

April 28, 2008

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, Mr. Diglio, Mr. Storm, Mr. Ricciardo, Mayor Unhoch and Town Manager, Eileen Kithcart.

Mayor Unhoch 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 29, 2007”.

Mayor Unhoch 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 by Mr. Ricciardo, seconded by Mr. Storm and carried, with Mr. Elvidge abstaining, the minutes of February 11, 2008 (regular & work session) meeting were approved.

Mayor Unhoch indicated that the next item on the agenda was the adoption of the 2008 Municipal Budget as amended.

Mayor Unhoch declared the hearing on the 2008 Municipal and Water and Sewer Utility Budget open to the public.

There being no one from the public to be heard, upon motion made by Mr. Ricciardo, seconded by Mr. Diglio and carried, the hearing was closed.

Before acting on the budget, Councilman Ricciardo requested clarification from Councilman Storm on his “proposed cuts” to the budget and exactly where he proposed to make cuts to the 2008 Municipal Budget. Mr. Storm indicated he is recommending a two (2) percent cut across the board on operating costs without cutting personnel, as discussed with the Town Manager. Ms. Kithcart indicated that she requested Mr. Storm to designate what specific areas he wanted cut because she could not arbitrarily cut two (2) percent from each department’s budget. It was noted that the budget had already been cut by \$100,000 prior to its original presentation to the Town Council. After a lengthy discussion, Mayor

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Unhoch directed each Council Member to vote, on the budget, as he or she feels appropriate.

Mayor Unhoch requested a resolution for the adoption of the 2008 Municipal and Water and Sewer Utility Budget.

The following RESOLUTION was offered by Mr. Ricciardo, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	No
Mr. Storm	No	Mr. Ricciardo	Yes
Mayor Unhoch	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, that 2008 Municipal and Water and Sewer Utility Budget, herein before recorded in Minute Book No. 63, Dated April 28, 2008, advertised the New Jersey Herald on April 20, 2008 according to law, is hereby adopted.

Under Reading of Ordinances, Mayor Unhoch directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE #2008-6

BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE #2007-3 OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY FINALLY ADOPTED FEBRUARY 26, 2007 IN ORDER TO PROVIDE FOR THE ASSESSMENT OF THE COST OF THE IMPROVEMENT AMONG THE BENEFITTING PROPERTY OWNERS PURSUANT TO NJSA 40A:2-17 AND NJSA 40A31-13.

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 One. Bond ordinance #2007-3 of the Town of Newton, in the County of Sussex, New Jersey finally adopted February 26, 2007 and entitled, "Bond Ordinance Providing for the Trinity/Mill Street Waterline Project in and by the Town of Newton, in the County of Sussex, New Jersey, Appropriating \$2,000,000 Therefore, including a \$400,000 Small Cities Public Facilities Grant, and Authorizing the Issuance of \$1,600,000 Bonds or Notes of the Town for Financing Part of the Cost Thereof" is hereby amended in its entirety to read as follows:

"BOND ORDINANCE PROVIDING FOR THE TRINITY/MILL STREET WATERLINE PROJECT IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR, INCLUDING A \$400,000 SMALL CITIES PUBLIC FACILITIES GRANT, AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE

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COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF PART OF THE COST THEREOF.

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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a local improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$2,000,000, including the sum of \$400,000 received as a Small Cities Public Facilities Grant. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) because the Project is being funded in part by a grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,600,000 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 improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Trinity/Mill Street Waterline Project consisting of the installation of reinforcement water lines in the area of Trinity Street and Mill Street, including all work and materials necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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

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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. Notice is hereby given to the owners of all lots and parcels of real estate benefited by the improvement described in Section 3 hereof and affected by the improvement described therein that the Town intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$1,600,000. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Town will contribute \$400,000 to the cost of the improvement made available from the Small Cities Public Facilities Grant; however, if the amount of the special assessments as finally confirmed is less than \$1,600,000, then the Town will also contribute the difference to the cost of the improvement.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Town and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Town shall have the right to waive default as may be permitted by law.

Section 8. 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 an improvement that the Town lawfully may undertake as a local improvement, the cost of which shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$1,600,000, but that the net debt of

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the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is 20.

(f) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 9. The grant moneys received for the purpose described in Section 3(a) hereof shall be applied to direct payment of the cost of the improvement.

Section 10. 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, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. The full faith and credit of the Town are hereby pledged 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 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law."

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

Mayor Unhoch declared the hearing on Ordinance #2008-6 open to the public.

There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mr. Diglio and carried, the hearing was closed.

The following RESOLUTION was offered by Mr. Diglio, who moved its

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adoption, seconded by Mr. Ricciardo and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
Mayor Unhoch	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.

Upon motion of Mr. Diglio, seconded by Mr. Ricciardo and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

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

ORDINANCE #2008-7

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,820,000 THEREFOR, INCLUDING \$655,000 AVAILABLE AS GRANTS FROM VARIOUS NEW JERSEY STATE AGENCIES AND AUTHORIZING THE ISSUANCE OF \$1,106,750 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, New Jersey as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,820,000, including \$140,000 available as a grant from the New Jersey Department of Transportation (NJDOT), \$250,000 available as a grant from the Centers of Place (NJDOT), and \$265,000 available as a grant through the Safe Routes to Schools Program and including the aggregate sum of \$58,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made 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 cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,106,750 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

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and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Sidewalk Construction on Various Streets in connection with Safe Routes to School Program	\$300,000(including a \$265,000 grant from Safe Routes to School)	\$33,250	10 years
b) Main Street Beautification (Phase III)	\$330,000 (including a \$250,000 grant from Centers of Place)	\$76,000	10 years
c) Paving of Ryerson Avenue	\$170,000 (including a \$140,000 grant from NJDOT)	\$ 28,500	5 years
d) Paving of Various Streets (in accordance with road master plan)	\$390,000	\$370,500	5 years
e) Improvements to Municipality-owned properties including roofing, windows and sand filter replacement.	\$288,000	\$273,600	10 years
f) Improvements to Municipal Parks including construction of new t-ball field, snack stand, dredging and landscaping of existing ponds, water access and signage.	\$122,000	\$115,900	15 years
g) Central Business District alleyway improvements including paving and lighting.	\$100,000	\$ 95,000	5 years
h) Acquisition of vehicles and equipment for the Department of Public Works including a dump truck with plow and slope mower.	\$110,000	\$104,500	5 years
i) Acquisition of police administrative equipment including digitized recording system.	\$10,000	\$ 9,500	5 years
TOTALS	\$1,820,000	\$1,106,750	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued and the amount of any grant therefor, as above stated, is the amount of the down payment for each purpose.

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

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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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7.8 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 \$1,106,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$364,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The grant moneys received for the purposes described in Section 3 hereof shall be applied directly to payment of the cost of the improvements.

Section 8. 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

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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, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Town are hereby pledged 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 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Unhoch declared the hearing on Ordinance #2008-7 open to the public.

There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mr. Diglio and carried, the hearing was closed.

The following RESOLUTION was offered by Mr. Elvidge, who moved its adoption, seconded by Mr. Storm and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	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.

Upon motion of Mr. Diglio, seconded by Mr. Ricciardo and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

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

ORDINANCE #2008-8

AN ORDINANCE TO AMEND CHAPTER XV "UTILITIES" AND CHAPTER XXI "FEES AND COSTS" OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

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The following RESOLUTION was offered by Mr. Diglio, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	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 May 12, 2008.

Upon motion of Mr. Diglio, seconded by Mr. Storm and carried, that the Clerk be authorized and directed to advertise the above Ordinance according to law.

Under Old Business, the Town Manager requested a resolution accepting a plea agreement between the Town of Newton and F. Roger Pierson Enterprises, Inc. t/a Barristers”

Upon motion of Mr. Elvidge, seconded by Mr. Ricciardo and carried, the resolution was removed from the table.

The following RESOLUTION was offered by Mr. Elvidge who moved its adoption, seconded by Mr. Ricciardo and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	Yes	

RESOLUTION #55-2008

WHEREAS, F. Roger Pierson Enterprises, Inc. t/a Barristers (hereafter referred to as Licensee) was charged by the Newton Police Department with violations of the State Alcoholic Beverage Control relative to its alcoholic beverage license (No. 1915-33-008-004) issued by the Town of Newton (hereinafter referred to as Town) as set forth in a Notice of Charges served on August 30, 2007; and

WHEREAS, prior to a hearing and through the negotiation of a Plea Agreement by the Municipal Prosecutor, acting on the Town’s behalf, the Licensee pled Non Vult to the following charges:

1. Violation of N.J.A.C. 13:2-23.5(b) (Narcotics involving patrons only) on

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- March 24, 2007; and
- 2. Violation of N.J.A.C. 13:2-23.6(a) 2 (Brawl) on April 17, 2007; and
- 3. All other violations set forth in the Notice of Charges are dismissed; and

WHEREAS, under the Plea Agreement, the Licensee agrees to the following:

- a) Acceptance of a five (5) day license suspension for each uncontested violation (consecutive) for a total penalty of 10 days suspension. The Town of Newton has no objection to a monetary conversion of the aforementioned penalty. The recommended conversion rate is \$100 per day.
- b) That the above suspension will commence on May 11, 2008 at 2:00 a.m. and will terminate at 2:00 am on May 20, 2008 should an application for conversion not be filed. If an application is filed in a timely fashion and denied, the suspension will commence the Sunday following the rendering of the adverse decision at 2:00 a.m. and shall terminate at 2:00 a.m. following the tenth day of said suspension.
- c) Employment of a bonded security person between the hours of 10 p.m. and 2 a.m. every Thursday, Friday and Saturday. The name of the Security Company employed by the Licensee shall be submitted to the Chief of Police for prior approval.
- d) All bartenders employed by Licensee shall be certified. All bartenders who are employed by the Licensee and have not been certified will obtain certification by May 20, 2008. Copies of valid certificates must be filed with the Newton Police Department;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton, that said Plea Agreement is hereby accepted and its terms are hereby Ordered as the appropriate penalty and that the stipulations of said Plea Agreement become an immediate licensing requirement which will remain in force upon renewal for as long as Licensee holds the said license, or until the restrictions are removed by the Council or by mutual agreement with the Licensee;

BE IT FURTHER RESOLVED that Licensee's letter acknowledging its plea and accepting the above terms be attached to and made a part of this resolution, a copy of which is to be provided to the Division of Alcoholic Beverage Control.

Under New Business, the Town Manager requested a resolution to accept Grant Funding from the NJDOT Safe Route to School Program.

The following RESOLUTION was offered by Mr. Diglio who moved its adoption, seconded by Mr. Storm and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	Yes	

RESOLUTION #62-2008

WHEREAS, the Town of Newton and the Newton Board of Education

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applied for funding to conduct imprinting of crosswalks along the school routes, sidewalks and enforcement of crosswalks, within the Town of Newton, and

WHEREAS, this project will promote pedestrian safety for the school children, and

WHEREAS, the Town of Newton was awarded funding in the amount of \$265,000 from NJDOT's Safe Routes to School Program, Federal Project No. STP-B00S(582)

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby accepts the grant funding from the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, the Town Manager and the Municipal Clerk to execute any and all documents necessary and related to the execution and maintenance and closure of said grant.

The Town Manager requested a resolution for the appointment of Chief Financial Officer for the Town of Newton.

The following RESOLUTION was offered by Mr. Elvidge who moved its adoption, seconded by Mr. Storm and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	Yes	

RESOLUTION #63-2008

WHEREAS, the current Town Manager plans to retire this fall and will officially terminate her employment with the Town of Newton as of October 1, 2008, and

WHEREAS, the current Town Manager also serves as Chief Financial Officer (CFO) for the Town of Newton and it is necessary to appoint a qualified individual to serve as Chief Financial Officer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that Dawn L. Babcock, Town Finance Director, is hereby appointed to serve as Chief Financial Officer effective April 28, 2008;

BE IT FURTHER RESOLVED that effective this date, the salary for CFO for 2008 in the amount of \$8,715 will be paid to Ms. Babcock for which the CFO will be expected to attend regular Town Council meetings. In addition, the CFO will attend work sessions and special meetings, upon request of the Town Council, with no additional compensation or compensatory time.

The Town Manager requested a resolution to award Contract for landscaping at the Newton Municipal Building.

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The following RESOLUTION was offered by Mr. Diglio who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
Mayor Unhoch	Yes		

RESOLUTION #64-2008

WHEREAS, the Town of Newton solicited proposals for landscape work at the Municipal Building entries and parking lots located at 39 Trinity Street to further enhance its appearance to the community, which included a landscape design/plant listing and conducting the landscape work with optional pond area, and

WHEREAS, the Request for Sealed Proposals for said Municipal Building Landscaping was properly advertised indicating that the receipt of said sealed proposals would close on March 26, 2008 at 10:00 a.m., and

WHEREAS, the following two proposals for the Municipal Building Landscaping were submitted timely and reviewed by Eileen Kithcart, Town Manager, Kenneth Jaekel, Director of Public Works and Debra Millikin, Community Development Director:

	<u>Design/Listing</u>	<u>Landscaping w/Pond Option</u>	<u>Total</u>
Andy Matt, Inc. 19 Scrub Oaks Road Mine Hill, NJ 07803	\$750	\$ 24,900 with Pond	\$25,650
D'Onofrio & Son Inc. 47 Van Ness Terrace Maplewood, NJ 07040	\$ 1,850	\$ 19,525 without Pond	\$21,375

WHEREAS, the review of the above sealed proposals determined that the proposal by Andy Matt, Inc. in the total amount of \$25,650 for design and landscaping of the Municipal Building is acceptable because the cost included an optional pond area estimated at \$5,000, and

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

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that a contract for the Municipal Building Landscaping is hereby awarded to Andy Matt, Inc., of Mine Hill, New Jersey in the amount of \$25,650.00 based on the Request for Sealed Proposals as described above.

The Town Manager requested a resolution to ratify a change in the percentage of dependent coverage under State Health Benefits to be paid by the Town of Newton for certain Union Employees.

The following RESOLUTION was offered by Mr. Ricciardo who moved its

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adoption, seconded by Mr. Diglio and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	Yes	

RESOLUTION #65-2008

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

1. In accordance with Ch. 62, PL 2007, the Town of Newton, in the County of Sussex, participating employer # 0144-00 under the New Jersey State Health Benefits Program, may elect to differentiate between health benefit premium obligations based on binding, negotiated union contracts.
2. The Town of Newton, through negotiated union contracts, authorized a change in the percent of dependent coverage to be paid by the employer for employees who are members of the **International Union of Production, Clerical and Public Employees, Local 911** and the **Communications Workers Union, Local 1032** under said State Health Benefits Plan to the amount of **ninety-two and one-half percent (92.5%)** of dependent coverage payable by the Town for all eligible Local 911 and Local 1032 members as stipulated in their respective contracts in force as of January 1, 2008.
3. In accordance with N.J.S.A. 52:14-17.38, the Town has remitted to the State Treasury all contributions to premiums on account of said union employee and dependent coverage.
4. This resolution shall take effect retroactively to January 1, 2008 and the change in percent of dependent premium to **92.5%** paid by the employer for said employees who are members of Local 911 and Local 1032, has properly been remitted since January, 2008, pursuant to the statutes and regulations of the State of New Jersey.
5. Certified copies of this resolution shall be provided to the State Health Benefits Plan, Local 911 and Local 1032.

The Town Manager requested a resolution to authorize credits due water and sewer utility accounts.

The following RESOLUTION was offered by Mr. Ricciardo who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes

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Mayor Unhoch Yes

RESOLUTION #66-2008

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 SEWER BILL OF 1ST QUARTER:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21272	132 Merriam Avenue	\$24.17

RECOMMENDS WAIVER OF PORTION WATER BILL FOR 1ST QUARTER BILLING:

<u>Account Number</u>	<u>Address</u>	<u>Amount</u>
2022	81 Trinity Street	\$420.75

The Town Manager requested a resolution designating May as Motorcycle Awareness Month.

The following RESOLUTION was offered by Mr. Diglio who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge Yes Mr. Diglio Yes

Mr. Storm Yes Mr. Ricciardo Yes

Mayor Unhoch Yes

RESOLUTION #67-2008

WHEREAS, motorcycle riding is a popular form of recreation and transportation for thousands of people across the State and the nation, and

WHEREAS, a growing number of New Jersey citizens are choosing motorcycles as an alternative mode of transportation, and

WHEREAS, motorcycles are convenient, provide fuel economy benefits to the environment, reduce traffic and parking congestion, and provide enjoyment to their riders, and

WHEREAS, many automobile drivers do not anticipate routine encounters with motorcyclists in traffic, and

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WHEREAS, all motorists need to operate with caution near motorcycles as they lack the protective armor of and are less visible than truck and automobiles which increases the risk of serious accidental injury and death for motorcyclist, and

WHEREAS, in recent years, more than half of all motorcycle fatalities involved a crash with another type of vehicle, and

WHEREAS, because a motorcyclist is more likely to die in a crash than an automobile driver or passenger, an increased knowledge and awareness of motorcyclists can lessen the occurrence of injuries and fatalities to motorcyclists, and

WHEREAS, due to the increased number of motorcycles on the roads and highways of our State and because motorcycle awareness and safety is a concern to all, it is appropriate to set aside a time to alert all motorists to the number of motorcyclists on the roads and to help motorists become aware of the safety concerns of motorcyclists, and

WHEREAS, in light of all these factors, it is important to heighten motorcycle awareness;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton we hereby designate the month of May as “Motorcycle Awareness Month” in the Town of Newton and urge all motorists to exercise caution in their travels in an effort to reduce injuries and save lives.

The Town Manager requested a resolution for a Person-To-Person transfer of Plenary Retail Consumption License No. 1915-33-011-007.

The following RESOLUTION was offered by Mr. Elvidge who moved its adoption, seconded by Mr. Storm and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Abstain
Mayor Unhoch	Yes		

RESOLUTION #68-2008

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License No. 1915-33-011-007, heretofore issued to Gibber Enterprises Inc., t/a County Seat for premises located at 62 Water Street, Newton, New Jersey; and

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; and

WHEREAS, the applicants are qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

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WHEREAS, the applicants have disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Newton Town Council does hereby approve, effective April 28, 2008, the transfer of the aforesaid Plenary Retail Consumption License to The County Seat Restaurant, LLC, t/a The County Seat and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The County Seat Restaurant, LLC, effective April 28, 2008."

The Town Manager requested a resolution to approve Bills and Vouchers for payment.

The following RESOLUTION was offered by Mr. Storm who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Diglio	Yes
Mr. Storm	Yes	Mr. Ricciardo	Yes
	Mayor Unhoch	Yes	

RESOLUTION #69-2008

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

TOWN BILLS **TEMPORARY**

188,212.86	Payroll Account	810030
466.06	Moore-Wallace North America	23534
57,445.63	NJSHBP	810031
26,889.14	NJSHBP	810032
825,900.50	Newton Board of Education	810033
1,505.65	B & R Uniform	23535
288.40	Montague Tool & Supply	23536
1,426.50	M G L Printing Solutions	23537
3,495.68	Harold Pellow & Assoc., Inc.	23538
117.00	ABCcode Security	23539
100.00	Sussex Car Wash, Inc.	23540
10,440.09	NUI Corporation	23541
251.75	G & G Diesel Service Inc.	23542
7,191.95	JCP&L	23543
1,284.35	New Jersey Herald	23544

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474.71	SCMUA	23545
526.15	Township of Sparta	23546
3,171.11	EMBARQ	23547
2,870.00	Hollander, Hontz, Hinkes & Pasculli LLC	23548
131.49	Campbell's Small Engine	23549
788.25	Timmerman Company	23550
784.08	Hayek's Market Inc.	23551
815.00	R.S. Phillips Steel Company	23552
190.00	NJLM	23553
60.00	Sussex County League of	23554
48.00	Newton Trophy	23555
225.00	Treasurer, State of New Jersey	23556
218.75	VOIDED	23557
1,599.34	Good Year	23558
609.07	Office Business Systems, Inc.	23559
84.21	Sebring Auto Parts	23560
4,635.00	Newton Junior Athletic League	23561
882.87	Zee Medical	23562
143.85	Airgas East	23563
592.00	L-3 Comm. Mobile-Vision	23564
2,710.00	Modern	23565
449.40	Weiner Lesniak	23566
187.00	North Jersey Portable Toilets	23567
950.00	Dell Marketing L.P.	23568
74.38	Mr. John	23569
722.33	Cooper Electric Supply Co.	23570
41.00	Teresa Ann Oswin	23571
285.00	Vogel,Chait,Collins,Schneider, PC	23572
67.62	The Home Depot	23573
152.70	Rogo Fastener Co., Inc.	23574
30.44	Excelsior Lumber Company	23575
910.00	Scarinci & Hollenbeck, LLC	23576
902.65	Sussex County Mailing Service	23577
20.00	Tania L. Ell	23578
4,987.50	Creative Networking Concepts, Inc.	23579
55.95	Ward's Flowers and Gifts	23580
164.90	Emergency Medical Products	23581
87.95	Universal Uniform	23582
802.84	Staples business Advantage	23583
462.00	Trane	23584
350.00	Gerber Landscaping Services, LLC	23585
4,347.30	Spectrum Communications	23586
8.89	Easylink Services Corporation	23587
96.00	CSS Test	23588
35.00	Lawmen Supply Co. of NJ	23589
50.30	Dominick's Pizza	23590
425.70	New Jersey Law Journal	23591
125.00	Pinnacle Wireless, Inc.	23592
82.96	Schwaab, Inc.	23593
760.00	Treasurer, State of NJ –Burial	23594
3,583.55	Rachles/Michele's Oil Company	23595
4,996.92	Taylor Oil Co.	23596
1,200.00	Government Management Advisors, LLC	23597
256.85	R & R Radar, Inc.	23598

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482.81	Physio-Control, Inc.	23599
609.00	Kieffer Electric, Inc.	23600
58.33	Laurel Grove	23601
218.75	Pinnacle Wireless, Inc.	23602

CAPITAL

4,375.00	Kasler Associates	7135
10,120.08	Harold Pellow & Associates	7136
192.50	Hollander,Hontz,Hinkes&Pasculli LLC	7137
9,527.31	McManimon & Scotland	7138
720.00	Key-Tech	7139
401.97	Cooper Electric Supply Co.	7140
1,275.00	Vogel,Chair,Collins,Schneider,PC	7141
745.88	Excelsior Lumber Company	7142
2,293.70	Nelessen, A. & Associates, Inc.	7143

Total TEMPORARY TOWN BILLS \$1,205,048.15

WATER AND SEWER ACCOUNT

319,247.53	Bank of New York	860017
394,082.06	Bank of New York	860018
56,911.73	Bank of New York	860019
24,592.00	Payroll Account	860020
65,429.00	U.S.D.A. / FHA	860023
1,174.14	E S C Enterprises	10009
3,040.19	Schmidt's Wholesale, Inc.	10010
11,156.80	Harold Pellow & Assoc., Inc.	10011
1,266.52	MWH Americas, Inc.	10012
766.01	Lee Company	10013
45.00	Freedom Business Machines	10014
13.56	Albertsons Inc.	10015
4,228.92	NUI Corporation	10016
5,942.56	JCP&L	10017
3,275.00	Pumping Services	10018
70.81	SCMUA	10019
30.00	Paul Baldwin	10020
18.00	Paul M. Havens	10021
8,439.25	Coyne Chemical Corp., Inc.	10022
1,359.13	EMBARQ	10023
25.45	EMBARQ	10024
315.00	Hollander, Hontz, Hinkes & Pasculli LLC	10025
2,767.00	Garden State Laboratories Inc.	10026
105.89	Hamburg Plumbing Supply Co., Inc.	10027
10,283.55	Current Account	10028
11,212.37	Sparta Township Tax Collector	10029
1,500.00	Cosper Environmental Services, Inc.	10030
81.90	Joseph Pollard Co., Inc.	10031
50.00	William Grennille	10032
255.00	Rutgers Contin. Ed. Cook College	10033
160.93	One Call Systems	10034
6,750.60	R&D Trucking Inc.	10035

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112.40	Airgas East	10036
30.00	Ervin Lasso	10037
1,065.00	Instrumentation Tech Systems, Inc.	10038
252.45	Verizon Wireless	10039
100.00	Dell Marketing L.P.	10040
1,250.00	John Smalley	10041
1,014.00	Main Pool & Chemical Company	10042
15.32	Cooper Electric Supply Co.	10043
103.58	The Home Depot	10044
217.15	WASAK, Inc.	10045
103.66	Schwaab, Inc.	10046

CAPITAL

1,282.40	Harold Pellow & Assoc., Inc.	2084
52.50	Hollander, Hontz, Hinkes&Pasculli, LLC	2085
1,225.55	McManimon & Scotland	2086
782.97	Scarinci & Hollenbeck, LLC	2087

Total TEMPORARY W&S UTILITY BILLS \$942,203.08

TRUST ACCOUNT
TEMPORARY

7,939.16	Payroll Account	871008
10,899.59	Harold Pellow & Assoc., Inc.	2496
157.50	Hollander, Hontz, Hinkes, Pasculli LLC	2497
1,250.00	Weiner Lesniak	2498
105.00	Vogel Chait Collins Schneider, PC	2499

Total TEMPORARY TRUST ACCOUNT BILLS \$20,2351.25

The Clerk presented an application for an on-premise raffle (tricky tray-50/50) from the Pride Foundation, Inc. to be held on May 9, 2008 from 6:00 p.m. to 11:00 p.m. at Merriam Avenue School, 81 Merriam Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

Upon motion of Mr. Storm, seconded by Mr. Ricciardo and carried that an on-premise raffle license be issued to the Pride Foundation, Inc. for May 9, 2008.

The Clerk presented an application for an on-premise raffle (50/50) from Katies House, Inc. to be held on June 28, 2008 at 5:00 p.m. at Andres Restaurant, 188 Spring Street, Newton, New Jersey. It was noted that the application was in order and accompanied by the prescribed fee.

Upon motion of Mr. Storm, seconded by Mr. Diglio and carried that an on-

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premise raffle license be issued to Katies House, Inc. for June 28, 2008.

Under Manager's Reports, the Town Manager announced, for the record, that the landscaping for the Newton Municipal Building was part of the Capital Ordinance Program for last year.

Ms. Kithcart indicated that the Newton Fire Department sent a letter requesting permission to conduct a fundraising coin-toss from 4:00 p.m. to 7:30 p.m. at the corner of Diller Avenue and Sparta Avenue on Friday, May 23, 2008, Friday, June 27, 2008, and Friday, August 29, 2008. Ms. Kithcart advised she will have the Newton Fire Department seek the County's approval, as the coin toss will be held on County Roadways.

The Governing Body has no objection to granting permission for the Newton Fire Department to hold three fundraising coin tosses on the above dates.

Ms. Kithcart read the following Proclamation proclaiming the week of May 11-17, 2008 as National Nursing Home Week. Ms. Kithcart indicated that Mayor Unhoch will be presenting the Proclamation to Barn Hill Care Center on May 12th.

PROCLAMATION

NATIONAL NURSING HOME WEEK

MAY 11 – 17, 2008

WHEREAS, our community's citizens now residing in nursing homes have contributed immeasurably to the Town of Newton's heritage over the years, and

WHEREAS, our community's nursing home residents are themselves living history, and

WHEREAS, member facilities of the American Health Care Association and the Barn Hill Care Center are sponsoring many activities in observance of National Nursing Home Week guided by this year's theme "Love is Ageless" and which begins on Mother's Day, May 11;

NOW THEREFORE we the Mayor and Town Council of the Town of Newton urge all members of this community to join in this year's national Nursing Home Week observance by visiting our Town's nursing home residents and by recognizing the high quality of care that our long-term care facilities are providing.

Ms. Kithcart indicated that members of the Council are invited to the

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“Volunteer Appreciation Social sponsored by Main Street Newton tomorrow at 6:00 p.m. at Andres Restaurant. Ms. Kithcart also indicated that Mayor Unhoch will be presenting a Proclamation.

Ms. Kithcart indicated that Main St. Newton will be hosting an Economic Restructuring Day in Newton on Thursday, May 15th.

The Town Manager indicated that Mr. Rich Valentino, property owner on Spring Street, is interested in serving on the Parking Authority. Ms. Kithcart will set up an interview at a future Council Meeting.

Ms. Kithcart announced that the Planning Board appointed Jessica Caldwell, Harold Pellow & Associates, to complete the update of the Master Plan. The Sub-Committee will be meeting on May 28th to review the progress.

The Town Manager advised that the redevelopment team has initiated a community briefing which has been scheduled for 10:00 a.m., Saturday May 10th at the Newton Theatre.

The Town Manager announced that Assemblyman Gary R. Chiusano has been appointed to the Joint Committee on Housing Affordability. Ms. Kithcart also stated, “we are very pleased there is a voice for our local concerns on this stringent and burdensome regulation.”

Ms. Kithcart indicated that the New Jersey League of Municipalities is soliciting a pledge of \$500 per municipality in an effort to raise funds to prepare for a possible legal challenge after the anticipated COAH adoption in June, 2008. After a brief discussion, the Governing Body unanimously agreed that a pledge of \$500 be forwarded to the League.

Ms. Kithcart indicated that the Town received notification that we were awarded a Green Communities Grant, Phase II in the amount of \$3,000 from the Department of Environmental Protection.

Ms. Kithcart advised that Morris Lake is 3 inches below spillway.

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Mayor Unhoch reminded the Governing Body of the Newton Chamber of Commerce Quarterly Dinner on Wednesday, at 5:30 p.m.

Mayor Unhoch advised that May is Senior Citizen Month and requested possible names for submission for Senior Citizen of the Year for the Town of Newton.

Mayor Unhoch declared the meeting opened to the public.

Mrs. Tara Pankz, 14 Woodside Avenue, had a question regarding the postponement of the Planning Board Meeting for the Railroad District which was addressed by the Town Manager.

Mr. Xavier Izquierdo, representing the Newton First Aid Squad, thanked the Governing body for their support. Mr. Izquierdo indicated that the First Aid membership drive scheduled for April 17, 2008 was cancelled at the last minute by Newton High School and apologized for any inconvenience. Mr. Izquierdo indicated that the event has been rescheduled for May 1st at 8:30 a.m.

Mrs. Helen Le Frois, 132 Main Street, directed several questions to Councilman Storm related to the 2008 Municipal Budget. Mr. Storm could not provide the information requested and stated that, "it doesn't matter, the budget passed."

Mr. Tom Lawler, 41 Condit Street, had questions relating to the newly passed resolutions. Mr. Lawler's questions were addressed by the Town Manager.

Mr. Neil Flaherty, questioned whether the Town of Newton has entered into any Regional Agreements with other municipalities related to the Affordable Housing issues and was advised by Mayor Unhoch that the Town has not entered into any such agreement to date.

There being no one else from the public to be heard, upon motion of Mr. Storm, seconded by Mayor Unhoch and carried, the meeting was adjourned at 7:55 p.m.

April 28, 2008

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk