

January 24, 2011

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. Le Frois, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager and Mark Hontz, Esq., Town Attorney. Mrs. Diglio was excused.

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, 2010."

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 January 10, 2011 (Regular and Executive) meetings were unanimously 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."

Ms. Eileen Kithcart, 14 Parsons Road, Newton, (Hampton Twsp.), addressed Council and read from a prepared statement as follows:

"Happy New Year. I would like to address two concerns regarding the Town's health benefits.

It's been over a year since I came before the Council relative to some type of formal assurance for those employees who retired after 25 years with the promise of fully paid benefits for life. I suggested perhaps a re-affirmation of the original resolution adopted, #111-80. At the time, I was told that the matter would be looked into and I haven't heard anything since. With NJ's economic climate and our Governor's opinion of the public employees' role in this deficit, the comfort level is not what it should be for a person who dedicated their entire career to public service with the Town of Newton. So I ask, was my request looked into?

Mr. Russo indicated that he did not have the file on hand and would get back to Ms. Kithcart tomorrow with that information.

"Secondly, I am very concerned and wish to question the legality of Resolution #71-2010 adopted by the Council last May revising the amount of the

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cash incentive for employees who waive their health benefits. I truly believe, in my humble opinion, that the Town has misinterpreted the intent of Chapter 2, P.L. 2010, thereby passing a resolution in conflict with the law, and, in doing so, has unwittingly overstepped their bounds relative to health waiver requirements.

My knowledge of the health insurance waiver stems from being the Town's Certifying Officer for employee's pensions and benefits for nearly 20 years. I personally initiated this program for the Town back in the 90's.

The new law, which was effective May 21, 2010, reduces the amount of the cash incentive from a maximum of 50% of the amount saved by the employer to 25% of the amount saved or \$5,000, whichever is less. The major conflict, as I see it, is that this new law states it is only effective for (I quote) "waivers filed on or after the effective date of the law" (end quote). In other words, it doesn't affect the employees already with a waiver in place.

My interpretation is further supported by the Division of Local Government's Local Finance Notice # 2010-12 dated May 18, 2010 and distributed to all Certified Finance Officers. Page 2, Section D, states (I quote) "This applies only to new waiver requests filed or approved after May 21, 2010. It does not affect any waivers already approved." (end quote). Further, on Page 8 of the same LFN in the "Most Frequently Asked Question" portion, Question #19 reads "Does the reduced waiver incentive amount only apply to new employees?" Answer: "The waiver maximum applies to all new employees and also to any existing employee who submits or renews a waiver on or after May 21, 2010".

This brings me to, in my opinion, the second conflict in the resolution whereby the Town is requiring employees to declare their intention of seeking a waiver during the Town's annual open enrollment period each calendar year. I can only surmise that, to the Town, this requirement would constitute a "waiver renewal", thereby subjecting the employee to filing additional submissions after the effective date of the law.

In my experience with the waiver system, once filed, the waiver remains in effect until it is rescinded by the employee. There is no annual renewal. There is no tie to the annual enrollment period. An employee can request a waiver or a reinstatement at any time during the year. The only time open enrollment is involved is if the employee did not file the necessary paperwork for a reinstatement within the 60 day timeframe requirement. I can only assume that the reference to renewal in the LFN is for an employee who has a waiver, then gets a reinstatement and subsequently asks for a waiver again.

The third conflict in the resolution, again, in my opinion, is the Town's limitation of the waiver by tying it to 25% of the premium being saved for the (quote) "least expensive single coverage plan". The law states (quote) "25% of the amount saved by the employer because of the employee's waiver of coverage". Clearly, if an employee is waiving family coverage, he is entitled to 25% of the savings to the Town for family coverage. The waiver applies to the employee coverage as well as the dependent.

If the original supporting file on Newton's waivers is looked at, you'll see that there is only one application per employee, dating back to their original request. There were several medical plans originally, all with varying premiums,

so waiver amounts varied individually because they are based on the plan and level of coverage you are in at the time of opting out. Annually, each employee's waiver amount was automatically adjusted up or down in conjunction with the annual premium change for the plan originally opted out of. The only time you can reasonably limit the waiver to the cheapest plan is if you are dealing with a new employee who is waiving his right to insurance from the beginning of his employment. An across the board waiver as is set forth in the resolution is not in keeping with the intent of the program.

I realize the Town is looking at anything and everything to scale back on in preparation of the 2011 budget and I wouldn't relish having to make those tough decisions. But, employees and their families have budgets too. These dozen or so people are the very same employees who have saved you hundreds of thousands of dollars in premiums over probably close to 15 years. If, because of your severe reduction in cash incentive and the backhanded manner in which the employees were notified of the change, some or all of the employees participating in the waiver decide that their spouse's opt-out plan is better for them financially now, I would not like to contemplate the effect that will have on the Town's future premium obligations. And although no longer part of the State Health Benefits Program, the Town is contractually obligated to provide benefits at least equal to or better than the State Plan they pulled out of, which includes the waiver. This resolution is not in conformance with the State waiver, which clearly references on the application that the employee incentive is based on the amount the employer is saving on this particular waiver.

In summary, while I am not saying the Town does not have the right to adjust the waiver percentage from the 42% policy currently in place, I am quite confident in my interpretation that Resolution #71-2010 is contrary to health benefit waiver regulations in that the incentive paid has to be tied to the Town's savings for the current level of coverage each employee is entitled to, including their dependents, and that once filed, the waiver remains in effect and is not subject to the annual open enrollment period.

With all due respect, I thank you for the opportunity to speak and hope that you ask questions and give serious consideration to the information I have presented to you."

Mr. Russo noted that he reviewed this Resolution with the Town Labor Attorney, who indicated that it was appropriate and within the Town's prerogative to approve same.

Councilman Ricciardo questioned whether Resolution #71-2010 was mandated by law and was advised that this Resolution was not mandated but was in compliance with the law. Mr. Ricciardo requested a copy of the minutes in which Resolution #71-2010 was adopted.

### **SWEARING IN CEREMONY**

Prior to the swearing in ceremony, Mr. Russo read a bio on Officer Neil Casey.

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"A resident of Stanhope, married to his wife Jean with two daughters, Courtney and Danielle, Neil comes from a family of nine children that all grew up here in Newton. He graduated from Newton High School in 1984 and was hired by the Newton Police Department in 1992 as a Special Law Enforcement Officer Class II.

In 1993, he was appointed as a regular full-time Patrolman and attended the Somerset County Police Academy Basic recruit training class. He graduated in June of 1993.

During his time as a Patrolman, Neil served as a PBA representative; he coordinated the National Night Out program and was twice recognized by Mothers' Against Drunk Driving for his DWI investigative efforts.

Over the years, he has taken many courses related to law enforcement and has combined this training with an impressive amount of experience since he is also the Department's most senior Patrolman.

Neil also served as a Detective from 2006 until 2010 where he sharpened his investigative and interviewing skills before being assigned to supervise a Patrol Squad in October 2010.

Neil's dedication and interest in promoting public safety led him to be placed in charge of the Newton Police Department's Crime Prevention Bureau that organizes, prepares and makes presentations to school children, community groups as well as individual residents and business owners regarding safety and preventative techniques.

Most recently, he worked on the research and the selection of a surveillance video vendor for the downtown business district area of Newton including working on selecting the locations for the cameras.

Neil has taken several supervisory and leadership courses over the past several years and is scheduled to attend additional training in the future. He scored #1 on the NJ Civil Service Commission promotional list for Sergeant, and I am very pleased to formally appoint Neil to his new position of Sergeant, where I am confident he will continue to be an asset to our municipal organization. Congratulations Neil."

Mr. Russo invited Chief Richards to say a few words followed by the official swearing-in by Mayor Becker.

Chief Richards recognized Officer Neil Casey and outlined the reasons he recommended Officer Neil Casey to become the next Sergeant. Chief Richards looks forward to working with Neil for many years ahead.

At this time, Mayor Becker swore in Officer Neil Casey as his wife, Jean, held the bible. Jean Casey then proceeded to pin on his badge.

Sgt. Casey read from a prepared statement. "I would like to first thank everyone for coming and showing their support. I would like to thank Chief Richards for this opportunity to advance within the Newton Police Department. Under his leadership I see a very bright future for the Newton Police Department. I would also like to thank the Town Council and the Town Manager, Thomas Russo for the opportunity to serve the town in the capacity of Sergeant. I would especially like to thank my wife and my family for their unwavering support over the years.

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In many respects the Newton Police Department is the face of this town—how you carry yourselves and how you carry out your responsibilities reflects on the town government and on the entire community that you protect and serve.

I would like to take a moment to recognize the people I work with in the Newton Police Department, I look at our current leadership from the Lieutenants and Sergeants who provide valuable experience and dedication and I am looking forward to working with you all and drawing on those experiences.

As you all know, not everyone can qualify to become a police officer. To become a Newton Police Officer, one must possess the qualities of self discipline, courage, knowledge, skill and integrity. There is no virtue in ignorance, but there is great power in knowledge. To the patrolman whatever your challenges are you all look for the opportunities to get there and prepare yourself. At every step along the way, you all work at doing the assignment you're in, and performing it to the best of your ability. Each assignment you have is important, and you demand that it be done well. One of the most rewarding aspects of a career in law enforcement is that virtually every one of its varied tasks is necessary. To the detectives your work doesn't go unnoticed I am in awe of the endless hours you work, the mountains of paperwork that you all climb to complete a task. I am confident that if my family members and citizens of this town are victims of a crime you all will work tirelessly to complete the task. To all of you I thank you.

Over the years I have always been impressed with the people I work with from the dispatchers who take the initial call and have the training and experience to be able to provide instructions over the phone to a victim of a crime and at the same time they are able to dispatch ambulances, fire trucks and police officers to certain events without ever missing a beat. To all of you I thank you for your dedication.

I look forward to the opportunity that has been given to me to serve the Newton Police Department in the capacity of Sergeant and I am humbled and proud to be a member of this police department. I look forward to serving the members of this community to the best of my ability. Thank you."

The Governing Body congratulated Sgt. Casey on his promotion.

## **COUNCIL & MANAGER REPORTS**

Mr. Russo advised of the passing of Father John J. Quinlan of Mt. Carmel Church in Swartswood. Mr. Russo advised of the arrangements and offered condolences to his family and friends.

Mr. Russo read the following Proclamation declaring Friday, February 4, 2011 as **NATIONAL WEAR RED DAY FOR WOMEN** in the Town of Newton.

### **P R O C L A M A T I O N**

#### **National Wear Red Day for Women**

*February 4, 2011*

*WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death; and*

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*WHEREAS, cardiovascular disease claims the lives of nearly 422,000 American females each year, approximately one death per minute; and*

*WHEREAS, each year, 52% of all deaths due to cardiovascular disease and 60% of stroke deaths occur in females; and*

*WHEREAS, too many woman die each year because they are unaware that heart disease is their No. 1 killer; and*

*WHEREAS, in 2007, the direct and indirect cost of cardiovascular diseases in the U. S., including stroke, was estimated to be \$286 billion; and*

*WHEREAS, nearly as many women die of heart disease, stroke and other cardiovascular diseases than the next four leading causes of death combined, including all cancers; and*

*WHEREAS, only 16% of women surveyed in 2009 identified cardiovascular disease as the greatest health problem facing them; and*

*WHEREAS, February is designated as American Heart Month; and*

*WHEREAS, Go Red for Women® is the American Heart Association's national call to increase awareness about heart disease – the leading cause of death for women – and to inspire women to take charge of their heart health; and*

*WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's My Life Check, Go Red for Women® Heart Check Up, Go Red for Women® Better U – and by talking to their healthcare provider; and*

*WHEREAS, making the right choices relating to proper nutrition, physical activity, and other healthy lifestyle choices are essential to living a heart healthy life; and*

*WHEREAS, by choosing to **MAKE IT YOUR MISSION** you can save lives;*

***NOW THEREFORE, WE,** the Mayor and Town Council of the Town of Newton, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 4, 2011 to be **NATIONAL WEAR RED DAY FOR WOMEN** in the Town of Newton urge all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red. By increasing awareness, speaking up and about heart disease, and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year.*

Mr. Russo read correspondence from Sussex County Arts & Heritage Council requesting permission to hold their annual outdoor reception on Saturday, April 16, 2011 from 3 p.m. to 8 p.m. Council unanimously granted permission to Sussex County Arts & Heritage Council.

Mr. Russo read correspondence from retired Chief of Police, John D. Tomasula requesting permission to keep his duty firearm. It was noted that this request has been a long-standing tradition by all retired police officers of

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Newton. If approved, this request requires a legal transfer through a licensed firearms dealer. Council had no objection to this request.

Mr. Russo advised of an email received today indicating that the Greater Newton Chamber of Commerce dinner scheduled for Wednesday, January 26, 2011 has been rescheduled to Wednesday, February 2, 2011.

**ORDINANCES**

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

**ORDINANCE #2011-1**

**ORDINANCE REAPPROPRIATING \$98,809.59 PROCEEDS OF OBLIGATIONS AND UNSPENT DOWN PAYMENT FUNDS NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR SIDEWALK REPLACEMENT ON SPRING STREET AND UNDERGROUND STORAGE TANK REMOVAL AT THE DEPARTMENT OF PUBLIC WORKS SITE IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

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	Absent	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 February 14, 2011.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

Mayor Becker advised that there was no update on the Main Street Newton program.

**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 #8-2011\***

**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:

**Accounts should have been inactive and not charged:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26538	2-10 East Clinton Street	\$75.00
26545	2-10 East Clinton Street	\$75.00

**RESOLUTION #9-2011\***

**AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC**

**WHEREAS**, the Newton Mayor and Council met in Executive Session on certain occasions; and

**WHEREAS**, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

**WHEREAS**, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

7/12/10, 7/22/10, 7/26/10, 9/27/10, 10/13/10, 10/25/10, 12/13/10

**BE IT FURTHER RESOLVED**, that these specified minutes may be released to the public upon request.

**RESOLUTION #10-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR TAX SALE CERTIFICATE #1334**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1003, Lot 3, also known as 10 West Nelson Street, for 2009 delinquent Real Estate Taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1334, was sold to FNA Jersey Lien Services, LLC for a 0% redemption fee and a premium of \$4,000.00; and

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**WHEREAS**, SunTrust mortgage holder for the owners Agathcleous, Castakis & Valmoja M. has effected redemption of Certificate #1334 in the amount of \$ 10,788.59; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that FNA Jersey Lien Services, LLC, is entitled to the redemption in the amount of \$10,788.59 as well as the premium in the amount of \$4,000.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to issue two checks: the first in the amount of \$10,788.59 for the redemption of Certificate #1334 and the second check in the amount of \$4,000.00 for the return of the premium. Both checks shall be made payable to FNA Jersey Lien Services, LLC, 575 Route 70, 2<sup>nd</sup> Floor, PO Box 1030, Brick, NJ 08723.

**RESOLUTION #11-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR TAX SALE CERTIFICATE #1281**

**WHEREAS**, at the Municipal Tax Sale held on October 29, 2008 a lien was sold on Block 1305, Lot 6.02, also known as 20 Mount View Street, for 2007 delinquent Water and Sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1281, was sold to Jesse Wolosky for a 0% redemption fee and a premium of \$300.00; and

**WHEREAS**, CitiMortgage, Inc., mortgage holder for the owners Baumann, George E. and Judy Ann has effected redemption of Certificate #1281 in the amount of \$2,430.67;

**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 the redemption in the amount of \$2,430.67 as well as the premium in the amount of \$300.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to issue two checks: the first in the amount of \$2,430.67 for the redemption of Certificate #1281 and the second check in the amount of \$300.00 for the return of the premium. Both checks shall be made payable to Jesse Wolosky, 1 Vista Drive, Sparta, NJ 07871.

**RESOLUTION #12-2011\***

**AUTHORIZE REFUND OF LEGAL FEES TO OUTSIDE LIENHOLDER FOR TAX SALE CERTIFICATE #1243**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2006 a lien was sold on Block 1216, Lot 13, also known as 17 York Road, for 2005 delinquent Taxes and Water & Sewer to Park Finance, LLC; and

**WHEREAS**, Pellegrino & Feldstein, LLC attorney for Park Finance, LLC in accordance with N.J.S.A. 54:5-86 began the foreclosure process on behalf of their client on Tax Sale Certificate #1243; and

**WHEREAS**, legal fees have been assessed by Pellegrino & Feldstein, LLC pursuant to N.J.S.A. 54:5-62 in the amount of \$1,186.83 on behalf of their client; and

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**WHEREAS**, redemption of Tax Sale Certificate #1243 by the owner of the property Mr. Gregory Moore include the legal fees assessed;

**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 amount of \$1,186.83 for said legal fees; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to issue a check in the amount of \$1,186.83, payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 for legal fees.

**RESOLUTION #13-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR TAX SALE CERTIFICATE #1243**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2006 a lien was sold on Block 1216, Lot 13, also known as 17 York Road, for 2005 delinquent Taxes and Water & Sewer; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1243, was sold to Park Finance, LLC for a 0% redemption fee and a premium of \$13,800.00; and

**WHEREAS**, Mr. Gregory Moore current owner of said property, has effected redemption of Certificate #1243 in the amount of \$ 39,938.87;

**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 amount of \$39,938.87 for the Tax Sale Certificate as well as a return of the premium in the amount of \$13,800.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to issue two checks: the first in the amount of \$39,938.87, payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 for the redemption of Tax Sale Certificate #1243 and the second check in the amount of \$13,800.00 payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 for the return of the premium.

**RESOLUTION #14-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR TAX SALE CERTIFICATE #1341**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1108, Lot 23, also known as 21 Kelsey Avenue, for 2009 delinquent Water and Sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1341, was sold to Another Lien, LLC for a 0% redemption fee; and

**WHEREAS**, Park Finance, LLC prior lien holder of TSC #1270 has effected redemption of Certificate #1341 in the amount of \$1,999.11;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien, LLC, is entitled to the redemption in the amount of \$1,999.11; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$1,999.11 for the redemption of Certificate #1341 and

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that the check will be payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

**RESOLUTION #15-2011\***

**RESOLUTION TO REMIT TAXES FOR BLOCK 303, LOT 26.02**

**WHEREAS**, 206 & North Park Drive C/O Walgreens EAS Block 303, Lot 26.02, also known as 128 Water Street was assessed and added/omitted tax for the year 2010 by Scott Holzhauer, Tax Assessor; and

**WHEREAS**, an appeal was filed by Scott Holzhauer, Tax Assessor with the Sussex County Board of Taxation to adjust an error in said assessment and the Sussex County Board of Taxation ruled via judgment on December 29, 2010 to increase the assessment to \$1,808,700 which created an added assessment amount due of \$36,748.26; and

**WHEREAS**, The Tax Collector immediately billed the owners said amount and extended the due date until January 17, 2011 in accordance with N.J.S.A. 54:4-64. The owner did in fact pay this amount by the due date of January 17, 2011; and

**WHEREAS**, since the year of 2010 was closed prior to the payment being received an additional 6% year-end penalty was assessed to said property in the amount of \$2,268.46 erroneously and must be remitted;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that the penalty in the amount of \$2,268.46 be remitted; and

**BE IT FURTHER RESOLVED** that the Tax Collector is hereby authorized to remit said penalty.

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**RESOLUTION #16-2011\***

**CAPITAL BUDGET AMENDMENT**

**RESOLUTION #16-2011**

**Whereas**, the local capital budget for the year 2011 has not yet been adopted; 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 temporary capital budget amendment of 2011 be made:

RECORDED VOTE:	AYES	(Mr. Elvidge		(
		(Mr. Ricciardo	NAYS	(
		(Mrs. LeFrois		(
(Insert last name)		(Mayor Becker		(
		(		(
ABSTAIN		(		(
ABSENT		(Mrs. Diglio		(

Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Funding as Amended		
				Capital Improvement Fund	Prior Year Reserves	Grants in Aid
<b>General Capital</b>						
Central Business District alleyway improvements	2008-7	\$ 100,000.00	\$ 1,190.41	\$ 1,190.41		
Sidewalk Replacement (Spring St.) & UST at DPW (project description change only)	2011-1		\$ 98,809.59	\$ 3,809.59		
<b>Total - All Projects</b>		<b>\$ 100,000.00</b>	<b>\$ 100,000.00</b>	<b>\$ 5,000.00</b>	<b>\$ -</b>	<b>\$ -</b>

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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 Town Auditor and filed with the Chief Financial Officer.

It is hereby certified that this is a true copy of a Resolution adopted by the governing body on the 24<sup>th</sup> day of January, 2011.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lorraine A. Read, RMC, Municipal Clerk

**RESOLUTION #17-2011\***

**APPROVE 2010 APPROPRIATION RESERVE TRANSFERS**

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

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Court OE 1059221A	Police SW 1074113A	\$3,500.00
Building & Grounds OE 1061255A	Police SW 1074113A	\$1,500.00
Police OE 1074223A	Police SW 1074113A	\$7,000.00
Recycling OE 1083269A	Police SW 1074113A	\$2,000.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$14,000.00</u></b>

**RESOLUTION #18-2011\***

**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 2010 and 2011 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**

60.00	VOID	27606
60.00	NJLM	28114
9,745.46	Treasurer, State NJ/727 Fund	111002
922,786.00	Newton Board of Education	111003
131.25	Sussex Car Wash, Inc.	28115
3,071.71	NUI Corporation	28116
280.05	G & G Diesel Service, Inc.	28117
58.75	Centurylink Communications, Inc.	28118
2,941.76	Centurylink Communications, Inc.	28119
6,480.00	Hollander, Strelzik, Pasculli Hinkes	28120
1,754.64	Rowe & Company, Inc.	28121

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245.50	Federal Express	28122
172.00	Lawyers Diary & Manual	28123
46.19	Lafayette Auto Parts	28124
365.50	Willco, Inc.	28125
250.00	Treasurer, Petty Cash Fund	28126
21.00	William F. Smith	28127
5,536.80	Weldon Asphalt Company	28128
37.00	Joseph Carr	28129
271.73	Sebring Auto Parts	28130
10,604.91	International Salt	28131
21.00	Ervin Lasso	28132
257.83	Boonton Tire Supply	28133
839.62	Vision Service Plan	28134
210.00	NJMMA	28135
1,394.90	Verizon Wireless	28136
148.00	Medtronic Physio-Contrl Corp.	28137
74.03	Mr. John	28138
637.50	Alternate Power Inc.	28139
165.95	Wildflowers with Tami	28140
654.69	Scarinci & Hollenbeck, LLC	28141
446.04	Staples Business Advantage	28142
50.16	Lowe's	28143
44.05	Nestle Waters	28144
1,736.40	Murch Auto Body, Inc.	28145
51.00	Eric Tompkins	28146
2,250.00	Laddey, Clark & Ryan, LLP	28147
1,545.00	Civic Plus	28148
6,215.71	Atlantic Tactical	28149
28.00	Dustin McGarry	28150
13,036.89	Direct Energy Business	28151
3,802.32	Woodruff Energy	28152
7,083.33	The Station Inc.	28153

**CAPITAL**

686,040.00	Pierce Manufacturing, Inc.	7654
1,300.00	Key-Tech	7655
2,500.00	Metro Energy Solutions	7656

**Total TOWN BILLS \$1,695,332.67**

**WATER AND SEWER ACCOUNT**

935.95	NUI Corporation	11914
81.55	Sussex County Plumbing	11915
14.00	Paul M. Havens	11916
3,367.58	Coyne Chemical Corp., Inc.	11917
28.17	Centurylink Communications, Inc.	11918
1,352.88	Centurylink Communications, Inc.	11919
918.00	Hollander, Strelzik, Pasculli, Hinkes	11920
2,772.00	Garden State Laboratories, Inc.	11921
20.31	Hamburg Plumbing Supply Co., Inc.	11922
50.00	Water & Sewer Petty Cash Fund	11923
12,778.99	Sparta Township Tax Collector	11924
5,895.72	Duke's Sales & Service	11925
77.60	Zee Medical	11926
6,990.00	R & D Trucking, Inc.	11927
14.00	Ervin Lasso	11928
163.92	Vision Service Plan	11929

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903.96	JCI Jones Chemicals, Inc.	11930
167.96	Verizon Wireless	11931
1,250.00	John Smalley	11932
8,068.75	Alternate Power, Inc.	11933
14.00	Eric Tompkins	11934
1,545.00	Civic Plus	11935
35.00	Dustin McGarry	11936
20,030.74	Direct Energy Business	11937
1,240.97	Woodruff Energy	11938
117.74	Capitol Supply Const. Products, Inc.	11939
931.84	Lafayette Asphalt	11940

**Total WATER & SEWER BILLS \$69,766.63**

**TRUST ACCOUNT**

1,333.33	James P. Sloan, P.C.	2856
300.00	Shepard Kays, Esq.	2857

**Total TRUST ACCOUNT BILLS \$1,633.33**

**SUI ACCOUNT**

21.71	S/NJ Employer Account	1068
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**Total SUI ACCOUNT BILLS \$21.71**

**RESOLUTION #19-2011\***

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2010 LOSAP PARTICIPANTS**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2010 as per 2010 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 39 for a total contribution of \$34,385.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2010 to cover the cost of this contract;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Fire Department dated January 20, 2011.

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

**RESOLUTIONS**, seconded by Mr. Ricciardo and roll call resulted as follows:

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

Councilman Ricciardo noting the excessive amount spent in electric bills in the past few months, requested a report on a solar energy program in order to save a significant amount of money for the municipality.

**RESOLUTION #20-2011**

**AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC**

**WHEREAS**, the Newton Mayor and Council met in Executive Session on certain occasions; and

**WHEREAS**, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

**WHEREAS**, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

10/14/09, 1/25/10, 2/8/10, 4/12/10, 4/26/10, 5/12/10, 6/14/10, 6/28/10

**BE IT FURTHER RESOLVED**, that these specified minutes may be released to the public upon request.

A motion was made by Mr. Ricciardo to approve the **RESOLUTION #20-2011**, seconded by Mrs. Le Frois and roll call resulted as follows:

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

**INTERMISSION (None)**

**DISCUSSION**

**a. Tax Abatement Program**

Jen Credidio, Esq., Redevelopment Counsel, gave an overview of the Five-Year Exemption and Abatement Law. Ms. Credidio outlined the process in which to establish a short-term tax exemption and abatement program, as well as provided the options which are available. It was clearly noted that although

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the terms "abatement" and "exemption" are often used interchangeable, they are defined differently by the Act.

a. "Abatement" means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this act.

b. "Exemption" means that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this act.

It was noted that all the exemptions and abatements discussed would also apply to school and county taxes, rather than just municipal taxes alone.

Council had several questions which were addressed by Ms. Credidio. In addition, Council requested draft ordinances from other municipalities.

After a lengthy discussion, the consensus of the Town Council was to start within the Historic District. Mr. Russo will work with Ms. Credidio, Mr. Ricciardo and Mr. Elvidge on a draft ordinance for the implementation of a Tax Abatement Program.

#### **OPEN TO THE PUBLIC**

Mrs. Thea Unhoch, 17 Condit Street, questioned whether Council has had further discussion regarding the relocation of the County bus stop from Spring Street and was advised that a decision has not yet been made.

#### **COUNCIL & MANAGER COMMENTS**

Councilman Ricciardo again requested that a solar energy program be investigated for the various municipal facilities for the purpose of cost savings. Mr. Ricciardo feels that the Town can save an enormous amount of money each month. Mrs. Millikin, Deputy Town Manager, updated Council on her initial findings regarding a solar energy program and will keep Council informed of her progress.

Deputy Mayor Le Frois noted that the recent SWOT (Strengths-Weaknesses-Opportunities-Threats) Analysis, held by Mr. Russo, is a great annual exercise. Mrs. Le Frois requested that our volunteers be added as a strength for

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Newton. Mrs. Le Frois feels that in the past few years the recruitment of volunteers has been very successful among several of our boards and commissions.

**EXECUTIVE SESSION**

There was no executive session meeting.

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 8:33 p.m.

Respectfully submitted,

Lorraine A. Read, RMC/CMR  
Municipal Clerk