

December 28, 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, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr. Mrs. Le Frois was present via telephone.

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.”

Reverend Meeker of the Christian Faith Fellowship led the Invocation. Mayor Elvidge led the Pledge of Allegiance to the flag. The Deputy Clerk called the roll and upon completion of same, upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, that the minutes of December 14, 2009 (Regular) meeting was approved as presented.

PUBLIC

Mayor Elvidge opened the meeting to the public.

There was no one from the public to be heard.

PRESENTATION

Mayor Elvidge made a presentation to the winner of the 2009 Holiday Decorating Contest. The winner was Mr. Mark Raab, 26 Linwood Avenue, who received an award certificate and gift card for Applebee’s Restaurant, which was provided by the Newton Recreation Commission. Mr. Raab thanked the Mayor and Town Council for the presentation.

Council & Manager Reports

Mr. Russo advised Council of a water main break today and asked Mrs. Millikin to provide an update. Mrs. Millikin indicated the water main break occurred at 1:50 p.m. by Memory Park and stated that the Water and Sewer personnel were working on the break and it should be fixed within the hour.

ORDINANCES

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

ORDINANCE #2009-31

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2010

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

WHEREAS, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2010; and

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WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., has indicated that all such services will be rendered to the Town of Newton on the basis of a \$180.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection.

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

1. The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance, which shall act as the authorization and agreement between the Town of Newton and Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., providing their retention as Town Attorney in and on behalf of the Town of Newton for calendar year 2010.
2. The services to be rendered by Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$180.00 per hour.
3. This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44a-1, *et seq.*
4. Notice of this action shall be published once in the *New Jersey Herald*.

PUBLIC NOTICE is hereby given that the above Ordinance was passed on the first reading by the Town Council of the Town of Newton, Sussex County, New Jersey, at a regular meeting of said Council, held on December 14, 2009, and that a public hearing regarding the above will be held on December 28, 2009 at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00p.m. at which time, all persons interested both for and against said Ordinance shall be given an opportunity to be heard concerning same.

Lorraine A. Read
Municipal Clerk/Registrar

IT IS hereby certified that this is a true and accurate copy of an Ordinance adopted by the Town Council of the Town of Newton at a regular meeting held on

Lorraine A. Read
Municipal Clerk/Registrar

Date Approved: _____

Mayor Elvidge declared the hearing on Ordinance #2009-31 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Becker, seconded by Mrs. Unhoch and unanimously carried, the hearing was closed.

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

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 adopted in its entirety according to law.

The Deputy Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-32

AN ORDINANCE OT ESTABLISH MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEEAR 2010

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to establish salaries, wages or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees.

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

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2010 as shown in Schedules "A" and "B" attached hereto in accordance with Section 4-4.1 of the Town of Newton Revised General Ordinances.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Employees other than Recreation Department seasonal/temporary employees at wage levels one (1) through nine (9) shall receive time and one-half their hourly rate for hours in excess of forty (40) hours in the work week. Employees other than Recreation Department seasonal/temporary employees at wage levels one (1) through nine (9) shall receive straight time, in addition to holiday pay, for work performed during normal working hours on any legal holiday established by the Town Council.

Section 5.

a. With the exception of positions within the Newton Police Department, those officers and employees at wage levels 10, 11, 13, 14 and 15, are deemed exempt from the overtime provisions of the Federal Fair Labor Standards Act and, as such, are not eligible for paid overtime.

b. With the exception of positions within the Newton Police Department, those officers and employees at wage levels 10, 11, 13, 14 and 15, work varied work week lengths, but are eligible

for equivalent compensatory time off for all approved hours worked in excess of forty (40) hours in a work week; provided no more than fifteen (15) hours of compensatory time are accumulated which may be carried from pay period to pay period, and no more than eight (8) hours may be carried from one calendar year into the next calendar year.

c. Those employees at wage level 4 serving in the position of Deputy Court Administrator, may be compensated a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out requiring written certification.

Section 6. Those officers and employees at wage level 17 shall be paid their annual salary in equal quarterly payments during the last pay of each quarter.

Section 7. In addition to designated salary or hourly wages, all full-time regularly appointed employees hired before January 1, 2002 are eligible for longevity pay at the following rate:

<u>Amount Equal To</u>	<u>Years of Cumulative Service</u>
Two percent (2%)	5
Four percent (4%)	10
Six percent (6%)	15
Eight percent (8%)	20
Ten percent (10%)	25

After twenty-five (25) years, longevity percentage is equal to the number of years of cumulative service to the Town with a maximum of thirty-five percent (35).

This longevity becomes effective the January 1st or July 1st following the anniversary date of employment as applicable. All non-union, full-time employees hired after January 1, 2002 will not be eligible for, nor shall they receive, any longevity pay. Longevity pay for union employees shall be according to their current negotiated contract.

Section 8. The Town Council adopted a “Cafeteria Plan” within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, which shall be known as the Town of Newton Employees’ Cafeteria Plan. The health benefits which an employee elects to receive under the Plan will be includable or excludable from the employee’s income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986 under the Plan, as amended. A full copy of the Plan and a Summary Plan description are on file in the Municipal Clerk’s Office.

Section 9. All Ordinances or parts of Ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 11. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective retroactive to January 1, 2010.

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SCHEDULE "A"

<u>LEVEL</u>	<u>HOURLY</u>		<u>35 HRS / WK</u>		<u>40 HRS / WK</u>		<u>IRREGULAR</u>
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>HOURS</u>
							<u>ANNUALIZED</u>
1	\$7.25	\$15.50	\$13,195	\$28,210	\$15,080	\$32,240	
2	\$7.50	\$17.00	\$13,650	\$30,940	\$15,600	\$35,360	
3	\$7.75	\$19.25	\$14,105	\$35,035	\$16,120	\$40,040	
4	\$8.00	\$24.75	\$14,560	\$45,045	\$16,640	\$51,480	
5	\$9.00	\$30.25	\$16,380	\$55,055	\$18,720	\$62,920	
6	\$9.50	\$33.00	\$17,290	\$60,060	\$19,760	\$68,640	
7	\$10.50	\$35.75	\$19,110	\$65,065	\$21,840	\$74,360	
8	\$11.00	\$38.50	\$20,020	\$70,070	\$22,880	\$80,080	
9			\$25,000	\$80,000	\$28,571	\$85,000	
10			\$30,000	\$85,000	\$34,286	\$95,000	
11			\$32,000	\$90,000	\$36,571	\$100,000	
12			\$45,000	\$95,000	\$51,429	\$105,000	
13			\$50,000	\$100,000	\$57,143	\$110,000	
14			\$65,000	\$125,000	\$74,286	\$145,000	
15			\$70,000	\$140,000	\$80,000	\$160,000	
16							\$500 - \$5,000
17							\$2,500 - \$5,000
18							\$3,000 - \$20,000
19							\$12,000 - \$45,000
20	Min. Wage	\$7.25/hr					

SCHEDULE "B"

<p><u>LEVEL 1</u> Recreation Assistant</p> <p><u>LEVEL 2</u> Assistant Pool Manager</p> <p><u>LEVEL 3</u> Clerk Typist Custodian Grounds Maintenance Worker Lifeguard School Traffic Guard Secretary</p> <p><u>LEVEL 4</u> Communications Officer Trainee Deputy Court Administrator Deputy Municipal Clerk/Deputy Registrar Laborer Recreation Leader Senior Clerk Typist Technical Assistant to Construction Official</p> <p><u>LEVEL 5</u> Account Supervisor/Treasurer Assessing Clerk Deputy Code Enforcement Officer Fire Prevention Inspector Human Resource Coordinator Planning/Zoning Administrator Police Clerk Pool Manager Recreation Enforcement Officer Sewer Laborer Water Laborer Water Meter Reader Water/Sewer Collector</p> <p><u>LEVEL 6</u> Communications Officer Equipment Operator Omnibus Operator Recycling Foreman Sewer Repairer Truck Driver Water Repairer</p> <p><u>LEVEL 7</u> Certified Tax Collector/Tax Search Officer Park Caretaker Parking Meter Enforcer Payroll Clerk Senior Communications Officer Senior Sewer Repairer Senior Water Repairer Special Police Officer</p> <p><u>LEVEL 8</u> Administrative Assistant Street Foreman Water Foreman</p> <p><u>LEVEL 9</u> Sewer Plant Operator Water Plant Operator</p>	<p><u>LEVEL 10</u> Community Development Director Const. Official/Code Enforcement Officer/Bldg. Inspector Director of Public Works Finance Director Municipal Clerk/Registrar of Vital Statistics Municipal Court Administrator Water/Sewer Supervisor</p> <p><u>LEVEL 11</u> Police Patrolman</p> <p><u>LEVEL 12</u> Police Sergeant</p> <p><u>LEVEL 13</u> Police Lieutenant Water/Sewer Superintendent</p> <p><u>LEVEL 14</u> Police Chief</p> <p><u>LEVEL 15</u> Town Manager</p> <p><u>LEVEL 16</u> Assistant Right-to-Know Coordinator Deputy Emergency Management Coordinator Emergency Management Coordinator Right-to-Know Coordinator</p> <p><u>LEVEL 17</u> Council Member Mayor</p> <p><u>LEVEL 18</u> Assistant Director of Public Works Building Subcode Official/Inspector Chief Combustible Inspector Chief Financial Officer Electrical Subcode Official/Inspector Fire Subcode Official Plumbing Subcode Official/Inspector Zoning Officer</p> <p><u>LEVEL 19</u> Deputy Town Manager Municipal Judge Recreation Supervisor Tax Assessor</p>
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Mayor Elvidge declared the hearing on Ordinance #2009-32 open to the public.

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

The following **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, 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	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Deputy Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-33

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY ADOPTING AMENDMENTS TO THE SPARTA AVENUE REDEVELOPMENT PLAN

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

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 January 11, 2010.

The Deputy Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-34

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.

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

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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 January 11, 2010.

The Deputy Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

Upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and carried, that Ordinance #2009-30 be REMOVED FROM THE TABLE, and roll call resulted as follows:

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

ORDINANCE #2009-30

AN ORDINANCE TO ACCEPT THE DEDICATION OF PATERSON PLACE, WINDSOR DRIVE, BUCKINGHAM COURT AND STRATFORD LANE BY THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX

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

WHEREAS, certain streets in the Town of Newton, hereinafter more particularly described, have been dedicated to public use by virtue of the filing of a certain map in the Sussex County Clerk's Office showing said streets, said map entitled "Final Plat, Section 3, Castle Ridge, Newton, Lot 3.01, Block 1201.01, Town of Newton, Sussex County, New Jersey" prepared by Bricker Associates dated October 10, 2000, and last revised June 28, 2001 and filed in the Sussex County Clerk's Office on August 7, 2001 as Registered Map No. 1301.

WHEREAS, the Town Council of the Town of Newton deems it in the public interest to accept the dedication of said street shown on said map for public use.

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

Section 1. The Town of Newton does hereby accept the dedication of the streets known as Paterson Place, Windsor Drive, Buckingham Place and Stratford Lane as more particularly shown and described on a certain map entitled "Final Plat, Section 3, Castle Ridge, Newton, Lot 3.01, Block 1201.01, Town of Newton, Sussex County, New Jersey" prepared by Bricker Associates dated October 10, 2000, and last revised June 28, 2001 and filed in the Sussex County Clerk's Office on August 7, 2001 as Registered Map No. 1301 and more particularly described on **Schedules A and B** attached hereto.

Section 2. The aforesaid streets shall continue to be known and designated by the names and designations shown on the filed map hereinabove referred to.

Section 3. This Ordinance shall take effect after publication and passage according to law.

Mayor Elvidge declared the hearing on Ordinance #2009-30 open to the public.

Mr. Dale Duckworth, 2 Stratford Lane, requested a copy of the Town Engineer’s report which was referred to at the last Council meeting. Mr. Russo indicated that a copy will be available in the Town Manager’s office.

Mr. Duckworth also expressed his concern regarding an unprotected retention basin at the corner of Jersey Avenue and Stratford as well as the missing trees.

Mrs. Debra Paziora, 33 Paterson Place, had a question concerning the “bonds” for the Castle Ridge Development. Mr. Ricciardo indicated the bonding issue will be discussed by our Town Attorney, William Hinkes, Esq.

Mayor Elvidge introduced William Hinkes, Esq., Town Attorney, who provided a brief background and history regarding the Castle Ridge Subdivision and indicated that a settlement offer was accepted on the advice of Counsel and the Town Engineer. Mr. Hinkes indicated that the bonding process had occurred in order for the Town to accept the dedication of the roads in Castle Ridge Development. After a lengthy discussion, the Council directed Mr. Russo to send letters to all property owners in the Castle Ridge development offering reimbursement of no more than \$600.00 for the installation of up to two (2) new shade trees per building lot.

There being no one else from the public to be heard, upon motion by Mrs. Becker, seconded by Mrs. Unhoch and carried, the hearing was closed.

The following **ORDINANCE** was offered by Mrs. Le Frois, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	No
	Mayor Elvidge	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.

The Deputy Clerk will advertise the above Ordinance according to law.

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.”

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RESOLUTION #275-2009*

**TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JANUARY 1,
2010 TO JUNE 30, 2010**

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$5,323,764.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton.

Amount of Tax Voted	\$10,647,528.00
(Exclusive of Debt Service)	
Amount Received to Date	5,323,764.00
Amount of This Request	<u>5,323,764.00</u>
Balance Due Board of Education	-0-

RESOLUTION #276-2009*

**AUTHORIZE CONTINUED BENEFIT COVERAGE FOR JOHN E. MULHERN AND
SCOTT J. HOLZHAUER**

WHEREAS, the Town of Newton has resolved to leave the New Jersey State Health Benefits Program and join the North Jersey Municipal Employee Benefits Fund effective January 1, 2010; and

WHEREAS, pursuant to the North Jersey Municipal Employee Benefits Fund the Town may only offer health benefits to full-time employees; and

WHEREAS, the Town has for many years provided healthcare coverage through the New Jersey State Health Benefits Program for two (2) part-time employees, Tax Assessor Scott Holzhauser and Municipal Judge John Mulhern with their respective annual salaries being reduced by the cost of the amount of coverage; and

WHEREAS, the Town wishes to continue provision of such healthcare coverage to Mr. Holzhauser and Judge Mulhern upon joining the North Jersey Municipal Employee Benefits Fund; and

WHEREAS, in order to facilitate the changeover to the North Jersey Municipal Employee Benefits Fund, the Governing Body has resolved to continue providing coverage to these two (2) employees without any precedent or establishment of past practice as to any other future employees or current employees of the Town of Newton; and

WHEREAS, the provision of these benefits to Mr. Holzhauser and Judge Mulhern shall be for their benefit only and will not be offered to any other current or future part-time employees regardless of their appointment; and

NOW, THEREFORE, BE IT RESOLVED, the Town Council for the Town of Newton hereby authorizes the continuation of Mr. Holzhauser and Judge Mulhern participating in the Town of Newton's health benefits coverage with said cost to be borne by the individuals as previously negotiated and agreed.

RESOLUTION #277-2009*

**REAPPOINTMENT OF LINDA A. ROTH AS CERTIFIED TAX COLLECTOR FOR
THE TOWN OF NEWTON**

WHEREAS, in accordance with State statutes, Linda A. Roth was appointed as Certified Tax Collector for the Town of Newton, effective January 1, 2006 for a period of four years; and

WHEREAS, Linda A. Roth currently serves as the Town of Newton's Tax Collector and

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is interested in being reappointed to another term; and

WHEREAS, the members of the Newton Town Council concur that Linda A. Roth is qualified for appointment pursuant to N.J.S.A. 40A:9-145.7;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that Linda A. Roth is hereby reappointed as Certified Tax Collector for the Town of Newton for a four-year term effective January 1, 2010 and continuing through to December 31, 2013.

RESOLUTION #278-2009*

**REAPPOINTMENT TO THE ECONOMIC DEVELOPMENT ADVISORY
COMMISSION**

BE IT RESOLVED, by the Town Council of the Town of Newton that Kevin Prendergast is hereby reappointed to a full three-year (3) term on the Newton Economic Development Advisory Commission, effective January 1, 2010 and continuing through December 31, 2012.

RESOLUTION #279-2009*

**AUTHORIZE CREDITS OF MONIES FOR TAXES DUE TO TAX APPEAL
SETTLEMENT**

WHEREAS, Doherty Enterprises (a.k.a. Applebee's), known as Block: 303.01 Lot: 4.01 Qual: CBLD1, on the official Tax Map for the Town of Newton, located at 6 North Park Drive in the Town of Newton, filed a State Tax Court Appeal to lower the assessment on said block and lot for tax years 2008 and 2009; and

WHEREAS, negotiations took place between Mike Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and Doherty Enterprises (a.k.a. Applebee's) professionals; and

WHEREAS, as a result of said negotiations, the property owner, Doherty Enterprises (a.k.a. Applebee's), is willing to accept a total Tax Year 2008 assessment of \$2,375,000, which represents a \$414,800 reduction in the assessment for 2008, and to withdraw the appeal for Tax Year 2009; 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 Doherty Enterprises (a.k.a. Applebee's) is due a tax credit in the amount of \$10,063 and said credit shall be applied to the 4th quarter 2009 taxes due on said Block: 303.01 Lot: 4.01 Qual: CBLD1;

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 Doherty Enterprises (a.k.a. Applebee's) is entitled to a tax credit in the amount of \$10,063; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process a tax credit to Doherty Enterprises (a.k.a. Applebee's) 4th quarter 2009 taxes in the amount of \$10,063.

RESOLUTION #280-2009*

**ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY
WATER AND SEWER BUDGET FOR 2010**

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2010; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to

exceed twenty-six and one-quarter percent (26.25%) of the preceding year's Budget;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2010 Temporary Operating Budget and the 2010 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2010 Annual Municipal Budget and the 2010 Water and Sewer Utility Budget.

RESOLUTION #281-2009*

APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2010

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J. S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2010, and appropriate agreements for the appointment of each attorney will be prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Victor R. Jusino, Esq., of Laddey, Clark & Ryan, LLC	Municipal Prosecutor
William Baker, Esq., of Scarinci & Hollenbeck, LLC	Environmental Attorney
Fred Semrau, Esq., of Dorsey & Semrau Attorneys at Law	Conflict Tax Attorney
Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC	Labor Relations Attorney

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution.

RESOLUTION #282-2009*

**RESOLUTION AUTHORIZING AGREEMENT FOR CERTAIN LEGAL SERVICES
ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON**

WHEREAS, there exists a need for specialized legal services in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations of the Town of Newton (the "Town") in the County of Sussex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by an experience law firm and recognized Bond Counsel firm, and the law firm of McManimon & Scotland, L.L.C., Newark, New Jersey has the experience and is so recognized by the financial community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that

notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, as follows:

1. The law firm of McManimon & Scotland, L.L.C., Newark, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations by the Town in accordance with an Agreement dated as of January 1, 2010 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the *New Jersey Herald*.

RESOLUTION #283-2009*

AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2009 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in June, 2010.

RESOLUTION #284-2009*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

Account should have been Inactive – water was shut off 1/24/09 (billed \$75.00 for 3rd quarter, \$494.56 for 4th quarter & \$7.50 penalty):

<u>Account</u>	<u>Address</u>	<u>Amount</u>
3210	15 Clinton Street	\$577.06

Credit due to reading error due to malfunction of meter:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
15159	37 Linmor Avenue	\$2,641.63

RESOLUTION #285-2009*

APPOINTMENT OF MR. NEIL FLAHERTY AS A REGULAR MEMBER OF THE PLANNING BOARD

WHEREAS, Mr. Richard White has resigned from his term as a Regular Member of the Planning Board; and

WHEREAS, Alternate Board Member Mr. Neil Flaherty has expressed interest in serving as a Regular Member;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Neil Flaherty is hereby appointed to fill Mr. White's unexpired four (4) year term as a Regular Member on the Planning Board, effective immediately with said term continuing to December 31, 2012.

RESOLUTION #287-2009*

APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT FOR 2010

WHEREAS, Mr. Stanley Goldschmidt currently serves as a Regular Member of the Zoning Board of Adjustment; and

WHEREAS, Mr. Goldschmidt has requested that his status be changed to Alternate Member on the Zoning Board of Adjustment; and

WHEREAS, Mr. Edwin Smith, currently an Alternate Member on said Board, has expressed a desire to serve as a Regular Member;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Edwin Smith be appointed to fill Mr. Goldschmidt's term as Regular Member of the Zoning Board effective immediately, with said term continuing to December 31, 2012; and

BE IT FURTHER RESOLVED, that Mr. Goldschmidt be appointed to fill Mr. Smith's term as an Alternate Member of the Zoning Board effective immediately, with said term continuing to December 31, 2010.

RESOLUTION #288-2009*

REAPPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT FOR 2010

BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Kent Hardmeyer and Mr. William Tharp are each hereby reappointed to a four (4) year term as Regular Members on the Zoning Board of Adjustment, effective January 1, 2010, with said terms continuing to December 31, 2013.

RESOLUTION #289-2009*

REAPPOINTMENTS TO THE HISTORIC PRESERVATION ADVISORY COMMISSION FOR 2010

BE IT RESOLVED, by the Town Council of the Town of Newton that Mrs. Helen Le Frois and Mr. Louis Read are each hereby reappointed to a four (4) year term as Class C Members on the Historic Preservation Advisory Commission, effective January 1, 2010, with said terms continuing to December 31, 2013.

RESOLUTION #290-2009*

REAPPOINTMENTS TO THE RECREATION ADVISORY COMMISSION FOR 2010

BE IT RESOLVED, by the Town Council of the Town of Newton that Mrs. Megan Gill and Mr. Ray Ross, III are each hereby reappointed to a five (5) year term as Members on the Recreation Advisory Commission, effective January 1, 2010, with said terms continuing to December 31, 2014.

RESOLUTION #291-2009*

REAPPOINTMENT TO THE ADVISORY SHADE TREE COMMISSION FOR 2010

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. John Craddock is hereby reappointed to a five (5) year term as a Member of the Advisory Shade Tree Commission, effective January 1, 2010, with said term continuing to December 31, 2014.

RESOLUTION #292-2009*

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

1,250.00	Campus Outreach Services	26321
300.00	Dominick's Pizza	26322
24.95	Hayek's Market Inc.	26323
45.99	Weis Markets	26324
2.00	NJ Motor Vehicle Services	26325
1,076,150.00	Newton Board of Education	910090
58,240.38	NJSHBP	910091
227,333.82	Payroll Account	910092
356.11	Quill Corporation	26326
81.68	Montague Tool & Supply	26327
90.00	S K Office Supply	26328
1,537.93	Harold Pellow & Associates, Inc.	26329
496.00	Decker's Fire & Safety	26330
4,686.89	NUI Corporation	26331
33.00	G & H Service Inc.	26332
6,576.49	Jersey Central Power & Light	26333
471.14	SCMUA	26334
2,604.05	Centurylink-EROC Scanning	26335
70.00	Newton Memorial Hospital	26336
80.89	Campbell's Small Engine	26337
47.45	Tri-State Rentals, Inc.	26338
150.45	Federal Express	26339
329.00	JRF Tire Inc.	26340
11.18	Lafayette Auto Parts	26341
46.00	Peter J. Kays	26342
46.00	James Sisco	26343
46.00	Richard A. Straway, Jr.	26344
46.00	Thomas Straway	26345
36.01	Treasurer, Petty Cash Fund	26346
20.00	Sussex County League of	26347
46.00	William F. Smith	26348
46.00	Brock Kithcart	26349
46.00	William Hagaman	26350

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507.25	John Tomasula	26351
74.00	Minisink Press Inc.	26352
550.80	Sebring Auto Parts	26353
94.96	Weis Markets	26354
736.60	Sherwin-Williams	26355
562.02	Boonton Tire Supply	26356
521.89	McGuire	26357
1,105.50	Grinnell Recycle	26358
1,509.21	Verizon Wireless	26359
100.23	Medtronic Physio-Contrl Corp.	26360
136.76	Walmart	26361
73.50	Mr. John	26362
105.00	Wildflowers with Tami	26363
249.93	Danforth's Trailer & Auto Inc.	26364
96.35	Advance Commercial	26365
2,380.26	The Home Depot	26366
399.48	Moore Wallace North America	26367
680.00	Guardline Fire & Safety Co., Inc.	26368
22.82	Excelsior Lumber Company	26369
32.00	UPS Store	26370
610.69	Lab Safety Supply Inc.	26371
40.50	Mid-County Paper Stock Co., Inc.	26372
103.54	Emergency Medical Products	26373
1,227.20	Staples Business Advantage	26374
480.00	Spectrum Communication	26375
46.00	Steve Estler	26376
46.00	Roy Leyman	26377
900.00	National Fire Codes Subscription	26378
1,334.32	Rachles / Michele's Oil Company	26379
73.25	Action Office Supplies	26380
114.00	Firefighter One	26381
46.00	Adam Vough	26382
2,142.10	D & D Collision	26383
46.00	Joseph White	26384
219.99	W. B. Mason	26385
1,200.00	Spartech Solutions, LLC	26386
3,470.14	Atlantic Salt, Inc.	26387
7,810.00	Dolan & Dean Consulting Eng., LLC	26388
587.61	Dultmeier Sales	26389
240.00	Jose Morales	26390

CAPITAL

173.00	Cooper Electric Supply Co.	7470
3,600.16	FKA Architects	7471
3,104.00	J & D Sales & Service	7472
532.32	Lowe's	7473
12,398.28	McManimon & Scotland	7474
4,537.01	Harold Pellow & Associates, Inc.	7475
155.00	Petro-Mechanics, Inc.	7476
3,314.40	Sign-A-Rama	7477

Total TOWN BILLS \$1,439,837.48

WATER AND SEWER ACCOUNT

20,788.68	Current Account	960047
30,202.74	Payroll Account	960048
642.06	Harold Pellow & Associates, Inc.	11202
74.42	Hach Co.	11203
599.25	CCP Industries	11204
1,083.50	NUI Corporation	11205

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2,559.64	Jersey Central Power & Light	11206
7.00	Paul Baldwin	11207
1,226.73	Centurylink-EROC Scanning	11208
26.80	Centurylink-EROC Scanning	11209
910.00	Garden State Laboratories, Inc.	11210
266.63	Hamburg Plumbing Supply Co., Inc.	11211
401.25	Ferraioli, Cerullo & Cuva	11212
5,917.98	Duke's Sales & Service	11213
210,000.00	Water & Sewer Capital Account	11214
41.00	Joseph Carr	11215
20,000.00	Trust Account, Town of Newjton	11216
40.08	Airgas	11217
30.00	Ervin Lasso	11218
18,235.00	Treasurer, State of New Jersey	11219
548.11	The Home Depot	11220
35.50	Fairclough Fuel	11221
455.00	Scarinci & Hollenbeck, LLC	11222
675.00	Hydro Technology LLC	11223
215.00	Screen Creation Plus	11224
23.00	Eric Tompkins	11225
1,023.88	Basic Chemical Solutions	11226
724.00	Siemens Water Technologies Corp.	11227
10,400.00	D2L Associates Inc.	11228
208.65	Christina Uzdowski	11229

Total WATER & SEWER BILLS \$327,360.90

TRUST ACCOUNT

861.20	Payroll Account	971027
4,219.79	Harold Pellow & Assoc., Inc.	2727
305.99	Harold Pellow & Assoc., Inc.	2728
234.00	Hollander, Hontz, Hinkes & Pasculli LLC	2729
111,506.31	Current Account	2730
527.00	Weiner Lesniak	2731
135.00	Vogel, Chait, Collins, Schneider, PC	2732
71.34	Staples Business Advantage	2733
2,240.00	Brian Giblin	2734
10,098.00	Current Account	911015
608.54	Payroll Account	911016
5,664.48	Harold Pellow & Associates, Inc.	1042
10,000.00	Capital Account	1043
390.00	Minisink Press Inc.	1044

Total TRUST ACCOUNT BILLS \$354,121.92

DOG RESERVE ACCOUNT

499.00	MGL Printing Solutions	8505
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Total DOG RESERVE BILLS \$499.00

RESOLUTION #294-2009*

EMERGENCY HOUSING REPAIR FUND RESOLUTION

WHEREAS, the Town of Newton desires to apply for a Small Cities Program Emergency Housing Repair Fund grant from the New Jersey Department of Community Affairs on behalf of eligible low and moderate income homeowners;

NOW, THEREFORE BE IT RESOLVED, that the Town of Newton does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New

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Jersey Department of Community Affairs, does further authorize the execution of the grant agreement; and, also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between Town of Newton and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(Signature)

Lorraine A. Read
(Type or Print Name)

Municipal Clerk
(Title)

(Signature)

Thomas S. Russo, Jr.
(Type or Print Name)

Town Manager
(Title)

CERTIFICATION:

I, Lorraine A. Read the Municipal Clerk
(Name of Government Clerk) (Title of Position - Government Clerk)

of The Town of Newton

hereby certify that at a meeting of the Governing Body held on December 28, 2009
the above **RESOLUTION** was duly adopted.

AFFIX GOV'T
SEAL

(Signature of Government Clerk)

RESOLUTION #295-2009*

**RESERVE ITEMS OF REVENUE FOR USE IN THE 2010 TOWN OF NEWTON
BUDGET**

WHEREAS, the Town of Newton received revenues in 2009 which would enhance the preparation of the 2010 Town of Newton Budget; and

WHEREAS, the Town Auditor has recommended reserving said items by resolution;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the following items of revenue be reserved for use in the 2010 Town of Newton Budget:

State of New Jersey – Drunk Driving Enforcement Grant	\$ 3,294.90
State of New Jersey – Recycling Tonnage Grant	\$ 13,302.35
State of New Jersey – Clean Communities Grant	\$ 2,725.84
Thorlabs – Lease of Vacant Property	\$ 3,500.00
Sale of Municipal Assets	\$ 4,837.21

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

RESOLUTION #296-2009*

APPROVE 2009 APPROPRIATION TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2009 appropriation transfers be approved effective this date:

<u>From</u> <u>CURRENT</u>	<u>To</u>	<u>Amount</u>
Building & Grounds – S&W 1061101	Town Manager S&W 1050101	2,000.
Town Clerk – S&W 1051103	Human Resource S&W 1053103	400.
Finance - S&W 1054101	Assessment of Taxes S&W 1055103	375.
Finance –S&W 1054101	Tax Collection S&W 1056101	255.
Community Development– SW 1064101	Court S&W 105910	800.
Misc Operating Expense – SW 1079100	Court S&W 1059103	1900.
Road – S&W 1080101	Snow S&W 1081102	9,100.
Road – S&W 1080101	Recycling S&W 1083103	100.
Senior Citizen – S&W 1093100	Parks S&W 1091102	680.
Senior Citizen – S&W 1093100	Occupational Health S&W 1085100	500.
TOTAL CURRENT TRANSFERS		<u>\$16,110.</u>

The Deputy Clerk presented an Application for an off-premise raffle (50/50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton, NJ 07860 to be held on Friday, February 5, 2010 at 3:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton.

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	

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RESOLUTION #286-2009

APPOINTMENT OF MR. GREGORY LE FROIS AS A REGULAR MEMBER OF THE PLANNING BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Gregory Le Frois is hereby appointed to a four (4) year term as a Regular Member on the Planning Board, effective January 1, 2010, with said term continuing to December 31, 2013.

A motion was made by Mr. Ricciardo to approve **RESOLUTION 286-2009**, seconded by Mrs. Becker and roll call resulted as follows:

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

RESOLUTION #293-2009

AGREEMENT FOR PROFESSIONAL SERVICES

MUNICIPAL PUBLIC DEFENDER

WHEREAS, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2010; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, James P. Sloan, Esq. has indicated that all such services will be rendered to the Town of Newton on the basis of an annual fee of \$13,500, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton as follows:

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and James P. Sloan, Esq., providing for his retention as Municipal Public Defender in and on behalf of the Town of Newton for calendar year 2010.
- 2) The services to be rendered by James P. Sloan, Esq. shall be at a rate of \$13,500 annually.
- 3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because James P. Sloan, Esq. is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.
- 4) Political Contribution Disclosure. This contract has been awarded to James P. Sloan, Esq. based on the merits and abilities of James P. Sloan, Esq. to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a

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contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

E. Kevin Elvidge, Newton Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2010.

Date: _____

A motion was made by Mrs. Becker to approve **RESOLUTION 293-2009**, seconded by Mrs. Unhoch and roll call resulted as follows:

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

OPEN TO THE PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Joseph Kocur, 29 Hamilton Street, commended the Governing Body and hopes the Council will continue with their same wisdom and patience in 2010.

COUNCIL & MANAGER COMMENTS

Mr. Russo requested direction from the Town Council on the preferred method of contacting clergy who will provide the invocation for 2010 Town Council meetings. Council advised Mr. Russo to send invitations to only the places of worship who responded in 2009.

There being no further business to be conducted, upon motion of Mayor Elvidge, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Irene M. O'Connor
Deputy Municipal Clerk