

April 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 Mr. Elvidge, Mr. Diglio, Mr. Storm, Mr. Ricciardo, Mayor Unhoch and Town Manager, Eileen Kithcart.

Mayor Unhoch 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 29, 2007”.

Mayor Unhoch 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 by Mr. Elvidge, seconded by Mr. Ricciardo and carried, the minutes of January 28, 2008 (Regular & Work), January 30, 2009 (Special Executive), and February 4, 2008 (Work Session) meetings were approved.

Mayor Unhoch indicated that the next item on the agenda was the public hearing of the 2008 Municipal and Water and Sewer Utility Budgets. Prior to the public hearing, Dawn Babcock, Finance Director made a brief presentation with regard to the budgets.

The Municipal Budget for the Town of Newton totals \$9,769,000, which is an increase of \$839,000 over the 2007 Municipal Budget. The major areas of increase in the 2008 Budget are the Police Salary Increase due to arbitration settlement.

Reviewing the 2008 Revenue Analysis, Ms. Babcock provided the following chart:

REVENUE	2007	2008	CHANGE	CHANGE
Surplus	\$721,000	\$853,000	\$132,000	18%
Misc/State Aid	\$2,476,405	\$2,192,833	-\$283,572	-11%
Delinquent Tax	\$320,000	\$265,000	-\$55,000	-17%
Local Mun. Tax	\$5,412,595	\$6,458,167	\$1,045,572	19%
Totals	\$8,930,000	\$9,769,000	\$839,000	9.4%

Ms. Babcock indicated that \$1,045,572.00 is the projected amount to be raised by Municipal tax to support the 2008 Budget.

The 2008 Water and Sewer Utility Budget for the Town of Newton totals

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\$4,142,000.00, which is an increase of \$15,000 over the 2007 Municipal Budget.

Reviewing the 2008 Revenue Analysis, Ms. Babcock provided the following chart:

	<u>2007</u>	<u>2008</u>	<u>DIFFERENCE</u>
Salary/Wages	\$696,000	\$754,000	\$58,000
Operating Exp.	\$1,496,000	\$1,566,000	\$70,000
Statutory Exp.	\$60,000	\$62,000	\$2,000
Capital Improve	\$285,000	\$285,000	\$ -0-
Debt Service	\$1,590,000	\$1,475,000	\$-115,000
Totals	\$4,127,000	\$4,142,000	\$15,000

Upon motion made by Mayor Unhoch, seconded by Mr. Ricciardo and carried that the hearing on the 2008 Municipal Budget be opened to the public.

Mrs. Susan Murphy, 145 Sparta Avenue, had several questions regarding the Municipal and Water & Sewer Utility Budgets which were addressed by Ms. Dawn Babcock and Town Manager, Ms. Eileen Kithcart.

Mrs. Koster, 19 Foster Street, had questions regarding the total tax rate which was addressed by the Town Manager.

Mr. Joseph Maier, 88 Sparta Avenue, had several questions regarding Town of Newton personnel which were addressed by the Town Manager.

There being no one else from the public to be heard, upon motion of Mrs. Unhoch, seconded by Mr. Storm, the hearing on the 2008 Municipal and Water and Sewer Utility Budget be closed.

On the recommendation of the Town Manager, that the adoption of the 2008 Municipal and Water and Sewer Utility Budget be tabled until April 28, 2008, awaiting notification from the State on the Supplementary Aid.

Under Reading of Ordinances, Mayor Unhoch directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE #2008-7

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT

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OF \$1,820,000 THEREFOR, INCLUDING \$655,000 AVAILABLE AS GRANTS FROM VARIOUS NEW JERSEY STATE AGENCIES AND AUTHORIZING THE ISSUANCE OF \$1,106,750 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,820,000, including \$140,000 available as a grant from the New Jersey Department of Transportation (NJDOT), \$250,000 available as a grant from the Centers of Place (NJDOT), and \$265,000 available as a grant through the Safe Routes to Schools Program and including the aggregate sum of \$58,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,106,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Sidewalk Construction on Various Streets in connection with Safe Routes to School Program	\$300,000(including a \$265,000 grant from Safe Routes to School)	\$33,250	10 years
b) Main Street Beautification (Phase III)	\$330,000 (including a \$250,000 grant from Centers of Place)	\$76,000	10 years
c) Paving of Ryerson Avenue	\$170,000 (including a \$140,000 grant from NJDOT)	\$ 28,500	5 years
d) Paving of Various Streets (in accordance with road master plan)	\$390,000	\$370,500	5 years
e) Improvements to Municipality-owned properties including roofing, windows and sand filter replacement.	\$288,000	\$273,600	10 years

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
f) Improvements to Municipal Parks including construction of new t-ball field, snack stand, dredging and landscaping of existing ponds, water access and signage.	\$122,000	\$115,900	15 years
g) Central Business District alleyway improvements including paving and lighting.	\$100,000	\$ 95,000	5 years
h) Acquisition of vehicles and equipment for the Department of Public Works including a dump truck with plow and slope mower.	\$110,000	\$104,500	5 years
i) Acquisition of police administrative equipment including digitized recording system.	\$10,000	\$ 9,500	5 years
TOTALS	\$1,820,000	\$1,106,750	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued and the amount of any grant therefore, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the

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reasonable life thereof within the limitations of the Local Bond Law, is 7.8 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,106,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$364,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The grant moneys received for the purposes described in Section 3 hereof shall be applied directly to payment of the cost of the improvements.

Section 8. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

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

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above Ordinance be introduced for the first reading, with hearing on same to be held on April 28, 2008.

Upon motion of Mr. Diglio, seconded by Mr. Ricciardo and carried, that the 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 for the Amendment to 2008 Budget and Capital Budget.

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

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

RESOLUTION #47-2008

WHEREAS, the Local Municipal Budget and Capital Budget for the Year 2008 was approved on the 10th day of March , 2008, and

WHEREAS, the public hearing on said Budget was held as advertised, and

WHEREAS, it is desired to amend said approved Budget and Capital Budget;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, that the following amendments to the approved Budget and Capital Budget of 2008 be authorized:

	FCOA	FROM	TO
2008 CURRENT FUND REVENUES			
1. Surplus Anticipated	08-101	\$853,000.00	\$863,571.00
3. Miscellaneous Revenues - Section A: Local Revenues			
Interest on Investments and Deposits	08-113	\$115,000.00	\$119,232.03
Total Section A: Local Revenues		\$552,000.00	\$556,232.03
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services- Public and Private Revenues Offset with Appropriations:			
Safe & Secure Communities Program - P.L.1994, Ch. 220	10-704	\$25,811.00	\$21,879.00
Clean Communities Program	10-770	\$8,601.00	\$8,737.97
Click it or Ticket	10-760	\$0.00	\$4,000.00
NJ State Title V Project	10-715	\$0.00	\$20,527.00
Stormwater / Flood Control Grant	10-757	\$0.00	\$2,117.00

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Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	10-001	\$44,560.34	\$67,409.31
3. Miscellaneous Revenues - Section G: Other Special Items			
Uniform Fire Safety Act	08-106	\$30,571.00	\$30,500.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Other Special Items:	08-004	\$80,206.19	\$80,135.19
Total Miscellaneous Revenues	13-099	\$2,192,833.48	\$2,219,843.48
5. Subtotal General Revenues	13-199	\$3,310,833.48	\$3,348,414.48
6a. Amount to be Raised for Taxes - Local Tax Munic. Purpose	07-190	\$6,458,166.52	\$6,447,595.52
7. Total General Revenues	13-299	\$9,769,000.00	\$9,796,010.00
2008 CURRENT FUND APPROPRIATIONS			
(A) Operations - Within "Caps"			
Uniform Fire Safety Act (Ch.383, P.L. 1983)			
Salaries and Wages	25-265-1	\$27,571.00	\$27,500.00
Total Operations Within "CAPS"	34-199	\$6,193,524.85	\$6,193,453.85
Detail: Salaries and Wages	34-201-1	\$3,828,722.99	\$3,828,651.99
Detail: Other Expenses	34-201-2	\$2,364,801.86	\$2,364,801.86
(H-1) Total General Approp. for Munic. Purposes within "CAPS"	34-299	\$6,373,353.85	\$6,373,282.85
(A) Operations - Excluded From "Caps"			
Recycling Tax (P.L.2007, c.311)			
Other Expenses	32-465-2		\$300.03
Total Other Operations - Excluded from Caps	34-300	\$636,036.00	\$636,336.03
Public and Private Programs Offset By Revenues:			
State of NJ Safe & Secure Neighborhood Program			
Police			
Salaries and Wages	41-240-1	\$25,811.00	\$21,879.00
Matching Funds-Safe & Secure Neighborhood Program			
Police			
Salaries and Wages	41-240-1	\$56,232.00	\$60,164.00
Clean Community Program			
Parks and Playgrounds			
Salaries and Wages	41-375-1	\$9,466.01	\$9,602.98
Click It or Ticket			
Police			
Salaries and Wages	41-240-1	\$0.00	\$4,000.00
State of NJ Title V Project - YES Grant (Ctr Prev.)	41-715-2	\$0.00	\$20,527.00
NJPDES/Stormwater (NJSA 40A:4-45.3cc)			
Stormwater / Flood Control			
Other Expenses	26-515-2	\$0.00	\$2,117.00
Total Public and Private Programs Offset by Revenues	40-999	\$117,557.34	\$144,338.31
Total Operations - Excluded from "Caps"	34-305	\$1,704,920.34	\$1,732,001.34
Detail:			
Salaries and Wages	34-305-1	\$752,333.87	\$756,470.84
Other Expenses	34-305-2	\$952,586.47	\$975,530.50
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	34-309	\$3,001,410.34	\$3,028,491.34
(L) Subtotal General Appropriations - Items (H-1) and (O)	34-400	\$9,374,764.19	\$9,401,774.19
9. Total General Appropriations		\$9,769,000.00	\$9,796,010.00
Capital Budget (Current Year Action 2008) (Sheets 40b,c,d)			
Memory Park Field Improve/Signage	2008-9	\$40,000.00	\$50,000.00

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Acquisition of Public Works Vehicles/Equipment 2008-11 \$120,000.00 \$110,000.00

BE IT FURTHER RESOLVED that two certified copies of this Resolution be filed forthwith in the office of the Director of Local Government Services for her certification of the Local Municipal Budget so amended.

BE IT FURTHER RESOLVED that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the New Jersey Herald in the issue of Thursday, April 17, 2008, and that said publication contain notice of public hearing on said amendment to be held at the Newton Municipal Building on Monday, April 28, 2008 at 7:00 o'clock p.m.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution amending the 2008 Budget adopted by the Governing Body of the Town of Newton on the 14th day of April, 2008.

Certified by me this 14th day of April, 2008.

Lorraine Read, Municipal Clerk

IT IS HEREBY CERTIFIED that the amended 2008 Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body of the Town of Newton, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

Certified by me this _____ day of _____, 2008.

Thomas M. Ferry
CPA Registered Municipal Accountant
Ferraioli, Wielkocz, Cerullo & Cuva
100B Main Street
Newton, New Jersey 07860 (973) 579-3212

The Town Manager requested a resolution to approve fireworks display at Memory Park for Newton Day, 2008.

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

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

RESOLUTION #48-2008

WHEREAS, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks, and

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WHEREAS, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 14, 2008 as part of the annual “Newton Day” celebration with a rain-date of June 21, 2008, and

WHEREAS, Newton Fire Official Joseph C. Inga has advised that the application for said fireworks display is complete and in order;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that Greater Newton Chamber of Commerce is granted permission for a fireworks display during the “Newton Day” celebration to take place on June 14, 2008, with a rain-date of June 21, 2008 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ;

BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Newton Fire Official Joseph C. Inga.

The Town Manager requested a resolution to authorize the approval of the amendments to the Newton Fire Department’s Constitution and By-Laws establishing a Junior Firefighter Program.

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

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

RESOLUTION #49-2008

WHEREAS, the Newton Fire Department (NFD) approved by a majority vote changes to their current Constitution and By-laws on April 7, 2008, and

WHEREAS, these changes establish a Junior Firefighter Program for young adults between the ages of 14 & 17 years old, and

WHEREAS, NFD has submitted the following By-Law changes to the Town Council for approval as required by Newton’s Revised General Ordinances Chapter 2, *Administrative Code*, Section 12.3, and

Article 20

Sec. 1 The Newton Fire Department Junior Firefighter Program shall consist of young adults between the ages of 14 & 17 years old. Their residency requirements are the same as outlined in Article 2, Section 1- membership

Sec. 2 All duties and job descriptions of all Junior Firefighters are outlined in the Junior Firefighter Program which is described in the Newton Fire Department Standard Operating Procedures Manual

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Sec. 3 The Junior Firefighter Program and its Rules and Regulations shall not be amended and will have no force and effect without the formal approval of the Newton Town Council.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that we hereby approve the above amendments to the Constitution and By-laws of the Newton Fire Department, establishing a Junior Firefighter Program with an effective date of April 7, 2008.

The Town Manager requested a resolution to award purchase contract for sludge and chemical waste trucking.

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

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

RESOLUTION #50-2008

WHEREAS, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services, and

WHEREAS, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton wastewater treatment plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year, and

WHEREAS, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened on Thursday, March 27, 2008 as follows:

	<u>Sludge Trucking</u>	<u>Chemical Trucking</u>
Russell Reid 200 Smith Street PO Box 130 Keasbey, NJ 08832-0130	\$0.0747	\$0.0447
R & D Trucking, Inc. 1874 Route 23 North West Milford, NJ 07480	\$0.04	\$0.03
Residuals Management Services Earth Care 99 Maple Grange Road Vernon, NJ 07462	\$0.0698	\$0.0432
Accurate Waste Removal		

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PO BOX 90
Ironia, NJ 07845

\$0.043

\$0.03

WHEREAS, R&D Trucking, was the lowest bidder;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking and chemical waste trucking to R&D Trucking, and that a certified copy of this resolution be forwarded to all bidders.

The Town Manager requested a resolution for final acceptance of the Morris Lake Walter Filtration Plant Project.

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

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

RESOLUTION #51-2008

WHEREAS, the Town Council of the Town of Newton awarded a contract for the construction of a Water Filtration Plant at Morris Lake, Sparta, New Jersey to Scafar Contracting by Resolution #16-2003 which was adopted on February 10, 2003, and

WHEREAS, the Newton Town Council approved Change Orders No. 1 through 8 based on the recommendations of the Project Engineer, MWH Americas, Inc. by adoption of Resolution #196-2005 on December 12, 2005 in accordance with the recommendations of the Town Engineer, and

WHEREAS, in a memo dated April 14, 2006, Jerry Notte, P.E. of MWH Americas, Inc. states that said Project has been completed in accordance with the approved contract documents and recommends the Project be accepted as final and complete;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that we hereby concur with MWH's recommendation, and accept the Morris Lake Water Filtration Plant Project as final and complete;

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to MWH Americas, Inc., USDA Rural Development and Scafar Contracting.

The Town Manager requested a resolution for the appointment of Mrs. Karen Schulte as an alternate member of the Newton Historic Preservation Advisory Commission.

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

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

RESOLUTION #52-2008

WHEREAS, currently there is a vacancy on the Historic Preservation Advisory Commission, for an unexpired term as an Alternate member, and

WHEREAS, Mrs. Karen Schulte has expressed interest in serving on the Historic Preservation Advisory Commission;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that Mrs. Karen Schulte is hereby appointed to the unexpired four-year term as an Alternate Member of the Newton Historic Preservation Advisory Commission, effective immediately and expiring on December 31, 2008.

The Town Manager requested a resolution to award purchase contracts for the acquisition of chemicals.

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

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

RESOLUTION #53-2008

WHEREAS, specifications were prepared for the purchase of various chemicals needed to operate the Newton wastewater treatment plant and the Newton Water Filtration Plant, bids were subsequently solicited and publicly opened and read on Thursday, March 27, 2008 as follows:

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	Liquid Sodium Carbonate	Liquid Aluminum Sulfate	Liquid/gas Sulfur Dioxide	Liquid Chlorine/gas	CES PACI 2500	Liquid Sodium Hydroxide	Liquid Hydrofluosilic Acid	Sodium Hypochlorite
Delta Chemical Corp 2601 Cannery Ave Baltimore, MD 21226	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ 1.05 3,000 per gal \$.945 5,000 per gal \$ 3,150 total (.3,000) \$ 4,725 total (.5,000)	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total
Univar 532 E. Emmaus Street Middletown, Pa 18641	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$.87 lb \$ 9,526.50 total	\$ 1.02 lb \$ 11,169.00 total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ 5.00 gal \$ 6,250.00 total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total
Coyne Chemical Co. 3015 State Rd Croydon, Pa 19021	\$ 0.718 gal \$ 64,620.00 total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$.8963lb \$9,814.49 total	\$ 3.74 gal (2,000) \$ 3.52 gal (4,000) \$ 59,840.00 total (2,000) \$ 56,350.00 total (4,000)	\$ <u>No bid</u> gal \$ <u>No bid</u> total	\$ 3.91 gal \$ 4,887.50 total	\$ <u>No Bid</u> \$ <u>No Bid</u> total
Main Pool & Chemical 501 Main Street Avoca, Pa 18641	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$.99 lb \$ 10,840.50 total	\$.885 lb \$ 9,690.75 total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ 1.84 gal \$ 10,120.00 total	\$ <u>No Bid</u> \$ <u>No Bid</u> total	\$ 1.69 gal \$ 12,675.00 total
Basic Chemical Solutions 5 Steel Road East Morrsville, PA 19067	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$2.97 gal \$16,335.00 total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ 2.85 gal \$ 21,375.00 total

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WHEREAS, the bids for chemicals listed above were reviewed by the Water and Sewer Superintendent and he has recommended the awards for the following purchase of chemicals based on submission of the low bids which are in the best interest of the Town of Newton;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby awards bids for the purchase of chemicals as follows:

<u>Chemical</u>	<u>Bidder Receiving Award</u>
Liquid Sodium Carbonate	Coyne Chemical Co.
Liquid Aluminum Sulfate	Delta Chemical Corp.
Liquid/Gas Sulfur Dioxide	Univar
Liquid Chlorine/Gas	Main Pool & Chemical
CES PACI 2500	Coyne Chemical Co.
Liquid Sodium Hydroxide	Main Pool & Chemical
Liquid Hydrofluosilic Acid	Coyne Chemical Co.
Sodium Hypchlorite	Main Pool & Chemical

BE IT FURTHER RESOLVED that the Water and Sewer Superintendent is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

The Town Manager requested a resolution to approve participation with the State of New Jersey in a Safe and Secure Communities Program administered by the division of Criminal Justice, Department of Law and Public Safety.

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

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

RESOLUTION #54-2008

WHEREAS, the Town of Newton wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant # P-4302), and

WHEREAS, the Town Council of the Town of Newton has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that:

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1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety;

2) The Attorney General will receive funds on behalf of the applicant;

3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds;

4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized;

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-4302.

The Town Manager requested a resolution accepting a Plea Agreement between the Town of Newton and F. Roger Pierson Enterprises, Inc., T/A Barristers.

The following RESOLUTION was TABLED upon motion made by Mr. Ricciardo, seconded by Mr. Diglio and roll call resulted as follows:

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

RESOLUTION #55-2008

T A B L E D

The Town Manager requested a resolution determining the form and other details of a \$545,000 General Obligation Bond of the town of Newton, in the County of Sussex, New Jersey and providing for the sale of such Bone to the United States of America.

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

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

RESOLUTION #56-2008

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

Section 1. The \$545,000 General Obligation Bond authorized by the Town of Newton, in the County of Sussex, New Jersey (the "Town"), referred to and described in bond ordinance #2007-6 adopted by the Town Council on June 11, 2007 and entitled, "Bond Ordinance Providing for the Acquisition of a Fire Truck and Related Equipment for and by the Town of Newton, in the County of Sussex, New Jersey, Appropriating \$575,000 Therefor and Authorizing the Issuance of \$545,000 Bonds or Notes of the Town to Finance Part of the Cost Thereof" shall be sold to the United States of America on the following terms:

- Designation: \$545,000 General Obligation Bond,
- Date: A date (the "Closing Date") to be selected by the chief financial officer of the Town and the United States of America,
- Interest Rate: Four and twenty-five hundredths per centum (4.25%) per annum payable semiannually,
- Principal and Interest Payments: \$33,735 payable semiannually beginning the 21st day of the month six months after the month the Bond is dated and terminating if not sooner paid, in the year 2018 on the day and the month on which the Bond is dated except that the twentieth payment will be in an amount equal to the unpaid principal plus accrued interest thereon on the day and the month on which the Bond is dated,
- Place of Payment: Office of the United States Department of Agriculture Rural Development, Mount Laurel, New Jersey.

Section 2. There shall be issued one Bond in the amount of \$545,000 or such additional bonds as may be required and the details concerning the payment of principal and interest on such Bond shall be specified in the form of Bond, which shall be in substantially the following form:

No. 2008-R1	\$545,000
-------------	-----------

UNITED STATES OF AMERICA
 STATE OF NEW JERSEY
 COUNTY OF SUSSEX

 TOWN OF NEWTON

 GENERAL OBLIGATION BOND

TOWN OF NEWTON, a municipal corporation of the State of New Jersey, situate in the County of Sussex, hereby acknowledges itself indebted

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and for value received promises to pay to the United States of America, or its registered assigns, the principal sum of Five Hundred Forty-Five Thousand Dollars (\$545,000) plus interest on the unpaid principal sum from the date of this Bond until it matures, unless sooner paid as herein provided, at the rate of four and twenty-five hundredths per centum (4.25%) per annum. Such principal and interest shall be paid semiannually in the amount of \$33,735 on the 21st day of each May and November, commencing November 21, 2008 and terminating on May 21, 2018 (except that the twentieth payment shall be in the amount equal to the unpaid principal plus accrued interest thereon), unless the principal amount of the Bond is sooner paid as provided herein.

Payments made on the indebtedness evidenced by this instrument, regardless of when made, shall be applied first to interest due through the date of payment and next to principal.

This Bond shall be subject to redemption without penalty at any time prior to maturity at the option of the Town of Newton by the payment of all the unpaid principal then due plus interest due to the date of redemption.

Upon the surrender of this Bond and the written request of the registered holder thereof satisfactory to the Town, this Bond will be transferred to a new registered owner. No transfer of this Bond shall be valid unless recorded on books of the Town kept for this purpose in the office of its Chief Financial Officer and noted on the back of this Bond.

This Bond is issued pursuant to the Local Bond Law of the State of New Jersey, bond ordinance #2007-6 of the Town of Newton finally adopted June 11, 2007 and authorizing obligations in the aggregate principal amount of \$545,000 and a resolution of its governing body adopted April 14, 2008.

The full faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the TOWN OF NEWTON has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto

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imprinted or affixed, this Bond and the seal to be attested by its Town Clerk and this Bond to be dated the 21st day of May, 2008.

[SEAL]

TOWN OF NEWTON

ATTEST:

By: _____
Mayor

Clerk

By: _____
Chief Financial Officer

ASSIGNMENT

FOR VALUE RECEIVED _____
hereby assigns to

(Please Print or Type Name and Address of Assignee)

the within Bond and irrevocably appoints _____, as Attorney, to transfer this Bond on the registration books of the Town, with full power of substitution and revocation.

NOTE: The signature of this assignment must correspond with the name as it appears on the face of the within note in every particular.

Dated: _____

Signature Guarantee:

TRANSFER CERTIFICATE

It is hereby certified that upon the request of the registered owner the within Bond is transferred to and registered as to principal and interest as follows:

<u>Date and Transfer</u>	<u>Name of New</u>	
<u>and Registry</u>	<u>Registered Owner</u>	<u>Registered By</u>

Section 3. The Bond shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer, under the official seal, affixed and attested by the Town Clerk. Such officials are authorized to execute such replacement bonds in registered or coupon form as may be necessary from time

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to time and are authorized to execute all certificates, agreements and other documents required by the United States of America in connection with such Bond.

Section 4. All other details or requirements of the Local Bond Law of New Jersey, including any changes in the terms of the Bond otherwise set forth herein, shall be determined by the Chief Financial Officer of the Town.

Section 5. This resolution shall take effect immediately.

The Town Manager requested a resolution of the Town of Newton, in the County of Sussex, New Jersey making application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-26(e).

Safety.

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

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

RESOLUTION #57-2008

WHEREAS, the Town of Newton, in the County of Sussex, New Jersey (the “Town”) desires to make application to the Local Finance Board for its approval of non-conforming maturity schedules in connection with two loans from the United States Department of Agriculture and Rural Development pursuant to the provisions of N.J.S.A. 40A:2-26(e).

WHEREAS, the Town believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) the purpose or improvements are for the health, the welfare, the convenience or the betterment of the inhabitants of the Town;
- (c) the amounts to be expended for the purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town;

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

Section 1. The application to the Local Finance Board is hereby approved, and the Town’s Bond Counsel and Auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

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Section 2. The Clerk of the Town is hereby directed to prepare and file a copy of the resolution authorizing the Bonds with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE NO ABSTAIN ABSENT

Mr. Elvidge
Mr. Diglio
Mr. Storm
Mr. Ricciardo
Mayor Unhoch

The Town Manager requested a resolution for the amendment to 2008 Temporary Operating Budget and 2008 Temporary Water and Sewer Utility Budget.

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

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

RESOLUTION #58-2008

WHEREAS, the Town Council of the Town of Newton adopted the 2008 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #255-2007 dated December 26, 2007, and

WHEREAS, New Jersey State Law provides for amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the 2008 Temporary Operating Budget and the 2008 Temporary Water and Sewer Utility Budget be and are hereby amended as follows:

TOWN OF NEWTON
2008 TEMPORARY BUDGET AMENDMENT

<u>Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Police O.E.	1074206	\$ 40,000
Road Repair & Maintenance O.E.	1080266	30,000
Machinery & Equipment O.E.	1080326	10,000
Vehicle Maintenance O.E.	1083374	40,000

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Celebration of Public Event O.E.	1092200	10,000
YES Grant – Center for Prevention	1094844	<u>20,527</u>
Total Amendment		\$ 150,527
CIF – Acquisition Street Signs	1095303	\$ 5,000

2007 TOWN OF NEWTON BUDGET

\$8,930,000	Total 2007 General Appropriations
870,305	Less: Debt service
157,800	Capital Improvements
<u>405,139</u>	Reserve for Uncollected Taxes
\$7,496,756	Total Amount to calculate upon
<u>x 1/12</u>	
\$ 624,729	Allowable 2008 Temporary Budget Amendment

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

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

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

RESOLUTION #59-2008

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
TEMPORARY

540,585.60	Payroll Account	810024
325,900.50	Newton Board of Education	810025
49,219.00	U.S.D.A. / FHA	810026
174,437.61	Payroll Account	810021
16,679.27	Payroll Account	810022
3,393.75	Bank of New York	810027
79,930.04	JP Morgan Chase Bank	810028
115,000.00	Depository Trust Company	810029
779.27	Vision Service Plan	23456
14,944.00	Selective Insurance Company	23457
200.00	NJSACOP	23458
219.32	Thomas Straway	23459
219.32	Thomas Straway	23459
-219.32	Thomas Straway	23459

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822.86	Quill Corporation	23460
773.65	Montague Tool & Supply	23461
3,356.08	Harold Pellow & Associates, Inc.	23462
120.00	ABCCode Security	23463
111.00	Alpine Spring Water Company	23464
4,191.26	G & G Diesel Service, Inc.	23465
2,213.91	G & H Service, Inc.	23466
13,550.57	JCP&L	23467
187.50	Keller Welding Company	23468
2,070.00	SCMUA	23469
2,012.47	Sussex County Plumbing &	23470
350.00	B & G Elevator Inc.	23471
119.06	EMBARQ	23472
294.66	EMBARQ	23473
119.58	EMBARQ	23474
175.00	Newton Postmaster	23475
205.15	Campbell's Small Engine	23476
4,627.42	Timmerman Company	23477
59.34	Federal Express	23478
7,500.00	Newton First Aid Squad	23479
295.00	New Jersey Planning Officials	23480
328.42	Vital Computer Resources, Inc.	23481
54.00	T. A. Mountford Company	23482
59.18	Galls Incorporated	23483
2,450.00	Minisink Press, Inc.	23484
72.75	Ann M. Rosellen	23485
250.00	Warner Communications Co., Inc.	23486
1,870.00	Office Business Systems, Inc.	23487
149.92	Sebring Auto Parts	23488
123.75	Skylands Press	23489
1,047.22	Dempsey Uniform & Supply Inc.	23490
135.15	Airgas East	23491
1,569.14	Modern	23492
64.20	Sirchie Finger Print labs	23493
5,583.46	Boonton Tire Supply	23494
65.31	McGuire	23495
320.00	Weiner Lesniak	23496
122.00	VOID	23497
25.00	Sussex & Warren Tax Collectors Assoc.	23498
179.90	Verizon Wireless	23499
319.50	Robert Bittle	23500
1,800.00	ORR's	23501
188.00	North Jersey Portable Toilets	23502
830.77	Dell Marketing L.P.	23503
38.80	Walmart	23504
74.38	Mr. John	23505
6,250.00	Gold Type Business Machines	23506
565.80	Cooper Electric Supply Co.	23507
56.00	Wildflowers with Tami	23508
1,038.74	Nextel Communications	23509
120.00	NJSACOP	23510
1,005.00	Vogel,Chair,Collins,Schneider,PC	23511
257.71	The Home Depot	23512
152.50	International Code Council Inc.	23513
400.00	Fire & Safety Services, LTD.	23514
5,862.65	Guardline Fire & Safety Co., Inc.	23515

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1,056.07	Rogo Fastener Co., Inc.	23516
120.08	Motorola C/O Pinnacle Wireless, Inc.	23517
750.00	McClullough Tree Experts, LLC.	23518
80.00	NJ Assoc. Planning & Zoning Admin.	23519
934.06	Staples Business Advantage	23520
99.96	Lowe's	23521
96.00	CSS Test	23522
12.49	Nestle Waters	23523
1,491.67	Andrews & Company, LLC	23524
100.00	MCAA of NJ Spring Conference	23525
237.85	Municipal Graphics Inc.	23526
25.98	Simon Peter Sport	23527
101.07	Schwaab, Inc.	23528
4,738.14	Rachles/Michele's Oil Company	23529
450.00	P&M Signs, Inc.	23530
210.00	Diamond Glass	23531
536.00	Municipal Record Service	23532

CAPITAL

1,911.22	Harold Pellow & Associates	7127
51,720.61	McManimon & Scotland	7128
360.00	Vogel,Chait,Collins,Schneider, PC	7129
800.00	Allan J. May, Jr.	7130
71.90	Excelsior Lumber Company	7131
22,063.20	Nelessen, A. & Associates, Inc.	7132
1,132.60	Spectrum Communications	7133
3,180.02	Structural Metal Fabricators	7134

Total TEMPORARY TOWN BILLS \$1,990,029.05

WATER AND SEWER ACCOUNT

TEMPORARY

19,448.78	Payroll Account	860013
2,903.78	Payroll Account	860014
39,415.00	Bank of New York	860016
165.05	Vision Service Plan	9974
890.00	Process Tech Sales & Services	9975
47.47	Quill Corporation	9976
110.13	Fisher Scientific	9977
19,019.58	JCP&L	9978
108.13	John Madden	9979
422.38	Pumping Services	9980
63.90	SCMUA	9981
194.80	Sussex County Plumbing &	9982
8,191.24	Coyne Chemical Corp., Inc.	9983
25.39	EMBARQ	9984
175.00	Newton Postmaster	9985
580.00	Garden State Laboratories, Inc.	9986
22.00	Tri-State Rentals, Inc.	9987
66.30	Allied Meter Service, Inc.	9988
769.63	All Quality Contracting	9989
182.60	Energized Chemicals	9990
151.94	Joseph G. Pollard Co., Inc.	9991
308.10	Joseph G. Pollard Co., Inc.	9992

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22.00	Joseph Carr	9993
2,362.60	Stamp Fulfillment	9994
314.80	Dempsey Uniform & Supply Co.	9995
149.12	Airgas East	9996
97.24	Boonton Tire Supply	9997
106.20	Treasurer, State of New Jersey	9998
413.00	Treasurer, State of New Jersey	9999
252.29	Verizon Wireless	10000
3,456.00	Passaic Valley Sewerage Comm.	10001
85.04	Universal Supply Group, Inc.	10002
2,530.01	Main Pool & Chemical Company	10003
995.50	Alternate Power Inc.	10004
14,938.00	Selective Insurance Company	10005
3,201.98	Suburban Energy Services	10006
422.71	Staples Business Advantage	10007
820.00	Test America	10008

**CAPITAL
TEMPORARY**

	635.00Modern	2081
480.00	Huffman's Shirts & Signs, LLC	2082
7,875.00	Telecom Management	2083

Total TEMPORARY WATER & SEWER BILLS \$132,417.69

**TRUST ACCOUNT
TEMPORARY**

2,388.34	Payroll Account	871007
2,987.21	Harold Pellow & Associates Inc.	2490
175.00	Hollander,Hontz,Hinkes,Pasculli LLC	2491
1,040.00	Weiner Lesniak	2492
135.00	Vogel, Chait, Collins, Schneider, PC	2493
1,260.00	Kenneth A. Wentink & Assoc.	2494
1,800.00	Colleen Cunningham, Esq.	2495

Total TEMPORARY TRUST ACCOUNT BILLS \$9,785.55

The Town Manager requested a resolution of the Town Council of the Town of Newton, in the County of Sussex, New Jersey authorizing and providing the incurrence of indebtedness for the purpose of providing a portion of the cost of the acquisition of a fire truck and related equipment.

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

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

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RESOLUTION #60-2008

WHEREAS, it is necessary for the Town of Newton, in the County of Sussex, New Jersey (herein after called the Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$545,000 pursuant to the provisions of N.J.S.A. 40A:2-1 et seq.

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business-Cooperative Service, Rural Utility Service, or their successor Agencies with the United States Department of Agriculture, (herein call the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333© of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 ©).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporation in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the government and executed or assumed by the

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Association, and default under any such instrument may be construed by the government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility, (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in the institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt expenses and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from the account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.

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- Repairing or replacing short-lived assets.
- Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$N/A under the terms offered by the Government; that the _____ and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or insuring of this loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas 5 Nays 0 Absent 0

IN WITNESS WHEREOF, the town Council of the Town of Newton, in the County of Sussex, New Jersey has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 14th day of April 2008.

(SEAL)

Attest:

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

By _____
Thea Unhoch, Mayor

The Clerk presented an application for a Special Permit for a Social
Affair from the Greater Newton Chamber of Commerce, Box 386, Newton,
New Jersey to be held on Saturday, June 14, 2008 from 5:00 p.m. to 10:00 p.m.

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It was noted that the application was in order, approved by the Chief of Police and accompanied by the prescribed fee.

Upon motion of Mr. Storm, seconded by Mr. Diglio and carried, that the Town Council has no objection to the issuance of a Special Permit for a Social Affair, by the Division of Alcoholic Beverage Control, to the Greater Newton Chamber of Commerce, Newton, New Jersey for June 14, 2008.

Under Managers Reports, Ms. Kithcart read the following Proclamation for Dillon Michael White for having achieved the status of Eagle Scout.

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

DILLON MICHAEL WHITE

WHEREAS, Dillon Michael White, a member of Boy Scout Troop 82, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Dillon devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Dillon Michael White has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Dillon's Eagle Scout Leadership Project, he designed and built outdoor Stations of the Cross for Blessed Kateria Roman Catholic Church in Sparta, new Jersey; and

WHEREAS, as part of his project, Dillon permanently installed the Stations of the Cross in the wooded area behind the church and landscaped by mulching the entire 1,000 foot path surrounding the area; and

WHEREAS, Dillon Michael White serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Dillon is a member of our community.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Town Council of the Town of Newton, do hereby recognize and extend our sincere congratulations to Dillon Michael White for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, and extend to Dillon our best wishes for a bright and accomplished future.

Ms. Kithcart read the following Proclamation proclaiming the week of May 18-24, 2008 as The National Association of Insurance Women, International week.

April 14, 2008

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

The National Association of Insurance Women, International

WHEREAS, the National Association of Insurance Women, International has achieved an illustrious record of professional achievement and dedicated service to its clients and the nation and is deserving of public recognition and commendation, and

WHEREAS, this highly esteemed association is comprised of 312 local organizations numbering approximately 9,000 members, all of whom are competent women and men employed in various fields of the insurance industry, and

WHEREAS, constantly creating good will through integrity and dedication, The National Association of Insurance Women, International has grown remarkably since it was founded in 1940, with some 39 women representing 17 regional insurance clubs, and

WHEREAS, the major purpose of this highly effective organization is to “encourage and foster educational programs designed to broaden the knowledge and the understanding of the insurance field and to cultivate increasing friendship, loyalty, and desire for service among its members”, and

WHEREAS, it is the inestimable benefit to the members to be provided with the opportunity to associate with other industry professionals, enabling them to share solutions, problems, and experiences and thereby gain better understanding and also increase alliances, and

WHEREAS, The National Association of Insurance Women, International, includes within its code of ethics the laudable pledge of service that is honest, thorough, gracious, and professional and the promise to perform in an honorable manner-noble words which are truly part of each member’s pursuit of his or her career, and

WHEREAS, this outstanding organization has been recognized as a vital resource by the independent Insurance Agents of America, the American Association of Managing General Agents, the Insurance Institute of America, and the Chartered Property and Casualty Underwriters;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, take pride in commending the National Association of Insurance Women, International for its many years of valuable service, contributed both as an organization and by its members individually and we extend our best wishes for continued success and hereby proclaim and recognize the week of May 18-24, 2008, as the National Association of Insurance Women, International Week.

Ms. Kithcart read the following Proclamation proclaiming the week of April 27 – May 3, 2008 as National Volunteer Week.

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

National Volunteer Week
April 27 – May 3, 2008

April 14, 2008

WHEREAS, the entire community can effect positive change with any volunteer action no matter how big or small, and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations like Main Street Newton, Inc., and

WHEREAS, millions of volunteers working in their communities utilize their time and talent daily to make a real difference in the lives of children, adults and the elderly, and

WHEREAS, during this week, all over the nation, service projects will be performed and volunteers recognized for their commitment to service, and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient, and

WHEREAS, experience teaches us that government by itself cannot solve all of our nation's social problems, and

WHEREAS, our country's volunteer force of over 64 million people is a great treasure, and

WHEREAS, volunteers are vital to our future as caring and productive nation;

NOW THEREFORE, WE, the Mayor and town Council of the Town of Newton, hereby proclaim April 27-May 3, 2008 as National Volunteer Week, in Newton and urge our fellow citizens to volunteer and "light the way" in their communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

Upon motion made by Mayor Unhoch, seconded by Mr. Ricciardo and carried that the Governing Body has no objection presenting the above Proclamations.

Mayor Unhoch indicated that on April 29, 2008 from 6:00 p.m. to 8:00 p.m. the Main Street Program will be sponsoring a Volunteer Appreciation event at Andres Restaurant.

Ms. Kithcart indicated there are two requests for consideration. The first is from the New Jersey Ride Against Aids requesting permission for a bike tour to ride through the Town of Newton on September 26, 2008. This is their annual fundraiser ride which starts from High Point State Park and ends at Cape May, New Jersey.

April 14, 2008

The second is from Kaleidoscope of Hope Foundation requesting permission to tie teal ribbons around Town during the month of September to recognize September as Ovarian Cancer Awareness.

Upon motion made by Mayor Unhoch, seconded by Mr. Ricciardo and carried that the Town Council has no objection to the above requests.

Ms. Kithcart indicated that the Spring Senior Dinner and Show was held Sunday at the Newton High School and thanked the Recreation Commission members and Town Council members and all other who volunteered their services to make this event so successful.

Ms. Kithcart advised Council that the 2007 Annual Report has been mailed to all Newton residents.

Ms. Kithcart updated the Governing body regarding the first phase of the Paris Grant.

Ms. Kithcart advised Council that the Newton Theatre will be opening in early May.

Ms. Kithcart updated the Governing Body regarding the Developers Agreement for Kohl's Department Store.

Ms. Kithcart advised Council that the next meeting for the Master Plan Subcommittee April 16th prior to the regular Planning Board meeting. Ms. Kithcart also advised that the special meeting of the Planning Board that was scheduled for April 29th relative to the Railroad investigation has been temporarily postponed.

Ms. Kithcart indicated that the Redevelopment Team is discussing a community briefing which is tentatively scheduled for Saturday, May 10th. Nelessen Associates and the Town's redevelopment attorneys will be in attendance to answer any questions.

Ms. Kithcart updated the Governing Body regarding the closing date for the new fire truck.

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Ms. Kithcart indicated that Morris Lake is 1.5” above spillway.

Ms. Kithcart read a communication from the Herbert Yardley, Administrator, Sussex County Health Officer, stating that the Sussex County Cancer Coalition is sponsoring an informational breakfast on April 26th, to provide important information on outreach programs to residents of Newton at no cost to the taxpayers or to the municipality.

Prior to opening the meeting to the public, Mr. Storm read a lengthy prepared statement debating previous statements made by Councilman Ricciardo and Councilman Elvidge at previous Town Council meetings. Councilman Storm strongly debated Councilman Ricciardo’s statement that Mr. Storm “changed his position” during his re-election campaign surrounding Redevelopment issues.

Councilman Storm rebuttaled the statement made by Councilman Elvidge indicating that “some Councilmembers need to be re-educated on the whole Redevelopment process. Mr. Storm said that statement is “preposterous and an insult to our intelligence”. Councilman Storm stands by his opinion that “he, as an elected official, listens and serves the people in the Town of Newton”. Councilman Storm stands by not utilizing eminent domain through the Redevelopment process.

Mayor Unhoch limited comments of the governing body to three minutes.

Councilman Ricciardo stated that Councilman Storm’s opinion to discard eminent domain from Redevelopment process is clearly a “political ploy”.

Councilman Elvidge disapproved of the three minute limitation of addressing concerns of the governing body.

Mayor Unhoch read a prepared statement from Councilman Diglio. Councilman Diglio agrees with Development and Redevelopment but does not support any project which would allow for “eminent domain”. The Town

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Council as a whole supports properly planned development, therefore the controversy is laid in “eminent domain” through Redevelopment. It was noted that the only body that can consider eminent domain is the Governing Body, or the Redevelopment Authority, not the Planning Board. And the Governing Body has stated at several meetings that it is not their intention to utilize eminent domain, it is just apart of the Redevelopment law.

Mayor Unhoch declared the meeting opened to the public.

Ms. Connie Sutton-Falk, 20 Hicks Avenue, had a question regarding a draft ordinance submitted to the Governing Body prohibiting eminent domain for economic development or redevelopment in Newton. Town Manager, Eileen Kithcart advised Ms. Sutton that this topic will be discussed under Redevelopment at tonight’s Work Session. Ms. Kithcart also advised that she addressed this topic with the Redevelopment Counsel and such an ordinance is not legal because State statute supersedes. Ms. Sutton requested a copy of Counsel’s opinion.

There being no one else from the public to be heard, upon motion of Mr. Ricciardo, seconded by Mr. Storm and carried, the meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk