

October 14, 2009

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 Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mayor Elvidge 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 22, 2008.”

Mayor Elvidge led the invocation and the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Unhoch seconded by Mr. Ricciardo and carried that the minutes of September 28, 2009 (Special), September 28, 2009 (Regular) and September 28, 2009 (Executive Session) were approved.

### **PRESENTATION**

#### **a. FKA Architects – Tom Kosten - Council Renovations**

Mr. Thomas J. Kosten, AIA, President of Feitlowitz & Kosten Architects (FKA) made a presentation of the overall preliminary plans of the Council Chamber renovations. Mr. Kosten showed a PowerPoint presentation as the Governing Body viewed the preliminary schematics presented. Mr. Kosten outlined the entire plan for the Council Chamber renovations. After the lengthy presentation, the governing body had several questions, which were addressed by Mr. Kosten. Mr. Ricciardo made a few suggestions, in addition to his request to have the solatube lighting be considered as an alternate option. Other changes requested by the Council included: moving the patio door inside the building; changing “Welfare Office” to “Copy Room” on the plans; making the tables fixed to the floor; adding 2 LCD’s to the front of the dais; making wood treatments and new tile in the foyer part of an alternate bid. The Town Council commended the plan and thanked Mr. Kosten for the presentation.

### **PUBLIC**

Ms. Eileen Kithcart, 14 Parson Road, Newton, requested that a separate discussion be held on two resolutions, on the agenda, pertaining to changes in the health benefits, which affects both employees and retirees. Mayor Elvidge requested discussion on the Resolutions now. Ms. Kithcart read from a prepared statement:

“It is not that I am opposed to the resolutions or the efforts of Administration for cost effective measures, but I feel they merit some discussion “on the record” because they affect nearly 100 employees and retirees. I am not requesting they be tabled because I’m aware of and respect the strict timeline that has to be met. I am concerned however that, even though the research has been going on since earlier this year, the finalization and administration of the change is now having to be rushed into in order to meet deadlines from both the State and the HIF I have already expressed my initial concerns in writing to the Town Manager, after sitting in on the meeting between the HIF, Administration and employees last week and I did receive a

prompt response from Tom addressing those particular concerns. The HIF rep has also been very helpful, but I do have a few questions and concerns I would like to be addressed on record.

Relative to the savings to the Town Budget:

1. I can appreciate the Town's desire to cut costs to the taxpayers. How much savings was there? I heard a figure of \$30,000. A \$30,000 savings on a million dollar budget item doesn't seem all that significant.
2. How are the HIF rates structured? Is it a lump sum, or is it actually calculated out by member plan choice and dependent status?
3. How have HIF rates increases compared to State increases?

Relative to the plan change itself:

1. The meeting I attended Thursday was somewhat unsettling because it seemed very "cut and dry". The new insurance is effective January 1<sup>st</sup>. The open enrollment is the month of October, yet the first we were hearing about it was October 7<sup>th</sup>. Review the 3 options you have and have your paperwork filed by October 31<sup>st</sup>. The "plan design" provided, describing the HIF plans, were clearly marked "proposed" and "for illustrative purposes only". The spreadsheet that I reviewed yielded two errors relative to retirement prescriptions, which is not meant as a criticism, but rather points to information overlooked due to being in a hurry. Packets of info were provided, but were generic. Specifics as to benefits for Newton's employees are not available at this time. Info on participating doctors and hospitals needs to be researched online by the individual. There's a lot to consider in what's now a two week time period.
2. Lastly, I respectfully request some type of assurance from the Town that the present level of benefits I and all current retirees have earned and are enjoying, will not be dwindled away over time. At present, the intent by both the Town and the HIF is to mirror the benefits exactly to the State plan. That's great, but what will happen when the Town's contract with the HIF is renewable a few years from now? What happens when there are all new faces sitting on the dais who don't know me or the other retirees from Adam? While I realize it is the Council's discretion and right to pare down future retirees benefits in conjunction with their increasing salaries and costs, the present retirees are locked into their set pension incomes with the promise of fully paid health benefits for life. With the economics in NJ, I'm skeptical right now. Would it be possible to have that promise formally protected on official record by reaffirming the intent of the original resolution (#111-80), which stipulated the State Program which we no longer are a part of?"

Mr. Russo addressed Ms. Kithcart and advised that initially the savings would be approximately \$30,000.00 a year with the potential of dividends at the end of each year.

Mr. David J. Voza, President of the Voza Agency, addressed Ms. Kithcart and indicated that the Fund has been around since 1993 and with the Fund the Town has much more ability for plan design with additional choices of providers by having a dual network. The average increase over the past ten (10) years has been 8 – 9 %, prior to the dividend returns. This compares favorably to the 20% increases coming from the State Health Benefits Program.

Ms. Kithcart expressed concern of the potential loss in health benefits for retirees and requested the Town Council reaffirm, by resolution that the health benefits will remain at the present level as they are now. Mr. Russo confirmed that he has made contact with Labor Relations Attorney for confirmation that a resolution is required and assured Ms. Kithcart that if a Resolution is necessary then the Town Council will adopt same.

Mr. Don Donofrio, retired Captain of Newton Police Department, addressed his concerns regarding health benefits and felt that there was skepticism among the Unions because when

asked to provide a Master Plan of the health benefit package, which is a required clause in their contracts, they was told that the Master Plan is not available. Mr. Russo assured Mr. Donofrio that the Unions have received all documentation pertaining to the changes, to date and will continue to receive them during and after the implementation.

Mayor Elvidge noted that the Council is confident that the benefits proposed are mirrored to the benefits currently received and feels that it is the right time to opt out of the State Health Benefits Program.

Councilwoman Unhoch inquired whether the Town could return to the State Health Benefits if the new plan did not succeed and Mr. Russo indicated that he believes the Town would be welcomed back to the State, but felt that the 20% rate increases would continue year after year with State Health Benefits making such a return unlikely.

### **Council & Manager Reports**

Mr. Russo read communication from Kurt Walton, Vice Principal of Halsted and Merriam Avenue Schools, requesting permission to host, in conjunction with the Town Council, a community event called Newton TRS Walk/Jog/Ride/Roll-a-thon to be held on October 25, 2009 from 1:00 p.m. – 3:00 p.m. (with rain date on Nov. 1, 2009) at Merriam Avenue School. It was noted that Lt. Osborn has been notified of the route and will coordinate the First Aid Squad for stand by assistance. The Council had no objection to the first annual Newton Character Education Event: Newton TRS Walk/Jog/Ride/Roll-A-Thon.

Mr. Russo read correspondence from Trans Options requesting permission to use the Newton Hockey Rink on Wednesday, May 19, 2010 from 7:00 a.m. – 2:00 p.m., in order to host the Junior Solar Sprints (JSS). This event will allow students from Grades 6-8 to build, test and race model solar cars. A rain date of May 26<sup>th</sup> is required. The Town Council had no objection to this request.

Mr. Russo read correspondence from Jennifer Lee, who recently purchased a home at 63 Sussex Street, Newton. Ms. Lee is looking to convert to natural gas and is looking for permission to open the road to do same. Mr. Russo noted that since the street falls into a five year moratorium on street openings, certain requirements are necessary. After a brief discussion, the Town Council had no objection to the road opening, as long as all of the financial requirements and conditions were met.

Mr. Russo read a similar correspondence from The Foran Family, who also are converting to natural gas for their residence at 23 Orchard Street and wish to obtain permission

October 14, 2009

to open the road. Mrs. Foran further requested a waiver of the \$2,000 cash bond requirement due to financial reasons. After a brief discussion, the Town Council denied the request to waive the \$2,000 cash bond requirement, which is required due to the five year moratorium on street openings. It was noted that perhaps Mrs. Foran could work with her contractor regarding the posting of the bond.

Mr. Russo informed the Governing Body that a communication was received from the State of New Jersey, Department of Transportation, advising that the Town has been selected to receive funding in the amount of \$150,000.00 for the resurfacing of North Park Drive.

Mr. Russo inquired whether the Governing Body members would be attending the League of Municipalities convention from November 17 – 19, 2009. Mayor Elvidge and Mr. Ricciardo will not be attending and the others will advise the Municipal Clerk as soon as possible.

Councilwoman Unhoch acknowledged the resignation of Mr. Paul McAdam of the Zoning Board Commission and requested a letter of thanks be forwarded to him for his years of service to the Town.

Mrs. Unhoch also reported on the event at Memory Park on Sunday, October 11<sup>th</sup>. Christ Community Church was performing a clean-up community project with over 50 people at Memory Park and did a great job. Mrs. Unhoch suggested sending a letter of thanks.

Councilwoman Becker reported on the Economic Development Advisory Commission meeting held last night with the newly appointed members. Mrs. Becker advised that goals and assignments have been set and the group is looking forward to new progress.

Councilwoman Le Frois updated Council on the progress to date surrounding the purchase of the new fire apparatus for the Town of Newton.

## **ORDINANCES**

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

### **ORDINANCE # 2009-26**

#### **AN ORDINANCE REDUCING THE NUMBER OF MEMBERS FOR THE TOWN OF NEWTON'S RECREATION COMMISSION**

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, seconded by Mrs. Becker and roll call resulted as follows:

October 14, 2009

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	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 October 26, 2009.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

There was no Old Business to discuss.

**CONSENT AGENDA**

Mayor Elvidge read the following statement:

“All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”

Upon motion of Mr. Ricciardo, seconded by Mr. Elvidge, and carried, that Resolution #202-2009 and #209-2009 be removed for separate discussion.

**RESOLUTION #199-2009\***

**APPROVE REFUND OF ERRONEOUS WATER AND SEWER PAYMENTS**

**WHEREAS**, a water and sewer payment was made on September 23, 2009 for accounts #240 in the amount of \$75.00 and #265 in the amount of \$75.00 also known as Block 711, Lot 26, 132 Spring Street by Royal Tax Lien Services, who holds a third party lien on said property for non-payment of taxes and water & sewer charges; and

**WHEREAS**, the Water and Sewer Collector presented Resolution #190-2009 requesting a credit of 3<sup>rd</sup> quarter 2009 charges to the accounts for said amounts being billed incorrectly during the 3<sup>rd</sup> quarter 2009; and

**WHEREAS**, the Water and Sewer Collector processed the credit to said accounts on September 30, 2009 resulting in an overpayment on each account since the charges were previously paid by Royal Tax Lien Services; and

**WHEREAS**, the Tax Collector requests a refund be issued to Royal Tax Lien Services who paid the charges erroneously on September 23, 2009;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that Royal Tax Lien Services is entitled to a refund in the amount of \$150.00; and

**BE IT FURTHER RESOLVED** that the Treasurer is hereby authorized to process a refund to Royal Tax Lien Services in the amount of \$150.00 for the erroneous payments made on Water and Sewer accounts # 240 and # 265.

**RESOLUTION #200-2009\***

**RESOLUTION FOR INCREASING THE TOWN OF NEWTON’S BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT**

**WHEREAS**, the recent changes to the Local Public Contracts Law gives local contracting units the ability to increase their bid threshold up to \$29,000; and

October 14, 2009

**WHEREAS**, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

**WHEREAS**, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

**WHEREAS**, Debra J. Millikin possesses the designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A. C. 5:34-5 et seq.; and

**WHEREAS**, the Town of Newton desires to take advantage of the increased bid threshold;

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the Town of Newton, in the County of Sussex, in the State of New Jersey hereby increases its bid threshold to \$29,000; and

**BE IT FURTHER RESOLVED**, that the governing body hereby appoints Debra J. Millikin as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

**BE IT FURTHER RESOLVED**, that in accordance with N.J.A.C. 5:34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Debra J. Millikin's certification to the Director of the Division of Local Government Services.

#### **RESOLUTION #201-2009\***

#### **TO ENTER INTO T COOPERATIVE PRICING AGREEMENT WITH CRANFORD COOPERATIVE PRICING SYSTEM**

**WHEREAS**, for the benefit of its taxpayers, the Town of Newton desires to become a member of the Cranford Police Cooperative Pricing System (ID #47-CPCPS) for the purpose of access to competitive bulk pricing; and

**WHEREAS**, in order for the Town of Newton to become a member of the CPCPS effective October 14, 2009, Newton must enter into an agreement with the "Lead Agency" (Township of Cranford);

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

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Town of Newton for the Cranford Police Cooperative Pricing System.

2. Pursuant to the provisions of N.J.S. 40A:11-10 and 11, the Town Council of the Town of Newton is hereby authorized to enter into a Cooperative Pricing Agreement with the "Lead Agency" (Township of Cranford) for the purchase of work, materials and supplies necessary to conduct municipal business.

3. The "Lead Agency" (Township of Cranford), when entering into contracts on behalf of the Town of Newton, shall be responsible for complying with the provisions of the revised statutes of the State of New Jersey.

4. All prior Resolutions, or parts thereof, inconsistent with this Resolution shall be and the same repealed.

**BE IT FURTHER RESOLVED**, that the Mayor, Town Manager and Municipal Clerk are hereby authorized to execute any and all documents necessary and related to the pricing agreement, said agreement to be made part of this resolution; and

**BE IT FURTHER RESOLVED**, that there is no required fee to join the CPCPS in conjunction with said agreement.

October 14, 2009

**RESOLUTION #203-2009\***

**AWARD BID FOR ASPHALT PAVER**

**WHEREAS**, the Town of Newton publicly opened and read bids for an Asphalt Paver on Thursday, October 1, 2009 at 11:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
<u>Warranty</u>	
Construction and Industrial Equipment	
200 Route 17	\$125,000.00
\$6,850.00	
Lodi, NJ 07644	

**WHEREAS**, the Town of Newton Purchasing Agent and the Department of Public Works Director recommend the award of the bid to Construction and Industrial Equipment, for the Asphalt Paver in the amount of \$125,000.00; 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 the bid submitted for the Asphalt Paver be hereby awarded to Construction and Industrial Equipment, Lodi, New Jersey in the amount of \$125,000.00.

**RESOLUTION #204-2009\***

**TO CANCEL TRUST RESERVES FOR ELECTRIC AND PLUMBING BALANCES TO THE CURRENT FUND AND CANCEL THE DEDICATION BY RIDER**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services (“DLGS”) for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, the Town of Newton received authorization from the DLGS for the Dedication by Rider for UCC Code Enforcement Fee 3<sup>rd</sup> Party NJSA 52:27C-119 and NJAC 5:23-4.12 in the Trust Fund on July 5, 1996; and

**WHEREAS**, the Town no longer utilizes third party agencies for Electrical or Plumbing Inspection services; and

**WHEREAS**, the Town can reasonably estimate the revenues and expenses associated for providing Electrical and Plumbing Inspection services and therefore intends to budget the revenues and expenses through the Current Operating Budget.

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby:

1. Cancel the Dedication by Rider for UCC Code Enforcement Fee 3<sup>rd</sup> Party NJSA 52:27C-119 NJAC 5:23-4.12 in the Trust Fund.
2. Cancel the balance in the Newton Trust Account “Reserve for Plumbing Permits” in the amount of \$53,132.50 to the Current Account-Fund Balance.
3. Cancel the balance in the Newton Trust Account “Reserve for Electrical Inspections” in the amount of \$58,373.81 to the Current Account – Fund Balance.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

October 14, 2009

**RESOLUTION #205-2009\***

**PROVIDE EMERGENCY APPROPRIATION IN THE TOWN OF NEWTON  
2009 BUDGET**

**WHEREAS**, an emergency has arisen with respect to Electrical Inspections and Plumbing Inspections as regulated by the Uniform Construction Code and no adequate provision was made in the 2009 budget for the aforesaid purpose; and

**WHEREAS**, N.J.S. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$45,000.00 and three percent (3%) of the total operations in the budget for the year is \$ 250,451.19;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S. 40A:4-48 that:

- 1) An emergency appropriation be and the same is hereby made for in the amount of \$5,000.00.
- 2) Said emergency appropriation shall be provided in full in the 2010 budget.
- 3) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 4) A certified copy of this resolution be filed with the Director of the Division of Local Government Services.

**RESOLUTION #206-2009\***

**AUTHORIZE THE SALE OF VEHICLES AND EQUIPMENT NO LONGER NEEDED  
FOR PUBLIC USE**

**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 and/or sold at auction in “as is” condition;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the following motor vehicles and equipment that are no longer needed for public use be hereby be advertised for sale and/or sold at auction in “as is” condition:

**Equipment Description**

1	-	1994 Mauldin 550 Paver
28	-	Assorted Street Signs
1	-	2001 Ford Crown Victoria - VIN 2FAFP71W01X200032
2	-	2003 Ford Crown Victoria – VIN 2FAFP71W73X1939172
6	-	Assorted Office Chairs

**RESOLUTION #207-2009\***

**AUTHORIZE A MODIFICATION TO AN AGREEMENT WITH D2L ASSOCIATES,  
INC. FOR ADDITIONAL CONSULTING SERVICES FOR THE NEWTON WATER  
AND SEWER UTILITY FOR 2009**

**WHEREAS**, the Town of Newton required the consulting services of a licensed operator for the Wastewater Treatment Plant and Water Filtration Plant; and

October 14, 2009

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

**WHEREAS**, D2L Associates, Inc. was awarded the contract for Water and Sewer Utility consulting services by the adoption of Resolution #119-2009 on June 22, 2009, for a contract amount of \$10,400.00 per month for a period not to exceed two (2) months; and

**WHEREAS**, the two-month period was to expire on September 1, 2009; and

**WHEREAS**, on August 24, 2009 the Town Council adopted Resolution #168-2009, extending the contract date with D2L Associates, Inc., until October 31, 2009; and

**WHEREAS**, the Town of Newton Water and Sewer Utility finds it still is in need of consulting services of a licensed operator beyond the October 31, 2009 expiration date; and

**WHEREAS**, D2L Associates, Inc. has agreed to extend their consulting services at the same rate of \$10,400.00 per month for an additional period not to exceed two (2) months commencing November 1, 2009; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this modification to the agreement for additional consulting services of a licensed operator for the Wastewater Treatment Plant and Water Filtration Plant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes a modification to the contract with D2L Associates, Inc. for consulting services of a licensed operator for an additional period not to exceed two (2) months at a cost of \$10,400.00 per month for the period of time between November 1, 2009 and December 31, 2009;

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to D2L Associates, Inc. and that a notice of this agreement be published in the newspapers of record in accordance with the Local Public Contracts Law.

**RESOLUTION #208-2009\***

**APPOINTMENT OF COMMISSIONER TO THE NORTH JERSEY MUNICIPAL  
EMPLOYEE BENEFITS FUND**

**BE IT RESOLVED**, by the Council of the Town of Newton in the County of Sussex in the State of New Jersey that *Thomas S. Russo, Jr.*, Town Manager, is hereby appointed as the Town's Commissioner to the North Jersey Municipal Employee Benefits Fund; and

**BE IT FURTHER RESOLVED**, that *Debra J. Millikin*, Deputy Town Manager, is hereby appointed as the Town's Alternate Commissioner to the North Jersey Municipal Employee Benefits Fund.

**RESOLUTION #210-2009\***

**APPROVE BILLS AND VOUCHERS FOR PAYMENT**

**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 2008 and 2009 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**

**CAPITAL**

186,119.96	Payroll Account	910072
77,568.75	Bank of New York	910073

October 14, 2009

75,130.00	Chase Bank	910074
27,572.24	NJSHBP	910075
57,826.93	NJSHBP	910076
574.30	Quill Corporation	25992
277.44	Staples Credit Plan	25993
1,076.91	E.A. Morse & Company	25994
139.95	Montague Tool & Supply	25995
2,750.68	Harold Pellow & Assoc., Inc.	25996
120.00	ABCCode Security	25997
1,666.79	Airmark Pools	25998
409.85	G & G Diesel Service, Inc.	25999
10,969.68	Jersey Central Power & Light	26000
390.00	B & G Elevator Inc.	26001
35.00	EMBARQ	26002
121.83	EMBARQ	26003
160.00	EMBARQ	26004
2,844.96	Delta Dental	26005
69.83	Campbell's Small Engine	26006
47.35	Federal Express	26007
80.00	Sussex County Economic	26008
8,050.00	Newton First Aid Squad	26009
35.00	NJ Police Traffic Officers	26010
102.00	Minisink Press Inc.	26011
39.19	Sherwin Williams	26012
415.37	Boonton Tire Supply	26013
743.27	McGuire	26014
784.88	Vision Service Plan	26015
25.00	Sussex & Warren Tax Col. Assoc.	26016
25.00	Sussex & Warren Tax Col. Assoc.	26017
400.00	Maglocen	26018
76.10	Cycle Works	26019
370.25	North Jersey Portable Toilets	26020
1,195.72	The Phillips Companies	26021
9.69	Advance Commercial	26022
215.90	Oraton Custom Products	26023
38.00	Excelsior Lumber Company	26024
12,075.00	Spring City Electrical Mfg. Co.	26025
185.75	Mid-County Paper Stock Co., Inc.	26026
82.25	Tritec Office Equipment, Inc.	26027
423.29	Staples Business Advantage	26028
172.00	Screen Creation Plus	26029
92.65	Nestle Waters	26030
1,491.67	Andrews & Company, LLC	26031
128.26	Pinnacle Wireless, Inc.	26032
2,073.59	Rachles/Michele's Oil Company	26033
2,350.49	Taylor Oil Co.	26034
519.21	Action Office Supplies	26035
319.55	Gormley's Auto Center	26036
214.20	Central Poly Corp.	26037
4,875.33	Civic Plus	26038
30.00	L.E.A. Data Technologies	26039
188,675.52	Payroll Account	981064

**CAPITAL**

3,833.58	Harold Pellow & Assoc., Inc.	7410
273.02	J & D Sales & Service	7411
6,300.00	Sherwin-Williams	7412
201.09	Limecrest Quarry (CEMEX)	7413
1,108.68	The Phillips Companies	7414
6,037.50	Spring city Electrical Mfg. Co.	7415
1,595.00	A. Nelessen & Associates, Inc.	7416
2,352.00	Brodhecker Farm, LLC	7417
2,221.42	Action Office Supplies	7418

October 14, 2009

6,803.00	Police Products Corp.	7419
750.00	Capital Financial Advisors, Inc.	7420

**Total TOWN BILLS \$705,778.87**

**WATER AND SEWER ACCOUNT**

27,611.23	Payroll Account	960035
103,700.00	Bank of New York	960036
228.00	VOID	11024
166.86	Montague Tool & Supply	11025
5,295.11	Schmidt's Wholesale, Inc.	11026
3,373.33	Harold Pellow & Associates, Inc.	11027
465.79	CCP Industries	11028
666.52	Lee Company	11029
7.68	G & H Service, Inc.	11030
20,016.44	Jersey Central Power & Light	11031
4,092.00	Pumping Services	11032
1,272.76	Sussex County Plumbing	11033
20.00	Paul Baldwin	11034
12.00	Paul M. Havens	11035
12,509.74	Coyne Chemical Corp., Inc.	11036
72.16	EMBARQ	11037
781.36	Delta Dental	11038
2,350.00	Jet Vac, Inc.	11039
1,375.00	Frank Semeraro Construction, Inc.	11040
5,740.00	R & D Trucking	11041
20.00	Ervin Lasso	11042
144.67	Vision Service Plan	11043
2,808.00	Passaic Valley Sewerage Comm.	11044
1,647.50	Alternate Power Inc.	11045
23.98	Advance Commercial	11046
59.36	Carquest	11047
45.65	Staples Business Advantage	11048
89.39	Action Office Supplies	11049
48.00	Eric Tompkins	11050
750.00	Capital Financial Advisors, Inc.	11051
28,767.27	Payroll Account	960037

**Total WATER & SEWER BILLS \$223,931.80**

**TRUST ACCOUNT**

1,604.80	Payroll Account	971021
5,821.21	Harold Pellow & Assoc., Inc.	2697
1,224.00	Hollander, Hontz, Hinkes & Pasculli LLC	2698
1,875.00	Vogel, Chait, Collins, Schneider, PC	2699
1,125.00	Colleen Cunningham, Esq.	2700
878.60	Payroll Account	971022

**Total TRUST BILLS \$12,528.61**

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Ricciardo and roll call resulted as follows:

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

**RESOLUTION #202-2009**

**RESOLUTION TO JOIN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the North Jersey Municipal Employee Benefits Fund, hereinafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8:1, and 40A:10-36 et.seq.; and

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been in operation since that date; and

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

**WHEREAS**, the governing body of the Town of Newton, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
  - a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's bylaws.
- iv. Execute an application for membership and any accompanying certifications.
- v. Commit to the four principles of the FUND which are:
  - a) A long-term philosophy on rates.
  - b) A willingness to work with bargaining unit to achieve plan design changes.
  - c) Professional management with stability and commitment.
  - d) Rating structure based on actuarial numbers.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

\_\_\_\_\_  
Mayor  
Date

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Town Manager  
Date

October 14, 2009

**RESOLUTION #209-2009**

**A RESOLUTION TO TERMINATE PARTICIPATION UNDER THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM**

**BE IT RESOLVED**, the Town of Newton, County of Sussex, hereby resolves to terminate the participation in the program (including Prescription Drug and/or Dental Plan) thereby canceling coverage provided by the New Jersey State Health Benefits Program (N.J.S.A. 52:14-17.25 et seq.) for all its active and retired employees.

We shall notify all active employees of the date of their termination of coverage under the program of their coverage.

We understand that the division of Pensions and Benefits will notify retired employees of the cancellation of their coverage.

We understand that all COBRA participants will be notified by the division of Pensions and Benefits and advised to contact our office concerning a possible alternative health, prescription drug, and dental insurance program.,

We understand that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission.

A motion was made by Mr. Ricciardo to approve **RESOLUTIONS #202-2009 AND #209-2009**, seconded by Mrs. Le Frois and roll call resulted as follows:

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

**DISCUSSION (WORK SESSION)**

Mayor Elvidge indicated that the Main Street Newton presentation has been postponed until the next Council meeting on Monday, October 26, 2009.

**OPEN TO THE PUBLIC**

There was no public to be heard.

**COUNCIL & MANAGER COMMENTS**

The Town Council entered into Executive Session at 8:29 p.m.

The Town Council returned from Executive Session at 10:20 p.m.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mrs. Le Frois and unanimously carried, the meeting was adjourned at 10:22 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk