

July 1, 2008

The Reorganization Meeting of the Town Council of the Town of Newton was held on the above date at 6:00 p.m.

Mrs. Unhoch made the following declaration that “in accordance with the Open Public Meetings Act, notice of this special meeting was given to the two newspapers of record and posted on the official bulletin board on June 27, 2008.

Mrs. Unhoch led all present in the Lord’s Prayer and the Pledge of Allegiance to the flag.

The Clerk called the roll with the following present:

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

At this time, Town Clerk, Lorraine A. Read, administered the Oath of Office to incumbents Kristen Becker and Helen Le Frois.

Mrs. Unhoch wished the new Councilwoman the very best.

Upon motion by Mr. Ricciardo, seconded by Mr. Elvidge and carried, that Councilwoman Thea Unhoch be designated as Temporary Chairman.

Councilwoman Unhoch, designated Temporary Chairman, entertained a motion for nomination for Mayor of the Town of Newton for the year 2008-2009. Mr. Elvidge then nominated Mr. Ricciardo, the nomination being seconded by Mrs. Le Frois.

There being no further names to be submitted, nominations were declared closed. Councilwoman Unhoch requested the Clerk to call the roll:

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

Mayor Ricciardo thanked Mrs. Unhoch for her outstanding job as Mayor for the past year and thanked his colleagues, old and new, for bestowing the opportunity to serve as Mayor for the upcoming year.

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Mayor Ricciardo read a prepared speech emphasizing the need for the Town of Newton to surrender to the spirit of change. Mayor Ricciardo states that we will naturally endure obstacles and the Council must be sure to guide change in the proper direction, assure the citizens that our intent is to create a community that will prosper now and in the future.

Mayor Ricciardo entertained a motion for nomination for Deputy Mayor of the Town of Newton for the year 2008-2009. Mayor Ricciardo then nominated Mr. E. Kevin Elvidge, the nomination being seconded by Mrs. Unhoch.

There being no further names to be submitted, nominations were declared closed. Mayor Ricciardo requested the Clerk to call the roll:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
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Mrs. Becker	Yes	Mrs. Le Frois	Yes
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Mayor Ricciardo	Yes
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BE IT RESOLVED by the Town Council of the Town of Newton that Mr. Ricciardo be and is hereby elected Mayor of the Town of Newton for the year 2008-2009, and BE IT RESOLVED by the Town Council of the Town of Newton that E. Kevin Elvidge be and is hereby elected Deputy Mayor of the Town of Newton for the year 2008-2009.

The Town Manager requested a reaffirming resolution to designate banks as depositories.

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	Yes	Mrs. Unhoch	Yes
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Mrs. Becker	Yes	Mrs. Le Frois	Yes
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Mayor Ricciardo	Yes
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RESOLUTION #106-2008

BE IT RESOLVED by the Town Council of the Town of Newton that the following policy is hereby reaffirmed pertaining to Town funds for calendar year 2008:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to

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minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank
JP Morgan Chase
New Jersey Cash Management Fund
Sussex Bank
Lakeland Bank
First Hope Bank
Sovereign Bank
Commerce Bank
Noble Community Bank
Highland State Bank
Valley National Bank

The above designated official depositories are required to submit to the Chief Financial Officer, a copy of the Governmental Unit Deposit Protection Act Notification of Eligibility, which is filed semi-annually with the Department of Banking each June 30th and December 31st every year.

The above designated official depositories are required to submit to the Chief Financial Officer a copy of the institution's "Annual Report" each year.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

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6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

The Town Manager requested a resolution to reaffirm legal newspapers.

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
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Mrs. Becker	Yes	Mrs. Le Frois	Yes
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Mayor Ricciardo	Yes
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RESOLUTION #107-2008

WHEREAS, the New Jersey Herald and the New Jersey Sunday Herald were previously designated as legal newspapers for the Town of Newton during calendar year 2008 by Resolution #214-2007;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that said two newspapers be reaffirmed as legal newspapers for the remainder of calendar year 2008.

The Town Manager requested a resolution to reaffirm schedule of Public Town Council Meetings for the remainder of 2008.

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

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
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Mrs. Becker	Yes	Mrs. Le Frois	Yes
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Mayor Ricciardo	Yes
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RESOLUTION #108-2008

WHEREAS, the Newton Town Council established their meeting dates for calendar year 2008 by the adoption of Resolution #218-2007 at their meeting on December 10, 2007;

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NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton reaffirms the schedule of the regular and non-regular (work session) meetings of the Newton Town Council for the remainder of calendar year 2008 which will be held on the second and fourth Mondays of each month at 7:00pm in the Council Chambers, 39 Trinity Street, Newton, New Jersey with non regular (work session) meetings to be held immediately after the regularly scheduled meetings at approximately 8:30pm at the same location;

Regular and Work Session Meetings

7:00pm

July 14 and 28

August 11 and 25

September 8 and 22

October 15* and 27

November 10 and 22

December 8 and 22

**Held the Wednesday following a legal holiday*

BE IT FURTHER RESOLVED that the following schedule also indicates all known non-regular (work session) meetings of the Newton Town Council which shall be held on the first Monday of each month at approximately 7:00pm in the Council Chambers, 39 Trinity Street, Newton, New Jersey of the remainder of calendar year 2008:

Work Session Meetings

7:00pm

July 7

August 4

September 2*

October 6

November 3

December 1

** Held the Tuesday following a legal holiday*

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the New Jersey Herald and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk to be posted on the official bulletin board for the Town of Newton.

The Town Manager requested a resolution to reaffirm Officials to sign checks.

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 #109-2008

BE IT RESOLVED by the Town Council of the Town of Newton that the

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Newton Town Manager, the Chief Finance Officer, and/or Treasurer be authorized to sign all Town, Water and Sewer Utility, and payroll checks effective July 1, 2008.

The Town Manager requested a resolution to reaffirm designating the Chief Financial Officer and/or Finance Director as the individuals authorized to sell Bond Anticipation Notes.

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 #110-2008

BE IT RESOLVED by the Town Council of the Town of Newton that the following policy is hereby reaffirmed pertaining to the sale of Bond Anticipation Notes:

1) The Chief Financial Officer and/or the Finance Director are hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.

2) The Chief Financial Officer and/or the Finance Director are directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.

3) This Resolution shall take effect immediately upon its adoption.

There being no Old Business, under New Business, Mayor Ricciardo appointed Ms. Eileen Kithcart, Town Manager, as her appointment for a Class II Representative to the Planning Board of the Town of Newton.

The Town Manager requested a resolution for the appointment of Town Council Representative as Class III Member of the Newton Planning Board.

The following RESOLUTION, naming E. Kevin Elvidge, was offered by Mayor Ricciardo, who moved its adoption, seconded by Mrs. Le Frois and roll call resulted as follows:

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

RESOLUTION #111-2008

BE IT RESOLVED by the Town Council of the Town of Newton that Deputy Mayor E. Kevin Elvidge be and is hereby appointed to the Newton Planning Board as a Class III member for the one year period commencing July 1, 2008 and ending June 30, 2009.

The Town Manager requested a resolution for the appointment of Mayor as a Class I Member of the Newton Planning Board.

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 #112-2008

BE IT RESOLVED by the Town Council of the Town of Newton that Mayor Ricciardo is hereby appointed as a Class I Member of the Newton Planning Board for the one year period commencing July 1, 2008 and ending June 30, 2009.

The Town Manager requested a resolution to appoint the Town Manager as Hearing Officer in all matters of dispute regarding the Town of Newton.

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

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

RESOLUTION #113-2008

WHEREAS, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues, and

WHEREAS, Ms. Eileen Kithcart, the Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

NOW THEREFORE BE IT RESOLVED by the Town Council of the

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Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the remainder of calendar year 2008.

The Town Manager requested a resolution to authorize and direct the Tax Collector to sell Municipal Liens in accordance with New Jersey Law.

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 #114-2008

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent, and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2008 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in October of the current calendar year.

The Town Manager requested a resolution for the reappointment of Lorraine A. Read as the Municipal Clerk/Registrar of Vital Statistics for the Town of Newton.

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 #115-2008

WHEREAS, in accordance with State statutes, Mrs. Lorraine A. Read was appointed as Municipal Clerk/Registrar of Vital Statistics on July 1, 1996 for a period of three years, and

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WHEREAS, Mrs. Lorraine A. Read currently serves as the Town of Newton's Municipal Clerk/Registrar of Vital Statistics and was first appointed on July 1, 1996 and is interested in being reappointed to another term, and

WHEREAS, the members of the Newton Town Council concur that Lorraine A. Read is qualified for the appointment, pursuant to NJSA 40A:9-133.2,

NOW THEREFORE BE IT RESOLVED by the Town Council of the town of Newton that Mrs. Lorraine A. Read is hereby reappointed as Municipal Clerk/Registrar of Vital Statistics for the Town of Newton for a three-year term effective July 1, 2008 and continuing through June 30, 2011,

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Sussex County Clerk and the New Jersey Department of Personnel.

The Town Manager requested a resolution for the appointment of Ms. Kristen Becker as the Town Council Liaison to the Economic Development Advisory Commission.

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

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

RESOLUTION #116-2008

BE IT RESOLVED by the Town Council of the Town of Newton that Councilwoman Kristen Becker be and is hereby appointed to the Economic Advisory Commission as the Town Council liaison member for a one-year period commencing July 1, 2008 and ending June 30, 2009.

The Town Manager requested a resolution for the approval to submit a Grant Application and execute a Grant Agreement with the New Jersey Department of Environmental Protection for the Community Forestry management Plan.

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		

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RESOLUTION #117-2008

The Governing Body of Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$2,000 to fund the following project: Community Forestry Management Plan 2007 Green Communities Grant .

Therefore, the governing body resolves that Joseph Ricciardo or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$2,000 and not more than \$2,000, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Town Council of the town of Newton authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

The Town Manager requested a resolution for the approval to submit a Grant Application and execute a Grant Agreement with the New Jersey Department of Transportation for the resurfacing of North Park Drive Project.

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		

RESOLUTION #118-2008

WHEREAS, the Governing Body of The Town of Newton has agreed to submit a grant application through the NJDOT SAGE system (MA2009-Newton Town-00038) for the funding of the Resurfacing of North Park Drive Project in the Town of Newton in the amount of \$150,000 and

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newton formally approves the submission of grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as (MA2009-

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Newton Town-00038) to the New Jersey Department of Transportation on behalf of the Town of Newton.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The Town Manager requested a resolution for the approval to submit a Grant Application and execute a Grant Agreement with the New Jersey Department of Transportation for the Main Street Beautification Project, Phase IV.

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

RESOLUTION #119-2008

WHEREAS, the Town of Newton is applying for funding the amount of \$323,303.00 to continue the beautification project along Main Street (Route #206) through the Centers of Place Program, and

WHEREAS, this project will not only beautify the Town, but will help promote pedestrian traffic safety, and

WHEREAS, the Town of Newton will assume the responsibility for maintenance of the proposed sidewalks, pavers and lights associated with this phase of the Main Street beautification project, and

WHEREAS, the only maintenance that will not be assumed by the Town of Newton will be the removal of ice and snow from the sidewalks, due to the fact that local Ordinances place that responsibility with each individual property owner;

NOW THEREROFE BE IT RESOLVED that the Town Council of the Town of Newton formally approves the grant application for the above stated project.

BE IT THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the submission of an electronic grant application identified as (COP-2009-Newton Town-00045) to the Centers of Place Program within the State of New Jersey Department of Transportation on behalf of the Town of Newton.

BE IT THEREFORE BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorize to any and all document relative the grant agreement on behalf of the Town of Newton and their signature constitutes acceptance of the

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terms and conditions of the grant agreement and approves the execution of the grant agreement.

Under Managers Reports, Ms. Kithcart congratulated and welcomed new Councilwomen Becker and Le Frois, and congratulated Mayor Ricciardo and Deputy Mayor Elvidge and looks forward to working with “fresh perspectives” on our issues.

Ms. Kithcart acknowledged and thanked the staff members and police staff that are present this evening which signifies a show of support for our new Council. Ms. Kithcart stated that the relationship between the police personnel and Town has evolved much over the past few years to be one of mutual respect; and is suggesting that as a matter of public relations, the Police Chief and one police representative attend a council meeting once every couple of months to give an update on matters of importance or significance that has taken place during that time period.

Ms. Kithcart reported that Kohl’s has received their official waterline extension approval from the Department of Environmental Protection.

Ms. Kithcart updated the Governing Body regarding the reinstatement of part of the \$309,000 State aid cut will be restored under Governor Corzine’s budget.

Ms. Kithcart updated Council regarding the grand re-opening of the Old County Courthouse which is scheduled for Friday, September 12, 2008.

Ms. Kithcart announced that Morris Lake is 6” below spillway.

At this time, Mayor Ricciardo recognized Freeholder Glen Vetrano.

Mayor Ricciardo opened the meeting to the public.

At this time, Councilwoman Le Frois thanked her family for being in attendance tonight and to the citizens of the Town of Newton for their faith and trust they have bestowed on her as their new Councilwoman. Mrs. Le Frois stated she intends to fulfill the commitment and responsibilities that she has vowed to tonight and will continue to keep an open dialogue of communication and a foster a positive work environment.

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Ms. Kristen Becker thanked her family for their support and to the residents of the Town of Newton. Ms Becker thanked the Governing Body, Town Manager, Eileen Kithcart, and the employees of the Town of Newton.

Mayor Ricciardo announced he is reinstating “Meeting with the Mayor” every third Thursday evening of the month from 6:00 p.m. and 8:00 p.m.

There being no one from the public to be heard, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk