

March 23, 2009

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, Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mayor Ricciardo and Town Manager, Tom Russo, Jr.

Mayor Ricciardo 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 22, 2008”.

Pastor John Zingaro of the First Presbyterian Church, Newton, led the invocation.

Mayor Ricciardo the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Unhoch, seconded by Mr. Elvidge and carried that the minutes of December 22, 2008, January 12, 2009, January 26, 2009, January 31, 2009, February 5, 2009 (Special) and February 9, 2009 (Special) meetings were approved.

Mayor Ricciardo declared the meeting open to the public.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER REPORTS

The Town Manager read a communication from Linda Hirsch, Arts Coordinator, of Sussex County Arts & Heritage Council (SCA&HC), requesting permission to host an outdoor reception on Saturday, May 9, 2009 from 3:30 p.m. to 7:00 p.m. at 133 Spring Street, Newton. The Sussex County Arts & Heritage Council further requested permission to set up a tent on the sidewalk in front of 133 Spring Street. After a brief discussion, Council unanimously granted permission for SCA&HC to hold their outdoor reception on Saturday, May 9, 2009. Mr. Russo will forward this request to

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the Police Department for their review.

Mr. Russo read a communication from JC Grillhouse Restaurant, dated March 13, 2009, requesting permission to hold a pet adoption day on Saturday, April 25, 2009 from 1:00 pm to 3:30 pm in the front of their restaurant at 144 Spring Street, Newton. After a brief discussion, Mr. Russo and Councilmembers had questions and concerns regarding this event. Mr. Russo was directed to contact Mr. Joe Cotton at JC Grillhouse for additional information and proceed with approval if answers to council concerns were deemed satisfactory.

a. Energy Audit

Mr. Peter G. Pirrello, V.P. of Business Development of Metro Energy Solutions, presented and reviewed his proposal to perform a comprehensive energy audit for the Town of Newton. Mr. Pirrello outlined the scope of services and the two phases represented in each project. Phase I is the Energy Audit and Analysis; and Phase II is the Project Implementation. The fee schedule was reviewed which has two components: The Feasibility Analysis Fee and The Implementation Fee.

It was noted that several municipalities have seen great savings and that Phase I of the energy audit can be returned within sixty (60) days of the initial visit.

After a brief discussion, Council agreed to proceed with the energy audit and authorize this project, by Resolution, at the next Council meeting on Monday, April 13, 2009. Mr. Russo noted that the funds are available in Capital Improvement Budget for this project.

b. Cable Franchise Renewal

Mr. Mark Hontz, Esq. reviewed, with Council, the proposed draft report of the Cable Franchise Renewal for Service Electric Cable TV of New

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Jersey, Inc. Mr. Hontz summarized the five (5) page report which is due by April 19, 2009. He noted the reflected amendments to the report and advised that a public hearing will be held on Monday, April 13, 2009. After discussion, the Council asked Mr. Hontz to proceed and submit this final report, after public hearing, to Service Electric Cable TV.

c. C-2 Zone Permitted Uses

Mr. Hontz, Esq. addressed Council and provided legal guidance on the current issue of certain businesses coming to the business district on Spring Street. Mr. Hontz suggested that the Town Planner review the C-2 Zone permitted uses and to investigate the proper uses for the C-2 Zone, which would be in line with the Master Plan as well as the Vision Plan. This will allow for a clear and concise outline of the Zoning Ordinance. After a brief discussion, Council agreed to forward this matter to our Town Planner, Jessica Caldwell, P.P.

Councilwoman Unhoch attended the League of Municipalities meeting and updated on the topic of the "Census 2010". Mr. Russo advised that the Town is hosting a meeting scheduled for May 6th at 10 am at Newton Town Hall, which will be attended by Mr. Russo, Mrs. Read and Mrs. Millikin.

ORDINANCES

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

ORDINANCE # 2009-6

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY ALONG SPARTA AVENUE.

(The "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

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

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

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

WHEREAS, in accordance with the Act, the Town, in consultation with A. Nelessen Associates (the "Planning Consultant"), prepared a proposed Redevelopment Plan for the Plan Area, which is attached hereto as Exhibit A (the "Proposal"); and

WHEREAS, on February 23, 2009, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on March 4, 2009, the Planning Consultant presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, and the testimony of the Planning Consultant, the Planning Board determined by Resolution dated March 4, 2009, attached hereto as Exhibit B (the "Planning Board Resolution"), that the Proposal is consistent with the Town's Master Plan, and recommended to the Town Council that it adopt a modified version of the Proposal, with such changes as summarized at Exhibit C to the Planning Board Resolution, as the redevelopment plan for the Area (as revised and attached hereto as Exhibit C, the "Planning Board Proposal"); and

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

Section 1. The Planning Board Proposal, as filed in the Office of the Town Clerk, and attached hereto as Exhibit C, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan and

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delineate the boundaries of the Plan Area.

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

Mayor Ricciardo declared the hearing on Ordinance #2009-6 open to the public.

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to come before the Council.

CONSENT AGENDA

Mayor Ricciardo 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.”*

It was requested that Resolution #56-2009 be removed from the consent agenda for individual discussion.

RESOLUTION #47-2009*

AUTHORIZE A MODIFICATION TO CONTRACTUAL AGREEMENT FOR HAROLD E. PELLOW & ASSOCIATES, INC. FOR THE TAX MAP UPDATE & GIS IMPLEMENTATION PROJECT

WHEREAS, the Town of Newton required the services of a qualified engineering company for the updating of the Town of Newton tax maps and

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the implementation of a GIS system relative to a complete revaluation within the Town of Newton that occurred in 2007; and

WHEREAS, engineering services is a professional service as defined by Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.S. 40A:11-5(1)(a)(i); and

WHEREAS, Harold E. Pellow & Associates, Inc., of Augusta, New Jersey, submitted a proposal in the amount of \$79,825.00 for engineering services for said tax mapping and GIS implementation; and

WHEREAS, said proposal was recommended for acceptance by the Newton Tax Assessor and was subsequently reviewed by the Town Attorney for Town Council consideration; and

WHEREAS, on November 13, 2006, the Town Council of the Town of Newton authorized an agreement with Harold E. Pellow & Associates, Inc., for this project based on their Tax Map and GIS Proposal dated September 7, 2006; and

WHEREAS, due to unforeseen circumstances that have occurred during the duration of this project, there is a need to provide additional funding to Harold E. Pellow & Associates, Inc., for the following project deliverables: revaluation certification of current tax maps, creation of additional tax map sheets, and changes to property block and lot designation; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes a Consultant Agreement Modification with Harold E. Pellow & Associates, Inc. for the updating of tax maps and the implementation of a GIS system in an amount not to exceed \$21,500 based on their Tax Map and GIS Implementation Letter dated February 18, 2009;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Harold E. Pellow & Associates, Inc., of Augusta, NJ and that a notice of this agreement be published in the newspapers of record in accordance with the Local Public Contracts Law.

RESOLUTION #48-2009*

**AUTHORIZE RELEASE OF PERFORMANCE GUARANTEE
POSTED BY BARN HILL CARE CENTER, INC.**

WHEREAS, Barn Hill Care Center, Inc., posted a Performance Guarantee with the Town of Newton for as-built map revisions for the addition of a 24-bed unit to Barn Hill Card Center's existing facility of Block 101, Lot 1.01, located on New Jersey State Highway Route 94 in the Town of Newton, and

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WHEREAS, in a letter dated September 10, 2008, David B. Simmons, Jr., PE of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended that said Performance Guarantee currently on file with the Town of Newton in the amount of \$1,800.00 be released;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$1,800.00 posted with the Town of Newton by Barn Hill Care Center, Inc., related to the development of Block 101, Lot 1.01 located on NJSH Route 94, based on the recommendation of the Town Engineer.

RESOLUTION #49-2009*

RESOLUTION TO SUPPORT THE SUBMISSION OF A TONNAGE GRANT FOR RECYCLING TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2008 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Newton Town Council of the Town of Newton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Newton Town Council of the Town of Newton that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Debra Millikin to ensure that the application is properly filed; and

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BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

RESOLUTION #50-2009*

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH ICON ENTERPRISES, INC., D/B/A/CIVICPLUS FOR THE REDESIGN OF THE TOWN OF NEWTON WEBSITE

WHEREAS, the Town of Newton requested proposals for the services of a qualified Website Design Company for the redesign of the existing Town of Newton website and received several responses, and

WHEREAS, Icon Enterprises, Inc. d/b/a CivicPlus, submitted a proposal dated March 4, 2009 outlining the services to be provided for \$14,626.00 which is less than the threshold established by the Local Public Contracts Law, and

WHEREAS, after review of all proposals, the Governing Body has determined that Icon Enterprises, Inc. d/b/a CivicPlus is the best company for the project;

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

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Icon Enterprises, Inc., d/b/a CivicPlus, for the redesign of the Town of Newton website as proposed, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Icon Enterprises, Inc., d/b/a CivicPlus, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

RESOLUTION #51-2009*

AUTHORIZE A SETTLEMENT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection has agreed to resolve the penalty liability accrued by the Town of Newton for effluent violations of the Town's NJDEP permit which occurred at the Newton Sewage Treatment Plant during the month of June 2008, and

WHEREAS, the Town of Newton has agree to pay the \$1,000.00 penalty stipulated in the attached Settlement Agreement, and

WHEREAS, the Town Manager, as Chief Executive Officer, is authorized to sign this Settlement Agreement on behalf of the Town of Newton;

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NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Settlement Agreement with the New Jersey Department of Environmental Protection which is attached to and made part of this resolution.

RESOLUTION #52-2009*

APPROVE 2008 APPROPRIATION RESERVE TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2008 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
Police SW 1074101A	Legal Services OE 1064216A	\$ 2,000.
Police OE 1074254A	Vehicle Maintenance OE 1083380A	\$ 1,000.
Senior Citizen SW 1093100A	Recycle & Sanitation OE 1083269A	\$ 500.
TOTAL TRANSFERS		<u>\$ 3,500.</u>

RESOLUTION #53-2009*

AMENDMENT TO 2009 TEMPORARY OPERATING BUDGET

WHEREAS, the Town Council of the Town of Newton adopted the 2009 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #244-2008 dated December 22, 2008, and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget (2008 Budget \$8,175,285 x 1/12 = \$681,273 and that a copy of this resolution be filed forthwith with the director;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the 2009 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON
2009 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Clerk SW	1051101	5,000
Town Manager OE	1050240	15,000
Assessment of Taxes OE	1055226	2,000
Collection of Taxes SW	1056101	2,000
Court SW	1059101	5,000
Planning/Zoning SW	1062101	3,000

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Planning Board OE	1062200	2,000
Police SW	1074101	200,000
Contribution to First Aid	1076200	8,000
Inspection of Buildings SW	1077101	4,000
Emergency Management SW	1078100	500
Road Repair OE	1080200	10,000
Stormwater OE	1082200	1,000
Recycling & Sanitation SW	1083103	1,000
Public Employees Retirement System	1098296	86,845
Police and Firemen's Retirement System	1098297	<u>212,934</u>
Total Current Temp Amendment		\$558,279
 <u>Water Sewer Utility Account</u>		
Operating SW	6051100	\$ 40,000
Operating OE	6051200	<u>150,000</u>
Total Water Sewer Temp Amendment		\$190,000
Water/Sewer Debt Service	6091200	\$300,000

2008 TOWN OF NEWTON BUDGET

<u>CURRENT</u>		<u>WATER/SEWER</u>
\$9,796,010	Total 2008 General Appropriations	\$4,142,000
1,043,690	Less: Debt service	1,475,000
182,800	Capital Improvements	285,000
<u>394,235</u>	Reserve for Uncollected Taxes	<u>- 0 -</u>
\$8,175,285	Total Amount to calculate upon	\$2,382,000
x 1/12		<u>x 1/12</u>
\$ 681,273	Allowable 2009 Temporary Budget Amendment	\$ 198,500

RESOLUTION #54-2009*

RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATIONS OF MAY 18 - MAY 31, 2009

WHEREAS, there were 592 motor vehicle fatalities in New Jersey in 2008; and

WHEREAS, the large majority of motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 18 – May 31, 2009 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the State from the current level of 91.75%

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to 100.00%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE BE IT RESOLVED, that we the Mayor and Town Council of the Town of Newton do hereby declare its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 18 – May 31, 2009 and pledge to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION #55-2009*

RESOLUTION OF THE TOWN OF NEWTON ACCEPTING A PROPOSAL FOR ENVIRONMENTAL ENGINEERING SERVICES AND AUTHORIZING APPLICATION FOR GRANT FUNDING THROUGH THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND

WHEREAS, on March 2, 2009, the Town of Newton (the “Town”) issued a Request for Proposals (“RFP”) for Environmental Engineering Services to the Town for development and redevelopment purposes; and

WHEREAS, the RFP process was conducted in a fair and open manner in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Excel Environmental Resources, Inc., North Brunswick, New Jersey, submitted a response to the RFP; and

WHEREAS, the Town has reviewed the response submitted by Excel Environmental Resources, Inc., and is desirous of approving Excel Environmental Resources, Inc. to provide said Environmental Engineering Services; and

WHEREAS, the State of New Jersey Department of Environmental Protection (“NJDEP”), through the Hazardous Discharge Site Remediation Fund (“HDSRF”), has grant funds (“Grant Funds”) available to municipalities for the purpose of funding preliminary assessments, site investigations, remedial investigations and/or remedial actions to determine the existence or extent of hazardous substance discharge conditions on properties; and

WHEREAS, the Town desires to conduct preliminary assessments, site investigations, remedial investigations and/or remedial actions with respect to certain properties located in the Town, including, but not necessarily limited to Block 801, Lot 49.01 and Block 1104, Lot 21; and

WHEREAS, the Town holds a reversionary ownership interest in Block 801, Lot 49.01; and

WHEREAS, Block 1104, Lot 21 (together with Block 801, Lot 49.01, the "Property") is located within a designated redevelopment area pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.*, for a which a comprehensive redevelopment plan has been adopted; and

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WHEREAS, there is a realistic opportunity for the redevelopment of the Property within three years following completion of remediation; and

WHEREAS, Excel Environmental Resources, Inc. is qualified to prepare and submit applications on behalf of the Town for Grant Funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Newton, in the County of Sussex, as follows:

1. Excel Environmental Resources, Inc. is hereby approved as environmental engineers to provide Environmental Engineering Services to the Town for development and redevelopment purposes, in accordance with the terms set forth in the RFP, Excel Environmental Resource Inc.'s proposal, dated March 17, 2009, the municipal rates fee schedule incorporated therein, and such other terms as shall be included in a contract to be negotiated.

2. This action is approved as an award of a professional services contract pursuant to N.J.S.A. 40A:11-5(1)(a).

3. This award is pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5.

4. Excel Environmental Resources, Inc. is hereby authorized to apply for Grant Funds in order to conduct preliminary assessments, site investigations, remedial investigations and/or remedial actions for properties located in the Town.

5. The Mayor, Town Manager, and Municipal Clerk, as necessary, are hereby authorized to execute the professional services contract. The Town Manager is hereby authorized and directed to execute any and all documents necessary in order to apply for Grant Funds.

6. In the event that Grant Funds are approved pursuant to a grant issued in favor of the Town, Excel Environmental Resources, Inc. is hereby authorized and directed to implement preliminary assessments, site investigations, remedial investigations and/or remedial actions for properties, with payment for aforesaid services to be made to Excel Environmental Resources, Inc. from the Grant Funds in accordance with the contract to be entered into by the Town and the NJDEP.

RESOLUTION #57-2009*

**AUTHORIZE REDUCTION AND RELEASE OF CERTAIN FUNDS
DEPOSITED AS A PERFORMANCE GUARANTEE BY ROUTE 519
AND NORTH PARK DRIVE, LLC**

WHEREAS, Route 519 and North Park Drive, LLC posted several bonds in favor of the Town of Newton in connection with the development of Kohl's department store located at Block 303, Lot 26.05, on North Park Drive in the Town of Newton; and

WHEREAS, in a letter dated March 16, 2009, David B. Simmons, Jr., PE of the engineering firm of Harold E. Pellow & Associates, Inc. has

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reviewed the status of work at the premises and noted the completion of certain work and the necessity of completing other work, and as a result of said inspection recommends the following:

1. The restoration bond in the amount of \$136,500.00 be released.
2. The performance bond in the amount of \$395,440.80 with First Indemnity of America Insurance Company, in favor of the Town of Newton be reduced to maintain a balance of \$86,076.00.
3. An **additional** performance guarantee shall be posted in the amount of \$166,062.00 for items that remain to be completed based on Mr. Simmons' inspection of March 11, 2009.
4. The required two-year maintenance bond in the amount of \$47,543.85 be posted and begin when the applicant completes the required municipal improvements, the Town Council has accepted them, and prior to release of the remaining performance bond as per Section 1.17 of the Developer's Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that upon posting of the additional performance guarantee in the amount \$166,062.00 by Route 519 and North Park Drive, LLC, the Town Council authorizes the release of the restoration bond in the amount of \$136,500.00 and the reduction of the performance bond to the amount of \$86,076.00 related to the development of Block 303, Lot 26.05, located at North Park Drive based on the recommendation of the office of the Town Engineer.

The Clerk presented an application for an on-premise raffle (Tricky-Tray and 50/50) from the Auxiliary of Newton Memorial Hospital, 175 High Street, Newton, to be held on May 29, 2009 from 5:30 p.m. to 10:00 p.m. at the Sussex County Community College, One College Hill Road, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for a Special Permit for a Social Affair from Sussex County Arts & Heritage Council, 133 Spring Street, Newton, to be held on May 9, 2009 from 3:30 p.m. to 7:00 p.m. at 133 Spring Street. It was noted that the application was in order, accompanied by the prescribed fee and approved by the Chief of Police.

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

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ACTION RESOLUTIONS, without **RESOLUTION #56-2009**, seconded by Mrs. Unhoch and roll call resulted as follows:

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

Due to the request to remove Resolution #56-2009 from the Consent Agenda, Mayor Ricciardo asked for discussion. There being no discussion, upon motion by Mrs. Becker, seconded by Mr. Elvidge and carried, roll call resulted as follows:

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

RESOLUTION #56-2009

Approve Bills and Vouchers for Payment

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2008 and 2009 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

187,039.58	Payroll Account	960020
203.97	Quill Corporation	25136
144.95	Staples Credit Plan	25137
4,582.30	Harold Pellow & Assoc., Inc.	25138
722.00	Decker's Fire & Safety	25139
72.00	Alpine Spring Water Company	25140
162.50	Sussex Car Wash, Inc.	25141
238.34	G & G Diesel Service, Inc.	25142
1,251.99	Jersey Central Power & Light	25143
361.85	SCMUA	25144
175.00	Michael D. Teets	25145
350.00	B & G Elevator	25146
343.41	EMBARQ	25147
2,846.16	EMBARQ	25148
35.00	EMBARQ	25149

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180.00	Newton Postmaster	25150
2,319.48	Thea Unhoch	25151
2,629.28	Delta Dental	25152
2,434.57	Delta Dental	25153
66.68	Campbell's Small Engine	25154
800.00	D & E Service Center	25155
792.00	Neopost Leasing	25156
137.00	West Group	25157
73.68	Federal Express	25158
239.73	ZEP Manufacturing Company	25159
8,000.00	Newton First Aid Squad	25160
37.50	Joseph Inga	25161
524.06	Thomas Trudgeon	25162
234.00	Scott Holzhauser	25163
6.00	Peter J. Kays	25164
203.03	Willco, Inc.	25165
1,170.97	Newton Citgo	25166
516.06	Miami Systems	25167
18.00	William F. Smith	25168
37.50	Brock Kithcart	25169
325.00	State of New Jersey Treasurer	25170
1,150.00	T. A. Mountford Company	25171
205.94	Gall's Inc.	25172
280.00	Minisink Press Inc.	25173
130.20	Ann M. Rosellen	25174
125.00	Donald Donofrio	25175
1,695.00	Microsystems-NJ Com, LLC	25176
160.00	Weights and Measures Fund	25177
29.97	Sebring Auto Parts	25178
318.00	Skylands Press	25179
554.22	Dempsey Uniform & Supply Inc.	25180
271.50	Debra Millikin	25181
344.79	Boonton Tire Supply	25182
3,361.10	McGuire	25183
352.00	Weiner Lesniak	25184
777.84	Vision Service Plan	25185
723.00	Rutgers Center for Government Serv.	25186
30.00	Sussex & Warren Tax Coll. Assoc.	25187
25.00	Sussex & Warren Tax Coll. Assoc.	25188
66.42	Grinnell Recycle	25189
192.06	Verizon Wireless	25190
420.00	NJRPA	25191
37.50	Robert Bittle	25192
271.29	Medtronic Physio-Control Corp.	25193
860.98	Dell Computer Corporation	25194
72.63	Mr. John	25195
625.00	Alternate Power Inc.	25196
50.00	Wildflowers with Tami	25197
1,995.00	Vogel,Chait,Collins,Schneider,PC	25198
45.73	Advance Commercial	25199
245.80	National Entertainment Tech.	25200
1,000.00	Enforsys NJ, Inc.	25201
29,497.50	Lincoln Financial Group	25202

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37.50	Tania L. Ell	25203
3,760.00	Creative Networking Concepts, Inc.	25204
975.00	Underwriters Laboratories Inc.	25205
226.17	Staples Business Advantage	25206
2,709.32	Spectrum Communications	25207
.40	Easylink Services Corp.	25208
175.50	Katherine Citterbart	25209
48.00	CSS Test	25210
81.02	Nestle Waters	25211
6.00	Steve Estler	25212
1,491.67	Andrews & Company, LLC	25213
200.00	MCAA of NJ - Spring Conference	25214
200.00	Treasurer, State of NJ - Burial	25215
1,749.60	Rachles/Michele's Oil Company	25216
3,269.22	Taylor Oil Co.	25217
743.88	Action Office Supplies	25218
81.73	Dawn Babcock	25219
49.00	JC Grill House	25220
2,000.00	Laddey, Clark & Ryan, LLP	25221
100.00	Sussex County Chamber of Commerce	25222
175.50	Derek J. Wechtler	25223
229.07	Industrial Chem Labs & Services, Inc.	25224
1,000.00	Thomas S. Russo, Jr.	25225
24.32	Sprint	25226
550.00	Riverside Designs	25227
360.00	Law Enforcement Training Solutions	25228
28.00	Gormley's Auto Center	25229
853,927.00	Newton Board of Education	910021
142.57	Payroll Account	910022
16,122.80	Payroll Account	910023

CAPITAL

117.43	Harold Pellow & Assoc., Inc.	1028
18,266.25	McManimon & Scotland	7291
15,644.64	A. Nelessen & Associates, Inc.	7292
124.57	Lowe's	7293
72.00	VOID	7294

Total TOWN BILLS \$1,189,803.72

WATER AND SEWER ACCOUNT

26,529.37	Payroll Account	971009
189.71	Montague Tool & Supply	10636
2,181.16	Schmidt's Wholesale, Inc.	10637
3,248.04	Harold Pellow & Associates Inc.	10638
233.40	Hach Co.	10639
511.14	CCP Industries	10640
366.68	Lee Company	10641
823.45	Andres & Mooney Electric Inc.	10642
4,140.92	Jersey Central Power & Light	10643
855.00	Pumping Services	10644

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59.14	Sussex County Plumbing	10645
18.00	Paul Baldwin	10646
24.00	Paul M. Havens	10647
11,647.16	Coyne Chemical Corp., Inc.	10648
134.66	EMBARQ	10649
1,328.84	EMBARQ	10650
180.00	Newton Postmaster	10651
873.52	Delta Dental	10652
472.34	Beaver Run Farms	10653
935.00	Garden State Laboratories Inc.	10654
5,895.72	Duke's Sales & Services	10655
203.08	Dempsey Uniform & Supply, Inc.	10656
88.90	One Call Systems	10657
3,910.00	R & D Trucking Inc.	10658
92.66	Airgas	10659
20.00	Ervin Lasso	10660
1,519.20	Treasurer, State of New Jersey	10661
164.79	Vision Service Plan	10662
84,248.00	Statewide Insurance Fund	10663
3,456.00	Passaic Valley Sewerage Comm.	10664
716.10	Dell Computer Corporation	10665
1,250.00	John Smalley	10666
2,670.00	Alternate Power Inc.	10667
2,175.00	Scarinci & Hollenbeck, LLC	10668
890.00	Process Tech Sales & Service	10669
420.00	Test America	10670
870.15	Dan's Auto	10671

CAPITAL

2,898.27	Harold Pellow & Associates, Inc.	2131
36.00	Water & Sewer Operating Acct.	2132

Total WATER & SEWER BILLS \$166,275.40

TRUST ACCOUNT

4,777.11	Current Account	971007
1,679.15	Payroll Account	971006
4,419.67	Harold Pellow & Associates Inc.	2614
90.00	Hollander, Hontz, Hinkes & Pasculli LLC	2615
250.00	Emergency Software Products	2616
720.00	Vogel,Chait,Collins,Schneider,PC	2617
70.00	Hampton Township	2618
1,070.68	Gerry Ryan	2619

Total TRUST BILLS \$13,076.61

Intermission (10 minutes)

DISCUSSION

A. 2009 Budget

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The Town Manager advised of continued additional cuts to the Municipal Budget which now represents a 7.75 point increase to the taxpayer.

Mr. Russo read a memo from Chief John Tomasula related to the budget, entitled "Police Overtime - 2009".

TO: Thomas S. Russo, Jr.
FROM: Chief John Tomasula
DATE: April 9, 2009
SUBJECT: Police Overtime - 2009
COPY TO: Dawn Babcock, CFO
Mayor and Council Members

Tom,

"In keeping with the proposed budget figure of \$192,000, the following would represent the allocation to the various areas that necessitate overtime in the department.

Minimum Staffing Levels	81,000
Firearms Qualifications	28,000
Court/Prisoner Transportation	22,000
Parades/Events	20,000
Training	18,000
Case Load	13,000
Water/Sewer/DPW Utility	<u>10,000</u>
Total	\$192,000 (estimations at 2009 salary rate)

Explanations:

Maintaining Minimum Patrol Staffing Levels \$81,000
(Covers sick, personal and some vacation leave in order to maintain a minimum of three uniformed officers generally from 8am to 2am)

Firearms Qualifications \$28,000
16 officers – Handgun, shotgun and rifle (X2 - 18,000)
16 officers – Rifle only (X2 – 10,000)

Court/Prisoner Transportation \$22,000
Covers overtime to officers subpoenaed for Trial, Grand Jury or other hearings. It also covers overtime when the department is called upon to transport prisoners to our municipal court and to pick up prisoners arrested in other jurisdictions on warrants issued by our court.

Parades/Special Events/Investigations \$20,000
Covers traffic control and security at all approved holiday parades, (Christmas,

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Memorial Day, St. Patrick's Day) and special events (Newton Day, Taste of Newton, Spring Fest) and other details relating to ongoing criminal investigations dealing with Megan's law notifications, narcotics raids and temporary large-scale surveillance needs relating to burglaries and drug offenses.

Training \$18,000

Covers overtime for required In-service Training in Use of Force, Domestic Violence First Responder, Traffic radar re-certifications, Alcotest initial, re-certifications, and some 1-day supervision courses for patrol sergeants.

Case Load \$13,000

Covers officers required to complete certain reports and other tasks before leaving regular duty. It often involves court process, warrants, domestic violence cases, use of force review, burglaries and other investigations that will be passed to the detective bureau for follow-up and evidence processing.

Water/Sewer Utility/DPW \$10,000

(Water main breaks or assistance with street closures or traffic control during other maintenance projects, line painting, excavations, etc.)

I've adjusted our minimum staffing levels on certain days and I expect we will be able to reduce some of our training overtime using the data management software we now have online. Lt. Richards and I are drafting and issuing policy and procedures as part of our accreditation process and are able to draft proficiency testing measures that can be done individually by employees during role call as opposed to setting up special training days. We have also made some modifications to our court process, which we expect will minimize the need for having officers needlessly appearing in court for cases that can be settled through a plea agreement. If these measures prove successful, I would be optimistic that we could reduce some of these overtime expenditures in 2010 as well".

Mayor Ricciardo expressed his extreme disappointment with the continuous increase in the overtime budget with the Newton Police, based on the previous statement that "if we have a full compliment of Police, the overtime would be cut drastically" and unfortunately this is not the case.

Mr. Russo outlined the additional cuts throughout the Municipal Budget.

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After a lengthy discussion, Council directed Mr. Russo and Ms. Babcock to review the budget again and cut the increase down to 7.5 points. Mr. Russo will rework the budget figures and also work with the Police Chief to decrease their overtime budget.

Mr. Russo outlined some ideas on savings for current and future budgets.

OPEN TO THE PUBLIC

Mayor Ricciardo opened the meeting to the public.

Mr. Anwar Qarmout, 45 Woodside Avenue, asked whether the Newton Planner would work with the Main Street Newton on the changes to the C-2 Zone, in the business district. Mr. Qarmout addressed concerns regarding the application process of the Planning/Zoning Board and suggested that the Town consider a better “fast track” avenue for applicants.

COUNCIL & MANAGER COMMENTS

Mayor Ricciardo addressed the issue of refurbishing a fire truck, in lieu of purchasing a new one. He advised that he has spoken to other Fire Departments, who have had their trucks refurbished. Mayor Ricciardo, noting that Newton Fire Department indicated “that their fire trucks could not be refurbished”, directed Mr. Russo to contact Pierce and obtain documentation regarding the service of “refurbishing” of fire trucks.

Mayor Ricciardo and members of the governing body, addressed administrative concerns regarding the Construction Department. Mr. Russo advised that all employees are handled through the Town Manager’s Office, and advised that all administrative issues are being addressed as requested. Mr. Russo noted that it is improper for the public to address the governing body members with administrative issues, when they should be addressing his

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office.

There was no further business to conduct, upon motion of Mrs. Unhoch, seconded by Mrs. Becker and carried, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk