

February 11, 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. Diglio, Mr. Storm, Mr. Ricciardo, Mayor Unhoch and Town Manager, Eileen Kithcart. Mr. Elvidge was excused.

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. Storm, seconded by Mr. Ricciardo and carried, the minutes of November 12, 2007 (regular and work) and November 26, 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 #2008-2

AN ORDINANCE TO EXCEED THE 2008 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions, and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years, and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens, and

February 11, 2008

WHEREAS, the Newton Town Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$60,506.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary, and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$211,773.98, and that the CY 2008 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance, and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Unhoch declared the hearing on Ordinance #2007-28 open to the public.

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

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

Mr. Elvidge	Absent	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. Diglio, seconded by Mr. Ricciardo and carried,

February 11, 2008

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

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

ORDINANCE #2008-3

AN ORDINANCE AMENDING CHAPTER 6 “LICENSING GENERAL” OF THE CODE OF THE TOWN OF NEWTON, TO PROVIDE REGULATIONS FOR SIDEWALK CAFES AND CHAPTER 12, “FEES AND COSTS.”

BE IT ORDAINED, by the Town Council of the Town of Newton as follows:

A new section under licensing general to be added to Chapter 6 as follows:

6-16 SIDEWALK CAFÉ LICENSE

The purpose of this section is to establish a procedure and authorize rules and regulations for sidewalk cafes in conjunction with restaurants which adjoin sidewalks within the C-2 Zone.

6-16.1 DEFINITIONS

- a. Sidewalk Café: An outdoor food service area operated adjacent to and in conjunction with a Restaurant on a public sidewalk and/or public right of way.

6-16.2 SIDEWALK CAFÉ EXTERIOR DINING REQUIREMENTS

The use of dining tables by restaurant establishments is prohibited except if tables are confined to allow at least four feet of pedestrian passageway or ADA standards, whichever is greater, between table area and curb. Tables must be clothed appropriately to complement the storefront motif. Any table umbrellas must conform to a height of seven (7) feet, diameter not to exceed four (4) feet and shall bear no advertising other than the name of the establishment.

6-16.3 ALCHOLIC BEVERAGES (*ABC LICENSED PREMISES ONLY*)

Consumption of alcohol in open containers by patrons at a sidewalk café duly licensed for alcoholic beverages, shall not be considered in violation of local ordinances prohibiting the consumption of such beverages in containers. Outdoor consumption of alcoholic beverages is permitted only if the sidewalk area upon which a café has been authorized to operate pursuant to this section constitutes a duly licensed premises for the consumption of alcoholic beverages, provided, however, that the related restaurant of which the

café is a part, is an extension of said license and provided further, that specific approval has been obtained from the Town of Newton Police Department and/or the New Jersey Board of Alcohol Beverages Control, as appropriate, for the extension of the alcoholic beverage consumption license to the sidewalk area. Such approval shall be separate from, and must be obtained in addition to, the zoning permit in order to operate a sidewalk café pursuant to this section. Retail food establishments which do not have a license to sell or serve alcoholic beverages within their premises shall not be permitted to allow patrons to carry onto or consume alcoholic beverages on, any sidewalk area permitted as a sidewalk café.

6-16.4 SIDEWALK CAFÉ LICENSE

No person or entity shall operate a sidewalk café without a valid Sidewalk Café License. This license shall be in addition to any other license required by this Chapter, including a Foodhandlers Permit as issued by the Municipal Clerk's Office.

6-16.5 ELIGIBILITY; APPLICATION FOR LICENSE

A Sidewalk Café License shall be granted only to the operator of a restaurant which is in conformance with the Zoning Ordinance and which holds a valid Foodhandlers Permit for a food service establishment, provided in Section 12-11. An application for a sidewalk café license shall be on a form as provided by the Municipal Clerk and shall require at least the following:

- (a) The name and mailing address of the applicant.
- (b) A detailed drawing to scale of the proposed site indicating the following: the existing façade, the points of ingress and egress, the proposed location of the tables, chairs, serving equipment, awnings, umbrellas, and other facilities to be included in the seating area. The drawing must also include the location of existing public improvements, including fire hydrants, street signs, street lights, traffic signals, bus shelters, mail boxes, trees and tree grates, parking meters, planting boxes or planting areas, fire escapes or other overhead obstructions and any other public obstruction.
- (c) A copy of a valid Foodhandlers Permit.
- (d) The annual license fee as set forth in Chapter 21-1.15.

6-16.6 INSURANCE REQUIRED/TOWN HOLD HARMLESS FORM

No Sidewalk Café License shall be issued unless the licensee shall have first filed with the Town Clerk a certificate of insurance, issued by a company duly authorized to transact business under the laws of this State, providing for the payment of not less than One Million Dollars (\$ 1,000,000.00) to satisfy all claims for damage by reason of bodily injuries to, or the death of any person as direct or indirect result of the operation of

February 11, 2008

the sidewalk café or injury to any person occurring on the premises occupied by such sidewalk café, and further providing for the payment of not less than One Million Dollars (\$1,000,000.00) to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such café.

The insurance policy shall provide that the insurance company shall notify the Town of Newton ten (10) days prior to cancellation or substantial change in coverage. It shall also name the Town of Newton as additional insured on a primary and non-contributory basis, including waiver of subrogation.

The licensee must also file with the Town Clerk a signed copy of the Town of Newton Hold Harmless Agreement.

6-16.7 TERM OF LICENSE; RENEWALS

All Sidewalk Café Licenses shall be issued for a seven-month period commencing April 1st and ending October 31st of a particular year. Licenses may be renewed annually by the filing of an application in accordance with the provisions of this section and received by the Municipal Clerk no later than March 1st.

BE IT FURTHER ORDAINED, that Chapter 21 Fees, be amended as follows:

21-1.1 Licensing General (Relating to Chapter VI)

q. Sidewalk Café License (6-16) \$50.00

Mayor Unhoch declared the hearing on Ordinance #2008-3 open to the public.

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

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

Mr. Elvidge	Absent	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

February 11, 2008

according to law.

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

ORDINANCE #2008-04

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.

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

Mr. Elvidge	Absent	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 February 25, 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 to authorize the execution of an Agreement for calendar year 2008 with the Deputy Municipal Public Defender.

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

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

RESOLUTION #11-2008

February 11, 2008

WHEREAS, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2008, and

WHEREAS, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender, and

WHEREAS, an appropriate agreement for said services has been prepared for execution by both parties, and

WHEREAS, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i);

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate with Timothy M. Brody, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2008;

BE IT FURTHER RESOLVED that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and Municipal Judge John E. Mulhern.

The Town Manager requested a resolution to accept the certified list of qualifying 2007 LOSAP Participants.

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

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

RESOLUTION #12-2008

WHEREAS, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003, and

WHEREAS, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance #2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited per member for volunteer services rendered in 2007 as per 2007 LOSAP list attached:

WHEREAS, the total number of 2006 qualifying volunteers for the

February 11, 2008

Fire Department is 30 for a total contribution of \$25,127.50 and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2008 to cover the cost of this contract;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby accept the 2007 certified LOSAP list from the Fire Department dated January 28, 2008.

The Town Manager requested a resolution for the Amendment to 2008 Temporary Operating Budget.

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

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

RESOLUTION #13-2008

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, N.J.S.A. 40A:4-20 provides that the governing body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget (2007 Budget \$7,496,756 x 1/12 = \$624,729;

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

TOWN OF NEWTON 2008 TEMPORARY BUDGET AMENDMENT

<u>Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Snow Removal. O.E.	1081239	25,000
Planning Board O.E.	1062216	2,000
Group Insurance, OE	1066200	100,000
Other insurance, OE	1069200	40,000
Police, SW	1074111	200,000
Police, OE	1074206	10,000
Interlocal- 911(Police Cencom OE)	1094740	10,000
Contribution to PERS	1098296	123,382
Contribution to PFRS (partial)	1098297	<u>114,347</u>
Subtotal		624,729

February 11, 2008

Total Current Temp Amendment \$624,729

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 for the adoption of Temporary Capital Budget.

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

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

RESOLUTION #14-2008

WHEREAS, the Town of Newton is desirous to constitute the 2008 Temporary Capital Budget by inserting therein the Supplemental Redevelopment Planning as introduced by Ordinance #2008-4 simultaneously herewith;

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

- The 2008 Temporary Capital Budget of the Town of Newton is hereby constituted by the adoption of a schedule to read as follows:

**TEMPORARY CAPITAL BUDGET OF THE TOWN OF NEWTON
COUNTY OF SUSSEX, NEW JERSEY**

Project Title	Project Number	Cost Estimate as Adopted	Budget Appropriation	Method of Financing		
				Capital Improvement Fund	Bonds and Notes Auth.	Grants in Aid
<u>General Capital</u> Supplemental Redevelopment Planning	2008-1	\$ 250,000	\$	\$ 12,000	\$ 238,000	\$
Total - All Temporary Projects		\$ 250,000	\$	\$ 12,000	\$ 238,000	\$

- That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

February 11, 2008

The Town Manager requested a resolution authorizing an Agreement between the Town of Newton, the State of New Jersey and Main Street Newton, Inc. to implement the Main Street New Jersey Community Program within the Town of Newton.

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

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

RESOLUTION #15-2008

WHEREAS, the Town of Newton endorsed the concept of establishing a Main Street New Jersey Program within the Town of Newton by Resolution # 5-2007 dated January 8, 2007, and

WHEREAS, by the above-stated Resolution #5-2007, the Town of Newton agreed to provide financial support for a period of four years to Main Street Newton subject to successful application and designation as a Main Street New Jersey Community, and

WHEREAS, on January 23, 2008, Main Street Newton was officially designated as a traditional Main Street New Jersey Community by the Commissioner of the State of New Jersey, and

WHEREAS, as a requirement of designation as a Main Street New Jersey Community, the Town of Newton must enter into a formal agreement with the State of New Jersey and Main Street Newton to solidify the partnership for the development and financial support of said Main Street Newton organization;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that in support of the Main Street Newton Program, we hereby authorize the Mayor to sign an Agreement between the New Jersey Department of Community Affairs, the Town of Newton and Main Street Newton, Inc. to signify the partnership between all parties;

BE IT FURTHER RESOLVED that said Agreement be attached to and made a part of this resolution.

The Town Manager requested a resolution to support the submission of a tonnage grant for recycling to the State of New Jersey Department of Environmental Protection.

February 11, 2008

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

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

RESOLUTION #16-2008

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2007 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Newton Town Council of the Town of Newton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Newton Town Council of the Town of Newton that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Debra Millikin to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

February 11, 2008

The Town Manager requested a resolution for the appointment of Meghan Gill to the Advisory Recreation Commission.

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

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

RESOLUTION #17-2008

WHEREAS, Mrs. Jeanette Zangerle resigned from her term as a Regular Member of the Advisory Recreation Commission, and

WHEREAS, Meghan Gill has expressed interest in serving on the Commission;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that Meghan Gill is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2009.

The Town Manager requested a resolution to authorize the sale of vehicles no longer needed for Public Use.

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

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

RESOLUTION #18-2008

WHEREAS, the Town of Newton has in its possession certain motor vehicles and equipment which are no longer needed for public use, and

WHEREAS, such vehicles may be advertised for sale in “as is” condition;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the following motor vehicles that are no longer needed for public use be hereby be advertised for sale in “as is” condition:

February 11, 2008

<u>Vehicle Description</u>	<u>VIN No./Serial No.</u>
1994 Ford Dump Truck	1FDYS82E1RVA23724
1992 Seagrave Truck	1F9EW28J3NCST2050

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. Diglio and roll call resulted as follows:

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

RESOLUTION #19-2008

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**

\$825,900.50	Newton Board of Education	810006
864.00	JC Grill House	23082
173,739.67	Payroll Account	810007
2,600.88	Delta Dental	23083
2,343.57	Delta Dental	23084
763.25	Vision Service Plan	23085
25,560.42	Payroll Account	810008
106,833.75	Depository Trust Company	810009
22.23	Linda Roth	23086
45.00	Kenneth Jaekel	23087
1,762.50	Sherwin-Williams	23088
150.00	State of New Jersey	23089
56,912.19	NJSHBP	810010
24,199.84	NJSHBP	810011
150.00	State of New Jersey	23090
176.71	Quill Corporation	23091
926.06	E.A. Morse & Company	23092
606.32	Montague Tool & Supply	23093
90.00	S K Office Supply	23094
8,015.78	Harold Pellow & Associates, Inc.	23095

February 11, 2008

580.00	Municipal Software, Inc.	23096
556.00	Freedom Business Machines	23097
11,708.63	NUI Corporation	23098
80.00	G & G Diesel Service, Inc.	23099
56.43	G & H Service Inc.	23100
15,433.63	JCP&L	23101
1,212.20	SCMUA	23102
70.58	Sussex County Plumbing	23103
119.58	EMBARQ	23104
160.00	EMBARQ	23105
250.11	EMBARQ	23106
3,358.83	EMBARQ	23107
1,680.00	Newton Memorial Hospital	23108
609,631.69	County of Sussex	23109
1,908.91	County of Sussex	23110
20,092.44	County of Sussex	23111
66.67	County of Sussex	23112
51,969.54	County of Sussex	23113
166.69	County of Sussex	23114
9,802.22	Campbell's Small Engine	23115
1,313.81	Timmerman Company	23116
78.00	West Group	23117
23.97	Federal Express	23118
69.00	New Jersey Planning Officials	23119
254.50	JRF Tire, Inc.	23120
26.00	Peter J. Kays	23121
14.00	James Sisco	23122
230.71	Miami Systems	23123
3,809.00	Mitchell Agency	23124
26.00	William F. Smith	23125
200.00	Treasurer, State of New Jersey	23126
1,081.00	T.A. Mountford Company	23127
101.00	Galls Incorporated	23128
20.00	William Hagaman	23129
775.00	Lou's Glass	23130
182.00	Minisink Press, Inc.	23131
124.00	Ann M. Rosellen	23132
766.72	McGuire	23133
2,000.00	Treasurer, State of New Jersey	23134
2,590.00	All Industrial Safety Products	23135
27.00	Sussex & Warren Tax Col. Assoc.	23136
12,955.20	YOJ Sports	23137
743.67	Grinnell Recycle	23138
169.44	Petro-Mechanics, Inc.	23139
64,414.30	County of Sussex	23140
206.02	County of Sussex	23141
345.92	KM E Fire Apparatus	23142
50.00	Cooper Electric Supply Co.	23143
905.72	Nextel Communications	23144
1,055.62	Danforth's Trailer & Auto, Inc.	23145
82.90	Advance Auto Parts	23146
237.82	National Entertainment Tech.	23147
376.26	Total Fire Group	23148

February 11, 2008

112.50	Motorola c/o Pinnacle Wireless, Inc.	23149
400.00	Office Furniture 2000	23150
239.76	Paint Spot	23151
193.00	Seely Brothers	23152
170.00	Tritec Office Equipment	23153
200.00	Int. Assoc. of Chiefs of Police	23154
191.50	Paul Conway Shields	23155
188.40	Lawmen Supply Co. of NJ	23156
5,290.00	Stalker Radar	23157
14.00	Steve Estler	23158
14.00	Roy Leyman	23159
1,491.67	Andrews & Company, LLC	23160
740.00	Treasurer, State of NJ-Burial	23161
6,646.63	Rachles/Michele's Oil Company	23162
4,716.00	Highland Products Group	23163
395.00	Alpine Signs	23164
1,092.00	Bergen Community College	23165
20.00	Adam Vough	23166
480.00	Martin Consulting Assoc.	23167
75.00	Awareness Protective Consultants	23168
364.45	John's Automotive	23169
50.00	NJ Drug Recognition Experts	23170
300.00	NJ Public Safety Accreditation	23171

CAPITAL

4,750.00	Performance Trailers, Inc.	7098
11,315.32	BCI Burk Company	7099
1,200.00	Allied Services of N.E., Inc.	7100
14,975.00	Structural Metal Fabricators	7101
229,805.00	BNK Restoration Co., Inc.	7102
3,427.92	Highland Products Group	7103

Total TEMPORARY TOWN BILLS \$2,344,769.55

WATER AND SEWER ACCOUNT

19,904.36	Payroll Account	860004
931.36	Delta Dental	9856
174.91	Vision Service Plan	9857
4,262.08	Payroll Account	860005
.20	Payroll Account	860006
1,436.23	Schmidt's Wholesale, Inc.	9858
22.05	Hach Company	9859
185.88	Fisher Scientific	9860
278.22	Lee Company	9861
4,800.03	NUI Corporation	9862
27,136.12	JCP&L	9863
429.70	SCMUA	9864
140.80	Sussex County Plumbing	9865
12.00	Paul Baldwin	9866
6.00	Paul M. Havens	9867
6,854.36	Coyne Chemical Corp., Inc.	9868

February 11, 2008

25.39	EMBARQ	9869
238.12	EMBARQ	9870
26.75	Allied Meter Service, Inc.	9871
11,654.17	Current Account	9872
501.09	All Quality Contracting	9873
82.25	Energized Chemicals	9874
475.00	Mitchell Agency	9875
1,500.00	Cosper Environmental Services, Inc.	9876
2,954.10	West Chester Machinery	9877
24.00	Ervin Lasso	9878
655.56	New Image Landscape Services	9879
25.00	Treasurer, State of New Jersey	9880
6,945.00	Treasurer, State of New Jersey	9881
5,312.35	Treasurer, State of New Jersey	9882
14,311.57	Treasurer, State of New Jersey	9883
1,006.96	Grinnell Recycle	9884
252.29	Verizon Wireless	9885
6,912.00	Passaic Valley Sewerage Comm.	9886
1,544.20	Main Pool & Chemical Company	9887
1,560.00	Alternate Power Inc.	9888
48,488.00	Selective Insurance Company	9889
26.12	Advance Auto Parts	9890
63.80	Carquest	9891
40.00	Fairclough Fuel	9892
195.00	Crane Sewer & Drain Cleaning	9893
2,727.20	Suburban Energy Services	9894
922.85	Process Tech Sales and Service	9895
2,000.00	Pall Corporation	9896
13.39	Nestle Waters	9897

CAPITAL

5,000.00	Treasurer, State of New Jersey	2074
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Total Temporary WATER & SEWER BILLS \$182,031.46

TRUST ACCOUNT

11,054.34	Payroll Account	871003
1,233.42	Harold Pellow & Associates	2473
1,720.03	Weiner Lesniak	2474
855.00	Vogel, Chait, Collins, Schneider, PC	2475

Total Temporary TRUST ACCOUNT \$14,862.79

DOG RESERVE ACCOUNT

450.00	MGL Printing Solutions	8496
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Total Temporary DOG RESERVE ACCOUNT \$450.00

February 11, 2008

The Clerk presented an Application for an On-Premise Raffle from the Literacy Volunteers of Sussex County, 61 High Street, P.O. box 453, Newton, New Jersey to be held on March 1, 2008 from 2:00 p.m. to 4:00 p.m. at Christ church, 62 Main Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

Upon motion made by Mr. Storm, seconded by Mr. Ricciardo and carried that the Governing body has no objection to the issuance of an on-premise raffle to the Literacy Volunteers of Sussex County, for March 1st.

Under Managers reports, Ms. Kithcart advised that the Sussex County Arts and Heritage Council is requesting permission to hold their annual outdoor reception on Saturday May 3, 2008 from 5-9:30 p.m. and are also requesting to have two tents on the sidewalk directly in front of the Council office and in front of the alley between 145 and 137 Spring Street.

After a brief discussion, the Governing Body had no objection to the Sussex County Arts and Heritage Council holding their annual outdoor reception on May 3rd.

Ms. Kithcart advised she received a request from the Sussex County Chapter of the American Red Cross requesting permission to fly the Red Cross Flag in front of the Municipal Building and along Spring and Main Streets during the month of March for *American Red Cross Month*.

The Governing Body had no objection to the Sussex County Chapter of the American Red Cross to fly the Red Cross Flag during the month of March.

Ms. Kithcart read the following Proclamation proclaiming Newton's gratitude and appreciation to the Newton First Aid and Rescue Squad.

PROCLAMATION

NEWTON FIRST AID & RESCUE SQUAD

February 11, 2008

WHEREAS, the Newton First Aid and Rescue Squad was established in 1957 and over the years, these dedicated volunteers have sacrificed their time to help those in need, and

WHEREAS, under the leadership of Captain Gary Posey, the Squad responded to over one thousand calls for help in 2007, proving that this organization is vital to the health, safety and welfare of our community, and

WHEREAS, the Squad works along side the Newton Police Department and Fire Department to provide emergency medical care in times of crisis. Their dedication and care throughout the years continues to serve as a sense of comfort and security to the residents, business owners and visitors to the Town of Newton;

NOW THEREFORE WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Newton First Aid and Rescue Squad for their endless hours of support and service to the Newton Community.

Ms. Kithcart advised the Council that Senator Steve Oroho will be the guest speaker at the DARE Graduation Ceremony Friday, February 22, 2008 at the Merriam Avenue School. Ms. Kithcart also advised that the Mayor and Council are invited to attend.

Ms. Kithcart advised Council that Ken Teets, Coordinator, Office of Emergency Management will hold a public hearing on County-wide flood mitigation plan on February 12, 2008 at 7:00 p.m. at the No. 1 fire house.

The Town Manager advised that eight (8) members of the fire truck committee including the Fire Chief and Councilman Elvidge flew to Wisconsin to officially inspect the new pumper tanker which is scheduled to be delivered to the Town of Newton in late March, 2008.

Ms. Kithcart advised Council regarding the introduction of the Junior Fire Fighter Program which is open to youths 14 to 17 years of age. The program will be up and running in April and the youths will be mentored by members of the Newton Fire Department in the anticipation of becoming full members.

February 11, 2008

Ms. Kithcart updated the Governing Body regarding the re-opening of the Newton Theatre the first week in April.

Ms. Kithcart updated the Governing Body in regard to the new Banners that were ordered by the parking authority for all five municipal lots.

Ms. Kithcart advised that the Planning Board will be continuing the public hearing on the railroad district redevelopment investigation study on Wednesday at 7:00 p.m.. Ms. Kithcart also advised that notices were mailed to all residents of the area last week as a courtesy.

Ms. Kithcart advised Council in regard to Montgomery Watson Harza providing a Utility Capital Improvement plan for the next several years for potential infrastructure upgrading costs.

Ms. Kithcart announced that Morris Lake is 11-1/2" below spillway.

Mayor Unhoch requested a resolution be prepared for the next Council meeting to oppose Assembly Bill A-816 establishing maximum workloads and minimum funding and staffing for municipal prosecutor's offices.

Mayor Unhoch declared the meeting open to the public.

Mrs. Kristen Becker, 116 Main Street, Newton, addressed her concerns regarding the removal of the garbage cans on Spring Street. After a brief discussion, Ms. Kithcart advised that garbage receptacles will be returned by the Department of Public Works within the next few weeks.

There being no one from the public to be heard, upon motion of Mr. Storm, seconded by Mayor Unhoch, and carried, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk

February 11, 2008