

July 1, 2009

The Reorganization meeting of the Town Council of the Town of Newton was held on the above date at 6:00 p.m. Present were Mr. Elvidge, Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo and Town Manager, Mr. Thomas Russo, Jr.

Mr. Ricciardo made the following declaration that “in accordance with the Open Public Meetings Act, notice of this special meeting was given to the two newspapers of record and posted on the official bulletin board on December 22, 2008.”

In honor of the late Councilman, Mr. Philip J. Diglio, Mr. Ricciardo led all present in the Lord’s Prayer and the Pledge of Allegiance to the flag.

The first order of business is the Designation of Temporary Chairman and upon motion by Mr. Elvidge, seconded by Mrs. Le Frois and carried, that Councilman Joseph Ricciardo be designated as Temporary Chairman.

Councilman Ricciardo, designated Temporary Chairman, entertained a motion for nomination for Mayor of the Town of Newton for the year 2009-2010. Mr. Ricciardo then nominated Mr. Elvidge; the nomination was seconded by Mrs. Becker.

There being no further names to be submitted, nominations were declared closed. Councilman Ricciardo requested the Clerk to call the roll:

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

Mayor Elvidge thanked Mr. Ricciardo for his outstanding job as Mayor for the past year and thanked his colleagues for bestowing the opportunity to serve as Mayor for the upcoming year.

Mayor Elvidge expressed his sadness of the passing of former Councilman, Phil Diglio, “God Bless you Phil, and we will miss you.” Mayor Elvidge remarked that there was a lot of change in the past year. Most notably was the retirement of Town Manager, Eileen Kithcart and the hiring of the new Manager, Mr. Thomas Russo, Jr., which has brought about a “new energy to Town.” Mayor Elvidge also acknowledged the election of the two newcomers, Councilwomen Becker and Le Frois. “It was a big change year and we look forward to an aggressive 2009-2010,” Mayor Elvidge concluded.

Mayor Elvidge entertained a motion for nomination of Deputy Mayor for the Town of Newton for the year 2009-2010. Mayor Elvidge then nominated Mrs. Kristen Becker, the nomination being seconded by Mr. Ricciardo.

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There being no further names to be submitted, nominations were declared closed. Mayor Elvidge requested the Clerk to call the roll:

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

**BE IT RESOLVED** by the Town Council of the Town of Newton that Mr. Elvidge be and is hereby elected Mayor of the Town of Newton for the year 2009-2010, and **BE IT RESOLVED** by the Town Council of the Town of Newton that Mrs. Kristen Becker be and is hereby elected Deputy Mayor of the Town of Newton for the year 2009-2010.

### **CONSENT AGENDA**

Mayor Elvidge read the following statement:

*“All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

### **RESOLUTION #123-2009\***

#### **REAFFIRM BANKS AS DEPOSITORIES**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following policy is hereby reaffirmed pertaining to Town funds for calendar year 2009:

- 1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town’s portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.
- 2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank  
Chase  
New Jersey Cash Management Fund  
Sussex Bank  
Lakeland Bank  
First Hope Bank  
Sovereign Bank  
TD Bank (Formerly Commerce Bank)  
Noble Community Bank  
Highland State Bank  
Valley National Bank

The above designated official depositories are required to submit to the Chief Financial Officer, a copy of the Governmental Unit Deposit Protection Act Notification of Eligibility, which is filed semi-annually with the Department of Banking each June 30th and December 31st every year.

The above designated official depositories are required to submit to the Chief Financial Officer a copy of the institution’s “Annual Report” each year.

- 3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

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The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer.

- 4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.
- 5) The Chief Financial Officer is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.
- 6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.
- 7) The Chief Financial Officer shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.
- 8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.
- 9) The Chief Financial Officer shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

**RESOLUTION #124-2009\***

**REAFFIRM LEGAL NEWSPAPERS**

**WHEREAS**, the *New Jersey Herald* and the *New Jersey Sunday Herald* were previously designated as legal newspapers for the Town of Newton during calendar year 2009 by Resolution #200-2008;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that said two newspapers be reaffirmed as legal newspapers for the remainder of calendar year 2009.

**RESOLUTION #125-2009\***

**REAFFIRM SCHEDULE OF TOWN COUNCIL MEETINGS FOR THE REMAINDER OF 2009**

**WHEREAS**, the Newton Town Council established their meeting dates for calendar year 2009 by the adoption of Resolution #211-2008 at their meeting on December 8, 2008;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, New Jersey that the following schedule for 2009 indicates all public meetings of the Newton Town Council for the remainder of the calendar year which will be held on the second and fourth Mondays of each month at 7:00pm, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey;

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**Council Meetings**

7:00pm

July 13 and 27

August 10 and 24

September 16\*\* and 28

October 14\* and 26

November 9 and 23

December 14 and 28

*\*Held the Wednesday following a legal holiday*

*\*\* Held the third Wednesday of the month*

**BE IT FURTHER RESOLVED** that, for the purposes of the Act, the official bulletin board for posting notices shall be the bulletin board in the first floor lobby of the Municipal Building at 39 Trinity Street, Newton, New Jersey, with said board being just outside the door of the Municipal Clerk's Office;

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to the New Jersey Herald and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

**RESOLUTION #126-2009\***

**REAFFIRM OFFICIALS TO SIGN CHECKS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the Newton Town Manager, Chief Financial Officer, and/or Treasurer be authorized to sign all Town, Water and Sewer Utility, and payroll checks effective July 1, 2009.

**RESOLUTION #127-2009\***

**REAFFIRM CHIEF FINANCIAL OFFICER AND/OR FINANCE DIRECTOR AS THE INDIVIDUAL TO SELL BOND ANTICIPATION NOTES**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following policy is hereby reaffirmed pertaining to the sale of Bond Anticipation Notes:

1) The Chief Financial Officer and/or the Finance Director are hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.

2) The Chief Financial Officer and/or the Finance Director are directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.

3) This Resolution shall take effect immediately upon its adoption.

**MAYOR'S APPOINTMENT\***

**CLASS II REPRESENTATIVE TO THE NEWTON PLANNING BOARD  
(APPOINTMENT OF TOWN MANAGER BY THE MAYOR)**

**RESOLUTION #129-2009\***

**APPOINTMENT OF MAYOR AS A CLASS I MEMBER OF THE NEWTON  
PLANNING BOARD**

**BE IT RESOLVED** by the Town Council of the Town of Newton that Mayor E. Kevin Elvidge be and is hereby appointed to the Newton Planning Board as a Class I member for the one year period commencing July 1, 2009 and ending June 30, 2010.

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**RESOLUTION #130-2009\***

**APPOINTMENT OF THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON**

**WHEREAS**, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

**WHEREAS**, Mr. Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the remainder of calendar year 2009.

**RESOLUTION #131-2009\***

**REAPPOINTMENT OF SCOTT J. HOLZHAUER AS TAX ASSESSOR FOR THE TOWN OF NEWTON**

**WHEREAS**, the requirements of the Sussex County Board of Taxation mandate that a Certified Tax Assessor be appointed by each municipality; and

**WHEREAS**, N.J. S.A. 40A:9-148 indicates that municipalities shall appoint a Certified Tax Assessor for a period of four years with such term of appointment being effective as of July 1<sup>st</sup>; and

**WHEREAS**, Scott J. Holzhauer, CTA, currently serves as the Town of Newton's Certified Tax Assessor and was first appointed July 1, 1993 and is interested in being reappointed for another term; and

**WHEREAS**, the members of the Newton Town Council concur that Scott J. Holzhauer is qualified for appointment, pursuant to R.S. 54:1-35.30;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Mr. Scott J. Holzhauer be and is hereby reappointed as Certified Tax Assessor for a four-year term in accordance with N.J.S.A. 40A:9-148, effective July 1, 2009 and continuing through June 30, 2013;

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Sussex County Board of Taxation and the New Jersey Department of Personnel.

**RESOLUTION #132-2009\***

**APPOINTMENT OF MS. KRISTEN BECKER AS THE TOWN COUNCIL LIAISON TO THE ECONOMIC DEVELOPMENT COMMISSION**

**BE IT RESOLVED** by the Town Council of the Town of Newton that Councilwoman Kristen Becker be and is hereby appointed to the Economic Development Advisory Commission as the Town Council liaison member for a one year period commencing July 1, 2009 and ending June 30, 2010.

**RESOLUTION #133-2009\***

**TO ESTABLISH PRELIMINARY ARCHITECTURAL COSTS FOR COURTROOM/COUNCIL CHAMBERS RENOVATION PROJECT**

**WHEREAS**, the Town Council of the Town of Newton hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for architectural costs related to Improvements to the Municipal Building such as renovation of the Courtroom/Council Chambers, Conference Room, Prosecutor's Office and Lobby/Patio and related structural and engineering aspects, and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

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**NOW, THEREFORE, BE IT RESOLVED** by a majority of the full membership of the Town Council of the Town of Newton, that the amount appropriated for preliminary costs shall not exceed \$13,000.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the General Capital Fund. The effective date of this resolution is the date of passage.

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

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

### **RESOLUTIONS**

The Town Manager requested a resolution for the Appointment of a Town Council Representative as a Class III Member of the Newton Planning Board.

The following RESOLUTION, naming Joseph Ricciardo, was offered by Mrs. Becker who moved its adoption, seconded by Mrs. Le Frois and roll call resulted as follows:

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

### **RESOLUTION #128-2009**

**BE IT RESOLVED** by the Town Council of the Town of Newton that Joseph Ricciardo, Town Council member be and is hereby appointed to the Newton Planning Board as a Class III member for the one year period commencing July 1, 2009 and ending June 30, 2010.

### **COUNCIL & MANGER COMMENTS**

There being no Council and Manager comments, Mayor Elvidge opened the meeting to the public.

There being no one from the public to be heard, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the meeting was adjourned at 6:07 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk