

February 25, 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”.

Due to the absence of Boy Scout Troop #85 to lead the Town Council Meeting in the flag salute, 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 5, 2007 (work) and December 12, 2007 (regular and work) meetings were approved.

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

**ORDINANCE #2008-4**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$250,000 FOR PRELIMINARY PLANNING EXPENSES FOR REDEVELOPMENT PLANNING FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION.**

**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 purpose described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Town of Newton, New Jersey. For the purpose described in Section 3, there is hereby appropriated the supplemental amount of \$250,000, such sum being in addition to the \$50,000 appropriated therefor by bond ordinance #2005-8 of the Town finally adopted May 9, 2005 (the “2005 Prior Ordinance”), the \$75,000 appropriated therefor by bond ordinance #2007-8 of the Town finally adopted June 11, 2007 and the \$250,000 appropriated therefor by bond ordinance #2007-21 of the Town of Newton finally adopted August 27,

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2007 (the “2007 Prior Ordinances”) (together the “Prior Ordinances”) and \$50,000 available from an Office of Smart Growth grant, and including the sum of \$12,000 as the additional down payment required by the Local Bond Law. The additional down payment is now 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 additional cost of the purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$238,000 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.** (a) The bonds are authorized herein to provide for preliminary planning expenses for redevelopment planning, including an analysis of areas of the Town in need of rehabilitation, beautification and/or redevelopment, the update of the Town master plan for economic development and recreation uses and including also all related work and expenses, as described in the Prior Ordinances.

(b) The estimated maximum amount of bonds or notes to be issued for the purpose is \$569,900, including the \$47,500 bonds or notes authorized by the 2005 Prior Ordinance, the \$309,400 bonds or notes authorized by the 2007 Prior Ordinances, the \$238,000 bonds or notes authorized herein and the \$25,000 grant received under the 2005 Prior Ordinance, reducing the debt authorization.

(c) The estimated cost of the purpose is \$675,000, including the \$50,000 appropriated by the 2005 Prior Ordinance, the \$325,000 appropriated by the 2007 Prior Ordinances, \$50,000 made available from an Office of Smart Growth grant, and the \$250,000 appropriated herein.

**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

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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 purpose described in Section 3 of this bond ordinance is not a current expense. It is a purpose that the Town may lawfully undertake, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 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 \$238,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) The entire \$675,000 appropriated for the purpose authorized herein is for items of expense listed in and permitted under N.J.S.A. 40A:2-20. Of this amount, \$50,000 was estimated for these items of expense in the 2005 Prior Ordinance, \$325,000 was estimated for these items of expense in the 2007 Prior Ordinances, an additional \$250,000 is provided therefor herein and \$50,000 was made available from the Office of Smart Growth grant.

**Section 7.** Any grant moneys or developer's contributions received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the purpose or to payment of the obligations issued pursuant to this ordinance and the Prior Ordinances, except that the \$50,000 grant provided by the Office of Smart Growth, for which borrowing is not necessary, shall be used to pay such costs directly. A \$25,000 grant for this purpose has been received against the 2005 Prior Ordinance, reducing the debt authorization under the Prior Ordinance.

**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

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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.

Mayor Unhoch declared the hearing on Ordinance #2008-4 open to the public.

Mr. John McMonagle, 1 Cedar Street, had a question regarding the Redevelopment Plan which was addressed by Town Manager, Eileen Kithcart.

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

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 adopted in its entirety according to law.

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

Under Old Business, Councilman Ricciardo advised the Governing Body that Senator Oroho has sent the Town of Newton a State of New Jersey Flag. Ms. Kithcart was directed by the Governing body to write a letter of thanks to Senator Oroho.

Under New Business, The Town Manager requested a resolution to

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authorize credits due Water and Sewer Utility Accounts.

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 #20-2008**

**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:

**UTILITY BOARD RECOMMENDS WAIVER OF 4<sup>TH</sup> QUARTER PENALTY:**

<u>Account Number</u>	<u>Address</u>	<u>Amount</u>
15737	5 Merriam Ave.	\$62.92

The Town Manager requested a resolution to approve Change Order No. 1 for the Department of Public Works Garage Roof Replacement.

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 #21-2008**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Replacement of the Department of Public Work Garage Roof to BNK Restoration Co. Inc in the amount of \$241,900.00 by Resolution #181-2007 adopted on October 22, 2007, and

**WHEREAS**, Houghton Quarty Warr Architects, LLC, the Project Architect, has recommended approval of Change Order No. 1 to provide additional plywood decking on the attic catwalk as well as additional lighting fixtures and electrical wiring, and

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**WHEREAS**, Change Order No. 1 will increase the contract amount by \$7,983.00 to the adjusted contract total of \$249,793.00, and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for the above change order;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that approval of Change Order No. 1 for the Replacement of the Department of Public Works Garage Roof project is hereby affirmed, and that the Town Manager is authorized to execute said Change Order No. 1 increasing the contract amount to \$249,793.00.

The Town Manager requested a resolution to authorize the issuance of a Bond Anticipation Note.

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 #22-2008**

**WHEREAS**, Ordinance No. 2007-03 previously adopted by the Town Council of the Town of Newton authorized the issuance of Bond Anticipation Notes to provide temporary financing for the Water Sewer Capital Fund, and

**WHEREAS**, five quotations were received for a \$1,300,000 Bond Anticipation Note at 11:00 a.m. on Wednesday, February 20, 2008 by the Finance Director as follows:

<u>Institution</u>	<u>Net Interest</u>
JP Morgan Chase	2.06 %
Sussex Bank	2.25 %
Commerce Capital	2.4785 %
Janney Montgomery Scott LLC	2.6115 %
First Hope Bank	2.75 %

**WHEREAS**, the Chief Financial Officer accepted the quotation of JP Morgan Chase for a Bond Anticipation Note totaling \$1,300,000.00 at a net interest cost of 2.06%, and a net interest payable of \$17,853.34, upon recommendation of bond counsel, and

**WHEREAS**, the appropriate Town Officials will execute said Note in the amount of \$1,300,000.00 with an interest rate of 2.06% dated February 27, 2008 for a term of 240 days due October 27, 2008;

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**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next council meeting, herewith attached is the Certificate of Determination and Award.

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it does hereby authorize the issuance of said Bond Anticipation Note by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

The Town Manager requested a resolution to award contract for fire equipment for Engine 801.

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 #23-2008**

**WHEREAS**, bids for Fire Equipment for the Newton Fire Engine 801 were publicly opened and read on Wednesday, February 6, 2008 at 11:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Amount</u>
Campbell Supply Co., Inc. 145 Talmadge Road, Suite 8 PO Box 266 Edison, NJ 08818-0255	\$72,039.72
Guard Line Fire & Safety 75 Main Avenue Elmwood Park, NJ 07407	\$55,588.00
<b>Firefighter One, LLC. 664A Route 15 Lake Hopatcong, NJ 07849</b>	<b>\$41,333.95</b>
Absolute Fire Protection Co., Inc. 2800 Hamilton Blvd. So. Plainfield, NJ 07080	\$51,660.97

**WHEREAS**, the bids were reviewed for completeness and the apparent low bidder is Firefighter One, LLC, and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this purchase as per attached certification;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that a contract for the acquisition of Fire Equipment for Engine 801 be awarded to Firefighter One, LLC., of Lake Hopatcong, New Jersey in the amount of \$41,333.95 with a delivery date not to exceed 60 calendar days after the awarding of the bid.

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**BE IT FURTHER RESOLVED** that the Town Manager is hereby authorized to execute any all documents necessary for this acquisition and certified copies of this resolution be forwarded to all bidders.

The Town Manager requested a resolution to authorize credit of monies for taxes due to a Tax Appeal Settlement.

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 #24-2008**

**WHEREAS**, Hillside Terrace Associates, known as Block 201; Lots 1.17, 1.18 and 1.19 on the official Tax Map for the Town of Newton, located at Hillside Terrace, Newton filed State Tax Court Appeals to lower the assessment on said block and lots for tax years 2006 and 2007, and

**WHEREAS**, negotiations took place between Mike Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and Hillside Terrace Associates professionals, and

**WHEREAS**, as a result of said negotiations, the property owner, Hillside Terrace Associates is willing to accept a total 2007 assessment of \$1,785,800.00 for the Block 201, lots 1.17, 1.18 and 1.19, which represents a \$244,200 reduction in the assessment for 2007, and to withdraw the appeal for a 2006 reduction in assessment, and

**WHEREAS**, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzhauer concurs with this recommendation, and

**WHEREAS**, based on this settlement agreement Hillside Terrace Associates is due a tax credit in the amount of \$11,819.00 and said credit shall be applied to the 4<sup>th</sup> quarter 2008 taxes due on said Block 201, Lots 1.17, 1.18 and 1.19;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body agrees to this settlement and acknowledges that Hillside Terrace Associates is entitled to a tax credit in the amount of \$ 11,819.00 , and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to process a tax credit to Hillside Terrace Associates 4<sup>th</sup> quarter 2008 taxes in the amount of \$ 11,819.00.

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

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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 #25-2008**

**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**

50,000.00	Capital Account	810012
34,804.04	International Salt	23172
2,000.00	Capital Account	810013
174,635.30	Payroll Account	810014
399.30	Quill Corporation	23173
187.88	Staples Credit Plan	23174
885.37	Montague Tool & Supply	23175
25.10	M G L Printing Solutions	23176
3,345.53	Harold Pellow & Associates, Inc.	23177
42.00	Alpine Spring Water Company	23178
162.50	Sussex Car Wash, Inc.	23179
10,955.71	NUI Corporation	23180
56.04	G & G Diesel Service, Inc.	23181
3.92	G & H Service, Inc.	23182
8,220.03	JCP&L	23183
225.00	Keller Welding Company	23184
353.75	New Jersey Herald	23185
169.40	SCMUA	23186
429.24	Township of Sparta	23187
350.00	B & G Elevator, Inc.	23188
2,343.14	EMBARQ	23189
206.00	EMBARQ	23190
2,082.50	Hollander,Hontz,Hinkes,Pasculli, LLC	23191
866.71	Rowe & Company, Inc.	23192
452.85	Campbell's Small Engine	23193
337.00	D & E Service Center	23194
267.53	Timmerman Company	23195
50.00	First United Methodist Church	23196
40.00	Peter J. Kays	23197
40.00	James Sisco	23198
40.00	Richard A. Straway, Jr.	23199
40.00	Thomas Straway	23200
5,324.16	Willco, Inc.	23201

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495.25	Newton Citgo	23202
40.00	William F. Smith	23203
40.00	Brock Kithcart	23204
530.80	Galls Incorporated	23205
40.00	William Hagaman	23206
45.41	Microsystems-NJ Com, LLC	23207
625.33	Diamond Sand & Gravel, Inc.	23208
799.20	Dempsey Uniform & Supply, Inc.	23209
143.85	Airgas East	23210
129.94	McGuire	23211
1,184.00	Weiner Lesniak	23212
550.00	Rutgers Center for Gov't Serv.	23213
390.64	Verizon Wireless	23214
120.00	American Red Cross	23215
465.00	Accurate Door, Inc.	23216
120.00	IACP-Membership	23217
265.81	Medtronic Physio-Control Corp.	23218
104.84	Dell Marketing L.P.	23219
134.06	Walmart	23220
74.55	Mr. John	23221
1,375.00	Holzhauer & Hostenstein, LLC	23222
40.00	Kenneth Jaekel	23223
25.00	NJSACOP	23224
1,035.00	Vogel, Chait, Collins, Schneider, PC	23225
1,920.32	The Home Depot	23226
2,000.00	Creative Networking Concepts, Inc.	23227
131.36	Paint Spot	23228
86.25	Tritec Office Equipment, Inc.	23229
138.61	AW Direct, Inc.	23230
300.00	Kasler Associates	23231
2,073.57	Staples Business Advantage	23232
62.72	Lowe's	23233
3,260.00	Gravity Design Works, Inc.	23224
7.90	Easylink Services Corporation	23225
25,110.00	Appraisal Services, Inc.	23226
48.00	CSS Test	23227
40.00	Steve Estler	23228
40.00	Roy Leyman	23229
1,393.51	Rachles/Michele's Oil Company	23230
6,804.10	Taylor Oil Co.	23231
1,550.00	Laddey, Clark & Ryan, LLP	23232
900.00	Triple Canopy, Inc.	23233
40.00	Adam Vough	23234
358.00	Northwest Building Supply	23235

**CAPITAL**

1,470.00	Hollander, Hontz, Hinkes & Pasculli LLC	7104
1,716.04	Willco, Inc.	7105
375.00	Houghton, Quarty, Warr	7106
840.00	Vogel, Chait, Collins, Schneider, PC	7107
669.19	The Home Depot	7108
6,180.45	Nelessen, A. & Associates, Inc.	7109
965.00	Franklin Precast Tanks	7110

Total TEMPORARY TOWN BILLS \$366,326.17

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**WATER AND SEWER ACCOUNT**

21,163.82	Payroll Account	860007
275.80	Montague Tool & Supply	9898
3,957.46	NUI Corporation	9899
4,620.57	JCP&L	9900
1,093.58	Pumping Services	9901
176.40	SCMUA	9902
6.00	Paul Baldwin	9903
6.00	Paul M. Havens	9904
1,308.02	EMBARQ	9905
210.50	EMBARQ	9906
157.50	Hollander,Hontz,Hinkes&Pasculli, LLC	9907
350.89	Beaver Run Farms	9908
1,520.00	Garden State Laboratories, Inc.	9909
292.10	Energized Chemicals	9910
895.51	Weldon Asphalt Company	9911
950.00	Bank of New York	9912
249.84	Dempsey Uniform & Supply Inc.	9913
128.01	One Call Systems	9914
6,870.00	R & D Trucking	9915
112.40	Airgas East	9916
12.00	Ervin Lasso	9917
1,058.94	JCI Jones Chemicals, Inc.	9918
1,250.00	John Smalley	9919
875.00	Main Pool & Chemical Company	9920
122.64	The Home Depot	9921
93.75	Fairclough Fuel	9922
3,228.33	Suburban Energy Services	9923
666.01	Staples Business Advantage	9924

**CAPITAL**

297.50	Hollander, Hontz, Hinkes & Pasculli, LLC	2075
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Total Temporary WATER & SEWER BILLS \$51,948.57

**TRUST ACCOUNT**

15,278.34	Payroll Account	871004
2,965.20	Harold Pellow & Assoc., Inc.	2476
35.00	Hollander, Hontz, Hinkes & Pasculli, Inc.	2477
1,121.00	Weiner Lesniak	2478
300.00	Daniel Colfax, Esq.	2479
300.00	Vogel,Chait,Collins,Schneider,PC	2480
1,500.00	Colleen Cunningham, Esq.	2481

Total Temporary TRUST ACCOUNT \$21,499.54

The Town Manager requested a resolution to authorize execution of a Developer's Agreement with Bristol Glen, Inc.

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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	Abstain
Mayor Unhoch	Yes		

### **RESOLUTION #26-2008**

**WHEREAS**, at a regular meeting of the Newton Planning Board on June 20, 2007, the application of Bristol Glen, Inc., received preliminary site plan approval, and said approval was memorialized in a Resolution of the Board on July 18, 2007. to construct an addition of 45 new residential units to their facility located at 200 Bristol Glen Drive , known as Block 502, Lot 5.16 on the Tax Map of the Town of Newton, and

**WHEREAS**, On September 19, 2007 Bristol Glen, Inc. reappeared before the Newton Planning Board requesting de minimus changes to their approved preliminary site plan. The Planning Board reaffirmed the preliminary site plan, and said approval was memorialized on October 17, 2007, and

**WHEREAS**, one of the conditions of approval was that the Developer enter into an appropriate Developer's Agreement with the Town of Newton, and both parties wish to express by said Developer's Agreement their acceptance of conditions, safeguards and limitations under which on-site construction will proceed, and

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby authorizes and directs the Mayor and Municipal Clerk to execute the Developer's Agreement with Bristol Glen, Inc. which is attached hereto, and that said Developer's Agreement be forwarded to all other appropriated parties for execution.

The Clerk presented an Application for a Special Permit for a Social Affair from the Sussex County Arts and Heritage Council, 137 Spring Street, Newton, New Jersey to be held on Saturday, May 3, 2008 from 6:00 p.m. to 9:00 p.m. at 137 Spring Street, Newton. It was noted that the application was in order, accompanied by the prescribed fee and approved by the Chief of Police.

Upon motion of Mr. Storm, seconded by Mr. Ricciardo and carried, that the Town Council has no objection to the issuance of a Special Permit

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for a Social Affair by the Division of Alcoholic Beverage Control, to the Sussex County Arts and Heritage Council.

Under Manager's Reports, Ms. Kithcart read the following Proclamation which was presented to the Newton Fire Department at their annual Installation Dinner.

## **PROCLAMATION**

### **Newton Fire Department**

**WHEREAS**, the Newton Fire Department was established in December 1835, and is currently comprised of sixty-eight dedicated volunteers who sacrifice their time to help those in need, and

**WHEREAS**, since inception, the dedicated volunteers of the Newton Fire Department have prepared themselves to best protect and ensure the safety of the community by educating each and every member in fire safety, and

**WHEREAS**, the caring and loyalty of these dedicated volunteers has been evident throughout the years and continues to serve as a sense of comfort and security to the Town's residents and businesses. The Newton Fire Department works along side the Newton First Aid & Rescue Squad and Newton Police Department, as well as providing mutual aid to neighboring municipalities;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Newton Fire Department for their endless hours of support and service to the Town of Newton and its residents and thank each and every one of their members for dedication and service.

Ms. Kithcart read the following Proclamation which was presented to Mr. Bond by Mayor Unhoch at his Retirement Party.

## **PROCLAMATION**

### **CHRISTOPHER BOND**

**WHEREAS**, Christopher Bond was hired by the town of Newton on September 18, 1978 as a Laborer in the Department of Public Works, and

**WHEREAS**, he was promoted to the title of Truck Driver on July 2, 1979 and further advanced his career by being named Equipment Operator on January 24, 1984 and then Street Foreman on May 1, 1986, and

**WHEREAS**, he was recognized by the Town Council for his assistance with the repair of a water line break in Sparta Township in 1987, for his work on the Welcome Home Parade in 1991 and for his fine job in helping with the snow removal during the Blizzards of '93, '96 and '03, and

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**WHEREAS**, Chris was further recognized by the Newton Board of Education, Andover Fire Department and the Newton Police Department as well as several residents of the town for his assistance over the years, and

**WHEREAS**, Chris was promoted to the title of Acting Public Works Supervisor on January 1, 1991. His hard work and dedication prompted him to be named Public Works Supervisor in 1992 and has served in that position for over 16 years;

**NOW, THEREFORE, We** the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Chris Bond for his dedicated service and offer our best wishes to him and his family for health and happiness during his retirement years.

Ms. Kithcart advised the Governing Body of a very positive article in the New Jersey Herald regarding Newton's progress for the future.

Ms. Kithcart updated the Governing Body regarding notification that the Department of Transportation will be installing flashing beacon lights on crosswalks on Main Street (Rt. 206) as a safety measure for students walking to and from school. Ms. Kithcart also advised that a letter of thanks will be sent to both Alison McHose and former Senator Littell for their intercessions on Newton's behalf.

Ms. Kithcart advised that notification was received from the Department of Transportation will be starting construction for improvements to Route 94 from the vicinity of Newton Memorial Hospital Entrance to Fredon Township.

Ms. Kithcart advised that Senator Oroho will be the guest speaker at the DARE Graduation ceremony at Merriam Avenue School on March 6<sup>th</sup>.

Ms. Kithcart updated the Governing body regarding the Fire Truck Committee's trip to Wisconsin to inspect Newton's new Pumper Tanker. Ms. Kithcart also advised that the inspection of the Pumper Tanker resulted in a punch list consisting of 36 items which need to be addressed.

Ms. Kithcart updated Council regarding the re-opening of the Newton Theatre and coordinating events through the Newton Recreation

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Commission.

Ms. Kithcart updated the Governing Body in regard to the new Banners for the public parking lots.

Ms. Kithcart advised Council regarding the next public hearing on the Railroad District redevelopment investigation study as well as the Master Plan Subcommittee meeting.

Ms. Kithcart outlined the details of funding surrounding the Trinity/Mill Street Water Project.

Ms. Kithcart announced that Morris Lake is 2" above spillway.

Councilman Ricciardo requested a resolution opposing Senate Bill 555 which would require municipalities to remit to county and school districts at least 10 percent and 5 percent, respectively, of annual service charge received under long term tax exemption agreement.

Mayor Unhoch read a letter from William G. Dressel, Jr., Executive Director, New Jersey State League of Municipalities regarding binding arbitration and property taxes. Mayor Unhoch requested a letter of support be sent to each Legislator along with a copy of Mr. Dressel's letter.

Mayor Unhoch declared the meeting open to the public.

Mr. Gregory Balint, Project Engineer, Elizabethtown Gas Company, addressed the Council regarding his request to upgrade existing gas facilities on Ryerson Avenue and Foster Street. Mr. Balint outlined the proposed upgrades and benefits to Town Residents.

After a lengthy discussion, it was decided to have the Municipal Engineer review the plan and submit recommendations. Council also requested Elizabethtown Gas Company to have their legal counsel review the Municipal Engineers recommendations.

Mrs. Nancy Wood, 37 Linwood Avenue, on behalf of the Greater Newton Chamber of Commerce, requested the Town's assistance with

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supplying water for the planters along Spring Street.

After a brief discussion, the Council directed Ms. Kithcart to get a quote for a pressurized water tank.

Xavier Izquierdo, 38 Dogwood Drive, representing the Volunteer First Aid Squad, addressed concerns regarding less participation to emergency calls by Town employee squad members. After a brief discussion, Ms. Kithcart advised Mr. Izquierdo to contact her office and set up an appointment to discuss this matter.

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 8:02 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk