

January 11, 2010

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 31, 2009.”

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 of Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, that the minutes of December 28, 2009 (Special) and December 28, 2009 (Regular) meetings were approved as presented.

PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Tom Hoffman, a crossing guard in the Town of Newton, first commended the Newton Police for a fine job on the recent kidnapping incident in Newton. Mr. Hoffman addressed his concerns regarding only having one meeting a year with the crossing guards and suggested more meetings should be held for a better network among the crossing guards.

Council & Manager Reports

a. Principal Jim Tasker – Newton High School

Mr. Jim Tasker, Principal of Newton High School, attending tonight’s meeting to personally thank the Town Manager and Town Council for their support at a recent assembly on “cyber bullying”. Mr. Tasker felt that the students really gained a lot of knowledge from this assembly from the world-renowned speaker, Katie Koestner. Mr. Tasker commended the Town of Newton for all their efforts with the Newton Public Schools.

The Governing Body thanked Mr. Tasker for taking the time to attend the Council Meeting with his message.

b. Shade Tree Commission – Community Forestry Plan

Mrs. Debra Millikin, Deputy Town Manager, introduced members of the Shade Tree Commission, who made a presentation on the Community Forestry Plan. Present were Betsy VanOrden, Kent Hardmeyer, and John Craddock. Mr. Hardmeyer, Vice-Chairman, made a presentation and outlined the Community Forestry Plan. It was noted that this Plan was created with monies obtained through a grant and is considered to be the Master Plan of trees.

ORDINANCES

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

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**

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution 56-2004 adopted April 26, 2004, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1104, Lot 21 in the Town (the "Study Area" or the "Area") met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

WHEREAS, on April 25, 2005, after review of the findings of the Planning Board in accordance with the Act, the Town designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

WHEREAS, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area", and together with the Redevelopment Area, the "Plan Area"); and

WHEREAS, on March 23, 2009, after the review and comment of the Planning Board in accordance with the Act, the Town finally adopted Ordinance 2009-6 implementing a redevelopment plan for the Plan Area (the "Redevelopment Plan"); and

WHEREAS, by Resolution 232-2009 adopted November 9, 2009, the Town designated Thorlabs, Inc. ("Thorlabs") as Redeveloper for the Plan Area and authorized the execution of a redevelopment agreement (the "Redevelopment Agreement") with respect to the development of a mixed-use facility within the Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project"); and

WHEREAS, in connection with the negotiation of the Redevelopment Agreement, the Redeveloper requested certain amendments to the Redevelopment Plan (the "Proposed Amendments"), which are attached hereto as Exhibit A; and

WHEREAS, by Resolution 239-2009 adopted November 23, 2009, the Town requested that the Planning Board review and comment on the Proposed Amendments to the Redevelopment Plan; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on November 30, 2009, the Planning Board considered the Proposed Amendments; and

WHEREAS, after due consideration of the Proposed Amendments, the Planning Board, acting by Resolution, a copy of which is attached hereto as Exhibit B (the "Planning Board Resolution"), determined that they are consistent with the Town's Master Plan, and recommended to the Town Council that it adopt the Proposed Amendments; and

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WHEREAS, the Planning Board Resolution constitutes the Planning Board's Report for the purposes of Section 7 of the Act;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Proposed Amendments, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, are hereby approved. All other provisions of the Redevelopment Plan not expressly amended by the Proposed Amendments shall remain intact and in full force and effect.

Section 2. The zoning map and the zoning code of the Town of Newton are hereby amended to incorporate the provisions of the Proposed Amendments.

Section 3. This ordinance shall take effect as provided in law.

Mayor Elvidge declared the hearing on Ordinance #2009-33 open to the public.

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

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 Clerk will advertise the above Ordinance according to law.

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

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

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

SECTION 1. Introductory Provisions/ Purpose of the Ordinance.

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable

communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Municipality" or "Town" is the Town of Newton, County of Sussex, State of New Jersey.
- (b) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.
- (c) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

SECTION 3. Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on September 28, 2009, pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. Grant of Municipal Consent.

The Town hereby grants to the Company a non-exclusive consent to the issuance of a franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Town of Newton, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Town of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

SECTION 5. Duration of Franchise.

The consent herein granted shall expire ten (10) years from the date of expiration of the previous Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company further agrees to extend service to the entire Town and to build out all uncabled areas of the Town.

SECTION 6. Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

SECTION 7. Rates.

Rates shall be set by the New Jersey Board of Public Utilities as required by law or as otherwise specified by federal or state law, to the extent applicable.

SECTION 8. Town Remedies.

In the event the Company breaches its responsibilities herein, the Town reserves the right to seek redress administratively through the Board of Public Utilities, or at law in a court of competent jurisdiction.

The Company will restore any property damaged by the installation of its wires or facilities to its original condition at its own cost and expense. In the event it fails to so restore said property upon the receipt of thirty (30) days written notice by the Town to do so, the Town may withdraw a portion of the performance bond posted with the Town to compensate the owner for the restoration cost. In the event said funds are withdrawn, the Company shall restore the balance of the \$25,000.00 performance bond upon thirty (30) days written notice by the Town to do so.

SECTION 9. Territory.

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

SECTION 10. Extension of Service.

The Company shall be required to proffer service to any persons, residents or business in conformance with its Tariff on file with the Office of Cable Television including any policies for non-standard installations.

SECTION 11. Construction Requirements.

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. Local Office.

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Such local business office shall be staffed from 8:00 a.m. to 8:00 p.m. Monday through Friday, and from 8:00 a.m. to 12:00 p.m. on Saturday.

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-25(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-7.1.

SECTION 14. Performance Bond.

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

SECTION 15. Local Programming and Public Educational and Governmental Access.

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

SECTION 16. Discounted Services to Municipality.

The Company shall provide services in accordance with its Tariff for Cable Television Service approved by the Board of Public Utilities on January 1, 2009.

In addition, the Company shall provide the following services to the Town free of charge:

1. Three (3) cable connections for the Newton Police Department.
2. Five (5) cable connections for the Newton Fire Departments.
3. Twenty-four (24) classroom cable connections for Halsted Middle School.
4. Thirty (30) classroom cable connections for Merriam Avenue School.
5. Twelve (12) cable connections for St. Joseph's School.
6. One (1) cable connection for Dennis Library.
7. One (1) cable connection for 20 Mill Street, Newton.
8. Three (3) cable connections for Newton Town Hall.
9. Four (4) cable connections for the Newton Department of Public Works.
10. Two (2) cable connections for Newton Water Department.
11. Two (2) cable connections for Newton Sewer Department.
12. One (1) cable connection for the Main Street Newton Office.
13. Two (2) cable connections for the Newton Fire Museum.

All standard installation charges apply.

Also, the Company shall provide the following services to the Town:

- A. One (1) high speed internet connection for the Main Street Newton Office at cost.
- B. One (1) high speed internet connection for the Newton Fire Museum at cost.

SECTION 17. Programming.

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Town with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

SECTION 18. Liability Insurance.

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person and five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident.

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Town Clerk prior to commencing the work.

SECTION 19. Filing with Town Engineer.

The Company shall cause all construction plans relating to work on any extensions of its plant, or work which could have significant impact on public works within the Town, to be filed with the Town Engineer's Office.

SECTION 20. Activities Prohibited.

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Town.

SECTION 21. Incorporation of the Application.

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

SECTION 22. Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION 23. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.

Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, **SECTION 22**, shall apply.

SECTION 24. Effective Date of Consent.

This Ordinance shall take effect upon its final passage and publication according to law.

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

Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, roll call resulted as follows:

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

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.”

RESOLUTION #01-2010*

TO CANCEL GENERAL CAPITAL APPROPRIATION BALANCES OF COMPLETED PROJECTS

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be canceled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the following unexpended and dedicated balances of General Capital appropriations be canceled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
2004-9	5/24/04	Green Ridge Development Improvements	\$4,852.91	
2006-15	6/12/06	Sparta Ave Sidewalks	\$8,623.74	
2006-15	6/12/06	Trinity Drainage/Merriam Curbing	\$11,321.69	

RESOLUTION #02-2010*

APPROVE 2009 APPROPRIATION TRANSFERS

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

<u>From</u>	<u>To</u>	<u>Amount</u>
Road OE 1080256A	Snow SW 1081102A	\$3,850.
Misc. Operating OE 1079200A	Snow SW 1081102A	\$1,000.
Emergency Mgmt SW 1078100A	Snow SW 1081102A	\$500.
Building & Grounds SW 1061101A	Snow SW 1081102A	\$950.
Senior Citizen SW 1093100A	Snow SW 1081102A	\$1,400.
Police OE 1074226A	Police SW 1074112A	\$9,850.
TOTAL		\$17,550.

RESOLUTION #03-2010*

AUTHORIZE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY

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WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on January 7, 2010, the members of the Authority approved an appropriate agreement for calendar year 2010 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2010.

RESOLUTION #04-2010*

APPOINTMENT OF ANDREW A. FRASER, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR THE CALENDAR YEAR 2010

WHEREAS, Victor R. Jusino, Esq., is currently serving as the Town of Newton's Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2010; and

WHEREAS, Andrew A. Fraser Esq., an associate in Mr. Jusino's office, has expressed an interest in serving as Newton's Alternate Municipal Prosecutor; and

WHEREAS, compensation for said services will be the sole responsibility of Victor R. Jusino, Esq.; 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 appoints Andrew A. Fraser, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2010;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Andrew A. Fraser, Esq., Victor R. Jusino, Esq., David J. Weaver, Sussex County Prosecutor and Municipal Judge John E. Mulhern.

RESOLUTION #05-2010*

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

245.08	Payroll Account	910093
69.36	Payroll Agency Account	910094
106.12	Quill Corporation	26391
267.97	Staples Credit Plan	26392
448.65	Montague Tool & Supply	26393

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90.00	S K Office Supply	29394
60.00	ABCODE Security	29395
156.25	Sussex Car Wash, Inc.	29396
10.77	G & G Diesel Service, Inc.	29397
2,448.73	G & H Service, Inc.	29398
15,990.75	Jersey Central Power & Light	29399
179.90	SCMUA	29400
45.00	Sussex County Plumbing	29401
121.18	CenturyLink-EROOC Scanning	29402
250.00	CenturyLink-EROOC Scanning	29403
35.00	CenturyLink-EROOC Scanning	29404
963.98	Rowe & Company, Inc.	29405
2,568.40	Delta Dental	29406
3,344.96	Delta Dental	29407
355.36	Beaver Run Farms	29408
108.30	Campbell's Small Engine	29409
58.09	Tri-State Rentals, Inc.	29410
1,079.07	Hayek's Market, Inc.	29411
332.17	ZEP Manufacturing Company	29412
90.25	Lawyers Diary & Manual	29413
100.00	Scott Holzhauer	29414
14.00	Peter J. Kays	29415
25.00	James Sisco	29416
25.00	Thomas Straway	29417
2,401.25	Willco, Inc.	29418
330.00	Newton Citgo	29419
14.00	William F. Smith	29420
200.00	Treasurer, State of New Jersey	29421
7.00	William Hagaman	29422
175.00	Minisink Press, Inc.	26423
33.98	Ann M. Rosellen	26424
675.20	Diamond Sand & Gravel, Inc.	26425
357.45	Sebring Auto Parts	26426
1,102.00	Zee Medical	26427
1,319.00	Treasurer, State of NJ DCA	26428
60.48	West Chester Machinery	26429
15.00	Efinger	26430
2,796.58	Boonton Tire Supply	26431
70.33	McGuire	26432
857.06	Vision Service Plan	26433
545.50	Grinnell Recycle	26434
185.14	Verizon Wireless	26435
560.00	Accurate Door, Inc.	26436
206.85	Orr's	26437
312.50	Alternate Power Inc.	26438
192.88	Cooper Electric Supply Co.	26439
17,500.00	Holzhauer & Holenstein, LLC	26440
25.77	Advance Commercial	26441
17.09	Paint Spot	26442
808.00	Newton Fire Department	26443
724.00	continental Fire & Safety, Inc.	26444
523.28	Staples Business Advantage	26445
2,316.78	Chemung Supply Corp.	26446
753.06	Lowe's	26447
7,550.35	Spectrum Communications	26448
48.00	CSS Test	26449
66.33	Dominick's Pizza	26450
14.31	Nestle Waters	26451
14.00	Steve Estler	26452
25.00	Roy Leyman	26453
1,491.67	Andrews & Company, LLC	26454
50.00	Treasurer, State of NJ-Burial	26455

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3,595.46	Rachles/Michele's Oil Company	26456
2,743.09	Taylor Oil Co.	26457
23.00	Adam Vough	26458
2,079.32	Kieffer Electric, Inc.	26459
228.76	County of Sussex	26460
1,464.62	Tony Sanchez, LTD.	26461
3,836.76	Schuster Telecom Auditors LLC	26462
1,170.00	Knapp, Trimboli & Prusinowski, LLC	26463
876.77	Penteledata	26464
21.87	Jeannette Congdon	26465
587.22	Dultmeier Sales	26466
1,100.00	Allen Paper & Supply Co.	26467
1,441.00	Penguin Communication, LLC	26468
8,497.40	Water & Sewer Operating Acct.	26469

CAPITAL

500.00	NJEDA	7478
76,500.00	Timmerman Company	7479
246.76	J & D Sales and Service	7480
184.66	The Home Depot	7481
2,300.00	Key-Tech	7482
94.85	Sign-A-Rama	7483
1,963.00	Penteledata	7484
18,208.75	Current Account	7485

Total TOWN BILLS \$201,597.47

WATER AND SEWER ACCOUNT

3,002.75	Schmidt's Wholesale, Inc.	11230
1,835.14	Lee Company	11231
86.25	G & H Service, Inc.	11232
20,302.99	Jersey Central Power & Light	11233
12,170.35	Pumping Services	11234
55.50	Sussex County Plumbing	11235
7.00	Paul M. Havens	11236
9,854.74	Coyne Chemical Corp., Inc.	11237
125.85	CenturyLink-EROCC Scanning	11238
715.68	Delta Dental	11239
27.00	Allied Meter Service, Inc.	11240
16.00	Ervin Lasso	11241
581.76	Limecrest Quarry (CEMEX)	11242
143.94	Vision Service Plan	11243
1,600.00	ORR's	11244
14,364.00	Passaic Valley Sewerage Comm.	11245
945.00	Main Pool & Chemical Company	11246
1,647.50	Alternate Power Inc.	11247
101.82	Advance Commercial	11248
2,057.95	Suburban Energy Services	11249
260.00	Process Tech Sales & Service	11250
252.11	Staples Business Advantage	11251
962.50	Andy Matt, Inc.	11252
209.30	Accurate Waste Removal	11253
5,200.00	D2L Associates, Inc.	11254
2,913.00	APC Sales & Service Corporation	11255
1,900.00	HCP Consulting Group LLC	11256
106.20	Treasurer, State of NJ	11257
422.65	Leanne Holderith	11258
25,000.00	Water & Sewer Capital Account	11259

Total WATER & SEWER BILLS \$106,842.98

TRUST ACCOUNT

487.95	Payroll Account	971027
8,336.60	Harold Pellow & Assoc., Inc.	2735
270.00	Hollander, Hontz, Hinkes & Pasculli, LLC	2736
60.00	Minisink Press, Inc.	2737
765.00	Vogel, Chait, Collins, Schneider, PC	2738
1,125.00	Colleen Cunningham, Esq.	2739
167.44	4Imprint	2740
5,361.25	Current Account	2741
5,253.34	Current Account	2742

Total TRUST ACCOUNT BILLS \$21,826.58

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	

DISCUSSION

A. Truck Parking – Cory Stoner of HPA

Mr. Cory Stoner, P.E., of Harold E. Pellow & Associates, Inc., outlined his study on the best location for the parking of box trucks and tractor trailers. Mr. Stoner provided two options which are located at the park-n-ride at the end of South Park Drive. He noted that this location is underutilized, well lit and frequently patrolled by the Newton Police Department. After a lengthy discussion, the consensus of the Town Council was to choose Option 2, which would utilize the northwestern corner of the existing lot for the parking of box trucks and tractor trailers. Mr. Russo will prepare an Ordinance.

B. Budget Hearing Dates

Mr. Russo addressed Council with two dates, January 30, 2010 at 9 a.m. and February 4, 2010 at 6:00 p.m., in order to hold the annual budget hearings with the Governing Body. Mr. Russo outlined the agendas for both days. After a brief discussion, the Governing Body agreed with the two dates and Mrs. Read will advertise accordingly.

Mr. Russo asked Council for their input on the draft letter to be forwarded to the Castle Ridge residents. After a brief discussion, Council agreed with the letter, with two addendums, 1) that the trees be located in front yard and 2) that the reimbursement is for the cost of trees only.

Mr. Russo inquired whether the Council would support a Resolution requesting that the Town be able to establish Municipal Service Fees to be paid by students attending Colleges and

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Universities within the Municipality and the Council was not for such a Resolution.

Mr. Russo also addressed the Bill which would allow Non-Partisan Municipal Elections, held in May, to be moved to November, which is the General Election. The Council strongly opposed the idea of this Bill and feels that the non-partisan form of government, with municipal elections in May, is the best form of government for Newton.

OPEN TO THE PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Kent Hardmeyer, 70 Pine Street, noting the passage of Ordinance 2009-34, questioned whether Service Electric Cable TV could provide an 'a la carte channel selection and Council recommended he contact SECTV directly.

Mr. Tom Hoffman, a Newton Crossing Guard, inquired whether an incident report could be generated for any incidents that may occur with the crossing guards. He feels that there is no formal process in which to generate an incident report.

COUNCIL & MANAGER COMMENTS

Councilwoman Unhoch reported that the Prime Time Seniors have been asked not to attend a Town Council meeting to inquire about a Senior Citizen Center. Mrs. Unhoch advised the seniors that if a center comes to fruition, that it would be a Community Center for everyone.

A brief discussion was held on a few other possibilities on locations for a Community Center and it was suggested that further discussion can be held after the budget hearings.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk