

November 17, 2008

The special meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mayor Ricciardo and Town Manager, Tom Russo. Mr. Elvidge was excused.

Mayor Ricciardo made the following declaration that “in accordance with the Open Public Meetings Act, notice of this special meeting was given to the two newspapers of record and posted on the official bulletin board on November 13, 2008”.

Mayor Ricciardo led all present in the Lord’s Prayer and the Pledge of Allegiance to the flag. The Clerk called the roll.

Mayor Ricciardo declared the meeting open to the public.

There being no one from the public to be heard and no Council and Manager Reports, Mr. Russo read the following Proclamation into the minutes.

**PROCLAMATION**

**AMERICAN EDUCATION WEEK**

***November 17 – 21, 2008***

**WHEREAS**, America’s schools are the backbone of our democracy, providing each new generation with the tools to maintain our nation’s precious values of freedom, civility, and equality; and

**WHEREAS**, schools are the primary influence in children’s lives aside from their families; and

**WHEREAS**, by equipping young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and

**WHEREAS**, schools are community linchpins, bringing together adults and children, educators and volunteers, business leaders and elected officials in a common enterprise; and

**WHEREAS**, education employees – be they custodians or teachers, bus driver or librarians – work tirelessly to serve our children and communities with care and professionalism; and

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**WHEREAS**, there is nothing more crucial to the health and future of our nation than education.

**THEREFORE**, the Mayor and Town Council of the Town of Newton, in the County of Sussex, State of New Jersey, do hereby proudly proclaim the week of November 17 – 21, 2008 as American Education Week, with special gratitude and recognition for all of those individuals who make the American Education system the best in the world.

At this time, the Town Manager read requested a resolution of the Town of Newton, in the County of Sussex, New Jersey, authorizing the sale of certain property commonly known as the Newton Armory.

Councilwoman Unhoch addressed her concern with the minimum bid amount and inquired whether we should lower the bid for potentially more bidders.

Mr. Russo advised that after consulting with the Tax Assessor, it was his recommendation not to go below the 1.1 million for minimum bid. It was noted that the property is assessed at 1.6 million.

Councilwoman LeFrois expressed her belief in the professionals who work for the Town, therefore is comfortable with the recommendation of 1.1 million for a minimum bid.

After a brief discussion, the following RESOLUTION was offered by Mrs. Becker who moved its adoption, seconded by Mrs. LeFrois and roll call resulted as follows:

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

**RESOLUTION #188-2008**

**WHEREAS**, certain real property commonly known as the Newton Armory and identified on the Official Tax Map of the Town as Block 801, Lot 49.01 (the “Property”) is currently owned by the State of New Jersey, subject to a reversionary interest to the Town upon a finding by the State that the Property is no longer needed for armory purposes; and

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WHEREAS, the State has determined that the Property is no longer needed for armory purposes; and

WHEREAS, it is anticipated that the State will transfer the Property to the Town; and

WHEREAS, the Town Council has hereby determined the Property is not needed for public use and is consequently desirous of providing for the subsequent public sale of the same in accordance with the provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the "Act"); and

WHEREAS, the Town Council had previously authorized the sale of the property upon certain terms and conditions by way of Resolution adopted October 6, 2008; and

WHEREAS, the Town received one submission for purchase of the Property on November 6, 2008; and

WHEREAS, the Town determined that the submission received did not conform to the terms of its October 6, 2008 resolution and the bid specifications promulgated in connection therewith; and

WHEREAS, the Town therefore rejected the submission by way of resolution adopted November 10, 2008; and

WHEREAS, the Town wishes to authorize the sale of the property on the terms and conditions set forth below; and

WHEREAS, the Town Council further desires for the Town's administration (the "Administration") to administer the planned public sale of said real property including the advertisement and conduct of said sale consistent with the provisions of the Act.

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

Section 1. The public sale of the Property, which has been determined not to be needed for public use, is hereby authorized and directed, in accordance with the provisions of the Act.

Section 2. The minimum price for the sale of the Property shall be ONE MILLION, ONE HUNDRED THOUSAND DOLLARS (\$1,100,000).

Section 3. The Town Administration is hereby authorized to administer the public sale as authorized herein.

Section 4. The Town Administration and the Town's professional consultants are hereby authorized and directed to take all necessary action(s), including, but not limited to, the execution of any documents and other writings, all in furtherance of implementing the provisions of this authorizing Resolution and effecting the sale of the above-referenced real property.

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Section 5. The Town Council reserves the right to reject all bids where the highest bid is not accepted.

Section 6. This Resolution shall take effect immediately.

EXHIBIT A

INVITATION TO BID

**COUNCIL AND MANAGER COMMENTS**

Mayor Ricciardo received a request to honor Mr. Justin Hofmann in preparation for him receiving his Eagle Scout Award. Mr. Russo will prepare a Proclamation in honor of Mr. Justin Hofmann.

Council addressed the funding request from the Newton First Aid Squad. After a brief discussion, Mr. Russo will send a letter advising of the tough economic times and the current Municipal budget status.

Mayor Ricciardo opened the meeting to the public.

There being no one from the public to be heard, upon motion of Mrs. LeFrois, seconded by Mrs. Becker and carried, the meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk