

February 9, 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”.

Mayor Ricciardo led all present in an Invocation and the Pledge of Allegiance to the flag. The Clerk called the roll.

Mayor Ricciardo declared the meeting open to the public.

OPEN TO THE PUBLIC

Mr. Anwar Qarmout, 45 Woodside Avenue, requested a copy of Resolution #26-2009 Exhibit A for review, and further requested that all Exhibit attachments be made available prior to Council meetings.

Mr. Neil Flaherty, 154 Sparta Avenue, also requested a copy of Resolution #26-2009 Exhibit for review. It was noted that copies will be available in the Municipal Clerk’s office.

Council & Manager Reports

The Town Manager read the following Proclamation for the Newton First Aid & Rescue Squad to be presented on Saturday, February 7th.

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

Newton First Aid & Rescue Squad

WHEREAS, the Newton First Aid and Rescue Squad was established in 1957 and over the years, these dedicated volunteers have sacrificed their time to help those in need, and

WHEREAS, under the leadership of Captain Irv Kinney, the Squad responded to over twelve hundred calls for help in 2008, proving that this

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organization is vital to the health, safety and welfare of our community, and

WHEREAS, the Squad works along side the Newton Police Department and Fire Department to provide emergency medical care in times of crisis. Their dedication and care throughout the years continues to serve as a sense of comfort and security to the residents, business owners and visitors to the Town of Newton;

NOW THEREFORE WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Newton First Aid and Rescue Squad for their endless hours of support and service to the Newton Community.

The Town Manager read the following Proclamation recognizing a dedicated member of the Newton First Aid Squad and presented on Saturday, February 7th.

PROCLAMATION

John Paul Couce **Newton First Aid Squad**

WHEREAS, John Paul Couce, joined the Newton First Aid Squad on June 1, 2006 as a First Responder/Cadet; and

WHEREAS, while attending Newton High School, John earned his emergency medical technician certification; and

WHEREAS, during his tenure with the Newton First Aid Squad, John has participated in several Town events such as Newton Day and several parades representing the squad; and

WHEREAS, in 2008 John responded to 200 emergency call; and

WHEREAS, John produced and starred in a recruiting video that is currently seen on the Newton First Aid Squad's website and has been shown at a 2008 Newton High School assembly in an effort to increase membership for the rescue squad.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere appreciation and gratitude to John Paul Couce for his dedication and service to the health, safety and welfare of the Newton community and offer our best wishes to him in all his future endeavors.

Mayor Ricciardo commended Mr. Couce, as an extraordinary young man, who has devoted numerous hours to the Newton First Aid Squad.

The Town Manager reported he drafted a letter to twenty (20) County

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Seat Administrators/Managers throughout the State. The letter discusses the hope of banning together as a unique group of twenty-one (21) Counties in the State of New Jersey, who are dealing with these difficult economic challenges, as well as, the specific challenge of tax exempt properties within their municipality. Mr. Russo will keep Council updated.

ORDINANCES

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

ORDINANCE #2009-4

AN ORDINANCE TO EXCEED THE 2008 MUNICIPAL BUDGET APPROPRIATION LIMITS TO ESTABLISH A CAP BANK (N.J.S.A. 40A 4-45.14).

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions, and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years, and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens, and

WHEREAS, the Newton Town Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$67,904.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary, and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring,

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that, in the CY 2009 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$237,667.05, and that the CY 2009 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance, and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Ricciardo declared the hearing on Ordinance #2009-4 open to the public.

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

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	

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.

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

ORDINANCE # 2009-5

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$250,000 FOR PRELIMINARY PLANNING EXPENSES FOR REDEVELOPMENT PLANNING FOR AND B THE

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**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.**

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		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on February 23, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

At this time, upon motion made by Mrs. Le Frois, seconded by Mrs. Becker and carried, Resolution #10-2009 was removed from the TABLE for discussion.

After a brief discussion, Council agreed to approve Resolution #10-2009 and obtain proposals (RFP's) from several other banking institutions, in order to secure better future rates.

The following RESOLUTION 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		

RESOLUTION #10-2009

To Authorize Execution of a Banking Services Agreement with Lakeland

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Bank

WHEREAS, the Town of Newton has maintained a successful banking relationship with Lakeland Bank for many years; and

WHEREAS, due to the dismal economic climate that we find ourselves in, interest rates have decreased from 4% in 2007 to .49% in October 2008; and

WHEREAS, Lakeland Bank has offered a rate of 1.5% fixed for Newton's financial accounts over a six-month period and this proposal is recommended by the Town of Newton Finance Director;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON that it authorizes and directs the Chief Financial Officer and Town Manager to execute an agreement with Lakeland Bank to secure an interest rate of 1.5% for a six-month period beginning March 1, 2009 continuing until August 31, 2009.

BE IT FURTHER RESOLVED that any paperwork regarding this Banking Services Agreement be placed on file in the Municipal Clerk's Office and in the Finance Director's Office and made available for public viewing.

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."*

Mayor Ricciardo requested that Resolution #26-2009 be removed from the consent agenda for individual discussion.

RESOLUTION #19-2009*

Approve Change Order No. 1 for the Paving of Various Streets Project (Harrison Street, Cherry Street and Center Street Portion)

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Paving of Various Streets Project to Owl Contracting through the Morris County Co-op in the amount of \$34,344.70 for the Harrison Street, Cherry Street and Center Street portion of the project by Resolution #85-2008, which was adopted on June 9, 2008; and

WHEREAS, Harold Pellow & Associates, Inc. has prepared Change Order No. 1 for said project and recommends approval:

<u>Extra</u>	<u>Amount</u>
Paving- additional tonnage needed to level out the	

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pavement on Cherry and Center Streets	\$ 2,633.40
Traffic Flaggers – As-built measurement	<u>1,891.00</u>
Total Change Order No. 1	\$ 4,524.40

WHEREAS, the adjusted contract amount will be increased by Change Order No. 1 to the new contract total of \$38,869.10; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support this change order as per the attached certification;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Paving of Various Streets Project based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute said Change Order No. 1 resulting in a new contract total of \$38,869.10.

BE IT FURTHER RESOLVED that a copy of the Engineer’s certification detailing the change order be attached and made part of this resolution.

RESOLUTION #20-2009*

Authorize Execution of a Side Bar Agreement with the Policeman’s Benevolent Association, Local No. 138, Superior Officer’s Association

WHEREAS, there is an agreement currently in place by and between the Town of Newton (“Town”) and the Policemen’s Benevolent Association, Local No. 138 - Superior Officers Association (“Association”), effective the period of January 1, 2008, through December 31, 2011, covering the terms and conditions of employment of Association’s members with Town (the “Agreement”); and

WHEREAS, Article 10 of the Agreement addresses overtime and compensatory (“comp”) time off for Association members and the buy back thereof by Town; and

WHEREAS, in the performance of his duties Association member Lt. Michael Richards has accumulated comp time since the year 2000 in excess of that contemplated in the Agreement, and the parties desire that the Town buy back from Lt. Richards a certain amount of such comp time, the extent of which buy back is not permitted in the Agreement;

NOW THEREFORE BE IT RESOLVED, that we, the Town Council of the Town of Newton, do hereby authorize the Mayor to execute an agreement with the Association and Lt. Richards for the purposes of buying back comp time from Lt. Richards on terms and conditions as agreed to by all parties and outlined in the agreement which is attached to and made part of this resolution.

RESOLUTION #21-2009*

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Authorize Release of Funds Deposited as a Cash Bond by Mrs. Nancy LaCorte of 10 Pine Street.

WHEREAS, the Newton Town Council issued a five-year moratorium on road opening permits for Pine Street which was paved in July, 2007, and

WHEREAS, Mrs. Nancy LaCorte of 10 Pine Street, (Block 1102, Lot 11) came before the Governing Body in October of 2007 to request permission for a road opening permit to allow for the conversion her oil heating system to a more energy efficient gas system, and

WHEREAS, the Governing Body approved the request with the condition that a \$2,000 cash bond be posted with the Town, and the repaving of the road be inspected and approved by the Town Engineer.

WHEREAS, in a letter dated July 1, 2008, Harold E. Pellow, P.E., L.S., of the engineering firm of Harold E. Pellow & Associates, Inc. recommends that the cash bond currently on file with the Town of Newton in the amount of \$2,000 be released;

WHEREAS, the Newton Construction Official issued a Certificate of Approval for the work relating to the heating conversion on January 22, 2009;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the release of funds in the amount of \$2,000 previously deposited with the Town of Newton by Mrs. Nancy LaCorte as a cash bond related to the road opening permit for 10 Pine Street on the recommendation of the office of the Town Engineer.

RESOLUTION #22-2009*

Authorize Instituting a Gypsy Moth Control Program with the State of New Jersey Department of Agriculture

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Town of Newton; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Town Council of the Town of Newton has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for and Federal or State funds available be authorized;

NOW THEREFORE BE IT HEREBY RESOLVED by the Town Council of the Town of Newton that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures

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deemed necessary, in compliance with the State of New Jersey Department of Agricultural recommendations, is hereby authorized to suppress this forest and shade tree pest.

RESOLUTION #23-2009*

Adoption of Temporary Capital Budget

WHEREAS, the Town of Newton is desirous to constitute the 2009 Temporary Capital Budget by inserting therein the Supplemental Redevelopment Planning as introduced by Ordinance #2009-5 simultaneously herewith;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton, in the County of Sussex, State of New Jersey, as follows:

1. The 2009 Temporary Capital Budget of the Town of Newton is hereby constituted by the adoption of a schedule to read as follows:

**TEMPORARY CAPITAL BUDGET OF THE TOWN OF NEWTON,
COUNTY OF SUSSEX, NEW JERSEY**

Project Title	Project Number	Cost Estimate as Adopted	Budget Appropriation	<u>METHOD OF FINANCING</u>		
				Capital Improvement Fund	Bonds & Notes Auth.	Grants In Aid
General Capital Supplemental Re-Development Planning	2009-1	\$ 250,000	\$	\$ 12,000	\$ 236,000	\$
Total-All Temporary Projects		\$ 250,000	\$	\$ 12,000	\$236,000	\$

2. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

RESOLUTION #24-2009*

Authorize Credits due Water and Sewer Utility Accounts

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reason stated;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason stated:

**UTILITY BOARD RECOMMENDS WAIVER OF PORTION OF
WATER CHARGE FOR 4TH QUARTER OF 2008:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
4502	65 Swartswood Road	\$391.25

RESOLUTION #25-2009*

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**Place-to-Place Transfer of Plenary Retail Consumption License No.
1915-33-002-007**

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1915-33-002-007, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE, BE IT RESOLVED that the Newton Town Council does hereby approved, effective Monday, February 9, 2009, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 271 Spring Street, Newton, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

RESOLUTION #27-2009*

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
TEMPORARY

104,808.75	Depository Trust Company	910011
175,286.37	Payroll Account	910012
436.86	Quill Corporation	24945
121.55	Montague Tool & Supply	24946
12,029.85	NUI Corporation	24947
982.75	G & H Service Inc.	24948
18,678.82	Jersey Central Power & Light	24949
788.30	SCMUA	24950
35.00	EMBARQ	24951
2,775.80	EMBARQ	24952
124.63	EMBARQ	24953
2,547.04	County Purpose Tax	24954
667,180.24	County Purpose Tax	24955
79.59	County Health Tax	24956
19,701.88	County Health Tax	24957
56,214.36	County Library Tax	24958
214.90	County Library Tax	24959
20.00	Peter J. Kays	24960

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20.00	James Sisco	24961
5,814.46	KML Technology Inc.	24962
53.70	Mitchell Agency	24963
20.00	William F. Smith	24964
88.00	Treasurer, State of New Jersey	24965
444.80	Gall's Inc.	24966
1,265.16	Weldon Asphalt Company	24967
26.00	William Hagaman	24968
60.00	Ann M. Rosellen	24969
776.00	Good Year	24970
1,842.05	Diamond Sand & Gravel, Inc.	24971
13,239.86	International Salt	24972
585.64	Boonton Tire Supply	24973
75.00	TCTANJ	24974
348.75	Grinnell Recycle	24975
194.01	Verizon Wireless	24976
1,243.27	Verizon Wireless	24977
205.85	Orr's	24978
51,727.74	County Open Space Tax	24979
199.01	County Open Space Tax	24980
2,855.32	Dell Computer Corporation	24981
39.58	Daniel Finkle	24982
34,600.00	Holzhauer & Hostenstein LLC	24983
200.00	NJSACOP	24984
56.00	International code Council Inc.	24985
120.00	National Emergency Number Assoc.	24986
998.78	Staples Business Advantage	24987
50.00	Treasurer, State of NJ	24988
300.00	Northeast Fire Protection, Inc.	24989
26.00	Steve Estler	24990
20.00	Roy Leyman	24991
2,518.49	Rachles/Michele's Oil Company	24992
1,751.35	Taylor Oil Co.	24993
558.66	Action Office Supplies	24994
550.00	Morris County Coop	24995
768.60	JC Grill House	24996
20.00	Adam Vough	24997
300.00	NJ Public Safety Accreditation	24998
72.00	Joseph White	24999
10.40	Bretta USA	25000
1,450.00	Fox Architecture	25001
4,674.50	Grass Roots	25002
125.25	Franklin Sussex Auto Mall Inc.	25003
181.35	Kristi Becker	25004
168.95	Cyberpatrol, LLC	25005
323.80	BLI International	25006

CAPITAL

6,365.36	McManimon & Scotland	7282
45,669.27	Owl Contracting, Inc.	7283
2,385.00	A. Nelessen & Associates Inc.	7284

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101.86 Denville Line Painting, Inc. 7285

Total TOWN BILLS \$1,247,516.51

WATER AND SEWER ACCOUNT

26,909.94	Payroll Account	960004
232.53	Fisher Scientific	10565
329.74	Lee Company	10566
3,825.66	NUI Corporation	10567
29,660.51	Jersey Central Power & Light	10568
621.30	SCMUA	10569
206.86	Sussex County Plumbing	10570
1,328.84	EMBARQ	10571
134.66	EMBARQ	10572
27.60	EMBARQ	10573
339.21	Limecrest Quarry (CEMEX)	10574
603.76	Boonton Tire Supply	10575
97.38	Verizon Wireless	10576
6,048.00	Passaic Valley Sewerage Comm.	10577
7.10	Staples Business Advantage	10578
550.00	Morris County Coop	10579

Total WATER & SEWER BILLS \$70,923.09

TRUST ACCOUNT

1,802.40	Payroll Account	971003
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Total TRUST BILLS \$1,802.40

RESOLUTION #28-2009*

Authorize an Agreement with HQW, LLC for Consulting Services for the Renovating to the Newton Firehouse #1 and #2 Project

WHEREAS, the Town of Newton will require the services of a qualified Architectural Consultant for the structural renovations of the Newton Firehouse #1 and #2 Project in the Town of Newton, and

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

WHEREAS, Houghton Quarty Warr, Architects LLC of Newton, New Jersey submitted a proposal in the amount \$9,800 for architectural services, and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with HQW, LLC for the renovations of the Newton Firehouse #1 and #2 Project in the amount of \$9,800.00;

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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby authorizes an agreement with HQW, LLC for the Newton Firehouse #1 and #2 Project as outlined in their proposal;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to HQW, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

The Clerk presented an application for an off-premise raffle (50/50) from the Home School Association of St. Joseph's School, 20 Jefferson Street, Newton, to be held on May 15, 2009 at 8:00 p.m. at St. Joseph Regional School, 20 Jefferson Street, 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 Newton Memorial VFW Post 5360, P.O. Box 125, Newton, New Jersey, to be held on July 19, 2009 from 8:00 a.m. to 4:00 p.m. at the Newton VFW Post 5360, 85 Mill Street, Newton. It was noted that the application was in order, signed by the Chief of Police and accompanied by the prescribed fee.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, 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		

The Town Manager requested a Resolution directing the Planning Board to review a proposed Redevelopment Plan pursuant to the Local Redevelopment and Housing Law.

After a brief discussion, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, Resolution #26-2009 was **tabled** and will be

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discussed at a future time.

RESOLUTION #26-2009

Resolution of the Town Council of the Town of Newton, in the County of Sussex, New Jersey Directing the Planning Board to Review a Proposed Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law.

T A B L E D

DISCUSSION

Mayor Ricciardo reviewed the several options that were provided as an alternative “invocation” as outlined in the eleven page opinion by legal counsel. After a lengthy discussion, Council decided to invite Clergy from diverse and different faiths to recite an invocation before each Council meeting. Council also agreed that if Clergy was not available, then a Councilmember or any public member may take part in this forum.

The Town Manager read the following correspondence which was sent to members of the clergy in the Newton/Sussex County area inviting them to offer an invocation before the start of the Town Council meetings:

“The Town Council of the Town of Newton is inviting individual members of the clergy in the Newton/Sussex County area to offer an invocation at the beginning of its Town Council meetings for the benefit of the Council and members of the public.

This opportunity is voluntary and uncompensated. As clergy, you are free to offer the invocation according to the dictates of your beliefs. To maintain a spirit of respect, ecumenism and community representation, the Council requests only that the invocation not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker. The invocation should be less than 2 minutes and will not be listed or recognized as an agenda item for the meeting or as part of the public business. Please note that no member or employee of the Council or Town or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.

If you are willing to provide an invocation at a Town Council meeting, please send a written reply at your earliest convenience to my attention at the address included on this letterhead. Clergy are scheduled on a first-come, first-served basis. The dates of the remaining 2009 Town Council meeting

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are listed on the attached page. If you have a preference among the dated, please stat that request in your written reply.

Thank you for your time and consideration of this invitation.”

Intermission (10 minutes)

DISCUSSION

Proposed PSE&G Resolution

Town Manager, Mr. Russo, advised Council of a sample Resolution, submitted in their packets for discussion, with regards to forming a coalition to represent the interests of all affected municipalities with regard to the PSE&G Susquehanna-Roseland power line project.

Mrs. Russo read into the minutes correspondence received from David B. Simmons, Harold Pellow & Associates, regarding the Susquehanna-Roseland 500 KV Transmission Line Project meeting, which was held on December 17, 2008.

“Attached for your files please find PDF file that contains copies of the three (3) PSE&G easement documents that we obtained from representatives of PSE&G at the Holiday Inn meeting last evening (12/17/08.) The PSE&G reps. Indicated that these three easements cover the section of the existing PSE&G ROW that crosses through the southerly portion of the Town of Newton . There are only three easements, probably because back in 1929/1930 +/- when they were obtained, the lots in the area were larger.

The Main items that we brought to the attention of the PSE&G Reps at the meeting were:

1. Advised them of the future plans that Bristol Glen has for the “Villa” areas on their property.
2. Brought to their attention the existing cave near the Bristol Glen project.
3. Explained to the reps the Town’s blasting plan that was incorporated into the developer’s agreement for the Castle Ridge subdivision project, and the concerns that Newton residents have about blasting/property damage.
4. Inquired about whether or not strobe lights would be required on the two towers that would be upgraded within the Town of Newton’s section of the PSE&G ROW.

My understanding is that PSE&G has set the tower heights so that they are generally less than 200 feet, so strobe lights would not be required.

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However, in roughly the first quarter of 2009, PSE&G is going to send their preliminary plans to the FAA to get a final determination on any requirements for tower lighting/special markings/etc.

5. Tower Type-PSE&G advised that they will be studying the location/soil boring/etc. along the proposed route, and make a determination as to whether each of the new towers would be a lattice type tower, or a monopole. PSE&G is supposed to get back to the Town on this issue once they have additional study data available from their consultants.

PSE&G did indicate that there are some items they could discuss with the town, such as color of a monopole, if that type of structure is used.

PSE&G pointed out that one of the existing towers located approximately behind the Castle Ridge subdivision is located in the Town of Newton, but on their preliminary plans, the new replacement tower would be “shifted” and constructed just over the municipal boundary line into Andover Township.

PSE&G also pointed out that the existing tower near the Fredon Township/Newton municipal boundary line is an “angle point” structure, and therefore would have to be replaced with another lattice type tower.

6. ROW width - My understanding is that at this time, PSE&G is “raising the height of the new transmission lines, in order to keep the required ROW width at the same width that presently exists.
7. Access - Preliminarily, PSE&G is contemplating accessing the proposed tower near the Fredon/Newton municipal boundary via a private driveway from SC Route 519.

To access the tower on Bristol Glen property, PSE&G is contemplating using the existing access drive to the Bristol Glen facilities. You pointed out to PSE&G that the driveway was not a town road, and they should contact Bristol Glen for permission to use their driveway and property for access.

To access the tower that is located on the easterly side of route 206, approximately between the golf driving range and Newton Manor/Castle Ridge subdivisions, PSE&G was contemplating using Merriam Avenue. You pointed out that Merriam Avenue was a town road, but it was “closed” in this area. PSE&G indicated that they could also use the “grass” portion of their of their ROW instead of Merriam Avenue for access.

8. PSE&G advised that they do not have any 500kV lines underground, except some misc. urban areas.”

After a brief discussion, Council directed Mr. Russo to prepare a resolution for the next Council meeting.

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County Bus Transit Stop

Mr. Russo introduced Mr. Jim Sheldon, Executive Director Main Street Newton. Mr. Sheldon addressed concerns regarding the current location of the County Bus Transit Stop on Spring Street.

After much discussion, Council requested additional information and research from Mr. Sheldon. Mr. Russo will obtain an official recommendation from Officer Sapio, as well as, Police Chief and report back to the Council.

OPEN TO PUBLIC

Mayor Ricciardo opened the meeting to the public.

Mr. Lou Baldini, 10 Barry Lane, suggested taking a survey from the Newton Senior Citizens regarding the location of the bus stop.

Mr. Anwar Qarmout, 45 Woodside Avenue, requested permission, as a volunteer of Main Street Newton, to poll bus passengers as to their destinations. Mr. Russo suggested that Mr. Qarmout work with Officer Sapio.

Ms. Jean Pierson, owner of Barristers, 173 Spring Street, addressed Council to obtain an answer to a letter she submitted to the Town Council. Ms. Pierson advised of the history of her business which has been open for over thirty (30) years. Ms. Pierson has been required to maintain a security guard three days a week, due to alcoholic beverage control (ABC) violations received last year. Ms. Pierson stated her hardship with keeping the security guard due to the cost and very slow business. After much discussion, Council directed Mr. Russo to forward this issue to Newton Police to revisit.

Mr. Bader Qarmout thanked the Council for their position on continuing of an invocation at the start of Council meetings. "I'm proud of

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you,” Mr. Qarmout concluded.

COUNCIL & MANAGER COMMENTS

Mrs. Le Frois thanked Mr. Russo, all the department heads, and staff for a well prepared budget document. Mayor Ricciardo thanked Mr. Flaherty on his attendance at both budget hearings. Mr. Flaherty commended Council and indicated that it was “very informational”.

At this time, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the Town Council went into Executive Session at 9:00 p.m.

EXECUTIVE SESSION

WHEREAS, the Town Council of the Town of Newton (hereinafter referred to as the “Town Council”), convened a meeting in full compliance with the New Jersey Open Public Meetings Act, set forth in N.J.S.A. 10:4-12, and

WHEREAS, N.J.S.A. 10:4-12 allows a public body to enter executive session during a public meeting to discuss certain matters, and

WHEREAS, it has become clear to the Town Council that there is a need to enter executive session to discuss one or more of the exceptions to the New Jersey Open Public Meetings Act, as set forth in N.J.S.A. 10:4-12, and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it will enter executive session to discuss issues related to contractual issues and pending litigation.

Contractual Negotiations

Mr. Russo updated Council on contractual issues.

Pending Litigation

Mr. Russo updated Council on pending litigation issues.

Upon motion of Mrs. Unhoch, seconded by Mrs. Becker and carried, the Council left executive session at 9:07 p.m.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mrs. Unhoch and carried, the meeting was adjourned at 9:07 p.m.

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Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk