

December 29, 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 S. Russo, Jr., Town Manager and Mark Hontz, 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 Deputy Clerk called the roll and upon completion of same, upon motion of Mrs. Le Frois, seconded by Mrs. Diglio, the minutes of December 13, 2010 (Regular and Executive) meetings were approved as presented.

OPEN TO THE PUBLIC

Mayor Becker read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

Mr. Neil Flaherty, 54 Sparta Avenue, expressed his concern regarding commercial properties on Spring Street that have been vacant for an extraordinarily long time and suggested ideas for future assessments on those properties.

Mr. Michael Malone, 59 Trinity Street, addressed concerns regarding the outcome of the Town's stance on the illegal aliens living in Newton as well as the legality of the recitation of the invocation prior to Town Council meetings. Mark Hontz, Esq. and Councilman Ricciardo addressed Mr. Malone's concerns.

PRESENTATIONS

Mayor Becker read the following Proclamation expressing appreciation and gratitude to Peter J. Kays for his 21 years of dedicated service to the Town of Newton.

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PROCLAMATION

Peter J. Kays

WHEREAS, Peter J. Kays was first employed by the Town of Newton on May 1, 1989 as a Laborer with the Department of Public Works; and

WHEREAS, he was promoted to the position of Truck Driver on January 1, 1992; and

WHEREAS, during his tenure with the Town he was recognized for his assistance with the repair of a watermain break on the Barn Hill Care Center property in July, 2006, for his work in assisting the Public Works Department in the acquisition and restoration of tractors for snow removal in 1999, and for his fine job in helping with the snow removal during the Blizzards of 1993, 1996 and 2003; and

WHEREAS, most notably Pete was recognized for his assistance with the Police apprehending a burglar that robbed a fellow employee's home in September 1994; and

WHEREAS, Pete officially retires on December 31, 2010 after 21 years of service to the Town of Newton;

NOW, THEREFORE, We the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Peter J. Kays for his dedicated service and offer our best wishes to him for health and happiness during his retirement.

Mayor Becker read the following statement announcing the winner of the 2010 Town of Newton Holiday Decorating Contest:

"The Mayor and Town Council would like to acknowledge their appreciation and applaud the efforts of the residents of this wonderful Town for their devotion to keeping the holiday spirit alive with the community. The winner of the 2010 Newton Holiday Decorating Contest: Mr. and Mrs. Lehmer, 103 Lake Avenue, Newton, NJ 07860 for the best holiday display."

COUNCIL & MANAGER REPORTS

Councilman Ricciardo thanked the entire Department of Public Works for the outstanding job of snow removal during the recent storm.

Mr. Russo advised the Municipal Building will be closing at 3:30 p.m. on Friday, December 31, 2010 and the offices will be closed on Monday, January 3, 2011 for the New Year's Holiday.

Mr. Russo advised there will be no packet or newsletter this week and wished everyone a healthy and happy new year.

ORDINANCES

At this time, Mark Hontz, Esq. recused himself from the reading of Ordinance #2010-28 due to a conflict of interest.

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

ORDINANCE #2010-28

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF AN ENCROACHMENT EASEMENT OVER PART OF BLOCK 1302, LOT 9 ON THE OFFICIAL TAX MAP OF THE TOWN OF NEWTON, OWNED BY THE TOWN OF NEWTON, TO PERMIT THE ENCROACHMENT OF THE DWELLING AND THE CONCRETE STAIRS AND WALLS ADJACENT TO THE DWELLING, ALL LOCATED ON BLOCK 1108, LOT 19.05 AND LOT 23 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWN OF NEWTON, PURSUANT TO N.J.S.A. 40A:12-13, ET. SEQ.

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a municipality, by ordinance, to sell an interest in real property as therein defined via private sale to contiguous property owners; and

WHEREAS, title to Block 1302, Lot 9 ("Town Property") on the Official Tax Map of the Town of Newton ("Town") is held by the Town as public property; and

WHEREAS, a portion of the dwelling and the concrete stairs and walls adjacent to the dwelling, located on adjacent premises more particularly described as Block 1108, Lot 19.05 and Lot 23 ("Private Property") on the Official Tax Map of the Town of Newton and commonly known as 19-21 Kelsey Avenue, currently encroaches onto the Town Property; and

WHEREAS, the Town desires to convey to the owner of the Private Property an encroachment easement, more particularly described on Schedule A attached hereto and made a part hereof, in order to permit the continued encroachment onto the Town Property; and

WHEREAS, the Town desires to offer the easement interest in the property to contiguous property owner to purchase for not less than the fair market value which has been established at \$1,500.00.

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 Town of Newton ("Town") hereby authorizes the private sale of an encroachment easement over Block 1302, Lot 9 ("Town Property") on the Official Tax Map of the Town of Newton, owned by the Town, to and for the benefit of the owner of Block 1108, Lot 19.05 and Lot 23 ("Private Property") on the Official Tax Map of the Town of Newton (commonly known as 19-21 Kelsey Avenue), for the purposes of permitting the encroachment of the dwelling and the concrete stairs and wall adjacent to the dwelling onto the Town Property, for consideration of ONE THOUSAND, FIVE HUNDRED DOLLARS (\$1,500.00), which is determined to be the fair market value thereof.

SECTION 2. The metes and bounds description of said encroachment easement, together with a map designating the same, are hereby attached

hereto and made a part hereof as Schedules A and B, and are incorporated herein.

SECTION 3. The Mayor, Municipal Clerk, and all other officers, employees and professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this Ordinance in accordance with the applicable statutory requirements set forth in N.J.S.A. 40A:12-13 et seq.

SECTION 4. An advertisement shall be published in a newspaper circulating within the Town of the adoption of this Ordinance and of the opportunity for any person to offer to purchase said easement for not less than the \$1,500.00 fair market value established herein by making said offer in writing to the Town Manager and providing a certified or cashier's check payable to the Town in the amount of not less than 10% of the offer.

SECTION 5. Not later than 30 days from the enactment of this ordinance, the Town reserves the right to reconsider said ordinance and offer the subject property interest for sale by public bid/auction pursuant to the applicable law.

SECTION 6. All Ordinances of the Town of Newton which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 7. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST

TOWN OF NEWTON

Lorraine A. Read, RMC,
Municipal Clerk

Kristen S. Becker, Mayor

December 29, 2010

SCHEDULE A

ERIC R. SMART ASSOCIATES

Land Surveying
78 Coykendall Road
Wantage, New Jersey 07461
Phone & Fax (973) 875-9449

October 27, 2010

5095R.doc

Easement description for dwelling encroachments over Tax Map Lot 9 in Block 1302, lands of the Town of Newton, to benefit Tax Map Lots 19.05 and 23 in Block 1108.

BEGINNING at a concrete monument found on the northwesterly sideline of Lot 9, Block 1302, lands of the Town of Newton, formerly the Sussex Railroad, said monument is at the beginning corner of the third tract of land described in a deed of conveyance from Hart and Iliff Co., to the Hart and Iliff Co., bearing date of May 1, 1924 and recorded in the Sussex County Clerk's Office in Book 0-12 of Deeds, page 391 and running the following 2 courses along the northwesterly sideline of Lot 9 Block 1302

1. N40°-16'-32"W 20.17' along the division line between Lots 9 and 23 to a point, thence
2. N66°-45'-00"E 53.00' still along the division line between Lots 9 and 23 and also partly along the southerly line of 10' wide driveway tract to a point, thence
3. S23°-15'-00"E 15.37' thru the said Lot 9, the lands of the Town of Newton to a point, thence
4. S61°-59'-37"W 47.26' still thru Lot 9 to the point of beginning.

Containing 873 square feet of land.

The above description is based on a survey entitled "Map of Survey of Lot 19.05 & Lot 23, Block 1108, Town of Newton, Sussex County, NJ", dated March 10, 2010 and prepared by William F. Stoehr, LS 27890



Prepared by Eric R. Smart, NJLS 18606

Schedule A

Schedule B

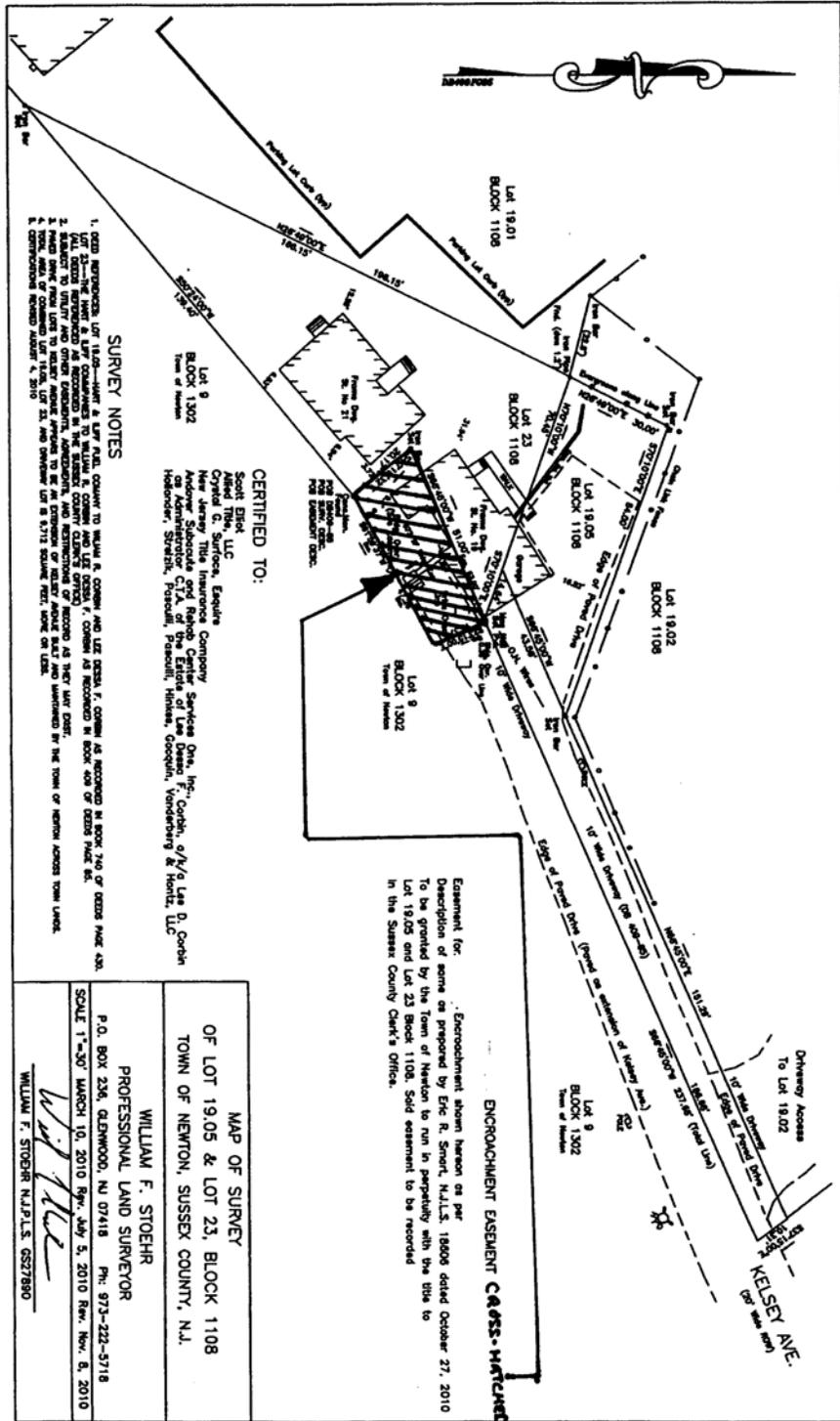


Exhibit B

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. Ricciardo and unanimously carried, the hearing was closed.

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

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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 Deputy 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 #2010-29

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2011

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 2011 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. 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 5. 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 6. 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 7. 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 8. 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, 2011.

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 Mr. Ricciardo, who moved its adoption, 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		

This ordinance will take effect after publication and adoption according to law. The Deputy Clerk will advertise the above Ordinance according to law.

At this time, Mark Hontz, Esq. recused himself from the reading of Ordinance #2010-30 due to a conflict of interest.

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

ORDINANCE #2010-30

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2011

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 2011; 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, Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, 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, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., providing their retention as Town Attorney in and on behalf of the Town of Newton for calendar year 2011.

2) The services to be rendered by Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, 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, Pasculli, Hinkes, Gacquin, 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*.

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 Mrs. Le Frois, who moved its adoption, 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	

This ordinance will take effect after publication and adoption according to law. The Deputy Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

A motion was made by Mr. Ricciardo to approve the **CANCELLATION OF CHECK #27972** and to proceed with the issuance of a new check based on a memorandum dated December 23, 2010 from the Town Manager to the Fire

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Department Chief, Derek Wechtler, 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		

Mr. Russo updated the Governing Body regarding the status of Main Street Newton program and indicated he is still awaiting feedback from Mr. Jef Buehler, at Main Street New Jersey on the status of the Business Improvement District grant.

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."*

Mr. Russo provided an overview of all the resolutions on the Consent Agenda.

RESOLUTION #248-2010*

RATIFY AND AFFIRM THE ISSUANCE OF A BOND ANTICIPATION NOTE

WHEREAS, Ordinance No. 2010-23 previously adopted by the Town Council of the Town of Newton authorized a special emergency appropriation for the *preparation and implementation of a reassessment of all real property within the Town of Newton* and Resolution #203-2010 authorized the issuance of a special emergency note to provide temporary financing for the Current Fund; and

WHEREAS, the Chief Financial Officer obtained a quote for a \$60,000 Special Emergency Note from Lakeland Bank at a variable interest rate based on the *Wall Street Journal* Prime Rate which is currently 3.25% per annum; and

WHEREAS, the appropriate Town Officials executed said Note in the amount of \$60,000.00 dated December 15, 2010 for a term of sixty days (60) due February 15, 2011; and

WHEREAS, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Council meeting, herewith attached is a copy of the Note evidencing the principal amount, interest rate, the maturity date, the price obtained and the name of the purchaser;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it does hereby ratify and affirm the issuance of said Special

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Emergency Note by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

RESOLUTION #249-2010*

APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2011

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 2011, 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
Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC	Labor Relations Attorney
James P. Sloan, Esq. Attorney at Law	Municipal Public Defender

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 #250-2010*

APPOINTMENT OF MEGAN KRAL, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2011

WHEREAS, Victor R. Jusino, Esq., 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 2011; and

WHEREAS, Megan Kral, 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

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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 we hereby appoint Megan Kral, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2011; and

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

RESOLUTION #251-2010*

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

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 experienced 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 and legal 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 December 29, 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 #252-2010*

APPROVE REFUND OF ERRONEOUS WATER AND SEWER PAYMENTS

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WHEREAS, tax sale certificate #1292 was issued on June 24, 2010 for unpaid 2008 taxes and water and sewer charges on Block 402, Lot 10, 75 High Street to Park Finance LLC; and

WHEREAS, the Town Council adopted Resolution #242-2010 at their meeting on December 13, 2010 approving a credit for 2008 and 2009 charges to the account in the amount of \$770.00 which was being billed incorrectly during this time period; and

WHEREAS, the Water and Sewer Collector processed the credit to said accounts on December 14, 2010 resulting in an overpayment in the amount of \$472.50 which was previously paid by Park Finance LLC the lien holder; and

WHEREAS, the Tax Collector requests a refund be issued to Park Finance LLC who paid the charges erroneously in the amount of \$472.50 along with legal interest in the amount of \$28.45;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Park Finance LLC is entitled to a refund in the total amount of \$500.95.

RESOLUTION #253-2010*

AMEND TAX SALE CERTIFICATE #1292 FOR ERRONEOUS WATER AND SEWER PAYMENTS MADE

WHEREAS, Tax Sale Certificate #1292 was issued on June 24, 2010 for unpaid 2008 taxes and water and sewer charges on Block 402, Lot 10, 75 High Street to Park Finance LLC; and

WHEREAS, the Town Council approved Resolution #242-2010 at their meeting on December 13, 2010 authorizing a credit for 2008 and 2009 charges to the account which was being billed incorrectly during this time period resulting in an overpayment by the lien holder, Park Finance LLC; and

WHEREAS, Tax Sale Certificate #1292 must be amended to reflect this change/deletion of said water and sewer charges. The water and sewer charges are to be removed and the total amount of said certificate shall now be \$6,048.03. All other aspects of said certificate will remain unchanged;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that Tax Sale Certificate #1292 be amended to reflect this change/deletion of the erroneous water and sewer charges.

RESOLUTION #254-2010*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Municipal Tax Sale held on October 4, 2007, a lien was sold on Block 402, Lot 8, also known as 79 High Street, for 2006 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1236, was sold to Jesse Wolosky for a 5% redemption fee; and

WHEREAS, Mr. Arthur J. Brown, current owner of the property, has effected redemption of Certificate #1236 in the amount of \$ 4,664.98;

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NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Jesse Wolosky is entitled to a refund in the amount of \$ 4,664.98; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$4,664.98 for the redemption of Certificate #1236, payable to Jesse Wolosky, 1 Vista Drive, Sparta, NJ 07871.

RESOLUTION #255-2010*

RESOLUTION TO REMIT (CANCEL) ADDED ASSESSMENT TAXES

WHEREAS, Block 303, Lot 26.03 also known as 126 Water Street and owned by 206 & North Park Drive LLC, c/o Dunkin' Donuts received an added assessment for improvements to the property on November 1, 2010; and

WHEREAS, on December 20, 2010 the Tax Collector of the Town of Newton received a Judgment from the County of Sussex Board of Taxation instructing her that the added assessment was to be remitted (cancelled), in the dollar amount of \$45,592.47 for tax year 2010 and \$30,394.98 for the preliminary first half of 2011; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the added taxes for the tax year 2010 and the preliminary first half of 2011 in the total amount of \$75,987.45 be remitted (cancelled); and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to remit (cancel) taxes for said parcel.

RESOLUTION #256-2010*

RESOLUTION TO BILL ADDED ASSESSMENT TAXES AS THE RESULT OF A SUSSEX COUNTY BOARD OF TAXATION JUDGMENT

WHEREAS, Block 303, Lot 26.02 also known as 128 Water Street and owned by 206 & North Park Drive LLC, c/o Walgreens received an added assessment for improvements to the property on November 1, 2010; and

WHEREAS, on December 20, 2010 the Tax Collector of the Town of Newton received a Judgment from the County of Sussex Board of Taxation instructing her that the added assessment was to be billed, in the dollar amount of \$36,748.26 for tax year 2010; and

WHEREAS, the due date for the 4th quarter 2010 Added Assessment shall be due on or before Monday, January 17, 2011 and if not paid by said date the interest will be charged back to the original due date of November 1, 2010, as per N.J.S.A. 54:4-64;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the added taxes for the tax year 2010 in the amount of \$36,748.26 be billed; and

BE IT FURTHER RESOLVED, That the Tax Collector is hereby authorized to bill taxes for said parcel.

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RESOLUTION #257-2010*

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 reason(s) stated:

Water was shut off and meter was estimated - account should have been inactive and not charged:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
8465	35 Condit Street	\$405.79

Account overestimated 3rd & 4th Quarter:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18061	17 Hicks Avenue	\$10,843.02

RESOLUTION #258-2010*

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to a myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula-driven calculation in which the variables change year-to-year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

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WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

RESOLUTION #259-2010*

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

2,250.00	VOID	27898
35.36	Thomas S. Russo, Jr.	28004
2,250.00	Laddey, Clark & Ryan, LLP	28005
22.28	Lorraine A. Read	28006
75.00	Krave	28007
238.49	Quill Corporation	28008
459.97	Staples Credit Plan	28009
444.00	M G L Printing	28010
60.00	Harold Pellow & Assoc., Inc.	28011
2,187.76	NUI Corporation	28012
1,065.80	G & G Diesel Service, Inc.	28013
1,213.66	SCMUA	28014
390.00	B & G Elevator, Inc.	28015
2,918.82	Centurylink Communications, Inc.	28016
3,708.00	Hollander, Strelzik, Pasculli, Hinkes	28017
357.87	Campbell's Small Engine	28018
336.00	D & E Service Center	28019
396.00	Neopost Leasing	28020
28.64	Federal Express	28021
1,377.91	Hayek's Market, Inc.	28022
2,715.00	Ferraioli, Cerullo & Cuva	28023
4,217.65	McManimon & Scotland	28024
147.61	Lafayette Auto Parts	28025
1,482.00	Dog Reserve Account	28026

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1,186.58	Willco, Inc.	28027
36.00	NJLM	28028
418.00	Minisink Press, Inc.	28029
204.00	Microsystems-NJ Com, LLC	28030
754.21	Diamond Sand & Gravel, Inc.	28031
57.40	Sebring Auto Parts	28032
163.95	Weis Markets	28033
1,760.88	Solar Tire	28034
755.21	Dempsey Uniform & Supply, Inc.	28035
33.77	Airgas East	28036
119.90	L-3 Comm. Mobile-Vision	28037
913.03	Boonton Tire Supply	28038
1,193.37	McGuire	28039
2,707.50	Weiner Lesniak	28040
1,447.69	Verizon Wireless	28041
186.13	Verizon Wireless	28042
59.95	ORR'S	28043
74.03	Mr. John	28044
235.00	Gold Type Business Machines	28045
312.50	Alternate Power, Inc.	28046
193.38	Cooper Electric Supply Co.	28047
115.00	Wildflowers With Tami	28048
32.50	Linda Roth	28049
1,320.00	Vogel, Chait, Collins, Schneider, PC	28050
212.92	Advance Auto Parts	28051
332.90	Moore-Wallace North America	28052
117.50	Access Control Technology	28053
218.99	Town of Newton	28054
784.95	Staples Business Advantage	28055
967.71	Lowe's	28056
48.00	CSS Test	28057
360.65	Dominick's Pizza	28058
55.09	Nestle Waters	28059
124.00	Federal Licensing, Inc.	28060
108.00	Jeff Schiffner	28061
6,804.19	Rachles/Michele's Oil Company	28062
2,306.14	Taylor Oil Co.	28063
1,520.00	Weather Works	28064
1,411.85	Schuster Telecom Auditors LLC	28065
306.00	EM Signs	28066
1,200.00	Sparctech Solutions, LLC	28067
469.80	Penteledata	28068
354.50	EM Electrical Contractors, LLC	28069
1,460.00	Chelbus Cleaning co., Inc.	28070
30.00	North Jersey Court Admin. Assoc.	28071
4,307.07	Woodruff Energy	28072
115.00	AG Choice, LLC	28073
8,920.00	Hardyston Township	28074
1,106,816.00	Newton Board of Education	28075
212,041.28	Payroll Account	28076
740.59	Payroll Account	28077
CAPITAL		
60.00	Richard A. Straway, Jr.	7637
2,124.41	SCMUA	7638
558.00	Hollander, Strelzik, Pasculli, Hinkes	7639
2,211.29	McManimon & Scotland	7640
86.30	Limecrest Quarry Developers, C	7641

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906.27	Grinnel Recycle	7642
1,156.75	Dell marketing L.P.	7643
2,280.00	Garden State Highway Products	7644
5,272.50	State Line Fire & Safety, Inc.	7645
68,903.00	Flemington Car & Truck Country	7646
1,200.00	John A. Van Deusen & Assoc's, Inc.	7647

Total TOWN BILLS \$1,475,049.45

WATER AND SEWER ACCOUNT

465.48	State of New Jersey-PWT	106040
31,889.26	Payroll Account	106041
1,298.76	Payroll Account	106042
28.98	Montague Tool & Supply	11865
1,797.98	Schmidt's Wholesale, Inc.	11866
711.92	Andres & Mooney Electric Inc.	11867
209.60	Aurora Electrical Supply	11868
668.60	NUI Corporation	11869
152.00	Keller Welding Company	11870
2,429.20	Pumping Services	11871
260.77	SCMUA	11872
9.00	Paul M. Havens	11873
945.90	Coyne Chemical Corp., Inc.	11874
1,344.98	Centurylink Communications, Inc.	11875
28.01	Centurylink Communications, Inc.	11876
126.00	Hollander, Strelzik, Pasculli, Hinkes	11877
480.00	Garden State Laboratories, Inc.	11878
3,147.50	Ferraioli, Cerullo & Cuva	11879
548.89	Willco., Inc.	11880
215.28	Lubrication Engineers Inc.	11881
21.00	Joseph Carr	11882
209.19	Sebring Auto Parts	11883
352.35	Dempsey Uniform & Supply, Inc.	11884
6,878.00	R & D Trucking Inc.	11885
293.68	Airgas East	11886
9.00	Ervin Lasso	11887
1,110.56	Limecrest Quarry Developers, C	11888
7,235.00	Treasurer, State of New Jersey	11889
1,902.26	Grinnell Recycle	11890
178.23	Verizon Wireless	11891
579.00	John Smalley	11892
2,509.20	Main Pool & Chemical Company	11893
956.95	Process Tech Sales and Service	11894
3,404.25	Pall Corporation	11895
546.75	Chemung Supply Corp.	11896
9.00	Eric Tompkins	11897
962.00	Andy Matt, Inc.	11898
139.90	Penteledata	11899
1,145.22	Woodruff Energy	11900
247.42	Action Data Services, Inc.	11901
500.95	Park Finance LLC	11902

Total WATER & SEWER BILLS \$75,948.02

TRUST ACCOUNT

847.48	Payroll Account	107132
2,859.50	Harold Pellow & Assoc., Inc.	2844

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420.00	Vogel, Chait, Collins, Schneider, PC	2845
120.00	Guardline Fire & Safety Co, Inc.	2846
99.95	Staples Business Advantage	2847
1,330.00	Ferriero Engineering, Inc.	2848
568.00	Nelson Tree Service	2849
4,041.50	Schifano Construction Corp.	2850
2,655.00	The Buzak Law Group, LLC	2851

Total TRUST BILLS \$12,941.43

FEDERAL STATE GRANTS

390.00	Minisink Press, Inc.	1058
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Total FEDERAL STATE GRANT BILLS \$390.00

RESOLUTION #260-2010*

APPROVE 2010 APPROPRIATION TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2010 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Clerk SW 1051100	Cencom SW 1094730	\$1,400.00
Community Devel. 1064100	SW Cencom SW 1094730	\$1,000.00
Police OE 1074200	Cencom SW 1094730	\$9,000.00
Swimming Pool SW 1090100	Cencom SW 1094730	\$7,000.00
Assessor SW 1055100	Zoning Board OE 1062300	\$600.00
Tax Collection SW 1056101	Aid to Volunteer Fire OE 1072200	\$45.00
Workmen's Comp. Ins. OE 1067200	Group Health Insurance 1066200	\$600.00
Road SW 1080100	Interlocal Construction 1094796	\$3,920.00
Building & Grounds OE 1061200	Group Health Insurance 1066200	\$640.00
Finance SW 1054100	Group Health Insurance 1066200	\$1,300.00
TOTAL CURRENT TRANSFERS		<u>\$25,505.00</u>

RESOLUTION #261-2010*

ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2011

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2011; 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 2011 Temporary Operating Budget and the 2011 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2011 Annual Municipal Budget and the 2011 Water and Sewer Utility Budget.

A motion was made by Mrs. Diglio to approve the **COMBINED ACTION**

RESOLUTIONS, 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	

INTERMISSION (None)

DISCUSSION

There was no discussion at this time.

OPEN TO THE PUBLIC

Mrs. Thea Unhoch, 17 Condit Street, commended the Department of Public Works for their snow removal efforts as well as commending the SLAP Program for their snow removal and shoveling efforts for handicapped and senior citizens.

Mrs. Unhoch commended the senior program that buses the senior citizens around Newton in order to judge the Holiday Decorations and noted the bus was filled to capacity this year.

Mr. Russo recognized Mrs. Unhoch for her appointment to lead the Prime Time Seniors next year. The Governing Body congratulated Mrs. Unhoch.

Anwar Qarmout, 45 Woodside Avenue, expressed concerns regarding future financial support of Main Street Newton.

Mr. Malone, 59 Trinity Street, had questions and concerns regarding the overlapping functions and purposes of the Department of Community Development, Economic Advisory Commission, Main Street Newton and the Business Improvement District which were addressed by Mr. Russo and the

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Governing Body.

COUNCIL & MANAGER COMMENTS

There was no discussion at this time.

There being no further business to be conducted, upon motion by Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,

Irene M. O'Connor, CMR
Deputy Municipal Clerk