

August 25, 2008

The regular work session meeting of the Town Council of the Town of Newton was held on the above date at 7:27 p.m. Present were Mr. Elvidge, Mrs. Unhoch, Mrs. Le Frois, Mayor Ricciardo and Town Manager, Thomas S. Russo, Jr. Mrs. Becker was excused.

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

INSURANCE OVERVIEW (WITH KEITH MITCHELL)

Mr. Keith Mitchell, our Insurance Agent, and Mrs. Carolyn Convoy, Workman’s Comp Representative, were in attendance to discuss the current status on the Town’s insurance. Mrs. Convoy addressed concerns from governing body members regarding the workers compensation portion of the insurance policy. Mr. Mitchell also outlined the premium comparisons for calendar year 2008. After a lengthy discussion, Mr. Mitchell will return in November/December when insurance figures are confirmed.

WATER ALLOCATION (WITH DAVE SIMMONS & BILL GRENNILLE)

Mr. Dave Simmons, P.E., Town Engineer and Bill Grennille, Superintendent of Water & Sewer, made a lengthy presentation to the Town Council on the water diversion at our water supply system at Morris Lake. Mr. Simmons provided an overall description and entire history of Morris Lake. Mr. Simmons outlined the current status of the application filed with the New Jersey Department of Environmental Protection (NJDEP) for additional allocation from the current limit to 1.5 MGY.

Mr. Grennille addressed the unaccounted for water loss and explained

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the several steps which have been taken to date. Mr. Grennille advised that the Newton pool and the Department of Public Works is now metered, for accountability. Statistics were reviewed regarding 2006 and 2007 totals for unaccounted-for-water analysis. Over the past few years, several breaks have been recovered and repaired but there is still approximately 35.5% of unaccounted water loss. After a lengthy discussion, the Council thanked Mr. Simmons and Mr. Grennille for their “enlightening” presentation.

DISCUSSIONS:

A. SEPTEMBER MEETINGS

The governing body addressed some conflicts with the Council meeting dates in September. After a brief discussion, Council agreed to cancel September 2, 2008 work session and reschedule the regular Council meetings to Monday, September 15, 2008 and Monday, September 29, 2008 at 7:00 p.m. Mrs. Read will advertise as directed.

B. TOWN-WIDE GARAGE SALE

Mrs. Read suggested dates for the annual Town-wide Garage Sale event held in Newton. After a brief discussion, Council agreed to hold the Town-wide Garage Sale on September 27 and September 28, 2008. Permits are purchased at the Town Clerk’s office for \$10.00. Mrs. Millikin was directed to contact a hauler for bulk pick up option for the residents of Newton.

C. CONSENT AGENDA

Mr. Russo addressed a new practice of implementing Consent Agenda for Council meetings. This procedure would streamline the meetings for the Governing Body. Consent agendas are used when there are a number of non-controversial business items on which the Council needs to vote. If a member has a concern about any item on the consent agenda that needs

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further discussion, then they may ask for the item to be removed from the consent agenda and addressed separately. After a brief discussion, Council requested that this issue be forwarded for legal opinion.

D. UTILITY SHUT-OFF NOTICES

Mr. Russo notified Council of the five (5) shut-off notice letters sent out on Friday, August 22nd, to the property owners who were, at minimum, ninety (90) days delinquent with this water and sewer bills. After a brief discussion, Council requested that all property owners over ninety (90) days be sent a shut-off notice letter, instead of mailing the notices in stages.

E. MEMORY PARK BATHROOMS

Mr. Russo notified Council that the Memory Park bathrooms are closed due to non-responsive bids received for a cleaning service. After a brief discussion, Mr. Russo will continue to obtain a contract for a cleaning service for the Memory Park bathroom facility.

F. WESTERN PLAZA

Mr. Russo advised Council of a meeting held with the potential buyer for the Abelour building, Sussex Bank, Mrs. Millikin and Mr. Keith Mitchell, a member of the Newton Parking Authority. Abelour representatives addressed issues regarding the need for additional parking at this facility and the potential use of Western Plaza parking lot. Mr. Russo will address concerns with the Parking Authority and keep Council informed of any updates.

G. COAH

Mr. Russo updated Council on the phone conversation with COAH regarding the Town's recent letters on Thorlabs. Mr. Russo has set a tentative meeting date with COAH the week of September 22, 2008. COAH advised that the Town of Newton is ahead of the "curve" then most

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municipalities and Newton will continue to address these issues at large. Ms. Jessica Caldwell, Newton Planner, will draft figures to present to COAH that the tentative meeting set for September 22, 2008.

H. COMMUNICATION PROCEDURES

Mr. Russo requested that any communication requests, for staff or Department Heads, go through the Town Manager's office. This procedure will then allow for the Town Manager to direct the request to the proper department as well as being able to follow up on completion.

Mayor Ricciardo inquired about some potential use of the ninety-seven (97) acres located at Morris Lake, which is owned by the Town of Newton. Mr. Russo will address the suggested ideas with our Town Planner, Jessica Caldwell.

Council addressed the League of Municipalities convention in November.

IV. OPEN MEETING TO PUBLIC

There was no one in attendance to address the Council, upon motion of Mayor Ricciardo, seconded by Mrs. Unhoch and carried, the Governing Body entered into executive session at 9:46 pm to address litigation.

EXECUTIVE SESSION

Upon motion of Mayor Ricciardo, seconded by Mr. Elvidge and carried, the Town Council went into executive session at 9:46 p.m.

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,

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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 litigation;

BE IT FURTHER RESOLVED that the discussion conducted in executive session by the Newton Town Council shall be disclosed to the public as follows:

LITIGATION

Mr. Russo updated the Governing Body regarding pending litigation.

Upon motion of Mayor Ricciardo, seconded Mrs. Le Frois and carried, the Town Council left executive session at 10:01 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. Unhoch, seconded by Mr. Ricciardo and carried, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk