

July 28, 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, Eileen Kithcart.

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 Mr. Elvidge and carried that the minutes of April 21, 2008 (Work), April 28, 2008 (Regular and Work), May 12, 2008 (Special & Regular & Work) and May 28, 2008 (Regular & Work) were approved with the abstention of Mrs. Becker and Mrs. Le Frois.

At this time, Mayor Ricciardo stated the next item on the Agenda is a special presentation to Mr. Larry Pryduluk

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

ORDINANCE #2008-13

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

July 28, 2008

WHEREAS, the Municipal Council of the Town of Newton desires to amend its regulations addressing the assessment of development fees authorized pursuant to the Fair Housing Act of 1985 (N.J.S. 52:27D-301, et seq.) and related regulations as enacted by the Council on Affordable Housing (COAH) so as to conform the ordinances of the Town of Newton to current regulatory criteria;

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

I. Chapter 18A, Land Use Procedures, Section 7 thereof, shall be amended as follows:

a. Section 7.3(a)(iv) shall be amended to delete the two sentences beginning with “Estimates * * *” and ending with “* * * assessor.”

b. Section 7.4(a) shall be amended to replace the phrase “one half (.5) percent of the equalized assessed value for residential development” with “one and one-half (1.5) percent of the value of the unit(s) as determined in subpart (c) below, provided no increase in density is permitted.”

c. Section 7.4(b) shall be amended to replace the phrase “equalized assessed value” with “value calculated pursuant to subpart (c) hereof * * * .” The paragraph entitled “Example” shall be deleted, to be replaced with the following:

“Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees would equal one and one-half (1.5) percent of value on the first two units, and six (6) percent of value for the additional two units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.”

d. There shall be a new Section 7.4(c), as follows: “For purposes of calculating the fee due herein, value shall be set at the coverage amount of the Home Owner Warranty document of a for-sale unit, or, for rental units, the appraised value on the document utilized for construction financing; or, if the first two measures are not available, the equalized assessed value for residential development.”

July 28, 2008

e. There shall be a new Section 7.4(d), as follows: “Any documentation being relied upon by the developer/owner in the determination of the appropriate fee must be supplied by the developer/owner in advance of the request for a building permit. If the “equalized assessed value” must be used as the basis for calculating fees, the developer/owner must supply a complete set of building plans to the Municipal Assessor prior to issuance of a building permit so that the Municipal Assessor shall have at least ten days to review the plans to determine the estimated development fee. No building permit may be issued until this fee is calculated and payment made pursuant to Section 7.7(a).”

f. Section 7.5(a) shall be amended to replace the phrase “one (1) percent of the equalized assessed value for non-residential development” with “three (3) percent of the value of the unit(s) as determined in subpart (c) below, provided no variance for an increase in floor area ratio had been approved.” There shall be added to said Section the sentence: "If a variance for an increase in floor area ratio had been approved for certain units, a developer's fee of six (6) percent of the value of such units shall be required as determined in subpart (c) below."

g. Section 7.5(b) shall be amended to replace the phrase “equalized assessed value” with “value calculated pursuant to subpart (c) hereof” .

h. There shall be a new Section 7.5(c), as follows: “For purposes of calculating the fee due herein, value shall be set at the Estimated Cost of Work as reported on the building permit issued by the municipal Construction Department, unless this is not applicable, in which case there shall be used the appraised value on the document utilized for construction financing; or, if the first two measures are not available, the equalized assessed value of the non-residential development.”

i. There shall be a new Section 7.5(d), as follows: “Any documentation being relied upon by the developer/owner in the determination of the appropriate fee must be supplied by the developer/owner in advance of the request for a building permit. If the “equalized assessed value” must be used as the basis for calculating fees, the developer/owner must supply a complete set of building plans to the Municipal Assessor prior to issuance of a building permit so that the Municipal Assessor shall have at least ten days to review the plans to determine the estimated development fee. No building permit may be issued until this fee is calculated and payment made pursuant to Section 7.7(a).”

j. Section 7.7(a) shall be deleted and replaced with the following language: “Fifty (50) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of the certificate of occupancy.”

II. All ordinances or parts of ordinances heretofore adopted that are inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

July 28, 2008

III. If a court of competent jurisdiction shall act to void any part of this Ordinance, such act shall not affect the remainder of the Ordinance.

IV. This Ordinance shall take effect upon its passage and publication as required by law.

Mayor Ricciardo declared the hearing on Ordinance #2008-13 open to the public.

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

The following RESOLUTION was offered by Mr. Elvidge, 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.

Upon motion of Mr.Elvidge, seconded by Mrs. Le Frois and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

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

ORDINANCE #2008-14

AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE.

WHEREAS, the Town of Newton has title to a certain parcel of real property which is Lot 20 in Block 1306 as shown on the Newton Tax Map, which parcel is not needed for public use; and

WHEREAS, the governing body has determined that said parcel should be sold at public auction to the highest bidder subject to the terms and conditions hereinafter set forth pursuant to N.J.S.A. 40A:12-13.

July 28, 2008

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

1. That Block 1306, Lot 20, as shown on the Town of Newton Tax Map, be offered for sale at public auction to the highest bidder with a minimum bid required of Three Hundred Thousand and no/100 (\$300,000.00) Dollars pursuant to N.J.S.A. 40A:12-13.
2. The sale shall be conducted in the Municipal Building of the Town of Newton, 39 Trinity Street, Newton, New Jersey, on August 11, 2008 at 6:30 p.m.
3. The governing body hereby appoints and designates the Newton Town Manager to conduct the sale of Block 1306, Lot 20 on behalf of the governing body.
4. The parcel placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than Three Hundred Thousand and no/100 (\$300,000.00) Dollars. The auctioneer shall commence the bidding at the minimum required bid. The Town of Newton reserves the right, in its sole discretion, to either accept or reject any bid it deems in the Town of Newton's best interests. The Town, in its sole discretion, may accept a lower bid for any reason it deems in the Town's best interests. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as set forth in Paragraph 9 hereof.
5. The higher bidder shall execute an Offer to Purchase in the form attached hereto at the conclusion of the bidding and pay a deposit by cash, bank check or cashier's check or attorney's trust account check in an amount equal to ten (10%) percent of the highest bid. The balance of the monies due pursuant to the highest bid and Offer to Purchase shall be paid in cash or certified check on delivery of the Deed, which shall be no later than September 11, 2008 at the offices of the Municipal Attorney, Hollander Strelzik Pasculli Hinkes Vandenberg & Hontz, LLC, 40 Park Place, Newton, NJ 07860, or at such other location as mutually agreed upon.
6. The municipality expressly disclaims any and all implied warranties of habitability or usability with respect to these property. The highest bidder shall purchase the property in an "as is" condition, having had an ample and sufficient opportunity to inspect said premises, examine its title, and review municipal ordinances and laws effectuating said premises, and that no representations regarding the value, character, quality, habitability or condition thereof, including environmental conditions, have been made to Buyer on behalf of the Town of Newton, prior to making a bid. The highest bidder, after closing, shall be responsible for all present and future defects of any kind in any part of the property. This agreement shall survive the closing of title.
7. The parcel offered for sale in this auction is the same lands and premises conveyed to the Town of Newton by Marielle R. Kays, Individually and as surviving Executor and Trustee of the Estate of Thomas M. Kays, deceased, et als., dated November 30, 1967 and recorded in the Sussex County Clerk's Office in Deed Book 826, Page 208&c. A copy of

July 28, 2008

said Deed is attached hereto as **Schedule A**. The Town of Newton shall use in the deed of conveyance the description set forth in **Schedule A**. The highest bidder shall have the right, at its sole cost and expense, to obtain a new survey of the property. Provided such survey depicts the property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

8. The conveyance shall be Bargain and Sale Deed, and the premises shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record or by prescription, a Conservation Easement conveyed to the New Jersey Department of Environmental Protection (a copy of which is attached hereto as **Schedule B**), laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bid shall be accepted or rejected by a Resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such auction sale. No bid may be withdrawn prior to such Resolution.

10. This notice of the auction sale of said parcel shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

Mayor Ricciardo declared the hearing on Ordinance #2008-14 open to the public.

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

The following RESOLUTION was offered by Mrs. Unhoch, who moved its adoption, 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 adopted in its entirety according to law.

Upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, that the Clerk be authorized and directed to advertise the above Ordinance

July 28, 2008

according to law.

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

ORDINANCE #2008-15

AN ORDINANCE TO AMEND CHAPTER 4, PERSONNEL AND CHAPTER 21, FEES AND COSTS 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 4, Personnel* and Chapter 21, Fees and Costs of the Revised General Ordinance be amended with the following changes in *bold* to read as follows:

Section 4-10.1 Group Insurance

Subsection (b):

b. This coverage includes single, husband/wife, parent/child and family with maternity memberships. The Town shall pay the full cost of the insurance for the employee or elected official. Effective July 1, 2006 any full-time employee or elected official that chooses additional coverage for a spouse and/or dependent to be covered under the health care plan shall contribute a percentage of the annual premium for said additional coverage through payroll deductions as provided by ordinance, at the current percentage established by resolution or negotiated contract.

Section 21-1.2 Alcoholic Beverage Control (Relating to Chapter VII)

- a. Plenary retail consumption license (7-3.4a)
\$778.00
- b. Plenary retail distribution license (7-3.4b)
\$778.00
- c. Club license (7-3.4c)
\$155.00

Section 21-1.10 Utilities (Relating to Chapter XV)

- p. Additional Water Meter (at owner's request)
\$150.00 each

Section 21.11 Street and Sidewalks (Relating to Chapter XVI)

- d. Traffic Cones/Signs Escrow Deposit (per item)
\$ 20.00

Section 21-1.15 Miscellaneous Fees

d. Certified Copies of Licenses and certificates issued by the bureau of vital statistics.

- 6. Civil Union, per copy \$8.00

July 28, 2008

h. Service Charge for checks returned due to insufficient funds, per R.S.
40:5-18 \$20.00

BE IT FURTHER ORDAINED that this Ordinance shall take effect according to law.

Mayor Ricciardo declared the hearing on Ordinance #2008-15 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 RESOLUTION was offered by Mrs. Unhoch, who moved its adoption, 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 adopted in its entirety according to law.

Upon motion of Mrs. Becker, seconded by Mr. Elvidge and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

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

ORDINANCE #2008-16

AN ORDINANCE TO ACCEPT THE DEDICATION OF RAILROAD 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, a certain street in the Town of Newton, more particularly described on **Schedule A** attached hereto, has been dedicated to public use by virtue of the filing of a deed in Deed Book 3186, Page 199 in the Sussex County Clerk's Office.

July 28, 2008

WHEREAS, the Newton Town Council deems it in the public interest to accept the dedication of said street shown in said deed 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 street known as Railroad Avenue as more particularly described in **Schedule A** attached hereto.

Section 2. The aforesaid street shall continue to be known and designated by the name of "Railroad Avenue"

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

Mayor Ricciardo declared the hearing on Ordinance #2008-16 open to the public.

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

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		

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

Upon motion of Mr. Elvidge seconded by Mrs. Unhoch and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

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

ORDINANCE #2008-17

AN ORDINANCE TO AMEND CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON ESTABLISHING THE NEWTON POLICE DEPARTMENT AND ITS COMPOSITION.

July 28, 2008

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		

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 August 11, 2008.

Upon motion of Mrs. Unhoch, seconded by Mrs. Le Frois and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

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

ORDINANCE #2008-18

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION OF A REVISION AND CODIFICATION OF ORDINANCES FOR THE TOWN OF NEWTON.

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		

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 August 11, 2008.

Upon motion of Mrs. Le Frois seconded by Mayor Ricciardo and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

July 28, 2008

There being no Old Business, under New Business, the Town Manager requested a resolution for the insertion of Special Items of Revenue in the 2008 Town of Newton Budget pursuant to NJSA 40A:4-87 (C.159, PL 1948).

The following RESOLUTION was offered by Mr. Elvidge 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		

RESOLUTION #129-2008

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount;

WHEREAS, the Town of Newton has received notice of an award in the amount of \$60,000.00 from the State of New Jersey, Department of Community Affairs, for a Smart Future Grant;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2008 Budget of the Town of Newton which are now available as revenue from:

Miscellaneous Revenues:
 Section F: Special Items of Revenue
 Public and Private Revenues Off-set with Appropriations:
 State of New Jersey Smart Future Grant ...\$ 60,000.00

BE IT FURTHER RESOLVED that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:
 (A) Operations - Excluded from CAPS
 Public and Private Programs Off-Set by Revenues:
 Smart future Grant
 Other Expenses \$ 60,000.00

July 28, 2008

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

The Town Manager requested a resolution to authorize credits due Water and Sewer Utility Accounts.

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 #130-2008

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reason stated;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason stated:

BILL COMPUTER ESTIMATED 1ST QUARTER OF 2008 – SHOULD HAVE BEEN ZERO USAGE – (ERROR DISCOVERED 7/22/08 BY JOHN ESKILSON;

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21603	3 High Street	\$8,583.64

(credit will be applied to account & portion moved to #21836-the largest usage County account as per County Administrator, John Eskilson).

The Town Manager requested a resolution to authorize extension of payment of Real Estate Taxes.

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		

RESOLUTION #131-2008

July 28, 2008

WHEREAS, the Sussex County Board of Taxation has certified the 2008 tax rate for the Town of Newton on July 16th, 2008 and as a result, the tax bills for the third installment could not be mailed by June 15th, but were mailed instead on July 23rd, 2008 and,

WHEREAS, the intent of NJSA 54:4-64 is to assure that taxpayers are given adequate notice of taxes due before penalties are invoked requiring payment of interest for delinquency under the provisions of NJSA 54:4-67, and

WHEREAS, in fairness to the tax payers of the Town of Newton, a twenty five (25) day extension period to August 19th, 2008 shall be provided, in accordance with NJSA 54:4-67 and NJSA 54:4-81, by establishing the interest rate for delinquency at zero percent (0%) from the certification date of mailing said tax bills, and

WHEREAS, interest shall revert back to August 1st after the twenty five (25) day extension period to provide consistency and compliance in accordance with NJSA 54:4-67;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that a twenty five (25) day extension period is hereby granted for the August 2008 tax quarter by charging zero percent (0%) interest during said extension period:

BE IT FURTHER RESOLVED that following the twenty five (25) day extension period, interest shall be charged from August 1st, in compliance with NJSA 54:4-67.

The Town Manager requested a resolution to reject bids for Crosswalk Enhancement Project through the Safe Routes to School Program.

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		

RESOLUTION #132-2008

WHEREAS, the Town of Newton publicly accepted bids for the Crosswalk Enhancement Project through the Safe Routes to School Program on Wednesday, July 28, 2008 at 10:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Amount</u>
Statewide Striping Corporation 499 Pomeroy Road Parsippany, NJ 07054	\$368,710.50

July 28, 2008

WHEREAS, the above bid was the only bid received and it exceeded the Engineer’s estimate as well as the Town’s budgeted amount, and

WHEREAS, the Town Engineer, Harold E. Pellow & Associates, recommends that the bid be rejected for the Crosswalk Enhancements Project through the Safe Routes to School Program;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the bid submitted for the Crosswalk Enhancement Project through the Safe Routes to School Program be rejected.

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to Statewide Striping Corporation.

The Town Manager requested a resolution to award Bid for Water Tank Rehabilitation and Cleaning.

The following RESOLUTION was offered by Mr. Elvidge who moved its adoption, 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		

RESOLUTION #133-2008

WHEREAS, the Town of Newton publicly accepted bids on Tuesday, July 22, 2008 at 11:00am for the Rehabilitation and Cleaning of the two million gallon Water Tank located on High Street, Newton as follows:

<u>Name and Address of Bidder</u>	<u>Bid Amount</u>	<u>Alternate #1 Stainless Steel Ventilator</u>	<u>Alternate #2 Roof Hatch Security Strap</u>
Natgun Corporation 11 Teal Road Wakefield, MA 01880	\$75,470.00	\$9,500.00	\$6,000.00 (2)

WHEREAS, Natgun Corporation was the only bidder and meets all of the requirements as set forth in the bid specifications, and

WHEREAS, the Town of Newton Water and Sewer Superintendent recommends the award of the contract for the base bid, and

WHEREAS, the Chief Financial Officer has certified funds are available for award of the base bid based on the attached certification;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton hereby awards the base bid contract to Natgun Corporation, Wakefield, Massachusetts in the amount of \$75,470.00 to

July 28, 2008

complete the Water Tank Rehabilitation and Cleaning of the two million gallon High Street Water Tank.

The Town Manager requested a resolution to authorize execution of a Shared Services Agreement with the County of Sussex for provision of an Employee Assistance Program through Alliance Work Partners.

The following RESOLUTION was offered by Mr. 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 #134-2008

WHEREAS, the County of Sussex has previously entered into an Agreement with Alliance Work Partners to establish an Employee Assistance Program for the employees of Sussex County on April 12, 2006; and

WHEREAS, the aforementioned Agreement continues to remain in full force and effect; and

WHEREAS, the Town of Newton desires to participate in the Employee Assistance Program established by the County of Sussex; and

WHEREAS, both the parties have the authority to enter into the attached Agreement pursuant to the Shared Services Act, N.J.S.A. 40A:65-1 et seq., and the Local Public Contracts Law, N.J.S.A. 40A:11-10 et seq.; and

WHEREAS, the Town of Newton does agree to reimburse the County of Sussex, pursuant to the attached Agreement, for the actual cost of its employees' participation in the Program at a rate of \$1.64 per full-time employee, per month, which rate shall be remain in effect through April 30, 2011; and

WHEREAS, the Town of Newton agrees to remit its share of the aforementioned costs to the County on a quarterly basis; and

WHEREAS, the Town of Newton has reviewed the Agreement entered into between Alliance Work Partners and the County of Sussex, which is attached hereto and made a part thereof; and

WHEREAS, Alliance Work Partners has consented to the Town of Newton entering into this shared service agreement with the County of Sussex; and

WHEREAS, the Town Attorney has reviewed the attached Agreement and finds same to be sufficient and acceptable.

July 28, 2008

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

1. The Town of Newton hereby authorizes the Town Manager to execute the attached Shared Services Agreement with the County of Sussex for the provision of an *Employee Assistance Program* through Alliance Work Partners.
2. A copy of this Resolution and Agreement shall be forwarded to Alliance Work Partners, 2525 Rawling Wood Drive, Building 5, Austin, Texas 78746; Lorraine Read, Municipal Clerk, Town of Newton, 39 Trinity Street, Newton, NJ 07860; Bernard Re, Sussex County Treasurer; Patrick Bailey, Sussex County Budget Director; Ronald Tappan, Administrator, Sussex County Department of Central & Shared Services; and Diane S. Eakman, Deputy Clerk, Board of Chosen Freeholders, County of Sussex; Division of Local Government Services, PO Box 803, Trenton, NJ 08625-0803
3. This Resolution shall take effect immediately.

The Town Manager requested a resolution of the Town of Newton in the County of Sussex, New Jersey directing the Town Planning Board to review a proposed redevelopment plan pursuant to the local redevelopment and housing law.

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

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

RESOLUTION #135-2008

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 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

July 28, 2008

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; and

WHEREAS, in accordance with the Act, the Town has prepared a proposed Redevelopment Plan for the Area, which is attached hereto as Exhibit A; and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in crafting a redevelopment plan for the Area,

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

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **PLANNING BOARD DIRECTED TO REVIEW REDEVELOPMENT PLAN**

The Town Council hereby authorizes and directs the Planning Board to review the draft Redevelopment Plan attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by *N.J.S.A. 40A:12A-7(e)*.

July 28, 2008

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

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 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 #136-2008

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

169,237.69	Payroll Account	810054
16,119.07	Payroll Account	810055
1,480.75	B & R Uniform	24066
209.41	Quill Corporation	24067
374.08	E. A. Morse & Company	24068
3,050.34	Printing Center, Inc.	24069
19.64	Airmark Pools	24070
102.00	Alpine Spring Water Company	24071
118.75	Sussex Car Wash, Inc.	24072
1,491.56	NUI Corporation	24073
38.00	G & G Diesel Service Inc.	24074
695.22	JCP&L	24075
250.70	New Jersey Herald	24076

July 28, 2008

641.20	SCMUA	24077
350.00	B & G Elevator, Inc.	24078
622.15	EMBARQ	24079
2,474.59	EMBARQ	24080
9,187.50	Hollander,Hontz,Hinkes&Pasculli LLC	24081
100.00	Newton Memorial Hospital	24082
1,159.53	Beaver Run Farms	24083
245.14	Campbell's Small Engine	24084
279.40	Neopost Leasing	24085
631.75	Lock & Key World	24086
125.14	Hayek's Market Inc.	24087
625.45	ZEP Manufacturing Company	24088
17.00	Newton Trophy	24089
1,725.00	T. A. Mountford Company	24090
75.00	Marypaul Laboratories, Inc.	24091
345.00	Minisink Press, Inc.	24092
557.29	Sebring Auto Parts	24093
2,362.60	Stamp Fulfillment	24094
743.79	Dempsey Uniform & Supply Inc.	24095
389.06	Airgas East	24096
328.00	Major Police Supply	24097
320.82	Sirchie Finger Print Labs	24098
25.00	Sussex & Warren Tax Coll Assoc.	24099
630.00	Grinnell Recycle	24100
288.06	Verizon Wireless	24101
394.17	Dell Marketing L.P.	24102
77.52	Mr. John	24103
375.00	Gold Type Business Machines	24104
66.33	Cooper Electric Supply Co.	24105
55.00	Wildflowers with Tami	24106
771.00	Kenneth Jaekel	24107
75.00	Morris County Police Academy	24108
52.50	Teresa Ann Oswin	24109
35.00	S/NJ Toxicology Laboratory	24110
997.27	The Home Depot	24111
3.02	Carquest	24112
4.30	Excelsior Lumber Company	24113
54.00	Treasurer, State of NJ	24114
242.50	Motorola c/o Pinnacle Wireless Inc.	24115
245.00	Scarinci & Hollenbeck, LLC	24116
120.00	Treasurer, S/NJ Fire Safety	24117
1,975.72	Buckman's Inc.	24118
294.00	Creative Networking Concepts, Inc.	24119
66.40	Paint Spot	24120
105.11	Ward's Flowers and Gifts	24121
139.47	Emergency Medical Products	24122
58.40	AW Direct Inc.	24123
1,383.00	Staples Business Advantage	24124
70.00	Gerber Landscaping Services LLC	24125
3,110.45	Lawmen Supply Co. of NJ	24126
1,007.76	Municipal Graphics Inc.	24127
34.99	Schwaab, Inc.	24128
4,168.09	Rachles/Michele's Oil Company	24129
5,915.22	Taylor Oil Co.	24130
372.00	The Craft Creators	24131

July 28, 2008

1,550.00	Laddey, Clark & Ryan, LLP	24132
30.00	Lea Data Technologies	24133
265.92	Physio-Control, Inc.	24134
205.20	Crystal Graphics	24135
298.00	Coastal Software	24136
894,769.00	Newton Board of Education	810056

CAPITAL

600.00	NJ Dept. of Transportation	7177
75.00	Brian & Bill's Automotive, Inc.	7178
140.00	Hollander, Hontz, Hinkes & Pasculli LLC	7179
7,128.00	Hamburg Plumbing Supply co., Inc.	7180
295.38	The Home Depot	7181
121.96	Excelsior Lumber Company	7182
3,975.00	A. Nelessen & Associates, Inc.	7182
208.04	VOID	7183
118.90	Lowe's	7184
27,374.00	Cutting Edge Landscape Equip.	7185
208.04	Paint Spot	7186
13,020.78	McManimom & Scotland	7187
320,870.80	Owl Contracting, Inc.	7188
1,500,000.00	Lakeland Bank	7189

Total TOWN BILLS \$3,010,749.88

WATER AND SEWER ACCOUNT

766.01	Lee Company	10205
22.00	Joseph Carr	10206
18,000.00	VOID	10207
11,583.33	Andy Matt, Inc.	10208
30,827.07	Payroll Account	860031
4,719.59	Payroll Account	860032
2,928.16	Schmidt's Wholesale, Inc.	10209
1,674.60	MWH Americas, Inc.	10210
607.13	NUI Corporation	10211
1,400.26	JCP&L	10212
37.95	New Jersey Herald	10213
276.08	Pumping Services	10214
338.52	SCMUA	10215
8,051.00	Coyne Chemical Corp., Inc.	10216
25.46	EMBARQ	10217
1,282.09	EMBARQ	10218
227.50	Hollander,Hontz,Hinkes&Pasculli LLC	10219
280.46	Campbell's Small Engine	10220
10,269.87	Current Account	10221
1,500.00	Cosper Environmental Services, Inc.	10222
81.10	Sebring Auto Parts	10223
331.03	Dempsey Uniform & Supply Inc.	10224
747.05	Jet Vac, Inc.	10225
209.75	One Call Systems	10226
10,600.00	R & D Trucking Inc.	10227
109.35	Airgas East	10228

July 28, 2008

79.99	NJWEA	10229
125.00	Poust Heating & Cooling	10230
644.00	Grinnell Recycle	10231
1,250.00	John Smalley	10232
29.21	Advance Auto Parts	10233
229.41	The Home Depot	10234
890.00	Sussex County Rental Center	890.00
500,000.00	Current Account	860033

CAPITAL

560.00	Hollander,Hontz,HInkes&Pasculli LLC	2104
400,000.00	Current Account	861002

Total WATER & SEWER BILLS \$992,702.97

TRUST

11,143.12	Payroll Account	871015
1,163.95	Harold Pellow & Assoc., Inc.	2527
840.00	Hollander, Hontz, Hinkes & Pasculli LLC	2528
1,323.00	National Fire Codes Subscription	2529
72.37	J.D. Loughran	2530

Total TRUST ACCOUNT \$14,542.44

DOG RESERVE

801.30	Newton Veterinary Hospital	8498
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Total DOG RESERVE ACCOUNT \$801.30

Under Manager's Reports, Ms. Kithcart read the following Proclamation proclaiming appreciation and gratitude to Arthur Sebastian Sibblies for his dedicated service to the Town of Newton.

P R O C L A M A T I O N

Arthur Sebastian Sibblies

WHEREAS, Arthur Sebastian Sibblies was first employed by the Town of Newton on January 16, 1995 as a Public Safety Telecommunications Operator for the Newton Police Department, and

WHEREAS, in pursuit of a career in law enforcement, Art was appointed to the position of Special Police Officer on August 28, 1995, and

WHEREAS, on October 1, 1998, Art became Newton's Parking Enforcement Officer, where he developed a positive rapport with the local merchants and residents, and

WHEREAS, Art was appointed to the position of Police Officer for the Town on January 1, 2000 and attended the New Jersey Police Academy

July 28, 2008

where he received the “Physical Fitness Award” at graduation on April 18, 2000, and

WHEREAS, during his tenure as a Police Officer, Art spoke to many youth organizations, encouraging an open line of communication between the youth in the community and the Police Officers that have pledged to serve and protect, and

WHEREAS, although Art’s career with the Newton Police Department was cut short due to illness, we will always acknowledge and respect him as part of our town of Newton “Family”;

NOW, THEREFORE, We the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Arthur Sebastian Sibblies for his dedicated service and offer our sincere best wishes to him, his wife Salema and their children in all their future endeavors.

Ms. Kithcart updated the Governing Body regarding Saturday’s wetdown ceremony for the new fire truck, which was well attended, and stated the fire department appreciated the attendance of Councilman Elvidge and Councilwoman Becker.

Ms. Kithcart advised Council of Mr. Russo’s pending schedule for meeting all personnel at the Newton Municipal Complex, as incoming Town Manager.

Ms. Kithcart updated the Governing Body regarding the next special meeting of the Newton Planning Board for the hearing on the updated Master Plan.

Ms. Kithcart updated the Governing Body regarding the completion of the punch list for the DPW roof repair project.

Ms. Kithcart indicated the required sampling of the Summit and Pine Street ponds prior to dredging has been completed and are awaiting results.

Ms. Kithcart indicated Bids will be received on August 6th for the Main Street Beautification project.

The Town Manager indicated that tax bills were mailed last week and indicated the new rate is \$2.42.

The Town Manager updated the Governing Body regarding the Mill

July 28, 2008

Street waterline project.

Ms. Kithcart announced that Morris Lake is 13” below spillway.

Mayor Ricciardo declared the meeting open to the public.

Ms. Georgette Howey, 287 Spring Street, Newton, expressed her concerns regarding harassment to herself and family members from employees of a taxicab business operating out of 289 Spring Street.

Mr. Harold Storm, 289 Spring Street, Newton, expressed his concern regarding his renewal application for his taxicab owner’s license which was submitted on April 1, 2008. Discussion ensued regarding Mr. Storm’s application and the several steps required prior to approval and submittal to the Town Council. Mayor Ricciardo advised that the Town Clerk is waiting on a lease or a letter from the landlord indicating Mr. Storm has permission to operate a taxicab business out of a residential unit on Spring Street. To date, this letter has not been received.

Mr. Storm also registered several complaints regarding commercial vehicles which are starting on or about at 5:00 a.m. occurring two to three times per week, which is heard from his residence. This would be a violation of the noise ordinance, Mr. Storm concluded.

Mr. Lawrence Kimberly, 285 Spring Street, Newton, refuted the complaints outlined from Mr. Storm, indicating that his truck does make as much “truck noise” as indicated. Mr. Kimberly has spoke to all his neighbors regarding this issue and has had no complaints from anyone other than Mr. Storm.

Mr. Kimberly expressed his frustration that Mr. Storm’s taxi business is still running out of his residential home, even after a court order directed Mr. Storm to cease his operation of his taxi business. Mayor Ricciardo advised Mr. Kimberly that a ticket has been issued already for the operation and will continue if his taxicab business does not cease operation. Mayor

July 28, 2008

Ricciardo directed Mr. Kimberly to return to the next Council meeting for more details.

Mrs. MaryAnn Mueller, 106 Sussex Street, Newton, addressed complaints regarding tracker trailer “truck noise” at all hours in the night at the complex, 52 Paterson Ave., which is across the street from her residence. Although she does not like to call the police for non-emergent issues, she has had to call due to this truck noise in the middle of the night. Ms. Kithcart encouraged Mrs. Mueller to call the police, in order to build a case when complaints go to court.

Mr. Dennis Becker, 116 Main Street, Newton, complimented the Town of Newton on the beautiful water filtration plant facility at Morris Lake in Sparta.

There being no one else from the public to be heard, upon motion of Mrs. Unhoch, seconded by Mrs. Becker and carried, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk