

March 24, 2008

The regular work session meeting of the Town Council of the Town of Newton was held on the above date at 7:30 p.m. Present were Mr. Elvidge, Mr. Diglio, Mr. Ricciardo, Mr. Storm, Mayor Unhoch and Town Manager, Eileen Kithcart.

Mayor Unhoch the following declaration that “in accordance with the Open Public Meetings Act, notice of this work session meeting was given to the two newspapers of record and posted on the official bulletin board on December 26, 2007”.

SECTV FRANCHISE – Mark Hontz, Esq. (8:00 p.m.)

Mr. Mark Hontz, Esq., Town Attorney and Mr. Robert G. Goode, Esq. and representatives from Service Electric Cable T.V. addressed the Council regarding the cable franchise renewal for the Town of Newton. Mr. Goode advised that the Town of Newton is due for renewal April 19, 2010. Mr. Goode outlined the procedure for the renewal process. After a lengthy discussion, Mr. Hontz suggested that the Town address this renewal issue again in three (3) months. He suggested that the Council obtain an inventory on what services the Town currently receives and what services are necessary for future needs. It was suggested that perhaps the Council would request a survey from Newton residents for their input on cable service.

EMPLOYEE ASSISTANCE PROGRAM

Ms. Kithcart attended a seminar, at the County, recently which outlined a service provided to all employees and their immediate family members. The Town of Newton can venture into this program with the County and the cost to the Town would be \$246.00 per month. This program would be available to all full-time as well as part-time employees of the Town. The program is provided through Alliance Work Partners, who provide services such as 1) customized programs; 2) awareness campaigns;

March 24, 2008

3) short-term counseling; 4) training & consultation; 5) critical incident stress debriefing. Ms. Kithcart strongly recommended acquiring the service for the Town employees and will review the funding availability.

MEMORY PARK

a. Restroom Facilities

Ms. Kithcart advised that the Town went out to bid for a cleaning service for the restroom facilities at Memory Park and received no responses. Ms. Kithcart advised that the Town currently has two porta-johns at Memory Park for temporary use. After a brief discussion, Council prefers to have the restrooms utilized instead of the porta-johns rentals. Ms. Kithcart will address additional avenues for obtaining a cleaning service for Memory Park bathrooms.

b. Community Service Project

Ms. Kithcart indicated that she met with Jason Sullivan, Associate Pastor for Christ Community Church. Ms. Kithcart advised that the Church has designated Sunday, May 4, 2008 as Community Service Day and wish to spend it doing Special Projects within the Town of Newton and there is a total of 60 adults and 20 children willing and able to do Community Service. Ms. Kithcart advised that after consulting with the Department Heads and Recreation personnel, three projects were decided upon:

1. Flower planting and mulching of the three islands at Memory Park in anticipation of the Memorial Day festivities.
2. Installation of the required wood carpet and border around the new playground equipment at Pine Street park.
3. Weed and litter clean up on Spring Street and adjoining alleys and parking lots.

March 24, 2008

Ms. Kithcart indicated that the volunteers will hold a barbeque at the end of their day at Memory Park. Ms. Kithcart stated she will meet with them again about two weeks prior to coordinate the plans.

REDEVELOPMENT UPDATE

Mrs. Millikin advised Council of the acknowledgment letter from Office of Smart Growth (OSG) regarding the Municipal Self Assessment Report submitted in February, 2008. Mrs. Millikin read some of the highlights which included 1) Newton being the first (1st) municipality to submit the Self-Assessment Report to OSG, as well as 2) OSG granted a waiver of our visioning process. OSG commended of the Town on taking steps early, due to the Town's Center designation getting ready to expire. Mrs. Millikin will provide Council with copies of the letter for their review.

Ms. Kithcart advised Council that the issue of Thor Labs is currently on hold.

Ms. Kithcart advised Council that the Armory Building has been offered at a purchase price of \$485,000.00. Mr. Kithcart directed Mr. Holzhauer, Tax Assessor, to give an appraisal price for this facility.

Councilman Ricciardo read a statement addressing redevelopment and revitalization of the Town of Newton. Mr. Ricciardo outlines that the Town Council has as a whole body voted on several occasions to create areas in need of redevelopment. It has recently been stated by other Councilman that they are not in favor of eminent domain. Mr. Ricciardo expressed his disappointment because eminent domain is apart of the redevelopment law. Therefore if one person is voting for redevelopment, then they are voting for eminent domain. Councilman Storm refuted Mr. Ricciardo statement and advised that he is not in favor of eminent domain.

Mr. Ricciardo addressed his concerns with the Governing Body as a

March 24, 2008

“whole” not being on the same page, due to conflicting comments, which recently appeared in the New Jersey Herald.

Councilman Elvidge addressed his concern with the amount of the money that the Town of Newton has already spent, which included the Vision Plan, Visionary Planner and Redevelopment teams, which is all a part of the Redevelopment Plan. It was noted that the Town certainly does not want to use eminent domain. It was noted that this option of “eminent domain” is the last resort.

Ms. Kithcart advised Council that Mr. Holenstein is the only representative from Sussex County that is qualified to represent the Town in State Tax Appeals. Council agreed to utilize Mr. Holenstein for the Town of Newton State Tax Appeals.

Ms. Kithcart addressed the roof repair necessary at the firehouse on Mill Street. It was noted that there is no warranty found for the current roof put on in May, 2000. Mr. Ricciardo will contact the manufacturer to see if they have any records for the Town on this roof replacement.

Mrs. Read, Municipal Clerk, advised Council that she has received five (5) packets, for two Council seats, for the Municipal Election to be held on Tuesday, May 13, 2008.

EXECUTIVE SESSION

Upon motion of Mr. Ricciardo, seconded by Mayor Unhoch and carried, the Town Council went into executive session at 9:38 p.m.

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

March 24, 2008

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

WHEREAS, this work session meeting of the Town Council will not reconvene;

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 litigation and personnel;

BE IT FURTHER RESOLVED that the discussion conducted in executive session by the Newton Town Council shall be disclosed to the public as follows:

LITIGATION

Ms. Kithcart updated Council on pending litigation issues.

PERSONNEL

Ms. Kithcart updated Council on several personnel issues.

Upon motion of Mr. Ricciardo, seconded Mr. Storm and carried, the Town Council left executive session at 10:00 p.m.

Mayor Unhoch declared the meeting opened to the public.

There being no one from the public to be heard, upon motion of Mr. Storm, seconded by Mr. Ricciardo and carried, the meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk