

September 15, 2008

The special 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 S. 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 September 5, 2008”.

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 Mr. Elvidge and carried that the minutes of July 7, 2008 (Work) meet was approved with an abstention by Mayor Ricciardo.

Upon motion made by Mrs. Le Frois, seconded by Mrs. Becker that the minutes of July 14, 2008 (Regular and Work), July 17, 2008 (Special), and July 28, 2008 (Regular and Work) were approved with an abstention by Mr. Elvidge for the July 14, 2008 meeting.

Under Reading of Ordinances, Mayor Ricciardo directed the Clerk to read aloud the following Ordinance relative to final adoption.

**ORDINANCE #2008-20**

**AN ORDINANCE AMENDING CHAPTER 18A LAND USE PROCEDURES OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON, REGARDING DEVELOPMENT FEES**

Mayor Ricciardo declared the Ordinance #2008-20 be TABLED for further review.

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

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

September 15, 2008

Mayor Ricciardo Yes

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

**ORDINANCE #2008-21**

**AN ORDINANCE TO ACCEPT THE DEDICATION OF PORTIONS OF PATERSON PLACE, WINDSOR DRIVE, BUCKINGHAM COURT, STRATFORD LANE, DOUMA DRIVE, BABBET COURT, VALLEY VIEW COURT, DOUMA COURT AND RYERSON AVENUE BY THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX.**

Mayor Ricciardo declared the hearing on Ordinance #2008-21 open to the public.

Several residents addressed the Council to express their concerns regarding damaged sidewalks in their neighborhood. Prior to adopting this Ordinance the residents requested a solution to these damages. After a lengthy discussion, the Governing Body made the recommendation that the Ordinance 2008-21 be tabled pending a determination by the Town Engineer as to what corrective work has to be done prior to accepting the roads in Castle Ridge and Greenville subdivisions. In addition, Council requested a copy of the Surety Bond, Performance Bond and Maintenance Bond for the Castle Ridge Development, inspect damage report and information on why there are no shade trees planted in the neighborhood as originally planned.

There being no one else from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mr. Elvidge and carried, the hearing on Ordinance #2008-21 was closed.

The following RESOLUTION was TABLED by motion made by Mayor Ricciardo, seconded by Mrs. Le Frois and roll call resulted as follows:

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

September 15, 2008

Mayor Ricciardo Yes

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

**ORDINANCE #2008-22**

**AN ORDINANCE TO AMEND CHAPTER 5, GENERAL POLICE REGULATIONS\* OF THE TOWN OF NEWTON'S REVISED GENERAL ORDINANCES**

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Newton that Chapter 5, General Police Regulations of the Revised General Ordinance be amended to read as follows:

**Section 5-23 Urinating in public, prohibited**

No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, or to which the public is invited or has access, except in a lavatory toilet or similar facility.

This Ordinance shall take effect upon its passage and publication as provided for by law.

Mayor Ricciardo declared the hearing on Ordinance #2008-22 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, 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 introduction of same.

September 15, 2008

**ORDINANCE #2008-23**

**AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE TOWN OF NEWTON'S REVISED GENERAL ORDINANCES, TO REFLECT CHANGES RELATED TO PARKING.**

The following RESOLUTION was offered by Mrs. Le Frois, who moved its adoption, seconded by Mr. Ricciardo 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 September 29, 2008.

The Clerk will advertise the above Ordinance according to law.

There being no Old Business, under New Business, the Town Manager requested a resolution to authorize the submission of an application for the Action Alliance Grant for Calendar Year 2009.

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	Abstain		

**RESOLUTION #151-2008**

**WHEREAS**, the Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages , and

**WHEREAS**, the Newton Town Council further recognizes that it is incumbent upon not only public officials, but the entire community, to take action to prevent such abuses in our community, and

**WHEREAS**, the Newton Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of

September 15, 2008

the Town of Newton hereby recognizes the following:

1. The Newton Town Council does hereby authorize the submission of an application for the Action Alliance grant for calendar year 2009 in the amount of \$19,996.
2. The Newton Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

The Town Manager requested a resolution for final acceptance of the proposed improvements to the Memory Park “T” Ball Field Project.

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

#### **RESOLUTION #152-2008**

**WHEREAS**, on June 23, 2008 by of adoption of Resolution #90-2008, the Newton Town Council awarded a contract to Robert W. Wogisch Landscape Contractor, Inc for the Proposed Improvements to the Memory Park “T” Ball Field Project, and

**WHEREAS**, in his memo dated August 26, 2008, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that is hereby concurs with the Town Engineer’s recommendation and accepts the Improvement to the Memory Park “T” Ball Field Project as final and complete;

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to Robert W. Wogisch Landscape Contractor, Inc. and the Town Engineer.

The Town Manager requested a resolution to award contract for the Safe Routes to School Project for crosswalk improvements.

The following RESOLUTION was offered by Mrs. Unhoch 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

September 15, 2008

Mayor Ricciardo Yes

**RESOLUTION #153-2008**

**WHEREAS**, bids were publicly accepted and opened on September 3, 2008 at 10:00 a.m. for the proposed Safe Routes to School Project by the Town Engineer, Harold Pellow, and

**WHEREAS**, the Town Engineer reviewed the following bids for bid amount and compliance with bid specifications:

<u>Bidder's Names/Addresses</u>	<u>Bid Amount</u>
Statewide Striping Corporation 499 Pomeroy Road Parsippany, NJ 07054	\$299,167.00

**WHEREAS**, the Town Engineer recommends the award of the contract subject to NJDOT approval to the low bidder with the reduction of six crosswalks, Statewide Striping Corporation in the amount of **\$247,300.50**, and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that the contract for the Safe Routes to School Project be hereby awarded to Statewide Striping Corporation, Parsippany, NJ in the amount of \$247,300.50 based on submission of the low bid and unit prices as described above;

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to the Town Engineer and the Bidders.

The Town Manager requested a resolution to authorize the sale of vehicles and equipment no longer needed for public use.

The following RESOLUTION was offered by Mrs. Le Frois 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

**RESOLUTION #154-2008**

**WHEREAS**, the Town of Newton has in its possession certain motor vehicles and equipment which are no longer needed for public use, and

**WHEREAS**, such vehicles may be advertised for sale and/or sold at auction in "as is" condition;

September 15, 2008

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that the following motor vehicles that are no longer needed for public use be hereby be advertised for sale and/or sold at auction in “as is” condition:

**Equipment Description**

- 1- 1980 General 10-Ton Trailer
- 1- Natural Gas Generator
- 1- 36” Snapper Walk-Behind Mower
- 1- 1980 John Deer Finish Mower
- 2- Western Plows
- 1- Swenson Tailgate Sander
- 1- Lincoln Welder
- 1- Table Saw
- 1- Jig Saw
- 1- Planer
- 8 ½ pallets-Slate Roof Shingles

The Town Manager requested a resolution to forgive taxes for Block 716, Lot 23.

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	Yes		

**RESOLUTION #155-2008**

**WHEREAS**, BLD, LLC owns a certain property known as 20 Trinity Street, shown on the Newton Tax Map as Block 716, Lot 23, and

**WHEREAS**, Block 716, Lot 23 is being utilized by the Parking Authority of the Town of Newton and managed by said Parking Authority for public parking purposes. under the Agreement between the Town of Newton and BLD, LLC, and

**WHEREAS**, Resolution #41-2003 adopted April 28, 2003 by the Governing Body of the Town of Newton states this property is tax exempt for the duration of the agreement, and

**WHEREAS**, the Town of Newton's Tax Assessor has stated that the property does not meet the guidelines for tax exemption and the taxes should be forgiven on an annual basis by the Tax Collector, and

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for the tax year 2008 for Block 716, Lot 23 also known as 20 Trinity Street be forgiven, and

September 15, 2008

**BE IT FURTHER RESOLVED** that the Tax Collector is hereby authorized to forgive said taxes for the tax year 2008 in the amount of \$1,516.25.

The Town Manager requested a resolution to approve Bills and Vouchers for payment.

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

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

### **RESOLUTION #156-2008**

**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**

985.32	Federal & State Grant	810065
2,602.80	Delta Dental	24257
2,434.57	Delta Dental	24258
711.68	Vision Service Plan	24259
15,290.54	Payroll Account	810066
14,944.00	Selective Insurance Company	24260
782.86	Universal Mailing Service	24261
170,948.83	Payroll Account	810067
215.72	Federal & State Grant	810068
20,927.43	Winner Ford of Cherry Line	24262
53,484.05	NJSHBP	810069
26,976.98	NJSHBP	810070
4.00	NJ Motor Vehicle Services	24263
38,424.19	Payroll Account	810071
225.74	VOID	24264
610.74	Harold Pellow & Associates, Inc.	24265
375.00	Inst. For Forensic Psychology	24266
200.00	Decker's Fire & Safety	24267
202.02	Airmark Pools	24268
36.00	Alpine Spring Water Company	24269
255.50	G & G Diesel Service, Inc.	24270
20,786.63	JCP&L	24271
408.75	New Jersey Herald	24272
252.58	SCMUA	24273
19.90	Sussex County Plumbing	24274

September 15, 2008

35.00	EMBARQ	24275
2,476.11	EMBARQ	24276
1,505.00	Hollander,Hontz,Hinkes&Pasculli LLC	24277
50.00	Lorraine Read	24278
621.73	Campbell's Small Engine	24279
12.00	Peter J. Kays	24280
85.09	Newton Trophy	24281
53.19	Galls Incorporated	24282
240.00	Minisink Press, Inc.	24283
513.72	Diamond Sand & Gravel, Inc.	24284
461.02	Sussex County Clerk	24285
94.90	Sebring Auto Parts	24286
2,803.00	Treasurer, State of NJ DCA	24287
424.32	Airgas East	24288
325.00	F.F.O.A. of NJ	24289
253.50	Weiner Lesniak	24290
390.62	Verizon Wireless	24291
35.99	Verizon Wireless	24292
1,900.00	Munidex	24293
400.00	Accurate Door, Inc.	24294
364.00	North Jersey Portable Toilets	24295
2,937.03	Tilcon New Jersey	24296
100.00	Defense Technologies	24297
285.00	Wildflowers with Tami	24298
1,029.07	Nextel Communications	24299
18.00	Teresa Ann Oswin	24300
24.00	Linda Roth	24301
1,755.00	Vogel,Chait,Collins,Schneider,PC	24302
110.66	Advance Auto Parts	24303
121.96	Excelsior Lumber Company	24304
491.48	Pinnacle	24305
3,350.67	Scarinci & Hollenbeck, LLC	24306
820.95	Buckman's Inc.	24307
317.00	Hall & Associates	24308
189.95	Computer Rescue 911	24309
120.34	Emergency Medical Products	24310
30.41	AW Direct Inc.	24311
120.00	Lawmen Supply Co. of NJ	24312
1,491.67	Andrews & Company LLC	24313
4,760.34	Rachles/Michele's Oil Company	24314
297.00	Dawn Babcock	24315
980.00	Firefighter One	24316
50.49	John's Automotive	24317
600.00	NJ Public Safety Accreditation	24318
201.50	Mr. Fred Semrau, Esq.	24319
50.00	East Coast Auto Transport & Hauling	24320
155.50	Comade, Inc.	24321
1,240.00	Ernest Weiss	24322
650.00	Autobody Connection	24323

**CAPITAL**

2,568.55	Harold Pellow & Assoc., Inc.	7214
117.87	Sussex County Plumbing	7215
12,323.63	McManimon & Scotland	7216

September 15, 2008

110.00	Art Frisbie's Airworx	7217
4,494.09	West Chester Machinery	7218
2,912.50	Tony's Concrete Constr. Co., Inc.	7219
7,931.40	Tilcon New Jersey	7220
645.00	Vogel,Chait,Collins,Schneider,PC	7221
1,754.88	A. Nelessen & Associates Inc.	7222
34,771.83	Ferraro Construction Corp.	7223
18,071.00	Structural Metal Fabricators	7224
2,610.00	Wayne Tile Company	7225
2,740.32	Denville Line Painting Inc.	7226
1,591.00	QC Laboratories	7227
31,195.36	Robert Wogisch	7228
704.60	Cutting Edge Landscape Equip.	7229

Total TOWN BILLS \$531,824.33

**WATER AND SEWER ACCOUNT**

568.64	Newton Postmaster	10294
143,471.00	U.S.D.A. / FHA	860038
873.52	Delta Dental	10295
157.15	Vision Service Plan	10296
4,867.97	Payroll Account	860039
37,543.56	Payroll Account	860040
8,000.00	Current Account	860041
9,862.50	MWH Americas, Inc.	10297
395.55	Hach Company	10298
30.00	CCP Industries	10299
22,365.35	JCP&L	10300
50.00	John Madden	10301
1,065.96	Pumping Services	10302
391.53	SCMUA	10303
470.47	Sussex County Plumbing	10304
2,898.70	Coyne Chemical Corp., Inc.	10305
1,282.91	EMBARQ	10306
119.06	EMBARQ	10307
35.85	Lafayette Auto Parts	10308
9,073.78	Current Account	10309
18.00	Joseph Carr	10310
148.25	Airgas East	10311
80.00	Treasurer, State of New Jersey	10312
60.00	Treasurer, State of New Jersey	10313
98.00	Grinnell Recycle	10314
178.15	Verizon Wireless	10315
5,760.00	Passaic Valley Sewerage Comm.	10316
258.66	Dell Marketing L.P.	10317
680.00	Alternate Power, Inc.	10318
88.22	Advance Auto Parts	10319
2.66	Carquest	10320
6.00	Sussex County Rental Center	10321

**CAPITAL**

119.60	Harold Pellow & Assoc., Inc.	2110
1,060.60	Ennis Paint Inc.	2111

September 15, 2008

Total WATER & SEWER BILLS \$252,181.64

**TRUST**

304.00	VOID	2543
87.50	Hollander,Hontz,Hinkes&Pasculli LLC	2544
160.00	Weiner Lesniak	2545
51,323.60	Payroll Account	871018
23,571.85	Harold Pellow & Assoc., Inc.	2546
945.00	Hollander,Hontz,Hinkes&Pasculli LLC	2547
232.35	McManimon & Scotland	2548
195.00	Art Frisbie's Airworx	2549
896.00	Weiner Lesniak	2550
360.00	Vogel,Chait,Collins,Schneider,PC	2551
1,755.00	A. Nelessen & Associates Inc.	2552

Total TRUST ACCOUNT \$79,526.30

The Clerk presented an application for an on-premise raffle (50-50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton for September 20<sup>th</sup> from 1:00 to 3:30 p.m.; October 4<sup>th</sup> from 3:00 to 5:30 p.m., October 11<sup>th</sup> from 1:00 to 3:30 p.m., and November 1<sup>st</sup> from 2:00 to 4:30 p.m. to be held at 44 Ryerson Avenue, Newton.

The Clerk presented an application for an on-premise raffle (Tricky-Tray & 50-50) from the Home School Association of St. Joseph School, 20 Jefferson Street, Newton to be held on October 24, 2008 from 6:00 to 11:00 p.m. at St. Joseph School, 20 Jefferson Street, Newton.

It was noted that the applications were in order and accompanied by the prescribed fee.

The Governing Body has no objection to the issuance of an on-premise raffle (50-50) from the Pride Foundation, Inc. on the above dates and an on-premise raffle (Tricky-Tray and 50-50) from the Home School Association of St. Joseph School on October 24, 2008.

Under Manager's Reports, Mr. Russo indicated he received a communication from Mr. Dennis Harrington, Sussex County St. Patrick's Day Committee, requesting permission to hold the annual St. Patrick's Day parade in the Town of Newton on Saturday, March 14, 2009 with a start

September 15, 2008

time of 11:30 a.m.

The Governing Body had no objection to granting permission for the Sussex County St. Patrick's Day Committee to hold the St. Patrick's Day parade in the Town of Newton on March 14, 2009 and directed Mr. Russo to prepare a resolution for same.

Mr. Russo advised of correspondence received from Mr. Don Meng, Chairman, Old Mine Road Folklife Festival, soliciting a donation of two hundred dollars (\$200) to support the Old Mine Road Folklife Festival, which will be held in the Town of Newton on Saturday, October 11, 2008.

After a brief discussion, the Governing Body had no objection to the Town donating a two hundred dollars (\$200) contribution in support of the Old Mine Road Folklife Festival in Newton.

Mr. Russo updated the Governing Body regarding the fifteen (15) water and sewer utility shut-off notices that were mailed to property owners, for outstanding balances over 90-days. Mr. Russo indicated arrangements have been made with twelve (12) out of the fifteen (15) notices mailed and the remaining three (3) outstanding balances will be discussed at the next Utility Board Meeting, scheduled for September 16, 2008.

Mr. Russo received a recent fax from Department of Transportation (DOT) acknowledging receipt of the Town's letter requesting solar powered flashers, near Newton High School, for the purpose of providing safety devices for pedestrians on Route 206. DOT will take the request under consideration and advise accordingly.

Mayor Ricciardo declared the meeting open to the public.

Mr. Tom Lawler, 41 Condit Street, Newton, expressed his disappointment regarding the Department of Transportation (DOT) not addressing the light, at Main Street (Rt. 206) and West Nelson Street, as requested by the governing body. Mr. Lawler expressed his concerns for the

September 15, 2008

residents and children, of this community and requested that the Council forward another letter to D.O.T requesting a specific date and not just be placed on a calendar for future review.

Mr. Xavier Izquierdo, 38 Dogwood Drive, representative of Newton First Aid Squad, thanked the Newton Town Council for allowing the Squad to hang a banner across Spring Street, soliciting new members to the Squad. It has had positive results and generated much interest. Mr. Izquierdo also welcomed Mr. Tom S. Russo, Jr. to the Town of Newton as the new Town Manager.

There being no one else to address the Town Council at this time, Mayor Ricciardo requested a ten minute intermission.

**WORK SESSION DISCUSSIONS:**

Mr. Russo advised that at the next Council meeting, Mr. Mark Hontz, Esq., will be in attendance to address the Cable Franchise project.

In addition, a discussion will be held regarding windmills at Morris Lake, at the request of Mayor Ricciardo. Mayor Ricciardo would like to pursue the possible avenue of utilizing windmills at Morris Lake to power the filtration plant. Mrs. Jessica Caldwell, Town Planner, was requested to attend as well.

Mr. Russo addressed the implementation of the consent agenda starting October 6, 2008. After a brief discussion, the Town Council had no objections to the implementation of consent agenda beginning on October 6, 2008.

Mr. Russo addressed a conflict with the October 15th scheduled Council meeting date and after a brief discussion, the governing body agreed to cancel the October 15<sup>th</sup> Council meeting. The October 6<sup>th</sup> and October 27<sup>th</sup> Council meeting dates will be held as advertised. Proper notice will be sent to the New Jersey Herald. Mr. Russo addressed the potential of

September 15, 2008

eliminated the work session meetings in 2009. Due to the streamlined version of the consent agendas, there may not be a need for the third meeting each month and will be revisited in 2009.

Mr. Russo requested the dates the governing body is attending the New Jersey League of Municipalities conference. The Council will firm up their schedules and advise Mr. Russo accordingly.

Mayor Ricciardo opened the meeting to the public.

Mr. Tom Lawler, 41 Condit Street, Newton, expressed his ideas and theories regarding the responsibility checklist which should be reviewed by all officials for all projects within the Town of Newton, in order to avoid any deficiencies on any project.

There being no one else from the public to be heard, Mayor Ricciardo closed the meeting to the public.

Councilwoman Unhoch questioned the possible elimination of the Blue Cross Blue Shield with Newton Memorial Hospital. Mr. Russo met with the CEO of Newton Memorial Hospital and discussed this matter which will be a wait and see situation.

Councilman Unhoch advised Council that on December 10, 2008 the Sussex County League of Municipalities meeting will revisit COAH issues.

Councilman Elvidge addressed the issue of the deteriorating of the retaining walls located on Woodside Avenue. This issue was forwarded to Mr. Cory Stoner, Town Engineer, of Harold Pellow and Associates for review.

Councilman Elvidge requested a Saturday Council meeting to discuss goals and objections for 2009 with Mr. Russo, the Town Manager.

Councilwoman Le Frois requested an update with the bathroom facilities at Memory Park. Mr. Russo will address and review this issue.

Mayor Ricciardo requested Mr. Russo to inquire why Spring House

September 15, 2008

Restaurant and Hotel is not paying hotel tax fees. Mr. Russo will update Council on his findings.

There being no further regular business at this time, upon motion of Mrs. Le Frois, seconded by Mr. Elvidge and carried, the Town Council went into executive session at 8:49 p.m. and roll call resulted as follows:

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

### **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 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 Personnel and Litigation;

### **PERSONNEL**

Mr. Russo updated Council on personnel issues.

### **LITIGATION**

Mr. Russo updated Council on pending litigation issues.

Upon motion of Mayor Ricciardo, seconded Mrs. Le Frois and carried, the Town Council left executive session at 9:29 p.m.

Mayor Ricciardo declared the meeting opened to the public.

There being no one from the public to be heard, upon motion of Mrs. Becker, seconded by Mr. Elvidge and carried, the meeting was adjourned at 9:29 p.m.

September 15, 2008

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk