

January 12, 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 the Lord’s Prayer and 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 Mrs. Becker and carried that the minutes of November 10, 2008 meeting were approved.

Public Report from Town Attorney in response to inquiry of taxicab operation

Mr. Mark Hontz, Esq., Town Attorney, made a brief statement regarding the recent inquiries of a taxicab operation in Newton. Mr. Hontz is currently researching the two aspects of a taxicab business license, noting the Zoning Issue and a Licensing Issue. Council members addressed questions which were addressed by Mr. Hontz. Mayor Ricciardo addressed questions regarding the procedure for suspension or revocation and was advised that no decision can be made without first having held a hearing. It was noted that any complaints should be forwarded to the appropriate department and should not be addressed by the Governing Body.

Open to the Public

Mayor Ricciardo opened the meeting to the public.

Mr. Donald Howey and Mrs. Georgette Howey, 287 Spring Street, expressed their frustrations with regard to Chip’s Taxicab business which

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still continues to operate out of a residential home, which is next door to our home. Mrs. Howey advised of an incident, involving Chip Storm, and presented photos of a graffitied van left in front of their home on Christmas morning. Mayor Ricciardo advised that the photos should be part of the ongoing investigation and to present them to the Zoning Officer.

Council & Manager Reports

Councilwoman Unhoch noted that the seminars/workshops for Elected Officials should be held closer to Sussex County and asked that a memo be forwarded suggesting same.

Mr. Russo advised Council that Armory Auction held this morning and received no bids. Mr. Russo advised that the next step would be discussed in executive session this evening.

Mr. Russo advised that a Safety Committee meeting will be held this Wednesday, following the Staff meeting, to address any concerns of safety issues, as well as any training initiatives.

Mr. Russo reminded Council of the Ribbon Cutting Ceremony on Friday, January 16th at 5:00 p.m. for SpringBoard Shoppes on Spring Street.

ORDINANCES

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

ORDINANCE #2008-30

AN ORDINANCE FOR THE APPOINTMENT OF ENGINEER FOR CALENDAR YEARS 2009, 2010, AND 2011.

BE IT ORDAINED by the Town Council of the Town of Newton as follows:

WHEREAS, THE Town of Newton has a need for engineering services for certain specific matters under non-fair and open contracts pursuant to the provisions of N.J.S.A. 19-44A-20; and

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WHEREAS, the Town of Newton has a need for engineering services to be provided by a municipal engineer;

WHEREAS, the engineering firm of Harold E. Pellow & Associates, Inc., was appointed to provide municipal engineer services for the Town of Newton during the past several years, said professional services will be needed by the Town of Newton during calendar years 2009, 2010 and 2011, and the appropriate agreement for the appointment has been prepared and executed by said engineer; and

WHEREAS, Harold E. Pellow & Associates, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract; and

WHEREAS, the term of this contract is three (3) years ending December 31, 2011; and

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Harold E. Pellow & Associates, Inc., are licensed engineers of the State of New Jersey and, as such, are duly qualified as professionals to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Newton that the Mayor and Municipal Clerk are authorized to execute an Agreement in duplicate with Harold E. Pellow & Associates, Inc.

BE IT FURTHER RESOLVED that a fully-certified copy of this Ordinance and a fully-executed copy of the Agreement shall be provided to Harold E. Pellow & Associates, Inc.

BE IT FURTHER RESOLVED that a fully-executed copy of this Agreement be kept on file and available for public inspection in the Municipal Clerk’s Office.

Mayor Ricciardo declared the hearing on Ordinance #2008-30 open to the public.

Mr. Neil Flaherty, 154 Sparta Avenue, Newton, commended the Council for appointment Harold Pellow and Associates and spoke very highly of Mr. Harold E. Pellow, Town Engineer.

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

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The following ORDINANCE 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 final adoption.

ORDINANCE #2008-31

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2009.

BE IT ORDAINED by the Town Council of the Town of Newton as follows:

WHEREAS, There exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2009; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., has indicated that all such services will be rendered to the Town of Newton on the basis of a \$180.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, THE Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection.

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

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- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance, which shall act as the authorization and agreement between the Town of Newton and Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., providing their retention as Town Attorney in and on behalf of the Town of Newton for calendar year 2009.
- 2) The services to be rendered by Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$180.00 per hour.
- 3) This contract is awarded without competitive bidding as a “professional service”.

In accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, L.L.C., is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44a-1, *et seq.*

- 4) Notice of this action shall be published once in the New Jersey Herald.

Mayor Ricciardo declared the hearing on Ordinance #2008-31 open to the public.

There being no one 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. Unhoch 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

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Ordinance relative to introduction of same.

ORDINANCE #2009-1

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATIVE CODE OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON.

The following ORDINANCE was offered by Mrs. Unhoch, 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 January 26, 2009.

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 #2009-2

AN ORDINANCE ESTABLISHING SPEED LIMITS FOR BOTH DIRECTIONS OF TRAFFIC ALONG SUSSEX COUNTY ROUTE 621.

The following ORDINANCE 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 January 26, 2009.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-3

AN ORDINANCE ESTABLISHING SPEED LIMITS FOR BOTH DIRECTIONS OF TRAFFIC ALONG SUSSEX COUNTY ROUTE 616.

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

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 January 26, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business before the Town 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 #10-2009 be removed from the consent agenda for individual discussion.

RESOLUTION #1-2009*

Authorize an Agreement with MWH Americas, Inc. for General Consulting Services for the Newton Water and Sewer Utility for 2009

WHEREAS, the Town of Newton require the services of a qualified Engineering Consultant for the Newton Water and Sewer Utility on an

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annual basis, 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, MWH Americas, Inc. has submitted a proposal for their continued engineering support services, and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with MWH Americas, Inc. for General Consulting services in an amount not exceed \$25,000 for calendar year 2009 through the Water and Sewer Utility Operating Budget;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby authorizes an agreement with MWH Americas, Inc. for General Consulting services as outlined in their proposal.

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

RESOLUTION #2-2009*

Authorize Execution of a Shared Services Agreement for Animal Control and Pound Services with the Township of Wantage Covering Calendar Year 2009

WHEREAS, the Town of Newton desires to enter into a shared service agreement with the Township of Wantage animal control and pound services; and

WHEREAS, the annual fee for the year 2009 proposed by Wantage Township for said services are \$14,280; and

WHEREAS, sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2009 for said services.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement for animal control and pound services, in duplicate, with the Township of Wantage for calendar year 2009.

BE IT FURTHER RESOLVED that a copy of said agreement shall be placed on file in the municipal clerk's office and available for public viewing.

RESOLUTION #3-2009*

Final Acceptance of the Main Street Beautification Project - Phase III

WHEREAS, on August 11, 2008 by way of adoption of Resolution #142-2008, the Newton Town Council awarded a contract to Tony's

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Concrete Construction Co., for the Proposed Main Street Beautification Project – Phase III; and

WHEREAS, the Newton Town Council approved Change Order No. 1 by adoption of Resolution #176-2008 on October 27, 2008 in accordance with the recommendations of the Town Engineer; and

WHEREAS, in a memo to the Town Manager dated January 5, 2009, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Main Street Project – Phase III as final and complete.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to NJDOT, Tony's Concrete Construction Co., and the Town Engineer.

RESOLUTION #4-2009*

Final Acceptance of the Safe Routes to School Project

WHEREAS, on September 15, 2008 by way of adoption of Resolution #153-2008, the Newton Town Council awarded a contract to Statewide Striping Corporation, for the Safe Routes to School Project; and

WHEREAS, in his memo dated January 5, 2009 to the Town Manager, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Safe Routes to School Project as final and complete.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to NJDOT, Statewide Striping Corporation, and the Town Engineer.

RESOLUTION #5-2009*

Resolution to Accept the Certified List of Qualifying 2008 LOSAP Participants

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

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WHEREAS, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2008 as per 2008 LOSAP LIST attached:

WHEREAS, the total number of qualifying volunteers for the Fire Department is 32 for a total contribution of \$29,497.50.

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2008 to cover the cost of this contract;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby accept the certified list from the Fire Department dated January 5, 2009.

RESOLUTION #6-2009*

Authorize Execution of Agreement Between the Town of Newton and the Newton Parking Authority

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority, and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body, and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on January 8, 2009, the members of the Authority approved an appropriate agreement for calendar year 2009 and authorized the Chairman and the Secretary to execute said agreement;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2009.

RESOLUTION #7-2009*

Authorize Execution of a Developer's Agreement with Wachovia Bank, N.A. and Urban Renewal Associates

WHEREAS, at a regular meeting of the Newton Planning Board on July 30, 2007, the application of Wachovia Bank, N.A., received preliminary site plan approval and variance relief, and said approval was memorialized in a Resolution of the Board on October 17, 2007 to construct a Wachovia

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Bank on the property known as Block 303, Lots 26.06, 26.03, 26.02, 34 and part of Lot 26 on the Tax Map of the Town of Newton located on North Park Drive with said property being owned by Urban Renewal Associates, and

WHEREAS, one of the conditions of approval was that the Developer enter into an appropriate Developer's Agreement with the Town of Newton, and each party wishes to express by said Developer's Agreement their acceptance of conditions, safeguards and limitations under which on-site construction will proceed, and

WHEREAS, at a regular meeting of the Newton Utility Advisory Board conducted on September 18, 2007, representatives of Wachovia Bank, N.A., appeared before the Board to request allotments of water and sewer gallonage for the proposed bank construction, and

WHEREAS, the Governing Body concurred with the recommendation of the Utility Advisory Board and approved a water gallonage allotment of 504 gallons per day and a sewer gallonage allotment of 403 gallons per day by the adoption Resolution #167-2007 adopted on September 24, 2007;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes and directs the Mayor and Municipal Clerk to execute the Developer's Agreement with Wachovia Bank, N.A., as developer and Urban Renewal Associates as owner and subject to the additional requirements set forth in the Town Engineer's letter of January 12, 2009.

BE IT FURTHER RESOLVED that an original copy of said Developer's Agreement be placed on file in the Municipal Clerk's office and be made available for public viewing.

RESOLUTION #8-2009*

**Resolution Authorizing Agreement for Certain Legal Services Adopted
by the Town Council of the town of Newton**

WHEREAS, there exists a need for specialized legal services in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations of the Town of Newton (the "Town") in the County of Sussex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community, and

WHEREAS, such special legal services can be provided only by an experience law firm and recognized Bond Counsel firm, and the law firm of McManimon & Scotland, L.L.C., Newark, New Jersey has the experience and is so recognized by the financial community, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW THEREFORE BE IT RESOLVED by the Town Council

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of the Town of Newton, as follows:

1. The law firm of McManimon & Scotland, L.L.C., Newark, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations by the Town in accordance with an Agreement dated as of January 1, 2009 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the New Jersey Herald.

RESOLUTION #9-2009*

Reappointment of Emergency Management Coordinator

BE IT RESOLVED by the Town Council of the Town of Newton that Ptl. Kenneth A. Teets is hereby reappointed to a three year term as Emergency Management Coordinator for the Town of Newton, in accordance with State law.

RESOLUTION #11-2009*

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 S&W 1074112A	Interlocal 911 Dispatch S&W 1094734A	\$ 3,200.
Town Council OE 1052242A	Town Manager OE 1050247A	\$ 500.
Senior Citizen S&W 1093100A	Vehicle Maintenance 1083370A	\$1,500.
Misc. Operating S&W 1079100A	Snow SW 1081102A	\$4,800.
Employee Group Ins. OE 1066200A	Accumulated Absences O.E. 1094400A	\$30,000.
Employee Group Insurance OE 1066200A	LOSAP 1094500A	\$11,200.

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RESOLUTION #12-2009*

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>
Human Resources SW	1053103	4,000
Human Resources OE	1053226	1,000
Snow Removal OE	1081239	20,000
YES Grant – Center for Prevention	1094844	52,501
Dog Regulations O.E.	1087200	5,000
Interlocal - Parking Meter Maint. SW	1094710	15,000
Interlocal – 911(Police Cencom SW)	1094734	100,000
Interlocal - 911(Police Cencom OE)	1094746	20,000
Contribution to PERS	1098296	90,000
Contribution to PFRS (partial)	1098297	<u>230,446</u>
Total Current Temp Amendment		\$537,947

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
x 1/12	
\$ 681,273	Allowable 2009 Temporary Budget Amendment

RESOLUTION #13-2009*

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 2007 and 2008 Budgets adopted by this local Governing Body, including any emergency appropriations, and

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where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

451.39	Quill Corporation	24818
565.08	E.A.Morse & Company	24819
90.00	S K Office Supply	24820
86.00	Decker's Fire & Safety	24821
391.19	CCP Industries	24822
60.00	ABCCode Security	24823
42.00	Alpine Spring Water Company	24824
84.42	Aurora Electrical Supply	24825
2,254.33	G & G Diesel Service Inc.	24826
15.24	G & H Service, Inc.	24827
18,688.30	Jersey Central Power & Light	24828
21.90	Roy Company	24829
219.75	SCMUA	24830
3.85	Sussex County Plumbing	24831
150.00	Michael D. Teets	24832
12.00	Paul Baldwin	24833
18.00	Paul M. Havens	24834
35.00	EMBARQ	24835
126.68	EMBARQ	24836
599.79	EMBARQ	24837
857.50	Hollander,Hontz,Hinkes&Pasculi LLC	24838
9.34	Rowe & Company, Inc.	24839
270.30	Lock & Key World	24840
723.83	Hayek's Market, Inc.	24841
174.00	Lawyer's Diary & Manual	24842
1,188.50	JRF Tire Inc.	24843
56.00	Peter J. Kays	24844
48.00	James Sisco	24845
48.00	Thomas Straway.	24846
446.25	Willco, Inc.	24847
35.28	Newton Citgo	24848
144.41	Sears Hardware	24849
250.00	Mitchell Agency	24850
20.00	Sussex County League of	24851
48.00	William F. Smith	24852
30.00	Brock Kithcart	24853
48.00	William Hagaman	24854
979.00	Minisink Press Inc.	24855
20.00	Joseph Carr	24856
31.99	Sebring Auto Parts	24857
113.70	Weis Markets	24858
215.30	Zee Medical	24859
750.25	Dempsey Uniform & Supply Inc.	24860
13,181.33	International Salt	24861
54.00	West Chester Machinery	24862
29.90	Mobile-vision, Inc. L-3 Comm.	24863
30.00	Ervin Lasso	24864

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40.00	Grinnell Recycle	24865
34.14	Verizon Wireless	24866
196.37	Verizon Wireless	24867
21.98	Dell Computer Corporation	24868
13.66	Walmart	24869
64.20	Cooper Electric Supply Co.	24870
100.00	Defense Technologies	24871
205.00	Wildflowers with Tami	24872
1,140.00	Vogel,Chait,Collins,Schneider,PC	24873
3,829.52	The Home Depot	14874
32.95	Excelsior Lumber Company	14875
550.00	Tania L. Ell	24876
207.00	Poster Compliance Center	24877
142.00	Draeger Safety Diagnostics	24878
900.00	Newton Fire Department	24879
1,844.25	Underwriters Laboratories Inc.	24880
150.74	Staples Business Advantage	24881
89.72	Lowe's	24882
14.38	Nestle Waters	24883
48.00	Roy Leyman	24884
1,491.67	Andrews & Company LLC	24885
105.00	ACS Firehouse Solutions	24886
227.46	Pinnacle Wireless Inc.	24887
2,195.51	Rachles/Michele's Oil Company	24888
24.00	Eric Tompkins	24889
48.00	Adam Vough	24890
127.45	R & R Radar, Inc.	24891
48.00	Joseph White	24892
150.00	Adam Flint	24893
65.00	Newton Gulf	24894

CAPITAL

119.04	The Home Depot	7274
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Total TOWN BILLS \$57,942.84

WATER AND SEWER ACCOUNT

15,948.25	Montgomery Watson Harza	10526
435.00	CCP Industries	10527
2,392.74	Andres & Mooney Electric Inc.	10528
18,817.60	Jersey Central Power & Light	10529
14,490.95	Pumping Services	10530
130.15	SCMUA	10531
205.49	Sussex County Plumbing	10532
3,024.36	Coyne Chemical Corp., Inc.	10533
134.66	EMBARQ	10534
2,807.00	Garden State Laboratories, Inc.	10535
464.00	Lock & Key World	10536
38.85	Lafayette Auto Parts	10537
1,515.04	All Quality Contracting	10538

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475.00	Mitchell Agency	10539
1,500.00	Cosper Environmental Services, Inc.	10540
374.45	Dempsey Uniform & Supply Inc.	10541
1,048.80	Univar USA, Inc.	10542
3,672.00	Passaic Valley Sewerage Comm.	10543
1,608.25	Main Pool & Chemical Company	10544
36.18	Advance Commercial	10545
221.42	The Home Depot	10546
25.91	Carquest	10547
184.08	Fairclough Fuel	10548
704.73	Airmatic Compressor Systems, Inc.	10549
516.93	Staples Business Advantage	10550
420.00	Test America	10551

CAPITAL

2,086.08	Owl Contracting, Inc.	2125
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Total WATER & SEWER BILLS \$73,277.92

TRUST ACCOUNT

2,550.00	Colleen Cunningham, Esq.	2593
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Total TRUST BILLS \$2,550.00

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		

Mayor Ricciardo requested discussion on Resolution #10-2009.

Mr. Russo advised that Resolution #10-2009 was recommended by our CFO, Dawn Babcock. The Council had a lengthy discussion with Ms. Dawn Babcock regarding the severe decrease in the interest rate by Lakeland Bank. Upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, that Resolution #10-2009 to carry until further information is obtained as requested by the Town Council. Ms. Babcock will obtain the information to

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Council and will discuss at the next Council meeting on January 26, 2009.

Intermission (10 minutes)

DISCUSSION (WORK SESSION)

A. Prayer at Council Meetings

Mayor Ricciardo reviewed the legal opinion from Mark Hontz, Esq., Town Attorney, noting that the short answer is that, “the practice of including a recitation of the Lord’s Prayer at Newton Town Council Meetings is not permissible because it violates the First Amendment of the United States Constitution.” As outlined in the eleven page opinion, there are several options that were provided as an alternative “invocations”.

The Council each expressed their disappointment with the “Lord’s Prayer” being eliminated after having this “tradition” for the past fifty-six (56) years.

After a lengthy discussion, Mayor Ricciardo directed Mr. Russo to tailor the suggested prayers and submit to the Town Council for their review at the next meeting.

B. 2009 Municipal Budget

Mr. Russo asked if Council was available for the proposed dates to hold two work session meetings to discuss the 2009 Municipal Budget. All members of the Council were available for Saturday, January 31st. and Thursday February 5th. Mrs. Read will publish as required by law.

OPEN TO THE PUBLIC

Mr. Anwar Qarmout, 45 Woodside Avenue, Newton, questioned why the Lord’s Prayer is being removed and indicated that he disagrees with the governing body eliminating same.

There being no one else from the public to be heard, Mayor Ricciardo

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closed the public portion.

COUNCIL & MANAGER COMMENTS

Councilwoman Le Frois congratulated Mr. Russo being sworn in as a new Commissioner for the Sussex County Sheriff's CrimeStoppers organization.

At this time, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the Town Council went into Executive Session at 8:29 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 potential litigation and contractual issues.

POTENTIAL LITIGATION

Mr. Scott J. Holzauer, Newton Tax Assessor, updated Council of the 2008 State Tax Appeals for the Town of Newton. After a lengthy discussion, Council thanked Mr. Holzauer for all his efforts with the tax appeal process.

CONTRACT NEGOTIATIONS

Mr. Glen Scotland, Esq., Redevelopment Counsel, McManimon and Scotland, and Mrs. Jessica Caldwell, P.P., A.I.C.P, Town Planner, updated Council on the pending issues surrounding contract negotiations.

Mr. Russo, Mrs. Caldwell, Town Planner, and Mr. Scotland,

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Redevelopment Counsel, updated Council on the various options with regard to the Newton Armory property.

There being no other business in executive session, upon motion of Mayor Ricciardo, seconded by Mrs. Le Frois, and carried, Council exited executive session at 10:37 p.m.

Mayor Ricciardo questioned why the huge loss of water allocations and directed Mrs. Millikin to have a report by the next Council meeting.

There being no one from the public to address the Council, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, the meeting was adjourned at 10:48 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk