

February 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”.

The Clerk called the roll and upon completion of same, upon motion made by Mrs. Unhoch, seconded by Mrs. Becker and carried that the minutes of December 8, 2009 meeting was approved.

At this time, Mr. Joseph Kocur, resident of Hamilton Street, Newton, led all present in an invocation. At this time, Boy Scout Troop 85 led all present in an opening flag ceremony and recited the Pledge of Allegiance. The Scout Leader of Boy Scout Troop 85 read a brief report outlining 2008 accomplishments by our local Boy Scouts.

Mayor Ricciardo read and presented the following Proclamation proclaiming the week of February 1-7, 2009 as “Scouting Anniversary Week.”

## **PROCLAMATION**

### **Boy Scouts of America - 99<sup>th</sup> Anniversary**

**WHEREAS**, the success of Scouting for Cub Scouts, Boy Scouts, Explorers, and Venturing depends on our community organizations; and

**WHEREAS**, there are 505 churches and synagogues, schools and parent-teacher associations, service and fraternal clubs, and other community organizations that have been chartered in our area by the Boy Scouts of America to use the Scouting program; and

**WHEREAS**, the volunteer leaders selected by these chartered organizations are performing an outstanding service for 18,871 boys and young men and women; and

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**WHEREAS**, the Patriots' Path Council of the Boy Scouts of America and its corps of dedicated volunteer leaders are providing necessary support to the leaders in the 6,236 Cub Scout Packs, Boy Scout Troops, Explorer Posts, and Venture Crews;

**THEREFORE BE IT FURTHER RESOLVED**, that We, the Mayor and Town Council of the Town of Newton do hereby proclaim the week of February 1-7, 2009, as "Scouting Anniversary Week" and urge our citizens to join with us in expressing appreciation to the community organizations and their volunteer Scouting leaders for bringing this values-based program to our young people.

**OPEN TO PUBLIC**

Mr. Larry Pryduluk and Mrs. Joan Current, organizers of the Memorial Day Parade, were in attendance and requested permission to hold the Memorial Day parade in the Town of Newton on Monday, May 25, 2009. After a brief discussion, Council agreed to hold the annual Memorial Day Parade in Newton.

Ms. Jill Aquino, Nurse at Newton High School, addressed her concerns regarding high school students smoking across the street from Newton High School. After a brief discussion, Council agreed to forward the concerns to legal counsel and the Police Department for advice.

Mr. Anwar Qarmout, 45 Woodside Avenue, addressed concerns with uneven sidewalks, and street lighting issues throughout the Town of Newton. Mr. Qarmout also addressed the need for enforcement on the "pooper scooper" law. Finally, Mr. Qarmout addressed concerns regarding Able Oil facility returning to Newton. Mayor Ricciardo advised that the Planning Board is currently addressing Able Oil and all concerns should be addressed with the Planning Board.

Ms. Jean Pierson, Owner of Barristers, inquired on the status of her request to eliminate the security guard at her business. Mr. Russo advised that the Newton Police have addressed her request and it is now in the hands of Legal Counsel for their opinion. Upon receipt from the Legal Counsel,

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the Town will advise Ms. Pierson.

### **Council & Manager Reports**

The Town Manager addressed correspondence from Pat Day, Executive Director, Sussex County Chapter of the American Red Cross, respectfully requesting permission to fly Red Cross flags along Spring and Main Streets from March 1<sup>st</sup> to March 31<sup>st</sup> and in front of the Town Hall.

The Governing Body unanimously agreed to the above request.

The Town Manager read the following Proclamation to the Newton Fire Department which was delivered at their annual dinner this past Saturday night.

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

### **NEWTON FIRE DEPARTMENT**

**WHEREAS**, the Newton Fire Department was established in December 1835, and is currently comprised of a dedicated group of volunteers who sacrifice their time to help those in need, and

**WHEREAS**, since inception, the dedicated volunteers of the Newton Fire Department have prepared themselves to best protect and ensure the safety of the community by educating each and every member in fire safety, and

**WHEREAS**, in 2008 the Newton Fire Department established a Junior Fire Fighter program to promote and educate the young residents of this community of the importance of fire safety. This program currently has 3 active members, and

**WHEREAS**, the caring and loyalty of these dedicated volunteers has been evident throughout the years and continues to serve as a sense of comfort and security to the Town's residents and businesses. The Newton Fire Department works alongside the Newton First Aid & Rescue Squad and Newton Police Department, as well as providing mutual aid to neighboring municipalities;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the **Newton Fire Department** for their endless hours of support and service to the Town of Newton and its residents and thank each and every one of their members for their dedication and service.

The Town Manager advised Council of several vacancies on the

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Economic Development Advisory Commission. Mr. Russo advised that he will advertise these vacancies in the newspaper, as well as, on the Town website to obtain interested volunteers. Mayor Ricciardo stated the importance to the Economic Development Advisory Commission.

### **ORDINANCES**

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

#### **ORDINANCE #2009-5**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$250,000 FOR PRELIMINARY PLANNING EXPENSES FOR REDEVELOPMENT PLANNING FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$238,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The purpose described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Town of Newton, New Jersey. For the purpose described in Section 3, there is hereby appropriated the supplemental amount of \$250,000, such sum being in addition to the \$50,000 appropriated therefor by bond ordinance #2005-8 of the Town finally adopted May 9, 2005 (the "2005 Prior Ordinance), the \$75,000 appropriated therefor by bond ordinance #2007-8 of the Town finally adopted June 11, 2007 (the "2007 June Prior Ordinance), the \$250,000 appropriated therefor by bond ordinance #2007-21 of the Town finally adopted August 27, 2007 (the "2007 August Prior Ordinance) (together the "Prior Ordinance") and \$50,000 available from an Office of Smart Growth grant, and including the sum of \$12,000 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$238,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The bonds are authorized herein to provide for preliminary planning expenses for redevelopment planning, including an

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analysis of areas of the Town in need of rehabilitation, beautification and/or redevelopment, the update of the Town master plan for economic development and recreation uses and including also all related work and expenses, as described in the Prior Ordinance.

(b) The estimated maximum amount of bonds or notes to be issued for the purpose is \$569,900, including the \$47,500 bonds or notes authorized by the 2005 Prior Ordinance, the \$71,400 bonds or notes authorized by the 2007 June Prior Ordinance, the \$238,000 bonds or notes authorized by the 2007 August Prior Ordinance, the \$238,000 bonds or notes authorized herein and the \$25,000 grant received under the 2005 Prior Ordinance, reducing the debt authorization.

(c) The estimated cost of the purpose is \$675,000, including the \$50,000 appropriated by the 2005 Prior Ordinance, the \$75,000 appropriated by the 2007 June Prior Ordinance, the \$250,000 appropriated by the 2007 August Prior Ordinance, \$50,000 made available from an Office of Smart Growth grant, and the \$250,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense. It is a purpose that the Town may lawfully undertake, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed

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from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$238,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) The entire \$675,000 appropriated for the purpose authorized herein is for items of expense listed in and permitted under N.J.S.A. 40A:2-20. Of this amount, \$50,000 was estimated for these items of expense in the 2005 Prior Ordinance, \$75,000 was estimated for these items of expense in the 2007 June Prior Ordinance, \$250,000 was estimated for these items of expense in the 2007 August Prior Ordinance, an additional \$250,000 is provided therefor herein and \$50,000 was made available from the Office of Smart Growth grant.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys or developer's contributions received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the purpose or to payment of the obligations issued pursuant to this ordinance and the Prior Ordinance, except that the new \$50,000 grant provided by the Office of Smart Growth, for which borrowing is not necessary, shall be used to pay such costs directly. A \$25,000 grant for this purpose has been received against the 2005 Prior Ordinance, reducing the debt authorization under the Prior Ordinance.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, they shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged

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to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Ricciardo declared the hearing on Ordinance #2009-5 open to the public.

Mr. Anwar Qarmout, 45 Woodside Avenue, addressed his concerns on this Bond Ordinance. Mayor advised that Town is “planning ahead so that redevelopment can take place and revitalization can continue”, and the Town is not over strapping our Bond limit. Councilwoman Helen Le Frois advised “that this is for the overall economic viability of this Town, now, and in the future”.

Councilman Elvidge advised that the Town has plans in the works and with this Bond Ordinance in place, we will be ready and prepared. It was noted that the Vision Plan is complete and through this plan, the Town is moving forward.

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

The following ORDINANCE was offered by Mr. Elvidge, who moved its adoption, seconded by Mrs. Le Frois 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.

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**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.”*

Mrs. Le Frois requested that Resolution #29-2009 be removed from the consent agenda for individual discussion.

**RESOLUTION #30-2009\***

**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>
Employee Group Insurance OE 1066200A	Utilities – Street Lighting OE 1089267A	\$ 6,200.
Parks & Playgrounds SW 1091100A	Building & Grounds OE 1061255A	\$ 6,000.

**RESOLUTION #31-2009\***

**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;

**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>Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Workers Compensation Ins. OE	1067200	32,000
Legal OE	1058201	10,000
Snow Removal OE	1081239	10,000

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Recycling Tax O/S CAP OE	1094550	500
Total Current Temp Amendment		<u>\$52,500</u>

**2008 TOWN OF NEWTON BUDGET**

\$9,796,010	Total 2008 General Appropriations
1,043,690	Less: Debt service
182,800	Capital Improvements
<u>394,235</u>	Reserve for Uncollected Taxes
\$8,175,285	Total Amount to calculate upon

**RESOLUTION #32-2009\***

**Authorize Execution of an Agreement with Andover Township for the Acquisition and Operation of a Truck Washing Facility**

**WHEREAS**, both the Township of Andover and the Town of Newton are in need of and desire to purchase a truck washing facility; and

**WHEREAS**, the two municipalities are in agreement and have found the property to place the truck washing facility located at the Newton DPW Complex, 111 Moran Street, Newton, New Jersey; and

**WHEREAS**, the parties desire to enter into an Agreement pursuant to the Uniform Shared Services and Consolidated Validation Act (N.J.S.A. 40A:65-1, *et seq.*) concerning the purchase, administration and maintenance of a truck washing facility.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an Agreement with Andover Township for the purchase, administration and maintenance of a truck washing facility; and

**BE IT FURTHER RESOLVED** that an original, fully-executed copy of said Agreement be kept on file with the Municipal Clerk's Office and be made available for public viewing.

**RESOLUTION #33-2009\***

**Support for Senate Bill No. 2262 and Assembly Bill No. 3401 which dedicate \$700,000 Annually from Pleasure boat Fees to the Lake Hopatcong Fund**

**WHEREAS**, the Lake Hopatcong Commission (hereinafter "the Commission") was established pursuant to P.L. 2000 c. 175 (N.J.S. 58:4B-1 et seq.) "...to oversee and safeguard Lake Hopatcong as a natural scenic and recreational resource to ensure that the lake may be enjoyed to the fullest possible measure by citizens of, and visitors to, the State both now and in the future"; and

**WHEREAS**, the Commission did not receive an annual appropriation from the State of New Jersey to fund its operating costs in FY2009; and

**WHEREAS**, Senator Anthony R. Bucco, District 25 (Morris) and Senator Steven V. Oroho, District 24 (Sussex, Hunterdon, Morris) on

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October 20, 2008 introduced Senate Bill No. 2262 (hereinafter "Bill 2262") to dedicate \$700,000 annually from pleasure boat registration fees to the Lake Hopatcong Fund; and

**WHEREAS**, Assemblyman Michael Patrick Carroll, District 25 (Morris), Assemblywoman Alison Littell McHose and Assemblyman Gary R. Chiusano, District 24 (Sussex, Hunterdon and Morris) on October 27, 2008 introduced identical Assembly Bill No. 3401; and

**WHEREAS**, Senate Bill No. 2262 and Assembly Bill No. 3401 further appropriates \$700,000 for FY2009; and

**WHEREAS**, the funding will support improving the quality of this State-owned lake to protect both environmental and economic interests in the region; and

**WHEREAS**, Senator Stephen M. Sweeney, District 3 (Salem, Gloucester, Cumberland) and Senator Sandra B. Cunningham, District 31 (Hudson County) co-sponsored Bill 2262; and

**WHEREAS**, at the Sussex County League of Municipalities February 11, 2009 meeting, the aforesaid legislation was discussed and a motion was passed to create a resolution in support of Senate Bill No. 2262 and Assembly Bill No. 3401;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Council of the Town of Newton joins the Sussex County League of Municipalities in supporting Senate Bill No. 2262 and Assembly Bill No. 3401 which dedicates \$700,000 annually from pleasure boat registration fees to the Lake Hopatcong Fund to begin in FY2009; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be provided to the Governor of the State of New Jersey, New Jersey Department of Environmental Protection Commissioner, Sussex County League of Municipalities, legislators from Morris and Sussex Counties, the Freeholder Boards for Morris and Sussex Counties and the Municipal Clerks of the Borough of Hopatcong, Township of Jefferson, Borough of Mt. Arlington and Township of Roxbury.

#### **RESOLUTION #34-2009\***

#### **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**

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2.00	VOID	910014
2.00	NJ Motor Vehicle Services	25008
167,971.08	Payroll Account	910013
309.80	Quill Corporation	25009
217.32	Staples Credit Plan	25010
438.36	E.A. Morse & Company	25111
153.29	Montague Tool & Supply	25012
90.00	S K Office Supply	25013
77.00	Decker's Fire & Safety	25014
117.00	ABCCode Security	25015
42.00	Alpine Spring Water Company	25016
225.00	Sussex Car Wash Inc.	25017
12,791.64	NUI Corporation	25018
1,570.18	G & G Diesel Service, Inc.	25019
66.04	G & H Service Inc.	25020
7,519.88	Jersey Central Power & Light	25021
609.56	SCMUA	25022
350.00	B & G Elevator Inc.	25023
2,793.44	EMBARQ	25024
10,431.50	Hollander,Hontz,Hinkes&Pasculli LLC	25025
2,227.86	Rowe & Company Inc.	25026
219.74	Campbell's Small Engine	25027
77.50	Lock & Key World	25028
194.30	Federal Express	25029
4.77	Hayek's Market, Inc.	25030
450.00	Office Equipment Corporation	25031
3,000.00	Ferraioli, Cerullo & Cuva	25032
8.00	Peter J. Kays	25033
1,586.50	Willco, Inc.	25034
981.54	Vital Computer Resources, Inc.	25035
300.77	Miami Systems	25036
3,334.00	Mitchell Agency	25037
20.00	Sussex County League of	25038
8.00	William F. Smith	25039
54.00	T.A. Mountford Company	25040
239.70	Lou's Glass	25041
70.00	Minisink Press Inc.	25042
46.31	Microsystems-NJ Com, LLC	25043
1,279.82	Diamond Sand & Gravel, Inc.	25044
19.07	Sebring Auto Parts	25045
554.22	Dempsey Uniform & Supply Inc.	25046
7,052.99	International Salt	25047
30.00	Greater Newton Chamber of Commerce	25048
78.25	Boonton Tire Supply	25049
738.00	McGuire	25050
210.00	NJMMA	25051
84,247.00	Statewide Insurance Fund	25052
22.00	Sussex & Warren Tax Col. Assoc.	25053
60.00	Public Works Assn. Of N.J.	25054
143.00	Grinnell Recycle	25055
1,352.55	Verizon Wireless	25056
355.00	Accurate Door, Inc.	25057
550.00	Sussex County Chiefs Assoc.	25058

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99.00	Institute Professional Develop	25059
1,061.10	Dell Computer Corporation	25060
146.30	Mr. John	25061
1,320.00	Main Pool & Chemical Company	25062
86.21	Cooper Electric Supply Co.	25063
120.00	Wildflowers with Tami	25064
3,377.00	Vogel,Chait,Collins,Schneider,PC	25065
264.02	Advance Commercial	25066
25.00	Bowens Bluelines	25067
318.78	The Home Depot	25068
480.00	International Code Council, Inc.	25069
22.50	Guardline Fire & Safety Co., Inc.	25070
17,270.54	Access Control Technology	25071
56.96	Excelsior Lumber Company	25072
18.00	UPS Store	25073
116.96	Scarinci & Hollenbeck LLC	25074
1,346.00	Creative Networking Concepts, Inc.	25075
320.18	Paint Spot	25076
1,540.90	Mid-County Paper Stock Co., Inc.	25077
677.20	Staples business Advantage	25078
10.20	Language Line Services	25079
3.07	Easylink Services Corporation	25080
48.00	CSS Test	25081
375.61	Marge McCabe	25082
57.62	Nestle Waters	25083
8.00	Steve Estler	25084
1,491.67	Andrews & Company, LLC	25085
250.00	Hampton Body Works	25086
6,048.85	Pinnacle Wireless, Inc.	25087
1,585.00	Spirit Homes, LLC	25088
3,015.75	Rachles/Michele's Oil Company	25089
1,570.38	Taylor Oil Company	25090
145.86	Action Office Supplies	25091
128.30	Dawn Babcock	25092
2,000.00	Laddey,Clark & Ryan, LLP	25093
896.00	International City/Cnty Mngmt Assoc.	25094
81.55	W.B. Mason	25095
218.36	County of Sussex	25096
3,940.00	Tire King	25097
417.66	Gormley's Auto Center	25098
810.89	Lisa Fairclough Enterprises, Inc.	25099
2,655.76	Delta Dental	25100
2,434.57	Delta Dental	25101
757.72	Vision Service Plan	25102
9,557.50	Main Street Newton, Inc.	25103
16,151.74	Payroll Account	25104
59,742.84	NJSHBP	910016
29,123.94	NJSHBP	910017
853,927.00	Newton Board of Education	910018

**CAPITAL**

540.00	Hollander,Hontz,Hinkes&Pasculli LLC	7686
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1,975.00	Houghton, Quarty, Warr	7687
1,457.46	General Sales Administration	7688
14,152.38	A. Nelessen & Associates Inc.	7689

**Total TOWN BILLS \$1,359,535.31**

**WATER AND SEWER ACCOUNT**

29,741.04	Payroll Account	960005
11,752.65	Sparta Township Tax Collector	10580
159.51	Montague Tool & Supply	10581
692.42	Schmidt's Wholesale, Inc.	10582
1,133.80	Andres & Mooney Electric Inc.	10583
4,520.72	NUI Corporation	10584
4,859.87	Jersey Central Power & Light	10585
22,215.75	Pumping Services	10586
133.00	SCMUA	10587
46.00	Paul Baldwin	10588
46.00	Paul M. Havens	10589
8,465.58	Coyne chemical Corp., Inc.	10590
1,329.85	EMBARQ	10591
27.60	EMBARQ	10592
522.00	Hollander,Hontz,Hinkes&Pasculli LLC	10593
15.00	Campbell's Small Engine	10594
575.00	Garden State Laboratories	10595
26.56	Allied Meter Service Inc.	10596
3,000.00	Ferraioli, Cerullo & Cuva	10597
386.00	American Water Works Assoc.	10598
3,888.38	Joseph G. Pollard Co., Inc.	10599
297.56	Dempsey Uniform & Supply Inc.	10600
181.40	One Call Systems	10601
12,320.00	R & D Trucking, Inc.	10602
245.35	Airgas	10603
58.00	Ervin Lasso	10604
1,000.00	Instrumentation Tech Systems, Inc.	10605
22,051.82	Treasurer, State of New Jersey	10606
90.38	Verizon Wireless	10607
1,250.00	John Smalley	10608
3,886.25	Main Pool & Chemical Company	10609
1,438.00	Alternate Power Inc.	10610
350.00	New Jersey Water Association	10611
17.38	Advance Commercial	10612
475.49	The Home Depot	10613
7,171.01	Suburban Energy Services	10614
1,026.00	Kistler O'Brien Fire Protection	10615
17.58	Staples Business Advantage	10616
366.00	Skylands Area Fire equip. & Training	10617
40.00	Eric Tompkins	10618
437.89	Dan's Auto	10619
1,255.47	VOID	10620
847.04	Delta Dental	10621
184.91	Vision Service Plan	10622
575.47	Newton Postmaster	10623

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4,333.80	Payroll Account	96006
143,471.00	U.S.D.A. / FHA	96007

**CAPITAL**

750.00	VOID	2129
750.00	Frank Semeraro Construction Inc.	2130

**Total WATER & SEWER BILLS** \$296,419.06

**TRUST ACCOUNT**

32,125.57	VOID	1026
32,125.57	Spacesaver Systems	1027
10,000.00	Current Account	911001

**Total TRUST BILLS** \$42,125.57

**DOG RESERVE ACCOUNT**

499.00	MGL Printing Solutions	8500
180.00	Hollander,Hontz,Hinkes&Pasculli LLC	8501
380.00	Newton Veterinary Hospital	8502
10.00	Susan Silverstein	8503

**Total DOG RESERVE BILLS** \$1,069.00

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

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

**RESOLUTION #29-2009**

**RESOLUTION OF INTENT TO JOIN A COALITION OF CONCERNED MUNICIPALITIES IMPACTED AND AFFECTED BY PSE&G'S PROPOSED SUSQUEHANNA-ROSELAND 500 KV TRANSMISSION LINE PROJECT**

**WHEREAS**, Public Service Electric and Gas (PSE&G) has proposed construction of a new 500kv transmission line, known as the Susquehanna-Roseland Transmission Line Project, through Warren, Sussex, Morris and Essex Counties, impacting the municipalities of Andover Township, Boonton Township, Byram Township, East Hanover Township, Fredon Township, Hardwick Township, Hopatcong Borough, Jefferson Township, Kinnelon Borough, Montville Township, Newton Town, Parsippany-Troy

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Hills Township, Rockaway Township, Roseland Borough, Sparta Township and Stillwater Township; and

**WHEREAS**, this project has potential for major economic, environmental, health and safety impacts upon all residents of the affected municipalities; and

**WHEREAS**, contrary to its prior promises to these municipalities that it would make application via the usual and established municipal review process, PSE&G has now bypassed that municipal approval process by making application directly to the New Jersey State Board of Public Utilities (BPU), thereby removing home rule and local oversight over these potential impacts; and

**WHEREAS**, protecting the rights, health and well-being of residents with appropriate and responsible scrutiny of this project through the BPU application and hearing process by the affected municipalities will now involve significant expenses, budgetary considerations, and hardship to the taxpayers of these municipalities during difficult economic times.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Town of Newton, realizing the economy of scale and the power of collaborative effort, does hereby state its intention to join in a “Coalition of Concerned Municipalities” and act with these other affected municipalities to safeguard the rights, health and well-being of its residents from the potential impacts of this project; and

**BE IT FURTHER RESOLVED** that the Town of Newton will appoint Cory Stoner, P.E., David B. Simmons, Jr, P.E., Thomas S. Russo, Jr., Town Manager, and Debra Millikin, Deputy Town Manager as representatives of the municipality to act as liaison to this Coalition on its behalf, for the purposes of strategic discussions, teleconferences and/or other public meetings; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to the Governing Bodies of: Andover Township, Boonton Township, Byram Township, East Hanover Township, Fredon Township, Hardwick Township, Hopatcong Borough, Jefferson Township, Kinnelon Borough, Montville Township, Parsippany-Troy Hills Township, Rockaway Township, Roseland Borough, Sparta Township and Stillwater Township; as well as to PSE&G President Ralph LaRossa, U.S. Senator Frank Lautenberg, U.S. Senator Robert Menendez, U.S. Congressman Rodney Frelinghuysen, U.S. Congressman Scott Garrett, Governor Jon Corzine, State Senators and State Assembly Members from the 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> Districts, the Boards of Chosen Freeholders of Morris, Sussex and Warren Counties, the New Jersey State Board of Public Utilities, New Jersey Department of Environmental Protection Commissioner Mark Mauriello, New Jersey Highlands Water Protection and Planning Council Chairman John Weingart and Executive Director Eileen Swan, and the Office of the New Jersey Public Advocate.

The following RESOLUTION was offered by Mr. Elvidge, who

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moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

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

**Intermission (10 minutes)**

**DISCUSSION (WORK SESSION)**

Mr. Sean McGuire, President of Main Street Newton and Mr. Jim Sheldon, Executive Director of Main Street Newton (MSN), appeared before the Council to address the Main Street Program and the status of their funding. Mr. McGuire advised that the MSN office has relocated to a second floor office above the Plaza Restaurant. Mr. John Vegas, owner of this complex, has renovated the office and is not charging rent for use of this office, which “will save a lot of money”. Mr. McGuire advised Council that the “program” is not financially stable and requested funds from the Town, which were allocated last year but had not released. Mayor Ricciardo expressed his disappointment with the Board for not coming earlier for assistance. Mayor Ricciardo made several suggestions which would allow for a “strong” program. The Executive Director, Jim Sheldon, should be running the MSN program and the Board of Directors should make policy. Mr. Sheldon will be the one who reports to the President, Mr. McGuire, as well as the Board members.

Councilwoman Le Frois advised of her experience as an Executive Director, outlining that the purpose of the “Board” is to support the vision of the Executive Director. “Our mission is economic viability of the Main Street Program, bringing businesses into this Town, and making it sustainable into the future. Working with our Redevelopment plans; and

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keeping the historic integrity of the Town,” Mrs. Le Frois concluded.

After a lengthy discussion, Council noted that the Executive Board needs more accountability of their funding. Council requested that the MSN Executive Board provide a “mission statement and a business plan” to the governing body, prior to the release of any funding by the Town. Council advised Mr. McGuire and Mr. Sheldon to send the Town a letter requesting a release of the 2008 and 2009 funds.

After discussion among the Town Council, the consensus was to release the remaining 2008 funds and \$20,000, which is 50%, of the 2009 funds.

Mr. Ross Sheasley, MCRP, P.P., Project Manager, Ms. Jennifer Credidio, Esq. of McManimon & Scotland, LLC., Mrs. Jessica Caldwell, P.P., AICP, Planner, as well as Mrs. Debra Millikin, Comm. Dev. Director/Deputy Town Manager, were present to make a presentation on the Sparta Avenue Redevelopment Plan.

Mr. Sheasley provided an overview of the “Plan”. He outlined the boundary area, shown on page three (3) of the draft copy of the redevelopment plan. This area consists of one parcel, Block 1104, Lot 21, located at Sparta Avenue. The Redevelopment Area measures 5.63 acres and is irregularly configured with frontage along Sparta and Merriam Avenues and Pine Street. It was noted that there are no residential properties within this redevelopment area. The redevelopment of the Area is a first step towards the revitalization of the Sparta Avenue corridor and part of a larger pattern of revitalization occurring in Newton. The Town of Newton recently completed a Master Plan update, which was adopted by the Newton Planning Board on August 13, 2008. The updated Master Plan recommends the separation of the Town’s land uses into form-based SmartCode Transect

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Zones, which was reflected in the Newton Urban Design Plan, adopted in 2005. Under the new land use designation in the 2008 Master Plan, the Area is located within both the T-5 Zone (Town Core Support Area/Neighborhood Cores) and the SD-5 Zone (Office/Manufacturing District). Mr. Sheasley advised that this site is listed as a “Known Contaminated Site” by the NJDEP and listed as a “Regulated Site” on the US EPA’s list. Currently Ms. Credidio, Esq. has requested a comprehensive review of all environmental documents related to this Redevelopment Area.

Mr. Sheasley outlined the permitted uses for this Redevelopment Area, shown on page twenty (20). The “Architectural Style: Office/R&D/Light Industrial” section was outlined, design characteristics and vocabulary considered appropriate for mixed-use development fronting Sparta Avenue.

Mr. Sheasley provided an overview of the “Green Buildings Standards”; “General Landscape Requirements”; “Streetscape Requirements”; “Mobility Regulation”; “Signage Requirements”; “Building Envelope, Bulk & Setback Regulations”; and “Suggested Plant List”.

Ms. Jennifer Credidio, Esq., outlined the legal provisions of the Plan and advised of the next step in adopting this Redevelopment Plan.

After a brief discussion, Council commended all of the professionals who worked on this project for the past eighteen (18) months. By adopting the Redevelopment Plan, the Town of Newton seeks to accomplish several goals and objectives.

### **OLD BUSINESS**

After a brief discussion, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and carried, Resolution #26-2009 was untabled and roll call resulted as follows:

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

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

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

### **RESOLUTION #26-2009**

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

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, after a preliminary investigation and public hearing in accordance with the Act, the Town, acting by Resolution on April 25, 2005, designated Block 1104, Lot 21 in the Town as an area in need of redevelopment (the "Area"); and

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

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

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

#### **I. GENERAL**

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

#### **II. PLANNING BOARD DIRECTED TO REVIEW REDEVELOPMENT PLAN**

February 23, 2009

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

### **III. SEVERABILITY**

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

### **IV. AVAILABILITY OF THE RESOLUTION**

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

### **V. EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

### **OPEN TO PUBLIC**

Mayor Ricciardo opened the meeting to the public. There was no public to address the governing body.

### **COUNCIL & MANAGER COMMENTS**

Mr. Russo reviewed the memorandum from Linda Roth, Newton Tax Collector, outlining the standard tax sale procedure and her recommendation to allow for an earlier tax sale in 2009. After a brief discussion, the Council requested additional information prior to making a decision on the date of the tax sale for 2009.

Mr. Russo reviewed a potential FEMA grant for the Fire Department. After a brief discussion, Mr. Russo and Mayor Ricciardo will work together, as a sub-committee, for obtaining any funds for the purpose of expanding and/or modifying our existing firehouses.

Councilwoman Unhoch advised that upon reviewing the fee ordinance, she would recommend the garage sale fee increase to \$15.00 dollars, from \$10.00 dollars. In addition, she requested a vending machine fee.

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Mayor Ricciardo addressed the memo dated February 11, 2009, from Theresa Iliff, Owner of Iliff's Camps & Clinics, LLC., requesting relief from a sewer charge and waiver of the 2007 penalty charge. It was noted that the Utility Board denied the request at their January 20, 2009 meeting, which was not attended by Mrs. Iliff. After a lengthy discussion, noting Mrs. Iliff is not present, Council agreed not to refer it back to the Utility Board and the majority of the Council agreed not to reverse the Utility Board's decision.

There being not further regular business to conduct at this time, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and unanimously carried, the Town Council went into Executive Session at 9:50 p.m.

Council returned from Executive Session at 10:20 p.m.

The Council discussed the draft copy of the 2008 Annual Report. After a brief discussion, Council commended the new design and approved as drafted.

Mr. Russo noted that Ms. Kithcart, previous Town Manager, requested the Council submit her final Town Manager performance evaluation, in order to complete her personnel file.

There was no further business to conduct, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, the meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk