

September 27, 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 Mr. Elvidge, Mr. Ricciardo, Mrs. Diglio, Mrs. Le Frois, Mayor Becker, Mr. Thomas Russo, Jr., Town Manager and Mr. William Hinkes, Esq., Town Attorney.

Mayor Becker 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 Becker led the invocation and Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion of Mrs. Le Frois seconded by Mr. Elvidge, the minutes of September 15, 2010 (Regular) meeting were approved as presented.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER REPORTS

There were no Council and Manager Reports to be discussed.

ORDINANCES

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

ORDINANCE #2010-15

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$29,200 FOR ACQUISITION OF AN EXCAVATOR FOR THE TOWN OF NEWTON

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

Section 1. \$29,200 is hereby appropriated from the Water Sewer Capital – Capital Improvement Fund for the following purpose in the Town of Newton, including all costs necessary therefore or incidental thereto:

Purchase of an Excavator – The Town of Newton Water Sewer Utility Department has need of an excavator to make improvements to water main lines. The improvements are needed to increase the flow to hydrants throughout the Town.

\$29,200.00

Section 2. The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

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

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

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

This ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2010-16

ATTENDANCE POLICY FOR ELECTED OFFICIALS AND APPOINTED BOARD MEMBERS

WHEREAS, the Town of Newton seeks to maintain and ensure the quality and efficiency of its elected officials and appointed board members; and

WHEREAS, the State of New Jersey has established a "Best Practices" checklist for local governments that recommends the adoption of an "Absence from Meetings Policy" for elected officials and appointed board members; and

WHEREAS, the State of New Jersey has conditioned a municipality's receipt of State Aid for a municipality upon implementation of the action items on its "Best Practices" checklist;

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

1. The attached "Attendance Policy for Elected and Appointed Officials" is hereby adopted as new Ordinance Section 2-34 of Chapter 2 ("Administrative Code") of the Newton Revised General Ordinances; and

2. To the extent that existing Ordinance Section 2-5.1 ("Town Attorney / Appointment") is in conflict with section II of the "Attendance Policy for Elected and Appointed Officials," the terms of the "Attendance Policy for Elected and Appointed Officials" shall govern.

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

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

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

This ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2010-17

AN ORDINANCE TO VEST THE POWERS OF THE ZONING BOARD OF ADJUSTMENT INTO THE MUNICIPAL PLANNING BOARD

WHEREAS, N.J.S. 40:55D-25c authorizes a municipality to choose to exercise all of the powers of a zoning board of adjustment through its Planning Board; and

WHEREAS, the governing body of the Town of Newton has determined that elimination of the municipal zoning board of adjustment and consolidation of all of its powers pursuant to the Municipal Land Use Law within the municipal Planning Board would result in benefits and efficiencies to the applicants, municipal staff, and community at-large.

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

1. Chapter 2, Section 2-17 of the Newton Revised General Ordinances is hereby rescinded in its entirety.
2. Chapter 18A, entitled "LAND USE PROCEDURES," shall be amended such that the asterisked language related to the Chapter Title shall be deleted.
3. Chapter 18A, Section 18A-2.1 is amended to read as follows:

18A-2.1 Establishment. There shall be in the Town of Newton, pursuant to the Municipal Land Use Law, N.J.S. 40:55D-1 et seq., and specifically N.J.S. 40:55D-25c, a Planning Board of nine members consisting of the following four classes:

Class I. The Mayor.

Class II. One of the officials of the Town other than a member of the Town Council, to be appointed by the Mayor.

Class III. A member of the Town Council, to be appointed by it.

Class IV. Six other citizens of the Town, to be appointed by the Town Council. The Class IV members shall hold no other office in Town.

There shall also be four alternate members appointed to the Planning Board in the same manner as Class IV members who shall be designated by the Chair of the Planning Board as "Alternate No. 1" through "Alternate No. 4." Upon the effective date of this Ordinance, to stagger appointment expiration dates, Alternate Nos. 1 and 3 shall be appointed for a term of two years each, and Alternate Nos. 2 and 4 shall be appointed for a term of one year each. Thereafter an alternate member shall be appointed for a term of two years.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate members are to vote, Alternate No. 1 shall be chosen first, followed in turn by Alternate No. 2, then Alternate No. 3 and then Alternate No. 4, if necessary.

4. Chapter 18A, Section 18A-2.7, subpart (h), is amended to read as follows:

h. Pursuant to N.J.S. 40:55D-25c the Planning Board shall exercise, to the same extent and subject to the same restrictions, all powers of a zoning board of adjustment as listed and provided under the Municipal Land Use Law. In the event an application requires relief under N.J.S. 40:55D-70d, the Class I and Class III members of the Planning Board shall not participate in the consideration thereof, and said application shall be considered by no more than seven members/alternates.

5. Chapter 18A, Section 18A-2.8 is amended to read as follows:

18A:2.8 Applications; Procedure for Filing. Applications submitted to the Planning Board shall be on and include such forms as prescribed by the Planning Board. Applications and supporting documents are to be filed with the Planning Board Administrator in conformance with the rules enacted by the Planning Board and the requirements of the Municipal Land Use Law.

6. There shall be a new Chapter 18A, Section 18A-2.9f:

f. The Planning Board shall render its decisions on applications submitted to it not specifically addressed above in compliance with any time frame established by the Municipal Land Use Law.

7. There shall be a new Chapter 18A, Section 18A-2.12:

18A:2.12 Expiration of Variance. Any variance from the terms of this Chapter hereinafter granted by the Planning Board permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by such variance, or unless such permitted use has actually been commenced within nine months from the date of entry of the judgment or determination of the Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to the Town Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

8. Chapter 18A, Section 18A-3 of the Newton Revised General Ordinances is hereby rescinded.

9. Chapter 18A, Section 18A-4 shall be amended to be retitled "Provisions Applicable to Planning Board Proceedings" and to strike reference to "zoning board of adjustment" and any conjunctive words linking "Planning Board" with "zoning board of adjustment," such as "and" or "or" or "both."

10. Chapter 18A, Section 18A-5 shall be amended to replace "zoning board of adjustment" with "Planning Board."

11. Chapters 19 ("Land Subdivision"), 19A ("Site Plan Review"), 20 ("Zoning") and 21 ("Fees") are amended to strike reference to "zoning board of adjustment" and any conjunctive words linking "Planning Board" with "zoning board of adjustment," such as "and" or "or" or "both." All references to "Zoning Board of Adjustment" (or variant thereof) without linkage to "Planning Board" in the Newton Revised General Ordinances shall heretofore be replaced with "Planning Board." In the event of any inconsistency between the language of this Ordinance and the language of an existing Ordinance, the language of this Ordinance shall control.

12. Upon passage of this Ordinance the Town Council shall appoint two new Class IV members to the Planning Board and two new Alternates. The Planning Board shall otherwise continue as presently organized.

13. This Ordinance shall be effective January 1, 2011. Applications pending before the Zoning Board of Adjustment on the effective date of this Ordinance shall be transferred to the Planning Board for continuation of the application process before the Planning Board.

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

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

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

September 27, 2010

This ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2010-18

AN ORDINANCE AMENDING CHAPTER 3 OF THE NEWTON REVISED GENERAL ORDINANCES

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker		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 Wednesday, October 13, 2010.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2010-19

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker		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 Wednesday, October 13, 2010.

The Clerk will advertise the above Ordinance according to law.

September 27, 2010

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

ORDINANCE #2010-20

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker		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 Wednesday, October 13, 2010.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2010-21

AN ORDINANCE TO AMEND CHAPTER XXI, FEES AND COSTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker		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 Wednesday, October 13, 2010.

The Clerk will advertise the above Ordinance according to law.

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

September 27, 2010

ORDINANCE #2010-22

AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBIC USE

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker	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 Wednesday, October 13, 2010.

The Clerk will advertise the above Ordinance according to law.

ORDINANCE #2010-23

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND IMPLEMENTATION OF A REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWN OF NEWTON (N.J.S.A. 40A:4-53b)

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker	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 Wednesday, October 13, 2010.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Becker 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."*

September 27, 2010

It was requested that Resolution #170-2010 be removed from the Consent Agenda for separate discussion.

RESOLUTION #161-2010*

AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF A NEW CONCESSION STAND BUILDING AT THE MEMORY PARK POOL

WHEREAS, the Town of Newton has a need to acquire the services of FKA Architects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for architectural services for the design of a new Concession Stand Building at the Memory Park Pool; and

WHEREAS, FKA Architects submitted a proposal dated September 10, 2010 outlining the services to be provided for an amount not to exceed \$9,000 which is less than the threshold established by the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with FKA Architects, for the design of a new Concession Stand Building at the Memory Park Pool, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

RESOLUTION #162-2010*

APPROVE FIREWORKS DISPLAY AT NEWTON MEMORIAL HOSPITAL

WHEREAS, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Memorial Hospital on Saturday, November 20, 2010 as part of the annual "Festival of Lights"; and

WHEREAS, Newton Fire Official Joseph C. Inga has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Memorial Hospital is granted permission for a fireworks display during the "Festival of Lights" event to take place on November 20, 2010 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Newton Fire Official Joseph C. Inga.

September 27, 2010

RESOLUTION #163-2010*

AWARD BID FOR PUBLIC WORKS FACILITY STANDBY GENERATOR

WHEREAS, the Town of Newton publicly opened and read bids for the acquisition and installation of a Standby Generator for the Public Works Facility on Friday, September 17, 2010 at 10:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Lulo Electric, LLC 25 Saxton Drive Hackettstown, NJ 07840	\$65,800.00
High Point Electric, Inc. 719 Route 519 Wantage, NJ 07461	\$63,390.00
Manor II Electric 3 Ardsley Court Holmdel, NJ 07733	\$54,850.00
Power with Prestige, Inc. 40 Swartswood Road Newton, NJ 07860	\$73,700.00
Echelon Services, LLC. PO Box 536 Franklin, NJ 07416	\$98,000.00
Panz Electric Co. 16 Tuscarora Street Bergenfield, NJ 07621	\$61,466.40
Beaver Electric Co. 174 Eagle Rock Avenue Roseland, NJ 07068	\$59,122.00
Wires Electric Shop, Inc. 107 W. Valley View Avenue Hackettstown, NJ 07840	\$54,955.00
Liberty Construction and Developing, Inc. 641 County Route 601 Belle Mead, NJ 08502	\$59,600.00

WHEREAS, the Town Engineer in a letter dated September 17, 2010 recommended the award of the bid to Manor II Electric in the amount of \$54,850.00; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the acquisition and installation of a Standby Generator for the Public Works Facility be awarded to Manor II Electric, 3 Ardsley Court, Holmdel, NJ 07733, in the amount of \$54,850.00.

September 27, 2010

RESOLUTION #164-2010*

FINAL ACCEPTANCE OF THE RENOVATIONS TO FIREHOUSE#1 PROJECT

WHEREAS, on December 14, 2010 by adoption of Resolution #269-2009, the Newton Town Council awarded a contract to Zinno Construction for the Renovations to Firehouse #1 project; and

WHEREAS, in his memo dated September 15, 2010, the project architect, Sergio J. Chavarria of HQW Architects, LLC., states that said project has been completed and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concur with HQW's recommendation and accept the Renovations to Firehouse #1 project as final and complete; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Zinno Construction and the project architect.

RESOLUTION #165-2010*

REFUND OF MONIES FOR TAXES DUE TO A STATE TAX COURT JUDGMENT FOR 189-191 SPRING STREET

WHEREAS, 189-191 Spring Street LLC., Block 717.01, Lot 12; also known as 189-191 Spring Street filed a State Tax Court Appeal to lower the 2009 assessment on said block and lot; and

WHEREAS, on August 26, 2010, the Newton Tax Collector received a judgment issued by the State Tax Court ordering a reduction for the assessment for Block 717.01, Lot 12 for the tax year 2009. This order has resulted in a refund of monies in the amount of \$4,906.88 for 2009;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgment and that 189-191 Spring Street LLC is entitled to a refund in the amount of \$4,906.88; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process a refund to Michael I. Schneck, Trustee for 189-191 Spring Street LLC in the amount of \$4,906.88 in accordance with said State Tax Court Judgment.

RESOLUTION #166-2010*

REFUND OF MONIES FOR TAXES DUE TO A STATE TAX COURT JUDGMENT FOR 69 SPARTA AVENUE

WHEREAS, Merriam Gateway Apartments, Inc. Block 1301, Lot 15; also known as 69 Sparta Avenue filed a State Tax Court Appeal to lower the 2008 and 2009 assessment on said block and lot; and

WHEREAS, on August 26, 2010, the Newton Tax Collector received a judgment issued by the State Tax Court ordering a reduction for the assessment for Block 1301, Lot 15 for the tax years 2008 and 2009. This order has resulted in a refund of monies in the amount of \$26,744.22 for 2008 and \$5,052.63 for 2009 for a total refund of \$31,796.85;

September 27, 2010

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgment and that Merriam Gateway Apartments, Inc. is entitled to a refund in the amount of \$31,796.85; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process a refund to Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc., in the amount of \$31,796.85 in accordance with said State Tax Court Judgment.

RESOLUTION #167-2010*

REFUND OF MONIES FOR TAXES DUE TO A STATE TAX COURT JUDGMENT FOR 75 SPARTA AVENUE

WHEREAS, Merriam Gateway C/O Sussex Warren H, Block 1301, Lot 14; also known as 75 Sparta Avenue filed a State Tax Court Appeal to lower the 2008 and 2009 assessment on said block and lot; and

WHEREAS, on August 26, 2010, the Newton Tax Collector received a judgment issued by the State Tax Court ordering a reduction for the assessment for Block 1301, Lot 14 for the tax years 2008 and 2009. This order has resulted in a refund of monies in the amount of \$10,984.93 for 2008 and \$5,783.93 for 2009 for a total refund of \$16,768.86;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgment and that Merriam Gateway C/O Sussex Warren H, is entitled to a refund in the amount of \$16,768.86; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process a refund to Michael I. Schneck, Trustee for Merriam Gateway C/O Sussex Warren H, in the amount of \$16,768.86 in accordance with said State Tax Court Judgment.

RESOLUTION #168-2010*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Account 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 account for amount billed incorrectly due to the reason(s) stated:

Credit penalty due to meter reading being overestimated:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
8465	35 Condit Street	\$41.22

RESOLUTION #169-2010*

AWARD CONTRACT FOR MAKE-UP AIR FURNACE AND EXHAUST FAN REPLACEMENT

September 27, 2010

WHEREAS, the Town of Newton Wastewater Treatment Plant Inlet Heating is in major disrepair and requires immediate attention due to the change in weather and the potential of the heating system failing in operation; and

WHEREAS, Willco has provided the Town of Newton a quote in the amount of \$22,390.00 to replace the existing heating unit in the inlet building with a Reznor RDH 200 gas fired rooftop-heating unit and one (1) Greenheck exhaust fan to replace the failing system in place at the inlet building; and

WHEREAS, the Town of Newton bid threshold is \$29,000, and the Qualified Purchasing Agent recommends the purchase of the make-up air furnace and exhaust fan replacement from Willco due to the emergent nature of the system; and

WHEREAS, the Chief Financial Officer for the Town of Newton has certified that funds are available to support this project as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Willco of Branchville, NJ be awarded the contract for the make-up air furnace and exhaust fan replacement in the amount of \$22,390.00.

RESOLUTION #171-2010*

WATER SEWER CAPITAL BUDGET AMENDMENT

WHEREAS, the local Water Sewer capital budget for the year 2010 was approved on the 24th day of May, 2010; and

WHEREAS, it is desired to Amend said adopted Capital Budget Section,

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Town of Newton, County of Sussex that the following capital budget amendment of 2010 be made:

September 27, 2010

RECORDED VOTE: (AYES (NAYES (ABSTAIN ((Insert last name) ((ABSENT ((

WATER SEWER CAPITAL BUDGET (Current Year Action) 2010

PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2010 2010 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Acquisition of Hot Box	2010-2	14,400			14,400			0	
(Total cost \$28,800)									
TOTAL ALL PROJECTS		14,400		0	14,400	0	0	0	0

3 YEAR WATER SEWER CAPITAL PROGRAM 2010 - 2012

Anticipated Project Schedule and Funding Requirements

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2010	2011	2012	2013	2014	
Acquisition of Hot Box	2010-2	14,400	2010	14,400					
TOTAL ALL PROJECTS		14,400		14,400	0	0	0	0	0

September 27, 2010

**3 YEAR WATER SEWER CAPITAL PROGRAM 2010 - 2012
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS		CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES			
		CURRENT YEAR 2010	FUTURE YEARS				GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
Acquisition of Hot Box	14,400.00			14,400						
TOTAL ALL PROJECTS	14,400			14,400	0	0	0			

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Township Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution creating the capital budget section adopted by the governing body on the 27th day of September, 2010.

Certified by: Lorraine A. Read, RMC

Date

Municipal Clerk

September 27, 2010

RESOLUTION #172-2010*

CAPITAL BUDGET AMENDMENT

WHEREAS, the local Water Sewer capital budget for the year 2010 was approved on the 24th day of May, 2010; and

WHEREAS, it is desired to Amend said adopted Capital Budget Section,

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Town of Newton, County of Sussex that the following capital budget amendment of 2010 be made:

RECORDED VOTE: (Insert last name)	AYES	(NAYES	(ABSTAIN	(
		(((
		((ABSENT	(
		(((
		(((

CAPITAL BUDGET (Current Year Action)

2010

Planned Funding Services for Current year 2010

PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2010 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Acquisition of Hot Box	2010-	14,400			14,400				
(Total cost \$28,800)									
TOTAL ALL PROJECTS		14,400		0	14,400	0	0	0	0

September 27, 2010

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2010	2011	2012	2013	2014	
Acquisition of Hot Box	2010-	14,400	2010	14,400					
TOTAL ALL PROJECTS		14,400		14,400	0	0	0	0	0

**3 YEAR CAPITAL PROGRAM 2010 - 2012
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	BUDGET APPROPRIATIONS				BONDS AND NOTES					
	ESTIMATED COST	CURRENT YEAR 2010	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
Acquisition of Hot Box	14,400.00			14,400						
TOTAL ALL PROJECTS	14,400			14,400	0	0	0			

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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Township Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution creating the capital budget section adopted by the governing body on the 27th day of September, 2010.

Certified by Lorraine A. Read, RMC

Date

Municipal Clerk

RESOLUTION #173-2010*

**RESOLUTION FO THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
DIRECTING THE TOWN PLANNING BOARD TO REVIEW A PROPOSED
REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING
LAW**

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 or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on April 23, 2007, the Town of Newton (the "Town"), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the "Rehabilitation Area"); and

WHEREAS, the Town wishes to implement a redevelopment plan for a portion of the Rehabilitation Area comprised of: Block 1104, Lot 22; Block 1209, Lots 10, 11, 12.01; Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16; and Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14, together with the public streets and rights-of-way adjacent thereto (collectively, the "Plan Area"); and

WHEREAS, in accordance with the Act, the Town has prepared a proposed redevelopment plan for the Plan Area, which is attached hereto as Exhibit A; and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in crafting a redevelopment plan for the Plan Area;

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. PLANNING BOARD DIRECTED TO REVIEW REDEVELOPMENT PLAN

The Town Council hereby authorizes and directs the Planning Board to review the draft redevelopment plan attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by *N.J.S.A. 40A:12A-7(e)*.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

RESOLUTION #174-2010*

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 2009 and 2010 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

20,927.43	Ford Motor Credit Municipal	27581
1,150.93	Montague Tool & Supply	27582
2,413.50	Harold Pellow & Assoc., Inc.	27583
200.00	Decker's Fire & Safety	27584
60.00	ABCCode Security	27585
189.51	Aurora Electrical Supply	27586
62.50	Sussex Car Wash, Inc.	27587
634.89	NUI Corporation	27588
579.76	G & H Service, Inc.	27589
5,413.51	JCP&L	27590
591.74	SCMUA	27591
150.00	Michael D. Teets	27592
390.00	B & G Elevator Inc.	27593
376.64	Centurylink Communications, Inc.	27594
2,819.73	Centurylink Communications, Inc.	27595
35.00	Centurylink Communications, Inc.	27596
67.07	Centurylink Communications, Inc.	27597
4,050.00	Hollander, Strelzik, Pasculli, Hinkes	27598
387.06	Campbell's Small Engine	27599
68.30	Federal Express	27600
5,232.79	Newton First Aid Squad	27601
37.50	Joseph Inga	27602
187.50	Thomas Trudgeon	27603
200.00	Scott Holzhauser	27604
220.00	Miami Systems	27605
60.00	NJLM	27606
564.00	J & D Sales & Service	27607
37.50	Brock Kithcart	27608

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210.35	Galls Incorporated	27609
2,116.80	Office Business Systems, Inc.	27610
15.00	Sussex County Assessors Assoc.	27611
848.23	Dempsey Uniform & Supply Inc.	27612
237.50	Debra Millikin	27613
5,575.00	L-3 Comm. Mobile-Vision	27614
635.90	Boonton Tire Supply	27615
34.24	Weiner Lesniak	27616
90.00	Division of Fire Safety	27617
752.18	Vision Service Plan	27618
150.00	Jason Miller	27619
1,378.31	Verizon Wireless	27620
73.67	Mr. John	27621
133.71	Cooper Electric Supply Co.	27622
17,500.00	Holzauer & Hostenstein, LLC	27623
705.00	Vogel, Chait, Collins, Schneider, PC	27624
37.06	Advance Auto Parts	27625
2,235.00	Guardline Fire & Safety Co., Inc.	27626
162.00	Mid-Atlantic for Safety	27627
37.50	Tania L. Ell	27628
142.00	Draeger Safety Diagnostics, Inc.	27629
329.38	Seely Brothers	27630
386.71	William Weldon & Lick, Inc.	27631
197.52	Matthew Bender & Co.	27632
497.85	Staples Business Advantage	27633
99.00	AM/PM Services	27634
1,744.88	Pinnacle Wireless, Inc.	27635
1,009.72	Municipal Graphics, Inc.	27636
2,217.99	Rachles/Michele's Oil Company	27637
2,250.00	Laddey, Clark & Ryan, LLP	27638
935.25	JMC Environmental Consultants, Inc.	27639
1,200.00	Spartech Solutions, LLC	27640
469.80	Penteledata	27641
89,957.00	NJMEBF	27642
2,221.28	Direct Energy Business	27643
47.88	Tractor Supply Co.	27644
11.50	Idville	27645
254.54	Woodruff Energy	27646
2,495.06	United Rotary Brush	27647
360.00	The Buzak Law Group, LLC	27648
4,460.97	Merriam Gateway Apartments, Inc.	27649
181,015.69	Payroll Account	27650
134,000.00	Capital Account	27651
922,786.00	Newton Board of Education	27652

CAPITAL

12,244.88	Harold Pellow & Assoc., Inc.	27653
1,962.00	Hollander, Strelzik, Pasculli, Hinkes	27654
1,797.81	McManimon & Scotland	27655
4,726.00	Ben Shafer & Associates	27656
2,100.00	Corby Associates, Inc.	27657
149.99	Staples Business Advantage	27658
2,375.00	Zinno Construction	27659
1,404.54	Tanner North Jersey, Inc.	27660

Total TOWN BILLS \$1,455,884.55

WATER AND SEWER ACCOUNT

32,908.09	Payroll Account	106028
532.42	State of New Jersey – PWT	106029
2,084.24	Schmidt’s Wholesale, Inc.	11711
8,242.59	Harold Pellow & Assoc., Inc.	11712
659.08	Hach Company	11713
12.04	Aurora Electrical Supply	11714
242.86	NUI Corporation	11715
962.83	JCP&L	11716
305.20	SCMUA	11717
21.00	Paul M. Havens	11718
3,449.62	Coyne Chemical Corp., Inc.	11719
125.85	Centurylink Communications, Inc.	11720
26.93	Centurylink Communications, Inc.	11721
1,294.86	Centurylink Communications, Inc.	11722
1,008.00	Hollander, Strelzik, Pasculli, Hinkes	11723
615.00	Garden State Laboratories, Inc.	11724
1,241.00	Mitchell Agency	11725
690.00	Joseph Carr	11726
389.67	Dempsey Uniform & Supply Inc.	11727
21.00	Ervin Lasso	11728
250.00	Treasurer, State of New Jersey	11729
163.92	Vision Service Plan	11730
1,250.00	John Smalley	11731
1,667.16	Main Pool & Chemical Company	11732
1,435.00	Kistler O’Brien Fire Protection	11733
262.50	Screen Creation Plus	11734
21.00	Eric Tompkins	11735
862.00	Andy Matt, Inc.	11736
139.90	Penteledata	11737
14,525.00	NJMEBF	11738
150.87	One Call Concepts	11739
138.49	Woodruff Energy	11740

CAPITAL

800.00	NJ Dept. of Transportation	2155
9,328.50	Harold Pellow & Assoc., Inc.	2156

Total WATER & SEWER BILLS \$85,826.62

TRUST ACCOUNT

414.00	Hollander, Strelzik, Pasculli, Hinkes	2816
1,125.00	James P. Sloan, PC	2817
330.00	Vogel, Chait, Collins, Schneider, PC	2818
119.57	HP	119.57

Total TRUST ACCOUNT BILLS \$1,988.57

DEVELOPMENT ESCROW ACCOUNT

255.00	Vogel, Chait, Collins, Schneider, PC	1053
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1,420.00

Level G Associates, LLC

1054

Total DEVELOPMENT ESCROW ACCOUNT BILLS \$1,675.00

The Clerk presented an application for an off-premise raffle (Tricky-Tray and 50/50) from HSA St. Joseph School, 20 Jefferson Street, Newton to be held on Friday, October 22, 2010 from 5:00 p.m. to 10:00 p.m. at St. Joseph Regional School, 20 Jefferson Street, Newton. Proceeds to benefit St. Joseph Regional School.

The Clerk presented an application for an on-premise raffle (50/50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton to be held at 44 Ryerson Avenue, Newton on December 23, 2010 at 9:00 p.m.; January 8, 2011 at 7:00 p.m.; January 13, 2011 at 9:00 p.m.; January 22, 2011 at 9:00 p.m.; February 2, 2011 at 9:00 p.m. and February 4, 2011 at 9:00 p.m. Proceeds to benefit the Newton Wrestling Booster Club.

It was noted that the above applications are in order and accompanied by the prescribed fees.

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

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

Mrs. Le Frois introduced members of the fire department who also served on the Truck Committee and thanked them for their diligent work. Mr. Derek Wechtler, Newton Fire Chief and Mr. Brian Fox, Committee Co-Chairman, were in attendance to address questions of the governing body. Mr. Fox outlined the two proposals submitted to the Truck Committee and indicated that the Truck Committee's recommendation is for the purchase of the Pierce Arrow XT 95' Mid-Mount Aerial Platform fire truck submitted by Pierce Manufacturing.

Mr. Ricciardo questioned the request of the Truck Committee to attend

two factory visits at \$1,000 per visitor. Mr. Fox indicated that the first visit would include five members for pre-construction and the second visit would include eight members for the final inspection of fire truck, which is a total of \$13,000. Mr. Russo noted that he should be attending the inspections as well, since he authorizes the purchase. Mr. Ricciardo made a motion to authorize Mrs. Le Frois, as Council representative and Mr. Russo, Town Manager, to attend the fire truck inspections. Motion was seconded by Mrs. Diglio and carried.

After a lengthy discussion, a motion to approve **RESOLUTION #170-2010**, as **AMENDED**, was made by Mr. Ricciardo, seconded by Mrs. Diglio and roll call resulted as follows:

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

RESOLUTION #170-2010

AWARD PURCHASE OF MID-MOUNT AERIAL PLATFORM TRUCK

WHEREAS, the Town of Newton publicly accepted bids for the purchase of a Mid-mount Aerial Platform Truck on Tuesday, September 14, 2010 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Factory Inspection Option</u>
Absolute Fire Protection Co., Inc. 2800 Hamilton Blvd. South Plainfield, NJ 07080	\$919,360.00	\$13,000.00
Pierce Manufacturing, Inc. (N.J. Rep: Pierce Fire & Safety Services, Ltd.) 2600 American Drive Appleton, Wisconsin 54914	\$938,357.00	\$13,000.00

WHEREAS, the Truck Committee of the Newton Fire Department has submitted to the Newton Town Manager an analysis of compliance with bid specifications dated September 20, 2010, noting therein:

Technical Specifications, "Special Requirements," Subpart 1-28-5, is as follows:

Due to the layout and design of some streets in the Town of Newton, the following dimensions shall be strictly adhered to, NO EXCEPTION:

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- Center line of rear tandem axle to the end of the body shall not exceed 167".
- The measurement from the bottom of the rear-most compartment on each side to the ground not less than 26".
- The measurement from the bottom of the compartment directly behind the tandem axle to the ground not less than 20"; and

WHEREAS, notwithstanding the specific instruction that no exception may be taken from this specification for the reason stated, the bid by Absolute Fire Protection Co., Inc., did not comply with the requirement of a maximum 167-inch measurement from the centerline of the rear tandem axle to the end of the body, with its equipment measuring 211 inches (211-inch dimension shown on "Drawing Sheet 1 of 2, Aerial Body, Quest Chassis, Aerial Ladder"); and

WHEREAS, based on the advice of the Town Attorney regarding the foregoing non-compliance with specifications the bid by Absolute Fire Protection Co., Inc., must be disqualified; and

WHEREAS, the bid document entitled "Information for Bidders" states:

If, for any reason, the Bidder takes exception to any part of the Contract Documents as contained herein, the Bidder shall note the exception in his Bid and give the reason for the exception. The Owner will review the exceptions, as noted, and the reasons for those exceptions, and reserves the right either to reject or accept the exceptions and reasons as noted, whichever prove to be in the best interest of the Town of Newton; and

WHEREAS, the Truck Committee has recommended rejection of the following exceptions from specifications taken by Absolute Fire Protection Co., Inc.:

First:

Section 4-1-1: These specifications describe the minimum requirements for a mid-mounted, 95 ft. telescoping, elevating platform. The unit shall consist of a five section steel ladder with a self-leveling platform attached to the fly ladder. Truck Committee Analysis: The equipment proposed by Absolute Fire Protection Co. has a four section aluminum ladder instead of the required five-section steel ladder, which is unsatisfactory.

Second:

Section 4-1-2: The aerial device shall be mid-mounted to a torque box, on the truck chassis. The aerial device pedestal shall be raised to afford the widest operating parameters, especially when operating over the cab. The aerial shall be able to be lowered to a minimum of 11 degrees while operating over the front of the cab. No sign of instability, such as lifting of the jacks shall be evident when fully loaded and extended horizontally over the cab. Truck Committee Analysis: The equipment proposed by Absolute Fire Protection Co. has a 53-degree minimum instead of the required 11-degree minimum, which is unsatisfactory; and

WHEREAS, all other exceptions in both bids were acceptable to the Truck Committee; and

WHEREAS, the Truck Committee has requested that the award include \$13,000 for the option for two factory visits (\$1,000 per visitor), per Specifications

1-26 and 9-1, which sums would be credited to the Town in the event of a decision by the Town to either limit participation in or cancel such visits; and

WHEREAS, based on the disqualification of bidder Absolute Fire Protection for non-compliance with Specification Section 1-28-5 and the other discretionary reasons as set forth above, the Truck Committee of the Fire Department, the Town Attorney, and the Qualified Purchasing Agent recommend award of the Mid-mount Aerial Platform Truck to Pierce Manufacturing, Inc., in the amount of \$951,357.00 (including the \$13,000 option); and

WHEREAS, the municipal Chief Financial Officer has certified funds are available based on the attached Certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the purchase of Mid-mount Aerial Platform Truck be awarded to Pierce Manufacturing, Inc., c/o Pierce Fire & Safety Services, Ltd., 200 Ryan Street, South Plainfield, NJ 07080, in the amount of \$951,357.00; and

BE IT FURTHER RESOLVED, that Deputy Mayor Helen Le Frois, as Council Delegate to the Fire Department Truck Committee, and Town Manager Thomas S. Russo, Jr., are authorized to represent the Town and participate in either or both authorized factory visits as may be required in their discretion to protect the interests of the Town in this transaction; and

BE IT FURTHER RESOLVED, that the appropriate municipal officials submit a copy of this Resolution with the requisite Contract to Pierce Manufacturing, Inc., for execution and satisfaction of all post-award requirements.

INTERMISSION – None

DISCUSSION

a. Fire Damaged Structures

Mr. William Hinkes, Esq., recapped the conversation from the previous Council meeting regarding the property tax relief for fire damaged structures and updated Council on the additional research he conducted under the current statute. Mr. Hinkes noted that under this scenario, addressed by a resident, the Town Council has no discretion and cannot provide any tax adjustment unless the fair market value of the property is less than the principal sum of taxes.

Mr. Hinkes also addressed a statute that would enable the Town the means of collecting unpaid taxes, demolition expenses, and municipal liens from the proceeds of a fire insurance policy. Mr. Hinkes noted that if the Town creates such an Ordinance, the insurance company must pay any outstanding

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municipal claims before making payment to the property owner.

OPEN TO THE PUBLIC

Mr. Anwar Qarmout, 45 Woodside Ave., requested further clarification on his scenario which was addressed by Mr. Hinkes. Mr. Hinkes noted that NJS 54:4-99 et seq. is pretty clear. Mr. Qarmout indicated that he will further research this issue on his own and keep the Town abreast of his findings.

Mr. Qarmout thanked the Town Council for the newly instituted shared service with Hardyston Township, Construction Department. Mr. Qarmout highly commended their expertise and feels that they are a "top notch" staff.

Mr. Neil Flaherty, 154 Sparta Avenue, noting the Town will be investing in the purchase of a new fire truck, questioned if the Town will have additional insurance on this vehicle for full replacement value. Mr. Russo will check with our Insurance Agent, Keith Mitchell.

COUNCIL & MANAGER COMMENTS

The Town Council entered into Executive Session via Resolution #175-2010 at 8:05 p.m.

The Town Council returned from Executive Session at 8:50 p.m.

There being no further business to be conducted, upon motion by Mr. Ricciardo, seconded by Mrs. Le Frois and unanimously carried, the meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk