

March 10, 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 26, 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. Ricciardo, seconded by Mr. Diglio and carried, the minutes of December 26, 2007 (regular & work) and January 7, 2008 (work) meetings were approved.

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

**ORDINANCE #2008-5**

**ORDINANCE AMENDING CHAPTER 4 PERSONNEL FO THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON.**

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		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on March 24, 2008.

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

At this time, Mayor Unhoch requested a resolution for the

March 10, 2008

introduction of the 2008 Municipal 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		

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex that the Local Municipal Budget of the town of Newton for this fiscal year 2008, be approved, subject to the approval of the budget by the Auditor;

BE IT FURTHER RESOLVED that the following Statement of Revenue and Appropriation shall constitute the Local Municipal Budget, Town of Newton, County of Sussex, for the fiscal year 2008;

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to have this budget advertised in the New Jersey Herald.

THE GOVERNING BODY OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, does hereby APPROVE the follow as the Budget of the Town of Newton for the year 2008, subject to approval of the budget by the Auditor.

#### **BUDGET IN FULL AT END OF MINUTES**

Mayor Unhoch requested a resolution for the introduction of the 2008 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		

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex that the Water and Sewer Utility Budget of the Town of Newton for this fiscal year 2008, be approved, subject to the approval of the budget by the Auditor;

BE IT FURTHER RESOLVED that the following Statement of

March 10, 2008

Revenue and Appropriation shall constitute the Water and Sewer Utility Budget, Town of Newton, County of Sussex, for the fiscal year 2008;

BE IT RESOLVED that the Town Clerk is hereby authorized and directed to have this Budget advertised in the New Jersey Herald.

THE GOVERNING BODY OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, does hereby APPROVE the following as the Budget of the Water and Sewer Utility of the Town of Newton for the year 2008, subject to approval of the budget by the Auditor.

**BUDGET IN FULL AT END OF MINUTES**

There being no Old Business, Under New Business, The Town Manager requested a resolution to support submission of a Clean Communities Grant Application.

The following RESOLUTION was offered by Mr. Diglio 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 #27-2008**

WHEREAS, the Town of Newton is applying for funding to complete a Forestry Management Plan for the town of Newton, and

WHEREAS, this grant application will be in the amount of \$2,000 with an in kind match required, and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby supports the submission of the grant application to the State of New Jersey, for the Green Communities Grant.

The Town Manager requested a resolution opposing Senate Bill No. 555.

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

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

**RESOLUTION #28-2008**

March 10, 2008

WHEREAS, Senate Bill No. 555 would require municipalities to remit to county and local school districts, at least 10 percent and 5 percent respectively, of the annual service charge received under long term tax exemption agreements, and

WHEREAS, this Bill would significantly decrease the amount of monies municipalities receive from agreements entered into by the municipality with business entities for payment in lieu of taxes,

WHEREAS, in time, when the Governor is asking all municipalities, counties and school districts to cut back on spending, this Bill would further deprive municipalities of much needed revenue to provide services to its community;

NOW THEREFORE BE IT RESOLVED, that the Town Council of the town of Newton opposes passage of S-555;

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to our State Legislators, Senator Oroho and Assembly Members Chiusano and McHose, and to our neighboring municipalities, and to the New Jersey League of Municipalities.

The Town Manager requested a resolution for the appointment of William Joseph as the Official Town Crier for the Town of Newton.

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 #29-2008**

WHEREAS, Mr. William Joseph has expressed a desire to be the Official town Crier for the Town of Newton, and

WHEREAS, Mr. Joseph has performed at past "Newton Day" celebrations in an exemplary fashion, reflecting the era in which the town was founded,

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby designates Mr. William Joseph as the Official Town Crier for the Town of Newton;

BE IT FURTHER RESOLVED that Mr. Joseph will act as Newton's Official Town Crier of his own free will without any financial commitment by the Town.

The Town Manager requested a resolution to authorize the execution

March 10, 2008

of an Agreement with Mr. Gregory C. Fehrenbach of Government Management Advisors, LLC for Executive Search Consulting Services.

The following RESOLUTION was offered by Mr. Storm 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 #30-2008**

WHEREAS, the Town of Newton requested proposals for the services of a qualified Executive Search Consultant for the replacement of the retiring Town Manager and received several responses, and

WHEREAS, Gregory C. Fehrenbach of Government Management Advisory, LLC submitted a proposal outlining the services to be provided dated January 30, 2008, as modified February 18, 2008, for a sum of money less than the threshold established by the Local Public Contracts Law, and

WHEREAS, after an interview process, the Governing Body has determined that Mr. Gregory C. Fehrenbach of Government Management Advisors, LLC is the best candidate for the position;

NOW THEREFORE BE IT RESOLVED that the Town Council of the town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Mr. Gregory C. Fehrenbach of Government Management Advisors, LLC, for the services of an Executive Search Consultant as he had proposed, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. Fehrenbach, at Government Management Advisors, LLC, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

The Town Manager requested a resolution opposing the Governor's proposed State Budget for the 2008-2009 Fiscal year for failure to treat property tax relief as a priority.

The following RESOLUTION was offered by Mr. Diglio 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	

March 10, 2008

**RESOLUTION #31-2008**

**WHEREAS**, on February 26, 2008, in Trenton, Governor Jon S. Corzine presented his FY 2009 Budget proposal to a Joint Session of the State Legislature, which proposal now goes to the Legislature, which must pass a balanced budget by the start of the State's next Fiscal Year, which begins on July 1; and

**WHEREAS**, the proposal, which represents what the Governor called "many unpleasant choices," calls for the elimination of two Departments of State Government (the Departments of Agriculture and Personnel) and the State Commerce Commission, and asks all other Departments to absorb funding cuts, and further calls for sacrifice in a number of other areas, including direct property tax relief, hospital aid, higher education assistance and Medicaid, with the inordinately deep cuts in municipal property tax relief funding; and

**WHEREAS**, one year after the historic Special Session for Property Tax Reform, which purportedly eliminated the need for a Citizens' Convention, our property taxpayers will once again be asked for patience, and they will be asked to shoulder more than their fair share of the funding burden; and

**WHEREAS**, local officials have done so much with so little for so long, that State Budget-makers now believe some can do everything with absolutely nothing; and

**WHEREAS**, municipal property tax relief will be slashed by \$189.6 million; and

**WHEREAS**, for municipalities with a population of less than 5,000, there will be no CMPTRA funding this year; for municipalities with a population total between 5,000 and 10,000, this relief will be limited to one-half of the amount received in the State's 2006-2007 budget; and the \$32.6 million distributed according to the CMPTRA formula, which municipalities received last year as 2008 Municipal Property Tax Assistance, is gone; and

**WHEREAS**, all municipalities will receive level Energy Tax Receipts Property Tax Relief funding, despite State Law that 'requires' annual inflationary adjustments of this (and CMPTRA) funding; and

**WHEREAS**, last year, municipal efficiency was promoted to the tune of \$34.8 million, but in this proposal, this funding has been eliminated; and

**WHEREAS**, last year's \$32 million in Municipal Homeland Security Funding is gone, Special Municipal Aid funding is cut from \$153 million to \$145.4 – a loss of \$7.6 million, Extraordinary Aid funding is reduced by \$1.7 million – from \$34 million to \$32.3 million, and the \$8 million Regional Efficiency Aid Program will not be funded; and

**WHEREAS**, beyond these cuts, certain municipalities served by the State Police will be asked to contribute \$20 million to the State's General Fund, and Homestead Rebates for Homeowners will be cut by \$257 million, and for Renters by \$124 million; and

March 10, 2008

**WHEREAS**, on March 4, 2008, the Town of Newton received Local Finance Notice #2008-5 and accompanying 2008 State Aid Certification advising town officials of a loss in State Aid of \$309,417, six days prior to the introduction of our 2008 Municipal Budget, and

**WHEREAS**, said loss of State Aid forced Newton officials to increase the amount to be raised by taxation by an additional \$309,417 which placed an added tax burden to each of Newton's property owners of \$40.00 per every \$100,000 of assessment, thereby, in Newton's opinion, negating the intended purpose of Governor Corzine's budget as a means of property tax relief, and

**WHEREAS**, said loss of revenue was due in part to Newton's population being under 10,000 with no consideration for our taxpayers already being burdened by a nearly thirty-percent property exemption status due to being the county seat of Sussex County;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton calls on its elected representatives in Trenton, Senator Steven Oroho and Assembly members Alison McHose and Gary Chiusano, to work with their colleagues in the Legislature and with the Governor to take affirmative action to restore program funding sufficient to honor state statutes and their stated commitment to the cause of property tax relief in all New Jersey municipalities; and be it further

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Governor Jon S. Corzine, Acting State Treasurer R. David Rousseau, Senate President Richard J. Codey, Senate Minority Leader Thomas H. Kean, Assembly Speaker Joseph J. Roberts, Assembly Minority Leader Alex DeCroce, the Chairs and Members of the Senate and Assembly Budget and Appropriations Committees, our own Senator Steven Oroho and Assembly members Alison McHose and Gary Chiusano and to the New Jersey State League of Municipalities.

The Town Manager requested a resolution to authorize the submission of Grant Application by the Newton Fire Department for Volunteer Fire Assistance.

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

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

**RESOLUTION #32-2008**

**WHEREAS**, the Town Council of the Town Newton desires to further public interest by obtaining a grant from the State of New Jersey entitled "Volunteer Fire Assistance" in the amount of approximately \$4,500.00 to fund reimbursement of fire equipment purchased, and

March 10, 2008

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton resolves that the Newton Fire Department is authorized to:

- a. To make an 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 \$1,000 and not more than \$5,000.
- c. To execute any amendment thereto, which does not increase the Grantee's obligation.

BE IT FURTHER RESOLVED that the Newton Town Council authorizes and agrees to match (50%) fifty percent 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. (0%) zero percent of the match will be made of in-kind services.

The Town Manager requested a resolution to establish salaries and wages for Town of Newton Employees not covered by Bargaining Agreements.

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 #33-2008**

WHEREAS, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton have been established for calendar year 2008 by Ordinance #2007-28, and

WHEREAS, the Town Manager has submitted to the Governing Body members for their review a recommendation of salaries to be paid to certain employees of the Town of Newton during calendar year 2008;

NOW THEREFORE BE IT RESOLVED by the Town Council of the town of Newton that the salaries and wages for the year 2008 for each employee not covered by any bargaining agreements be established as shown herewith, unless otherwise noted.

BE IT THEREFORE FURTHER RESOLVED that said salary increases are retroactive to January 1, 2008, unless otherwise noted.

<u>EMPLOYEE</u>	<u>LEVEL</u>	<u>POSITION</u>	<u>YEAR 2008 BASE SALARY</u>
E. Kithcart	15	Town Manager	\$ 120,267
	18	Chief Financial Officer	363/pay

March 10, 2008

T. Oswin	8	Administrative Assistant	41,919
D. Lockwood	10 18	Community Development Director Deputy Town Manager	57,975 6,013
D. Babcock	10	Finance Director	64,429
R. Bittle	9	Construction Official and Code Enforcement Officer	64,732
Kathy Citterbart	5 5	Planning/Zoning Admin (Part-time) Clerk Typist (Assessing Clerk)	18,136 12,276
Sheila Dailey	3	Clerk Typist	12.45/hr
L. Frost	4	Senior Clerk Typist (Bldg Dept)	29,958
S. Holzhauer	19	Tax Assessor (part-time)	39,299**
L. Read	10	Municipal Clerk and Registrar of Vital Statistics	56,025
I. O'Connor	4	Deputy Municipal Clerk and Deputy Registrar of Vital Statistics	31,125
J. Roberts	3	Clerk Typist – Municipal Clerk's Office	10.20/hr
A. Rosellen	10	Municipal Court Administrator	56,025
T. Ell	4	Deputy Muni. Court Administrator	31,125
L. Roth	7	Certified Tax Collector/Tax Search Officer & Deputy Water/Sewer Collector	44,229
G. Raftery	5	Treasurer/Account Supervisor	40,585
S. Yurga	5	Water/Sewer Collector and Deputy Tax Collector	31,086
C. Bond	9	Director of Public Works (Retired 3/1/08)	60,405
K. Jaekel	18	Assistant Director of Public Works (to 2/29/08)	2,400
W. Grennille	11	Chief Plant Operator and Water and Sewer Supt.	75,199
J. Madden	9	Sewer Plant Operator	54,733
T. Trudgeon	19	Recreation Supervisor (part-time)	17,590
J. Tomasula	14	Chief of Police	114,484
C. McNally	8	Administrative Assistant (Police)	33,284
D. Cooper	4	Senior Clerk Typist (Police)	34,541
J. Sapio	7	Parking Meter Enforcer/Special Officer	52,013
M. Misner	6	Omnibus Operator	13.51/hr
J. Zukowski	6	Omnibus Operator	12.45/hr
P. Murphy	18	Electrical Subcode Official (6 hrs/wk)	10,051
J. Cutler	18	Plumbing Subcode Offl. (4 hrs/wk)	7,139
J. Mulhern	19	Municipal Judge (part-time)	36,263**
V. Jusino	19	Municipal Prosecutor (part-time)	18,600***

March 10, 2008

K. Teets	16	Emergency Management Coordinator	4,000
	16	Assistant Right-to-Know Coordinator	\$1,000 stipend
D. Finkle	16	Deputy Emergency Management Coord.	\$1,000 stipend
J. Inga	18	Fire Subcode Official	5,734
	18	Chief Combustible Inspector	13,381
E. Zukowski	5	Fire Prevention Inspector	19.75/hr
J. Schiffner	5	Fire Prevention Inspector	12.97/hr 15.50/hr*
J. Shackelton	3	Fire Prevention Clerk Typist	10.20/hr
R. Souther	7	Special Police Officer	17.74/hr
S. Johnsen	7	Special Police Officer	\$17.64/hr
L. Read	5	Special (Enforcement) Officer	16.59/hr
		Deputy Code Enforcement Officer	16.11/hr
D. Alger	3	School Traffic Guard	12.96/hr
C. Blanchard	3	School Traffic Guard	11.41/hr
J. Bowne	3	School Traffic Guard	12.96/hr
M. Clark	3	School Traffic Guard	11.82/hr
L. Cort	3	School Traffic Guard	12.57/hr
D. Dellamo	3	School Traffic Guard	12.21/hr
C. Dippel	3	School Traffic Guard	12.96/hr
D. Flatt	3	School Traffic Guard	11.87/hr
B. Francis	3	School Traffic Guard	12.96/hr
R. Fredericks	3	School Traffic Guard	12.96/hr
T. Hoffman	3	School Traffic Guard	12.96/hr
L. Huber	3	School Traffic Guard	12.96/hr
G. Kinney	3	School Traffic Guard	11.82/hr
N. Lawrence	3	School Traffic Guard	12.96/hr
P. Lindeman	3	School Traffic Guard	11.41/hr
S. Larsen	3	School Traffic Guard	11.41/hr
B. Meininger	3	School Traffic Guard	12.57/hr
K. Mokrzycki	3	School Traffic Guard	12.57/hr
T. Owens	3	School Traffic Guard	12.57/hr
T. Pankz	3	School Traffic Guard	12.22/hr
M. Straway	3	School Traffic Guard	11.82/hr
L. Teets	3	School Traffic Guard	12.96/hr
H. VanRiper	3	School Traffic Guard	11.41/hr
R. Wright	3	School Traffic Guard	12.22/hr
T. Unhoch	17	Mayor	3,528

March 10, 2008

J. Ricciardo	17	Councilman	2,723
R. Storm	17	Councilman	2,723
P. Diglio	17	Councilman	2,723
E. Kevin Elvidge	17	Councilman	2,723
Minimum Wage		7.15/hr	

\* Upon Fire Certification

\*\* Minus the cost of health/dental/vision benefits.

\*\*\* Paid by voucher through firm of Laddey Clark & Ryan, LLC

The Town Manager requested a resolution to authorize the Town to be responsible for monthly electrical cost for flashing beacon on Main Street.

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 #34-2008**

WHEREAS, Route 206 (Main Street) is a highly traveled roadway within the Town of Newton, and

WHEREAS, local schoolchildren must cross over Route 206 on a daily basis causing a serious safety issue, and

WHEREAS, Senator Littell and Assemblywoman McHose requested the New Jersey Department of Transportation to install additional pedestrian safety devices on this busy roadway on the Town's behalf, and

WHEREAS, the N.J.D.O.T. has agreed to install flashing beacons in advance of the crosswalks on Route 206, provided the Town of Newton assume responsibility for the monthly electrical operating costs;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby accept and will assume the monthly electrical costs for maintaining the flashing beacons to be installed by the NJDOT in advance of the crosswalk in both directions on Route 206 (Main Street).

The Town Manager requested a resolution to approve 2007 appropriation reserve transfers.

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

Mr. Elvidge	Yes	Mr. Diglio	Yes
-------------	-----	------------	-----

March 10, 2008

Mr. Storm                      Yes                      Mr. Ricciardo                      Yes  
   Mayor Unhoch                      Yes

**RESOLUTION #35-2008**

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2007 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
Building & Grounds S&W 1061101A	Vehicle Maintenance O.E. 1083374A	\$ 4,550.00
Recycling/SanitationS&W 1083102A	Vehicle Maintenance O.E. 1083380A	\$ 1,450.00
Senior Citizen Program S&W 1093100A	Unemployment Ins. O.E. 1098299A	\$ 5,000.00

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

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

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

**RESOLUTION #36-2008**

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

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

READING ERROR:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
4598	93 Swartswood Avenue	\$ 219.48
10658	47-B Madison Street	\$1,140.70

WATER TURNED OFF – NO CHARGE

<u>Account</u>	<u>Address</u>	<u>Amount</u>
----------------	----------------	---------------

March 10, 2008

2294 4 Union Place \$ 75.00

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

The following RESOLUTION was offered by Mr. Storm 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 #37-2008**

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**

90.00	NJLCA	23246
51.70	Lorraine Read	23247
825,900.50	Newton Board of Education	810015
10,000.00	Federal & State Grant	810016
185,017.25	Payroll Account	810017
26,856.00	NJSHBP	810018
18,232.50	Payroll Account	810019
53,430.49	NJSHBP	810020
2,663.60	Delta Dental	23248
2,434.57	Delta Dental	23249
779.27	Vision Service Plan	23250
37.87	Quill Corporation	23320
610.98	Montague Tool & Supply	23321
90.00	S K Office Supply	23322
3,440.19	Harold Pellow & Assoc., Inc.	23323
469.00	Decker's Fire & Safety	23324
39.95	Brian & Bill's Automotive, Inc.	23325
1,647.10	G & G Diesel Service, Inc.	23326
244.94	G & H Service, Inc.	23327
11,964.46	JCP&L	23328
287.50	Keller Welding Company	23329
12.00	Paul Baldwin	23330
119.58	EMBARQ	23331
233.98	Rowe & Company, Inc.	23332
116.32	Campbell's Small Engine	23333
99.00	D & E Service Center	23334

March 10, 2008

396.00	Neopost Leasing	23335
97.16	Timmerman Company	23336
50.00	Newton First Aid Squad	23337
69.00	VOID	23338
24.00	Peter J. Kays	23339
24.00	James Sisco	23340
347.75	Newton Citgo	23341
62.78	Newton Trophy	23342
18.00	William F. Smith	23343
24.00	Brock Kithcart	23344
18.00	William Hagaman	23345
675.00	Lou's Glass	23346
300.00	Weights & Measures Fund	23347
564.06	Diamond Sand & Gravel Inc.	23348
25.46	Weis Markets	23349
124.00	Skylands Press	23350
35.00	Treasurer, State of NJ DCA	23351
386.96	West Chester Machinery	23352
60.00	Major Police Supply	23353
12.00	Ervin Lasso	23354
276.40	Sirchie Finger Print Labs	23355
3,136.94	Boonton Tire Supply	23356
447.00	Rutgers Center for Gov't Services	23357
30.00	Sussex & Warren Tax Collectors Assoc.	23358
744.00	Accurate Door, Inc.	23359
255.50	Robert Bittle	23360
8,244.91	Dell Marketing L.P.	23361
143.37	Logical Source, Inc.	23362
450.00	Alternate Power, Inc.	23363
59.75	Cooper Electric Supply Co.	23364
386.90	Fred Pryor Seminars	23365
361.68	Danforth's Trailer & Auto, Inc.	23366
53.62	Advance Auto Parts	23367
2.05	Carquest	23368
87.80	Excelsior Lumber Company	23369
25,127.50	Lincoln Financial Group	23370
184.54	CTL Magnetics	23371
207.07	Paint Spot	23372
75.62	Staples Business Advantage	23373
55.28	Lowe's	23374
45.00	Dominick's Pizza	23375
24.00	Steve Estler	23376
24.00	Roy Leyman	23377
132.25	R & S Business Machine Co.	23378
18.50	Monroe Systems for Business	23379
1,491.67	Andrews & Company, LLC	23380
2,153.81	Pinnacle Wireless, Inc.	23381
795.00	National fire Codes Subscription	23382
3,874.35	Rachles/Michele's Oil Company	23383
5,300.40	Firefighter One	23384
2,844.18	Chair-Pros	23385
24.00	Adam Vough	23386
599.00	HP	23387
3,825.96	D & D Collision	23388

**CAPITAL**

March 10, 2008

29,658.47	Kevil Chevrolet	7111
3,339.76	Harold Pellow & Assoc., Inc.	7112
52,000.00	Current Account	7113
1,620.00	Trimble Branch Structures, LLC	7114

Total TEMPORARY TOWN BILLS \$1,296,212.20

**WATER AND SEWER ACCOUNT**

556.23	Newton Postmaster	9925
143,471.00	U.S.D.A. / FHA	860008
19,080.00	Payroll Account	860009
3,078.66	Payroll Account	860010
900.00	Delta Dental	9926
165.05	Vision Service Plan	9927
924.78	Montague Tool & Supply	9928
2,718.28	Harold Pellow & Assoc., Inc.	9929
3,203.63	Hach Company	9930
302.25	Decker's Fire & Safety	9931
454.46	Lee Company	9932
10.06	Albertsons Inc.	9933
10,167.47	JCP&L	9934
3,275.00	Pumping Services	9935
104.64	Sussex County Plumbing	9936
8,977.22	Coyne Chemical Corp., Inc.	9937
25.39	EMBAQ	9938
10,554.92	Current Account	9939
142.34	Sherwin-Williams	9940
1,100.00	Frank Semeraro Construction, Inc.	9941
902.55	Boonton Tire Supply	9942
109.94	McGuire	9943
200.00	Treasurer, State of New Jersey	9944
252.29	Verizon Wireless	9945
3,960.00	Passaic Valley Sewerage Comm.	9946
1,523.20	Main Pool & Chemical Company	9947
16.84	Advance Auto Parts	9948
300.00	Hydro Technology, LLC	9949
890.00	VOID	9950
5,580.00	MGE UPS Systems, Inc.	9951
24.00	Eric Tompkins	9952
492.52	State of New Jersey – PWT	9953

**CAPITAL**

600,000.00	Capital Account	86101
20,228.91	Harold Pellow & Assoc., Inc.	2076
2,284.30	Scarinci & Hollenbeck, LLC	2077

Total Temporary WATER & SEWER BILLS \$855,085.93

**TRUST ACCOUNT**

11,191.53	Payroll Account	871005
5,303.11	Harold Pellow & Assoc., Inc.	2482
45.00	Vogel, Chait, Collins, Schneider, PC	2483

March 10, 2008

793.00	Newton Industrial Park	2484
--------	------------------------	------

Total Temporary TRUST ACCOUNT \$17,332.64

**DOG RESERVE ACCOUNT**

72.72	Payroll Account	821001
260.00	Newton Veterinary Hospital	8497

Total Temporary DOG RESERVE ACCOUNT \$332.72

The Town Manager requested a resolution authorizing submittal of comments to the New Jersey Council on Affordable Housing regarding the proposed Third Round Regulations.

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

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

**RESOLUTION #38-2008**

WHEREAS, the Town Council of the Town of Newton has reviewed the revised Third Round Regulations proposed by the New Jersey Council on Affordable Housing (“COAH”), which rules were published in the New Jersey Register on January 22, 2008, and

WHEREAS, the Town of Newton has previously petitioned for substantive certification from COAH under the Second Round and Third Round Regulations, consistently complying with the rules and requirements of COAH, and

WHEREAS, the Town Council of the Town of Newton seeks to express its opinions, comments, questions and concerns regarding COAH’s proposed Round 3 Regulations and their potential impacts on development, redevelopment, planning, growth and economic prosperity within the Town of Newton, and

WHEREAS, COAH has requested that written comments be submitted regarding the Revised Third Round Regulations by March 22, 2008;

NOW THEREFORE BE IT RESOLVED that the Town Council hereby authorizes the following comments be submitted to the Council on Affordable Housing on behalf of the Town of Newton, in response to the proposed Third Round Regulations:

March 10, 2008

1. In general, the Council finds the proposed rules to be too onerous for municipalities to such an extent that many municipalities may opt out of participating in COAH, generating the exact opposite effect desired by the new rules. The general concept that municipalities must provide the opportunity for affordable housing to occur has mushroomed into an enormous obligation where municipalities must become housing developers and landlords. The financial obligation is enormous and equates to an unfunded mandate by the State and the courts. The resulting impacts on development costs, potential for growth and the ability to attract and keep job generating businesses in Newton and New Jersey as whole, could result in a very bleak financial outlook for the State.

2. 5-94-4.2 Prior Cycle Credits

Comment: This section allows credit for units constructed between 1980 - 1986 only if it was governed by affordability controls of 20 years or more. Municipalities, such as Newton, that contain a large amount of affordable housing built prior to 1987, should be able to get credit for that housing, if it is functioning as affordable housing regardless of affordability controls. It is unfair that municipalities with a large amount of pre-existing affordable housing have to take on the new growth share numbers, resulting in the total percentage of affordable housing in the community being much higher than neighboring communities. This is of particular concern for Newton, where redevelopment is being explored as a method for improving neighborhoods and increasing the property values.

3. Appendix F: Allocating Growth to Municipalities

Comment: The COAH projected residential growth for Newton is 427 residential units and 3,655 new jobs. Newton's 2006 Housing Element and Fair Share Plan projected 470 new jobs in Newton by 2014. The Town has conducted a visioning process and adopted an Urban Design Plan (A. Nelessen & Associates) in 2007. The Urban Design Plan outlines a potential area of redevelopment and outlines a vision for the development. A build-out projection for the Urban Design Plan yields a projection of 450 jobs. Given that Newton is 3.1 square miles and nearing full build-out, with the bulk of potential future development coming in the form of infill and redevelopment, it is extremely unlikely that 3,655 new jobs could be created in Newton in the next 10 years. With COAH's minimum presumptive density of 45 jobs per acre, 81 acres of commercial development would be needed to create 3,655 new jobs. Similarly, 1.8 million square feet of retail space would have to be constructed to create the 3,655 new jobs in the Town. Requiring the Town to plan for this level of employment growth is irrational and unfair.

4. 5:94-5.2 Vacant Land Adjustment Procedures

Comment: Given the issues raised by the Town under Appendix F, it is likely that Newton will need to apply for a vacant land adjustment to adjust its jobs projection. The Town has very little developable vacant land left and is currently seeking to redevelop several areas within the Town. The Town's Urban Design Plan forecasts a 20+ year timeframe. How will redevelopment areas be addressed in vacant land adjustments? How will areas that are being investigated, but not yet declared areas in need of redevelopment, be treated?

5. 5:94-6.6 Redevelopment

March 10, 2008

Comment: The Town of Newton has undergone a visioning process and, as a result, is currently studying several areas throughout the Town as potential areas in need of redevelopment. A large section of the Town has been designated as an area in need of rehabilitation. COAH obligations with respect to redevelopment within the Town are a very important aspect of the potential for the redevelopment areas to be redeveloped successfully. As a result, the Town is very concerned as to how the proposed rules will impact the Town's proposed redevelopment:

- a. The proposed rules do not allow demolitions to be subtracted from actual growth. How does COAH account for redevelopment areas where a large number of units may be demolished prior to construction of new housing units?
- b. Areas declared in need of redevelopment are areas that already require a variety of incentives to promote development. Adding COAH costs to development in these areas could make them unfeasible, even with density bonuses. Will there be any special considerations for areas declared in need of redevelopment with respect to COAH obligations?
- c. How are incentives to develop COAH units calculated for developers in redevelopment areas where density bonuses, tax incentives and relaxation of standards are already part of the redevelopment package?
- d. The majority of growth considered for Newton is within redevelopment areas. Newton has estimated that in order to provide water to the proposed redevelopment area, the Town will need an increase in water allocation from the NJDEP. To complicate things further, the Town's reservoir is in the Highlands area. Will COAH work with NJDEP and the Highlands Planning Commission on behalf of municipalities trying to obtain the necessary utilities to develop COAH units?

6. 5:94-2.2 Determining the Fair Share Obligation

Comment: Requiring COAH obligations as a function of job growth has very dire implications for economic growth in the Town of Newton and the State of New Jersey. The Town can not accept the burden of COAH obligations generated by businesses, and at the same time, it is likely to lose business investment due to the cost of providing COAH units. What steps will COAH be taking to ensure that job growth is not hindered by the new rules?

Comment: The Town of Newton is a Regional Center for Sussex County and as such, businesses that are expanding have approached Newton with the prospect of relocating to Newton's Town Center and/or redevelopment area. These businesses are currently located in suburban settings on septic systems in other locations within Sussex County. Several smart growth goals are achieved by moving these businesses into a Center, not to mention the economic benefit of keeping the businesses in New Jersey. If a business relocates within the same COAH region, i.e. Region 1, how is it that a new COAH obligation is generated simply because the jobs are moved to another municipality? This is even more disconcerting when municipalities are adjacent to each other and existing employees will not need to relocate to work there.

March 10, 2008

Comment: The proposed rules require municipalities to address growth share between 2004 and 2018 under the proposed regulations. The proposed regulations do not address the fact that municipalities have been operating for the last four years under prior growth share regulations. The Town has no way of recouping costs for affordable units generated from development between 2004 and 2008. It is a gross oversight to ignore the prior regulations completely and require municipalities to apply the new regulations retroactively. The new regulations should apply going forward from the time of adoption of the new rules only. Has COAH considered allowing the previous Growth Share requirements to apply between 2004 and 2008? Alternatively, the Council on Affordable Housing should bear some responsibility for proposing rules that were invalidated by the courts. COAH should provide funding to municipalities to cover the additional affordable housing obligation generated by the new rules for the period between 2004-2008.

Comment: Non-profit entities and government buildings are uses that do not generate taxes for municipalities, and as such, place a burden on the municipality by removing properties from the tax roles. In calculating growth share obligations, will non-profit businesses and municipal job growth be calculated as part of a municipality's growth share obligation?

Comment: COAH is proposing to apply Growth Share to "newly constructed, re-occupied and expanded non-residential developments." For re-occupied buildings, will municipalities also get reductions in job growth based on jobs leaving a municipality? For existing buildings which are occupied, then sold, then re-occupied, however were not vacant for any extended period, the job growth should only be applied to the extent that new jobs are created due to the change of use. How is a building that is destroyed by fire or some other means, but then simply re-built to house the same business addressed? Does this generate a COAH obligation? Given that these calculations could become very complicated and time consuming, has COAH considered another method for capturing job growth that may be occurring within existing development? By counting job growth as vacant buildings are occupied, a disincentive is created for businesses to relocate, upgrade and expand. How is COAH addressing this? Given the complications with these calculations, the likely inability to address job loss as it relates to job growth in re-occupied buildings, the provision for accounting for job growth in re-occupied buildings appears to be erroneous and should be removed from the regulations.

#### 7. 5:94-6.4 Zoning for Inclusionary Development

Comment: This section requires inclusionary zoning ordinances to require developers to fully integrate low and moderate income units into the development. A better description of what full integration means is needed. For example, in single family developments, can COAH units be constructed as multi-family units and still be considered fully integrated into the development? Can a traditional townhouse development include one story flats to accommodate the COAH units?

Comment: This section also requires all multi-story dwelling units and townhouses to be ADA accessible. This places an undue burden on developers, as the likelihood of all of the COAH units being utilized by a handicapped person is slim. It is more reasonable to only require a certain percentage of the COAH units to be ADA accessible.

March 10, 2008

Comment: This section also allows developers to challenge the financial feasibility of the incentives provided for a development required to construct COAH units. Who will review these challenges and what level of profit will be considered reasonable? How will an acceptable level of profit be determined to balance with incentives?

BE IT FURTHER RESOLVED that copies of this resolution be provided to all Sussex County municipalities and local representatives.

The Clerk presented an On-Premise raffle application (Tricky Tray / 50-50) from the Auxiliary of Newton Memorial Hospital, Inc., 175 High Street, Newton, New Jersey to be held on Friday May 30, 2008 from 5:30 pm to 10:00 pm at Sussex County Community College, One College Hill Road, Newton. It was noted that the application was in order, 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 an on-premise raffle license to the Auxiliary of Newton Memorial Hospital on May 30<sup>th</sup>.

Under Manager's Reports, Ms. Kithcart advised Council the Sussex County Chapter of the America Red Cross is requesting to hold a coin toss on Saturday May 3<sup>rd</sup>, from 9:00 a.m. to 3:00 p.m. at the intersection of Diller and Sparta Avenues. Ms. Kithcart also advised a letter approving the coin toss was received from the County.

Ms. Kithcart advised the Governing Body she received notification from the Greater Newton Chamber of Commerce that Newton Day festivities are being planned for June 14, 2008 from noon to 4:30 p.m. on Spring Street and continuing from 5:00 p.m. to dark at Memory Park.

Ms. Kithcart advised Council regarding the Groundbreaking Ceremony for the new wing at Bristol Glen will take place tomorrow at 2:00 p.m.

March 10, 2008

The Town Manager advised Council that the Annual Sussex County Chamber Awards Dinner will be held Thursday, at 6:00 p.m. at the Lafayette House.

The Town Manager reminded Council that the St. Patrick's Day Parade will take place this Saturday at 11:30 a.m.

Ms. Kithcart advised Council that she will be appointing retired police Captain, Don Donofrio, as Special Officer Class II on March 17<sup>th</sup>.

Ms. Kithcart advised that she and Mayor Unhoch attended the DARE Graduation Ceremony at Merriam Avenue School last Friday and Assemblyman Gary Chiusano was the guest speaker.

Ms. Kithcart acknowledged that Sussex County was listed as #9 in the "*Top 10 places to get ahead*" as written by Forbes.

Ms. Kithcart updated the Governing Body regarding the installation of the new Banners for the Parking Lots as well as the new garbage receptacles on Spring Street.

Ms. Kithcart advised Council that the public hearing on the Railroad District Redevelopment Investigation Study will be heard Wednesday, March 19<sup>th</sup> during the regular Planning Board meeting. Ms. Kithcart also advised that the Master Plan Subcommittee will also be meeting prior to the Planning Board Meeting and are expecting to receive the final draft of the Masterplan for review.

Ms. Kithcart advised that the Department of Public Works has completed the pickup of limbs and branches from the recent ice storm, and the estimated cost for this unexpected service to the community is in excess of \$1800.00. Ms. Kithcart advised that our Office of Emergency coordinator will be submitting paperwork to the State for reimbursement.

Ms. Kithcart announced that Morris Lake is 6" above spillway.

Mayor Unhoch declared the meeting open to the public.

March 10, 2008

Mr. Tom Lawler, 41 Condit Street, had a question regarding the COAH obligation on behalf of THOR Labs which was addressed by Council.

There being no one from the public to be heard, upon motion of Mr. Ricciardo, seconded by Mr. Storm, and carried, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk