

July 14, 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 Mrs. Unhoch Mrs. Becker, Mrs. Le Frois, Mayor Ricciardo and Town Manager, Eileen Kithcart. Mr. Elvidge was excused.

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 Deputy Clerk called the roll and upon completion of same, upon motion made by Mayor Ricciardo to TABLE the approval of the April 21, 2008 (work), April 28, 2008 (regular and work), and May 12, 2008 (special, regular and work) meetings until Mr. Elvidge is present, seconded by Mrs. Unhoch and carried.

At this time, Mayor Ricciardo stated the next item on the Agenda is a special presentation by Mr. William Joseph, Newton’s Town Crier.

Mr. Joseph thanked former Mayor Unhoch and the Governing Body for his appointment as the official Town Crier for the Town of Newton.

Mr. Joseph gave a brief presentation and video of his recent trip to Branford, Ontario for a gathering of Town Criers which was similar to the gathering of Town Criers in the Town of Newton a while back. After a brief question and answer session, the Governing Body thanked Mr. Joseph for his presentation.

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

**ORDINANCE #2008-11**

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

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**WHEREAS**, the Town of Newton has title to a certain parcel of real property which is Lot 11, Block 1208 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 offered for sale at public auction to the highest bidder subject to the terms and conditions hereinafter set forth pursuant to NJSA 40A:12-13;

**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 1208, Lot 11, as shown in the Town of Newton Tax Map, be offered for sale at public auction to the highest bidder with a minimum bid required of One Hundred Thousand and no/100 (\$100,000.00) Dollars pursuant to N.J.S.A. 40A:12-13.
2. The sale auction shall be conducted in the Municipal Building of the Town of Newton, at 39 Trinity Street, Newton, New Jersey on July 28, 2008 at 6:30 p.m.
3. The Governing Body hereby appoints and designates the Town Manager (or Community Development Director) to conduct the sale auction of Block 1208, Lot 11 on behalf of the Governing Body.
4. The parcel to be sold in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than One Hundred Thousand Dollars (\$100,000.00) for the sale of the property. The auctioneer shall commence 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. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as forth in Paragraph 9 hereof.
5. The highest 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 the 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 August 18, 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 this property. The structure on the premise must be razed within 30 days after closing of title to purchaser. The highest bidder shall purchase the property in an "as is" condition knowing there is probable existing contamination on the site. Attached as **Schedule A** is a Notice of Code Violation dated June 17, 1994, indicating ground surface hazards or insanitary conditions, which was issued to the then-owner, Mt. Vernon Oil, Inc. Any bidder, by bidding, acknowledges that they have had an ample and sufficient opportunity to inspect said premises and probable existing contamination, examine its title, and review the municipal ordinances and laws effectuating said premises,

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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 the property. In the event there is discovered hazardous substances on the premises above the residential cleanup criteria established by the New Jersey Department of Environmental Protection. The highest bidder shall execute a Memorandum of Agreement with the Department of Environmental Protection and, at the highest bidder's sole cost and expense, complete the investigation and remedial work in accordance with all applicable requirements of the Department of Environmental Protection in order to achieve compliance with the residential cleanup criteria and obtain a No Further Action letter from the Department of Environmental Protection before a building permit will be issued for the premises. This agreement shall survive the closing of title.

7. The parcel offered for sale in this auction is the same lands and premises, title to which passed to the Town of Newton by Judgment dated November 22, 2006, and recorded in the Sussex County Clerk's Office in Deed Book 3102, page 2108. A copy of said Judgment is attached hereto as **Schedule B**. The Town of Newton shall use in the deed of conveyance the description set forth on **Schedule C**. 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, municipal ordinances, water and sewer connection fees, affordable housing fees pursuant to the Rules & Regulations of COAH, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bidder 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. The notice of 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 #2008-11 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.

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

Mr. Elvidge	Absent	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. Unhoch and carried, that the Deputy Clerk be authorized and directed to advertise the above Ordinance according to law.

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

**ORDINANCE #2008-12**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$40,000 FOR ACQUISITION OF FIRE TRUCK EQUIPMENT FOR THE TOWN OF NEWTON**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$40,000 is hereby appropriated from the General Capital Reserve for Fire Truck Equipment for the purchase of various fire truck equipment for the Newton Fire Department in the Town of Newton, including all costs necessary therefore or incidental thereto.

**Section 2.** The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

Mayor Ricciardo declared the hearing on Ordinance #2008-12 open to the public.

There being no one from the public to be heard, upon motion by Mrs.

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Unhoch, seconded by Mrs. Becker and carried, the hearing was closed.

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	Absent	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 Deputy Clerk be authorized and directed to advertise the above Ordinance according to law.

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

**ORDINANCE #2008-13**

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

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	Absent	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 July 28, 2008.

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

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

**ORDINANCE #2008-14**

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

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	Absent	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 July 28, 2008.

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

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

**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.**

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	Absent	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

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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 July28, 2008.

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

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

**ORDINANCE #2008-16**

**AN ORDINANCE TO ACCEPT THE DEDICATION OF RAILROAD AVENUE BY THE TOWN OF NEWTON IN COUNTY OF SUSSEX.**

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

Mr. Elvidge	Absent	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 July28, 2008.

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

There being no Old Business, under New Business, the Town Manager requested a resolution to authorize the release of the original Easement within the property known as Block 1201.04, Lot 4 and execute an Agreement for Grant of Water Main Easement.

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

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

**RESOLUTION #120-2008**

**WHEREAS,** David Szatkiewicz and Kelly Szatkiewicz (“Szatkiewicz”) is the owner of certain real property located in the Town of Newton identified on the Municipal Tax Maps as Block 1201.04, Lot 4 (“the Property”);

**WHEREAS,** the Town of Newton was granted an easement for a water main across the Property pursuant to a certain deed dated July 23, 2001, recorded on August 14, 2001 in Deed Book 2564, Page 318, & c. in the office of the Sussex County clerk (the “Original Easement”); and

**WHEREAS,** the parties have discovered that the water main that was supposed to be placed within the Original Easement was actually placed outside the easement granted for that purpose; and

**WHEREAS,** the parties have agreed that rather than removing the existing water main and reinstalling it within the Original Easement, the Original Easement shall be vacated and Szatkiewicz will grant to the Town a new easement for the area within the Property in which the water main is presently located; and

**WHEREAS,** consideration for this exchange shall be provided to Szatkiewicz by the Surety Company providing the performance bond for the developer of the subdivision in which the Property is located, which developer had mis-located the water main;

**NOW, THEREFORE,** be it resolved by the Town Council of the Town of Newton as follows:

1. The Mayor and Clerk are authorized to execute a Release of the Original Easement within the Property, and also to execute an Agreement for the Grant of Water Main Easement for the area in which the water main is actually located, employing instruments negotiated and prepared by counsel for Szatkiewicz and the Surety Company and approved by the town Engineer and Attorney.
2. Said Agreement for Grant of Water main Easement shall be attached to and made part of this resolution.

The Town Manager requested a resolution for the authorization to execute an ACH Origination Agreement with Lakeland Bank for the purpose of providing Payroll Direct Deposits.

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	Absent	Mrs. Unhoch	Yes
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Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

**RESOLUTION #121-2008**

**WHEREAS**, the Town of Newton is desirous of providing direct deposit for their employees paychecks, and

**WHEREAS**, the Chief Financial Officer has reviewed this matter with the payroll software company and the bank and recommends signing the attached agreement with Lakeland Bank.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that the Town Manager, is hereby authorized to execute an ACH Origination Agreement with Lakeland Bank setting forth the method of transmission, security procedures, ACH processing deadlines, accounts subject to the agreement, fees, and the authorized company representatives.

The Town Manager requested a resolution to amend Resolution #117-2008 relative to the Green Communities Grant.

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	Absent	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

**RESOLUTION #122-2008**

**WHEREAS**, the Town Council adopted Resolution #117-2008 at their meeting on July 1, 2008 approving the submission and execution of Green Communities Grant from the New Jersey Department of Environmental Protection for the Community Forestry Management Plan, and

**WHEREAS**, NJDEP has indicated that specific grant details were not accurately reflected in the Resolution #117-2008 and has requested an amended resolution;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that Resolution #117-2008 is hereby amended to accurately reflect the NJDEP's criteria for the 2008 Green Communities Grant, Phase II, for a total grant amount of \$3,000 with the town of Newton responsible for thirty-three (33%) of the total project amount.

**BE IT FURTHER RESOLVED** that a copy of the amended grant agreement be attached to and made part of this resolution.

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The Town Manager requested a resolution for the appointment of Katherine Citterbart to the Advisory Recreation Commission.

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	Absent	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

**RESOLUTION #123-2008**

**WHEREAS**, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission, and

**WHEREAS**, Katherine Citterbart has expressed interest in serving on the Commission;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that Katherine Citterbart is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2010.

The Town Manager requested a resolution to authorize execution of an Agreement with the Town Manager pertaining to the terms of her retirement.

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	Absent	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

**RESOLUTION #124-2008**

**WHEREAS**, Eileen Kithcart, Newton Town Manager, will retire and terminate her employment with the Town of Newton effective October 1, 2008, and

**WHEREAS**, the basic terms of her retirement are enumerated in a Letter of Agreement executed herewith simultaneously by the Mayor;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that Mayor is hereby authorized to execute the attached Letter of Agreement with Eileen Kithcart outlining specific terms agreed

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upon by this Governing Body related to her retirement and termination of employment with the Town of Newton after 37 years of service.

The Town Manager requested a resolution for the Place-to-Place Transfer of Plenary Retail Consumption License No. 1915-33-003-006.

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

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

**RESOLUTION #125-2008**

**WHEREAS**, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1915-33-003-006, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**NOW, THEREFORE, BE IT RESOLVED** that the Newton Town Council does hereby approved, effective Monday, July 14, 2008, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 188 Spring Street, Newton, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

The Town Manager requested a resolution to authorize the execution of an Agreement with George Miller, Sr., t/a George's Salvage.

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

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

**RESOLUTION #126-2008**

**WHEREAS**, George Miller, Sr., t/a George's Salvage owns and

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operates a salvage business on the property known as Block 803, Lots 48.05 and 48.06 on South Park Drive in the Town of Newton, and

**WHEREAS**, certain problems have arisen relating to the operation of George’s Salvage business because of the property constraints and limitations of Block 803, Lots 48.05 and 48.06, and

**WHEREAS**, due to its longstanding business relationship with George’s Salvage, it is the Town of Newton’s desire to cooperate in alleviating said problems by entering into an Agreement with George Miller, Sr., t/a George’s Salvage, the terms and conditions of which were reviewed by the Town Attorney;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Newton does hereby authorize the Town Manager to execute an Agreement with George Miller, Sr., t/a George’s Salvage, in an effort to help alleviate the property constraints and limitations of Mr. Miller’s salvage business to the mutual benefit of both the Town of Newton and George’s Salvage;

**BE IT FURTHER RESOLVED** that said Agreement is attached to and made part of this resolution;

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

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	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	Abstain	

**RESOLUTION #127-2008**

**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**

8.00	NJ Motor Vehicle Services	23992
9,400.00	Main Street Newton, Inc.	23993
515.74	Newton Postmaster	23994
26.99	Sheila Dailey	23995
14,944.00	Selective Insurance Company	23996
122.00	Henry Pomerantz	23997

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27.20	Megan Gill	23998
365.00	Mitchell Agency	23999
184,791.18	Payroll Account	810049
2,568.48	Delta Dental	24000
2,434.57	Delta Dental	24001
755.45	Vision Service Plan	24002
17,520.85	Payroll Account	24003
9,745.46	Treasurer, State of NJ 727 Fund	24004
76,914.57	JP Morgan Chase Bank	810051
809.00	Tuscany Bistro	24004
166,861.24	Payroll Account	810051
53,980.64	NJSHBP	810052
26,976.98	NJSHBP	810053
332.39	Quill Corporation	24005
377.74	Montague Tool & Supply	24006
90.00	S K Office Supply	24007
659.50	MGL Printing Solutions	24008
4,892.13	Harold Pellow & Assoc., Inc.	24009
1,513.95	Alert-All Corp.	24010
80.00	Decker's Fire & Safety	24011
151.27	Seely Equipment & Supply Co.	24012
120.00	ABCcode	24013
329.74	Airmark Pools	24014
36.00	Alpine Spring Water Company	24015
749.74	Aurora Electrical Supply	24016
23.90	G & H Service Inc.	24017
20,971.15	JCP&L	24018
669.37	SCMUA	24019
34.43	Sussex County Plumbing	24020
245.54	EMBARQ	24021
492.55	Campbell's Small Engine	24022
211.00	Lock & Key World	24023
240.50	West Group	24024
902.88	Willco, Inc.	24025
72.00	Ann M. Rosellen	24026
6.20	Microsystems-NJ Com, LLC	24027
41.59	Weis Markets	24028
3,520.18	Sussex County Bd. Of Elections	24029
99.62	Airgas East	24030
30.00	Sussex County Fire Academy	24031
9,249.40	Ford Motor Credit-Municipal	24032
152.56	McGuire	24033
450.40	Weiner Lesniak	24034
195.12	Verizon Wireless	24035
109.20	Verizon Wireless	24036
400.00	Maglocen	24037
330.75	Robert Bittle	24038
26.82	Eileen Kithcart	24039
504.00	North Jersey Portable Toilets	24040
59.94	Walmart	24041
2,500.00	Prime Time Newton Seniors	24042
39.00	NJ Div Alcohol Beverage Contr.	24043
173.00	Wildflowers with Tami	24044
933.55	Nextel Communications	24045
2,546.14	The Home Depot	24046

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304.07	Softouch t/a Action Screen	24047
2,400.00	Motorola c/o Pinnacle Wireless, Inc.	24048
90.00	Mid-Atlantic for Safety & Education	24049
1,022.89	Buckman's Inc.	24050
120.00	SCMCA	24051
1,004.81	Tritec Office Equipment, Inc.	24052
1,197.58	Staples Business Advantage	24053
4,003.20	Trane	24054
519.50	Treatment Specialties	24055
773.74	Lowe's	24056
424.25	Screen Creation Plus	24057
5.18	Eastlink Services Corporation	24058
48.00	CSS Test	24059
1,491.67	Andrews & Company, LLC	24060
5,241.35	Rachles/Michele's Oil Company	24061
3,800.00	Government Management Advisors, LLC	24062
990.00	Kieffer Electric, Inc.	24063
137.33	Industrial Chem Labs & Services Inc.	24064
174.41	Imprint	24065

**CAPITAL**

2,200,000.00	Lakeland Bank	830001
2,100,000.00	Lakeland Bank	830002
350.00	NJ Dept. of Transportation	7167
20.00	Richard A. Straway, Jr.	7168
25,650.00	Andy Matt, Inc.	7169
1,809,750.00	JP Morgan Chase Bank	830003
2,849.00	Montague Tool & Supply	7170
30,138.26	Harold Pellow & Associates Inc.	7171
5,491.41	McManimom & Scotland	7172
233.19	Diamond Sand & Gravel, Inc.	7173
1,584.03	Tilcon Newt Jersey	7174
23.90	Cooper Electric Supply Co.	7175
226.14	Excelsior Lumber Company	7176

Total TOWN BILLS \$6,823,394.31

**WATER AND SEWER ACCOUNT**

360.00	Mitchell Agency	10170
21,932.32	Payroll Account	600029
750.00	Delta Dental	10171
124.81	Vision Service Plan	10172
3,287.61	Payroll Account	810030
30,867.01	Payroll Account	860028
475.94	Montague Tool & Supply	10173
6,250.07	Harold Pellow & Assoc., Inc.	10174
1,727.08	Lee Company	10175
45.13	Albertsons Inc.	10176
19,108.68	JCP&L	10177
130.38	John Madden	10178
5,005.00	Pumping Services	10179
594.27	SCMUA	10180
928.52	Sussex County Plumbing	10181

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40.00	Paul Baldwin	10182
6.00	Paul M. Havens	10183
8,698.20	Coyne Chemical Corp., Inc.	10184
119.06	EMBARQ	10185
115.00	Rectifier Auto Electric	10186
648.00	Hamburg Plumbing Supply Co., Inc.	10187
20.00	Joseph Carr	10188
747.05	Jet Vac, Inc.	10189
32.00	Ervin Lasso	10190
1,000.00	Instrumentation Tech Systems, Inc.	10191
894.00	Albert L. Westra	10192
98.00	Grinnell Recycle	10193
251.01	Verizon Wireless	10194
8,784.00	Passaic Valley Sewerage Comm.	10195
810.00	Main Pool & Chemical Company	10196
201.71	The Home Depot	10197
1,336.82	Sussex County Mailing Service	10198
300.00	Hydro Technology, LLC	10199
1,061.50	Process Tech Sales & Service	10200
250.37	Staples Business Advantage	10201
84.74	Magarino Ford	10202
420.00	Test America	10203
1,313.17	Dan's Auto	10204

**CAPITAL**

5,574.47	Harold Pellow & Assoc., Inc.	2101
1,158.75	McManimon & Scotland	2102
800.00	Tilcon New Jersey	2103

Total WATER & SEWER BILLS \$126,350.67

**TRUST**

18,917.56	Payroll Account	871013
3,346.60	Payroll Account	871014
5,685.83	Harold Pellow & Associates Inc.	2522
300.00	Daniel Colfax, Esq.	2523
1,950.00	Colleen Cunningham, Esq.	2524
54.97	Simon Peter Sport	2525
285.00	Louis Stamato	25267

Total TRUST ACCOUNT \$30,539.96

The Deputy Clerk presented an application for an off-premise raffle (50/50) from the PBA #378, Sussex County Civic Association, P.O. Box 146, Newton, New Jersey 07860 to be held on November 20, 2008 at 8:00 p.m. at the Newton Memorial VFW Post 5360, 85 Mill Street Newton. It was noted that the application was in order and accompanied by the prescribed fee.

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The Deputy Clerk presented an application for an off-premise raffle (50/50) from the American Red Cross Sussex County Chapter, 93 Spring Street, Newton, New Jersey 07860 to be held on December 12, 2008 at 10:00 a.m. at 93 Spring Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Governing Body had no objection to the issuance of an off-premise raffle license to the PBA #378, Sussex County Civic Association for November 20, 2008 and the issuance of an off-premise raffle license to the American Red Cross Sussex County Chapter for December 12, 2008.

Under Managers reports, Ms. Kithcart advised Council regarding the Newton Fire Department's wetdown event scheduled for July 26<sup>th</sup> at the Newton Memorial VFW. This event is already approved, however, the Fire Department is requesting Clinton Street be closed to local traffic only from 4-8 pm and the invitation extends to the Governing Body.

The Governing Body had no objection to the closing of Clinton Street for the Newton Fire Department's wetdown event scheduled for July 26<sup>th</sup>.

Ms. Kithcart updated Council regarding Main Street Newton's first "Second Saturday of the Month" event. Ms. Kithcart also reminded Council Main Street Newton annual dinner will be held next Tuesday.

Ms. Kithcart updated the Governing Body regarding various paving projects within the Town of Newton.

Ms. Kithcart updated the Governing Body regarding the Mill Street waterline project.

The Town Manager indicated the new Slope Mower was delivered and was immediately put to use.

Ms. Kithcart updated the Governing Body regarding the progress of the new T-Ball Field off of South Park Drive.

Ms. Kithcart indicated that Bids will be received for the Main Street

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Beautification Project on August 6<sup>th</sup>.

Ms. Kithcart advised the Town received word from Senator Oroho's office that the Town of Newton was awarded a \$60,000 Grant for Circulation through the Office of Smart Growth. Ms. Kithcart stated the purpose of this Grant is for preparation of a detailed circulation plan within the Town of Newton, which includes roadway inventory, traffic data and volume collection, analysis of traffic conditions, bicycle and pedestrian circulation, street typography in conjunction with the vision plan, and investigation of different modes of transportation.

Ms. Kithcart announced that Morris Lake is 11" below spillway.

Mayor Ricciardo declared the meeting open to the public.

Mr. Ray Storm, 121 Main Street, Newton requested the Governing Body to consider amending International Property Maintenance Code Ordinance #302-8, regarding junk automobiles parked private property, to allow one unlicensed vehicle on private property. Mr. Storm also requested clarification whether an unlicensed car can sit on a licensed trailer on private property.

Ms. Kithcart stated that the Governing Body has no jurisdiction to change the International Property Maintenance Code and will obtain a legal opinion from the Town Attorney regarding an unlicensed car to be parked on a licensed trailer.

Mr. Michael Malone, 59 Trinity Street, Newton addressed his concern regarding the enforcement of the speed limit on Trinity Street. Mr. Malone suggested a 4-way stop on the corner of Trinity Street and Union Place. Ms. Kithcart stated that the Town Council has no jurisdiction to install a 4-way stop, the Department Of Transportation of New Jersey must approve the request and it is very unlikely they would approve such a request. Ms. Kithcart will have the police traffic enforcement look into this matter.

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

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk