council approved Change Order No. 1 for said project by adoption of Resolution #163-2008 on September 29, 2008 in accordance with the recommendation of the Town Engineer, and

WHEREAS, in his memo dated August 28, 2008, the Town Engineer recommended that said project be accepted as final and complete;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Paving of Ryerson Avenue Project and Paving of Various Street Project within the Town of Newton as final and complete;

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to NJDOT, Owl Contracting, and the Town Engineer.

RESOLUTION #180-2008

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

159.00	Bally's Park Pl Cas. Hotel	24455
26,976.98	NJSHBP	810081
55,873.39	NJSHBP	810082
160,692.77	Payroll Account	810083
384.60	Montague Tool & Supply	24456
1,073.50	MGL Printing	24457
1,175.91	Harold Pellow & Associates	24458
130.00	Decker's Fire & Safety	24459
117.00	ABCCode Security	24460
114.00	Alpine Spring Water Company	24461
306.30	Aurora Electrical Supply	24462
93.75	Sussex Car Wash, Inc.	24463
570.94	NUI Corporation	24464
533.64	G & G Diesel Service, Inc.	24465
8,636.16	JCP&L	24466
246.05	New Jersey Herald	24467
934.00	SCMUA	24468
350.00	B & G Elevator, Inc.	24469
2,524.20	EMBARQ	24470
327.12	EMBARQ	24471

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3,657.50	Hollander,Hontz,Hinkes&Pasculli LLC	24472
103.28	Campbell's Small Engine	24473
469.80	Lock & Key World	24474
75.83	Federal Express	24475
1,523.00	Hamburg Plumbing Supply Co., Inc.	24476
25.77	Scott Holzhauser	24477
12.00	Peter J. Kays	24478
193.24	Treasurer, Petty Cash Fund	24479
495.00	NJLM	24480
12.00	William F. Smith	24481
46.25	Employee Data Forms	24482
1,470.00	Minisink Press, Inc.	24483
210.67	Ann M. Rosellen	24484
2,599.58	Diamond Sand & Gravel, Inc.	24485
35.64	Sebring Auto Parts	24486
79.00	Skylands Press	24487
5,000.00	SUI Account	24488
663.29	Dempsey Uniform & Supply, Inc.	24489
78.75	Debra Millikin	24490
121.50	L-3 Comm. Mobile-Vision	24491
450.00	Enforsys Fire Systems, Inc.	24492
221.02	F.W. Bennett & Son, Inc.	24493
1,471.62	Boonton Tire Supply	24494
498.00	Weiner Lesniak	24495
188.00	Rutgers Center for Gov't Services	24496
25.00	Sussex & Warren Tax Col. Assoc.	24497
2,539.68	Verizon Wireless	24498
35.99	Verizon Wireless	24499
115.00	Accurate Door, Inc.	24500
18.75	Robert Bittle	24501
399.00	North Jersey Portable Toilets	24502
76.30	Mr. John	24503
312.50	Alternate Power Inc.	24504
92.15	Cooper Electric Supply Co.	24505
80.00	Wildflowers with Tami	24506
75.00	Teresa Ann Oswin	24507
1,185.00	Vogel, Chait, Collins, Schneider, PC	24508
1,111.49	The Home Depot	24509
48.85	Excelsior Lumber Company	24510
157.50	Scarinci & Hollenbeck, LLC	24511
24.38	Lynn Dee Frost	24512
193.59	Paint Spot	24513
55.95	Ward's Flowers and Gifts	24514
144.90	Gerber Landscaping Services, LLC	24515
137.80	Lowe's	24516
314.00	Spectrum Communications	24517
1.62	Easylink Services Corporation	24518
8.61	Nestle Waters	24519
12.00	Steve Estler	24520
864.26	Skylands Area Fire Equip. & Training	24521
532.50	Pinnacle Wireless, Inc.	24522
889.19	Maragino Ford	24523

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4,054.39	Rachles/Michele's Oil Company	24524
4,327.70	Taylor Oil Co.	24525
1,550.00	Laddey, Clark & Ryan, LLP	24526
229.74	Industrial Chemn. Labs & Services, Inc.	24527
249.00	Crime Prevention Resources	24528
1,020.00	Total Control Maint. & Cleaning Corp.	24529
508.75	Excal Visual	24530
638.82	W.B.Mason	24531
117.22	Atlas Flasher & Supply	24532
1,031.25	County of Sussex	24533
992.88	Richard & Stephanie Ghostkeeper	24534
1,297.06	Merriam Gateway Apartments, Inc.	24535
12.04	Sprint	24536
800,000.00	Sovereign Bank	24537

CAPITAL

9,500.00	Capital Account	811010
2,700.00	NJ Dept. of Transportation	7245
239.75	Harold Pellow & Assoc., Inc.	7246
105.00	Hollander, Hontz, Hinkes&Pasculli LLC	7247
9,487.14	McManimon & Scotland	7248
44,352.84	Tony's Concrete Constr. Co., Inc.	7249
660.00	Vogel, Chait, Collins,Schneider,PC	7250
9,014.76	A. Nelessen & Associates, Inc.	7251
300,000.00	Water & Sewer Capital Account	830005

TRUST

4,475.63	Payroll Account	871021
485.72	Dean M. Coppolella	2564
1,242.37	Harold Pellow & Assoc., Inc.	2565
140.00	Hollander,Hontz,Hinkes&Pasculli LLC	2566
480.00	Weiner Lesniak	2567
705.00	Vogel, Chait,Collins,Schneider,PC	2568
1,950.00	Colleen Cunningham, Esq.	2569

Total TOWN BILLS \$1,491,938.12

WATER AND SEWER ACCOUNT

11,369.59	Bank of New York	860047
36,688.76	Payroll Account	860048
405.00	ESC Enterprises	10376
13,250.46	Harold Pellow & Assoc., Inc.	10377
29,008.75	MWH Americas, Inc.	10378
933.33	Hach Company	10379
497.32	NUI Corporation	10380
10,491.67	JCP&L	10381
2,508.19	Pumping Services	10382
97.65	SCMUA	10383

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30.00	Paul Baldwin	10384
24.00	Paul M. Havens	10385
3,206.21	Coune Chemical Corp., Inc.	10386
25.39	EMBARQ	10387
119.06	EMBARQ	10388
1,288.14	EMBARQ	10389
35.00	Hollander,Hontz,Hinkes&Pasculi LLC	10390
3,041.00	Garden State Laboratories, Inc.	10391
26.80	Allied Meter Service Inc.	10392
10,150.26	Current Account	10393
45.08	Water & Sewer Petty Cash Fund	10394
12,103.10	Sparta Township Tax Collector	10395
2,500.00	Mitchell Agency	10396
295.92	Lubrication Engineers, Inc.	10397
336.50	Dempsey Uniform & Supply, Inc.	10398
178.32	One Call Systems	10399
7,280.00	R&D Trucking Inc.	10400
98.64	Airgas East	10401
42.00	Ervin Lasso	10402
608.14	Verizon Wireless	10403
287.80	Verizon Wireless	10404
1,048.80	Univar USA Inc.	10405
1,250.00	John Smalley	10406
1,724.00	Main Pool & Chemical Company	10407
1,335.00	Alternate Power, Inc.	10408
129.34	The Home Depot	10409
1,650.00	Kistler O'Brien Fire Protection	10410
1,668.00	Process Tech Sales & Service	10411
2,583.19	Pall Corporation	10412
1,283.33	Andy Matt, Inc.	10413
588.00	Ferguson Enterprises, Inc.	10414
17,853.33	JP Morgan Chase Bank	10415
400,000.00	Sovereign Bank	10416

CAPITAL

2,165.63	Harold Pellow & Assoc., Inc.	2115
243.00	VOID	2116
125.00	Keller Welding Company	2117
280.00	Hollander,Hontz,Hinkes&Pasculli LLC	2118
1,300,000.00	JP Morgan Chase Bank	861003

Total WATER & SEWER BILLS \$1,880,655.70

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

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

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Mayor Ricciardo Yes

The Clerk presented an application for an off-premise raffle (50-50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton to be held on December 15, 2008 at 2:00 p.m. at 44 Ryerson Avenue, Newton. It was noted that the application were in order and accompanied by the prescribed fee.

The Clerk presented an application for an off-premise raffle from St. Joseph R.C. Church, 17 Elm Street, Newton to be held on December 12, 2008 at 4:30 p.m. at 17 Elm Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

Upon motion made by Mrs. Becker, seconded by Mrs. LeFrois and carried that the Governing Body has no objection to the issuance of an off-premise raffle (50-50) from the Pride Foundation, Inc. on December 15, 2008 and an off-premise raffle from St. Joseph R.C. Church on December 12, 2008.

Intermission (10 minutes)

DISCUSSION (WORK SESSION)

A brief discussion ensued regarding a Zoning issue at the Newton Sew & Vac, which was resolved by the Zoning Officer and Town Manager this afternoon.

Mayor Ricciardo questioned a displayed sign designating a smoking area. After a brief discussion, Mrs. Millikin will address this issue.

Mrs. Le Frois addressed a question regarding the Moose Lodge redevelopment site design workshop which was addressed by Mrs. Millikin.

OPEN TO THE PUBLIC

Mayor Ricciardo declared the meeting open to the public. There was no one from the public to be heard.

COUNCIL AND MANAGER COMMENTS

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Councilwoman Le Frois updated Council regarding the Main Street Newton Program meeting she recently attended. After a lengthy discussion, the Governing Body requested a meeting with Main Street Newton officials to discuss the fiscal stability of Main Street Newton.

Councilman Elvidge addressed concerns regarding Spring Street parking including the additional loading zones recently added. After a brief discussion, the Governing Body discussed revisiting a parking study to obtain additional parking spaces.

Mayor Ricciardo advised he will be attending the Annual Planning Conference award luncheon to be held on November 7, 2008 in New Brunswick. Mrs. Millikin will be attending as well as several members of the Redevelopment Team.

Mayor Ricciardo addressed issues and concerns regarding COAH. Mrs. Millikin will keep the Mayor and Town Council abreast of all COAH updates.

Mayor Ricciardo opened the meeting to the public.

There being no one from the public to be heard, upon motion of Mrs. LeFrois, seconded by Mrs. Becker and carried, the meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk