

August 24, 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 Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mayor Elvidge 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”.

Pastor Diane Koob, Sparta Methodist Church, led the invocation.

Mayor Elvidge led 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 August 10, 2009 (Regular) and August 10, 2009 (Executive Session) were unanimously approved.

Mayor Elvidge declared the meeting open to the public.

PUBLIC

Mr. Jeff Daly, 10 Elm Street, addressed his concerns with the vacant house next door to his residence. Mr. Daly indicated that the owner resides out of state and suggested that the electric and gas be turned off to the house to avoid any potential fire/hazardous dangers. Mr. Daly indicated that the house is in need of repair and feels that it is a matter of public safety. Mr. Russo will address this issue with the Town Attorney for legal advice.

Mr. Ron Biederman, 7 West Nelson St. and Mr. Richard Bell, 19 Plainfield Avenue, addressed a recent car accident at corner of West Nelson and Plainfield Avenue and suggested that a speed bump be installed on Plainfield Avenue. Mr. Bell also addressed his concern with commercial truck traffic on Plainfield Avenue. Mr. Russo will address these issues with Chief of Police for enforcement of the speeders. Mr. Biederman also addressed the litter problem on the lawns from the High School students and was advised to bring this issue to the Board of Education.

Mr. Neil Flaherty, 154 Sparta Avenue, addressed some comments regarding the noise section of the wind and solar energy ordinance. The Council agreed with Mr. Flaherty's suggestions and indicated that this Ordinance will be forwarded to the Planning Board for their review and asked that as a Planning Board member he bring these suggestions forward at the next Planning Board meeting. It was noted that this Ordinance will be introduced for first reading as presented.

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Mr. Rich Unhoch, 8 West Nelson Street, addressed Council with a recent car accident which destroyed his fence and flower bed on his property. Mr. Unhoch addressed his concerns regarding traffic and was advised by Mayor Elvidge that Mr. Russo will forward his concerns to the Police Department for their review.

Council & Manager Reports

Mr. Russo read correspondence submitted by Ms. Lisa Pappas, 153 Merriam Avenue, requesting permission to hold a Block Party on Saturday, August 29th with a rain date of Sunday, August 30th. The residents of Merriam Avenue would like to restrict vehicular traffic from 148 Merriam Avenue to 162 Merriam Avenue from 4:00 p.m. to 9:00 p.m. The Town Council unanimously granted permission to allow the Block Party on Merriam Avenue.

Mr. Russo read correspondence from David J. Epstein, President of The Land Conservancy of New Jersey, requesting support, by Resolution, of the “Green Acres, Water Supply, Floodplain Protection, and Farmland and Historic Preservation Act of 2009” and after a brief discussion, the majority of the Council did not support such a resolution.

Mr. Russo informed the Governing Body that on Friday, September 4, 2009 the Municipal Building will be closed at 3:30 in order to kick off the holiday weekend.

Mr. Russo reported that the Yankees took two out of three games away from the Boston Red Sox this weekend.

Councilwoman Helen Le Frois congratulated Mr. Russo on being selected as one of the New Jersey Herald’s “20 Under 40”. This Award is given to 20 business and civic leaders who are under 40 years old.

Mrs. Le Frois also commended the Newton Recreation Supervisor and Staff for the improvements to Memory Park as well as to the recreation fields. The Town hosted the District 20 Sectional Tournament and Mrs. Le Frois noted that the recreational facilities “showed very well” for the two weeks it was going on at Memory Park. Several compliments were received from the district president, visiting coaches and parents.

Mrs. Le Frois noted that the 9/11 Remembrance Ceremony will be held at the Sussex County Community College on Sunday, September 6, 2009 from 3:00 p.m. – 5:00 p.m. It was noted that the key note speaker will be Detective Will Jimeno, Port Authority Police Officer, who was buried under the World Trade Center rubble for 13 hours.

Deputy Mayor Becker noted that the Recreation staff as well as DPW staff did a great job

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cleaning up the messes left behind by the recent wind storm.

Councilwoman Unhoch congratulated Mrs. Sandy Yurga, Water and Sewer Collector for pursuing the unpaid water and sewer bills and bringing the payment rate up.

Councilman Ricciardo asked if a discussion regarding Thor Labs could be addressed and was advised by Mayor Elvidge to pursue that discussion later in the meeting.

ORDINANCES

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

ORDINANCE # 2009-22

AN ORDINANCE ESTABLISHING REGULATIONS FOR WIND AND SOLAR ENERGY SYSTEMS

Mr. Russo noted that the date of the final passage of this Ordinance will be on September 28th, after Planning Board has had the opportunity to review.

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, seconded by Mrs. Unhoch and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	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 September 28, 2009.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE # 2009-23

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-11 OF THE MUNICIPAL CODE OF THE TOWN OF NEWTON

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Mrs. Le Frois and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	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 September 16,

2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

RESOLUTION #141-2009

**PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1915-33-009-001**

Upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and carried, that Resolution #141-2009 will be tabled, once again, and roll call resulted as follows:

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

Mr. Russo noted that this Resolution will appear on the next Council Meeting scheduled for Wednesday, September 16th, unless Legal Counsel requests a Special Meeting.

CONSENT AGENDA

Mayor Elvidge 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 #171-2009 be removed from the Consent Agenda for separate discussion.

RESOLUTION #165-2009*

**APPOINTMENT OF COUNCILWOMAN HELEN LE FROIS AS THE TOWN
COUNCIL LIAISON TO THE NEWTON FIRE DEPARTMENT**

BE IT RESOLVED by the Town Council of the Town of Newton that Councilwoman Helen Le Frois be and is hereby appointed as the liaison to the Newton Fire Department with regard to the research, creation and execution of bid specifications for any Fire Department truck and/or vehicle purchases.

RESOLUTION #166-2009*

A RESOLUTION SUPPORTING LEGISLATION A-3508 AND S-2357

WHEREAS, local government entities are continually seeking ways to cut costs and save taxpayer dollars; and

WHEREAS, credit unions are not-for-profit, financial cooperatives established to promote thrift by mutuality of ownership; and

WHEREAS, these institutions are locally-owned by their members and play an active role in the community by encouraging personal thrift through savings accounts, homeownership through mortgage lending, and local economic development through small business lending; and

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WHEREAS, New Jersey Government Unit Depository Protection Act of 1970 (GUDPA) was enacted to ensure that local governments were adequately protected in the event a depository failed but before credit union deposits became federally insured to the same levels of bank and thrift deposits; and

WHEREAS, the US Government established the National Credit Union Share Insurance Fund (NCUSIF) and beginning in 1971 deposits in New Jersey credit unions have been guaranteed by the full faith and credit of the United States to the same levels as bank and thrift deposits insured by the Federal Deposit Insurance Corporation (FDIC); and

WHEREAS, states including, Illinois, Indiana, Michigan, Pennsylvania and Texas and many large cities throughout the United States expressly allow for the deposit of public funds in credit unions; and

WHEREAS, by enacting legislation to permit the deposit of municipal, county and other public funds in credit unions, the state will be helping local government entities by expanding their financial options, increasing the likelihood that these deposits will be used for local economic development and creating additional competition, which can be expected to result in savings to the taxpayers;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton calls upon the New Jersey Legislature to adopt, and the Governor to sign, legislation (A-3508/S-2357) which would permit municipalities and other local government entities to utilize credit unions, which meet the criteria established under the Government Unit Depository Act of 1970 (GUDPA) and which credit unions are on the list of “eligible depositories” maintained by the New Jersey Division of Banking, as depositories.

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to send a certified copy of this adopted resolution to the Governor, New Jersey State Legislature and the New Jersey State League of Municipalities.

RESOLUTION #167-2009*

AUTHORIZE A MODIFICATION TO AN AGREEMENT WITH HQW ARCHITECTS, LLC FOR ADDITIONAL WORK FOR THE FIREHOUSE RENOVATION PROJECTS

WHEREAS, the Town of Newton required the services of a qualified architect for the renovations to Newton Firehouses #1 and #2; and

WHEREAS, architectural services are a professional service as defined by Local Public Contracts Law and are, therefore, exempt from public bidding requirements in accordance with N.J.S. 40A:11-5(1)(a)(i); and

WHEREAS, Houghton Quarty Warr Architects, LLC (HQW) of Newton was awarded the contract for the Firehouse renovations by the adoption of Resolution #28-2009 on February 28, 2009, for a contract amount of \$9,800.00; and

WHEREAS, Metro Energy Solutions recently completed an energy audit for the Town of Newton on all municipally owned properties; and

WHEREAS, after several discussions between the Town Council, Town Manager, and representatives of the Fire Department and HQW, additional work by HQW will be required to incorporate various recommendations; and

WHEREAS, HQW has submitted a proposal adding to the scope of services with regards to the Firehouse renovation projects in the amount of \$17,775.00; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this modification to the agreement for additional architectural costs for the Firehouse renovation projects;

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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes a modification to the contract with Houghton Quarry Warr Architects, LLC (HQW) for the Firehouse renovations as outlined in their letter dated August 11, 2009;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Houghton Quarry Warr Architects, LLC (HQW) of Newton NJ and that a notice of this agreement be published in the newspapers of record in accordance with the Local Public Contracts Law.

RESOLUTION #168-2009*

AUTHORIZE A MODIFICATION TO AN AGREEMENT WITH D2L ASSOCIATES, INC. FOR ADDITIONAL CONSULTING SERVICES FOR THE NEWTON WATER AND SEWER UTILITY FOR 2009

WHEREAS, the Town of Newton required the consulting services of a licensed operator for the Wastewater Treatment Plant and Water Filtration Plant; and

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

WHEREAS, D2L Associates, Inc. was awarded the contract for Water and Sewer Utility consulting services by the adoption of Resolution #119-2009 on June 22, 2009, for a contract amount of \$10,400.00 per month for a period not to exceed two (2) months; and

WHEREAS, the two-month period is due to expire on September 1, 2009; and

WHEREAS, the Town of Newton Water and Sewer Utility finds it still is in need of consulting services of a licensed operator beyond the September 1, 2009 expiration date as originally agreed upon; and

WHEREAS, D2L Associates, Inc. has agreed to extend their consulting services at the same rate of \$10,400.00 per month for an additional period not to exceed two (2) months commencing September 1, 2009; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this modification to the agreement for additional consulting services of a licensed operator for the Wastewater Treatment Plant and Water Filtration Plant;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes a modification to the contract with D2L Associates, Inc. for consulting services of a licensed operator for an additional period not to exceed two (2) months at a cost of \$10,400.00 per month for the period of time between September 1, 2009 and October 31, 2009;

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to D2L Associates, Inc. and that a notice of this agreement be published in the newspapers of record in accordance with the Local Public Contracts Law.

RESOLUTION #169-2009*

INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2009 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount; and

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WHEREAS, the Town of Newton has received a July 31, 2009 notice of award in the amount of \$20,000.00 from the State of New Jersey Office of Management and Budget (OMB) for a 2009-2010 PARIS Grant for Disaster Recovery.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2009 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:
Section F: Special Items of Revenue
Public and Private Revenues Off-set with Appropriations:
State of NJ PARIS Grant – Disaster Recovery \$20,000.00

BE IT FURTHER RESOLVED that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from CAPS
Public and Private Programs Off-Set by Revenues:
State of NJ PARIS Grant–Disaster Recovery
Other Expenses..... \$20,000.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION #170-2009*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

Accounts should have been inactive, not estimated:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2777	4 East Clinton Street	\$82.50

Accounts over-estimated in 2nd quarter:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
593	234 Spring Street	\$93.15
1526	73 Water Street	\$347.65

Account over-estimated the last 2 quarters:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19322	291/2 Mt. View Street	\$1,193.94

RESOLUTION #172-2009*

ACCEPTANCE OF PARIS GRANT FUNDING IN THE AMOUNT OF \$20,000

WHEREAS, the Governing Body of the Town of Newton received notice from the New Jersey Department of State, Division of Archives and Records Management, and the State Records Committee, of its eligibility to receive a PARIS Grant for the completion of Disaster Prevention and Recovery Planning in the amount of \$20,000.00; and

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WHEREAS, New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, that the Town of Newton does hereby accept the Paris Grant totaling \$20,000.00 for grant programs to meet the strategic records management, preservation, and storage needs of the Town of Newton; and

BE IT FURTHER RESOLVED that the designated Paris Grant Project Manager, Lorraine A. Read, Municipal Clerk, be, and hereby is, authorized to execute a Grant Agreement with the New Jersey Department of State, Division of Archives and Records Management and the State Records Committee on behalf of the Town of Newton, and upon execution of said Agreement, the Town of Newton does accept the Terms and Conditions specified in the Agreement in connection with this grant.

RESOLUTION #173-2009*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2008 and 2009 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

1,653.71	Harold Pellow & Assoc., Inc.	1035
1,628.00	Current Account	911012

CAPITAL

2,807.96	Payroll Account	930014
9,801.20	Harold Pellow & Assoc., Inc.	7377
75.00	G & H Service, Inc.	7378
1,422.00	Hollander, Hontz, Hinkes & Pasculli, LLC	7379
2,226.40	Weldon Asphalt Company	7380
3,600.00	Houghton, Quarty, Warr	7381
479.88	Limecrest Quarry (Cemex)	7382
121,067.73	VOID	7383
3,615.00	CORBY Associates, Inc.	7384
5,834.00	Black Lagoon	7385
2,730.00	FKA Architects	7386
409.86	All State Office Interiors	7387

Total TOWN BILLS \$157,350.74

WATER AND SEWER ACCOUNT

413.00	Treasurer, State of New Jersey	10934
209.00	M G L Printing Solutions	10935
1,221.01	Harold Pellow & Assoc., Inc.	10936
715.10	CCP Industries	10937
3,412.78	Lee Company	10938
343.89	NUI Corporation	10939
932.91	G & H Service, Inc.	10940
1,516.80	Pumping Services	10941
73.15	SCMUA	10942
24.00	Paul Baldwin	10943
24.00	Paul M. Havens	10944

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3,556.58	Coyne Chemical Corp., Inc.	10945
1,257.27	EMBARQ	10946
288.00	Hollander, Hontz, Hinkes & Pasculli, LLC	10947
1,160.00	Garden State Laboratories, Inc.	10948
35.00	Minisink Press Inc.	10949
352.00	Solar Tire	10950
241.05	Dempsey Uniform & Supply, Inc.	10951
90.00	West Chester Machinery	10952
164.60	One Call Systems	10953
4,950.00	R & D Trucking Inc.	10954
105.35	Airgas	10955
24.00	Ervin Lasso	10956
1,250.00	John Smalley	10957
2,233.07	Scarinci & Hollenbeck, LLC	10958
1,901.20	Magarino Ford	10959
962.50	Andy Matt, Inc.	10960
687.70	Accurate Waste Removal	10961
10,400.00	D2L Associates Inc.	10962
24,269.43	Payroll Account	10963

Total WATER & SEWER BILLS \$62,813.39

TRUST ACCOUNT

48.00	Weiner Lesniak	2678
450.00	Daniel Colfax, Esq.	2679
1,125.00	Colleen Cunningham, Esq.	2680
66.58	Staples Business Advantage	2681
75.00	JMC Environmental Consultants, Inc.	2682
5,350.20	Payroll Account	2683

Total WATER & SEWER BILLS \$7,114.78

The Clerk presented an Application for an on-premise raffle (50/50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton, to be held on September 12, 2009, October 17 & 31, 2009 at 1:00 p.m. and November 7, 2009 at 2:30 p.m. at 44 Ryerson Avenue, Newton.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Unhoch and roll call resulted as follows:

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

Councilman Ricciardo addressed his concerns regarding the declared tax-exempt status of Block 303, Lot 21.01, known as Project Self Sufficiency of Sussex County, Inc. Mr. Ricciardo indicated that although most of the property is a non-profit agency, there is a portion which is used as day care center, and feels that this portion is not non-profit and should be taxed.

Mr. Russo read the following memo from Mr. Scott J. Holzhauer, Tax Assessor.

“This following property should have been listed as “Exempt” for the 2009 Tax Year:

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<i>Property Owner</i>	<i>Project Self-Sufficiency of Sussex County, Inc.</i>
<i>Block / Lot / Qual.</i>	<i>303 / 21.01</i>
<i>Property Location</i>	<i>127 Mill Street</i>
<i>2009 Total Assessment</i>	<i>\$756,500</i>
<i>2009 Total Taxes</i>	<i>\$19,343.71</i>

Situation / History:

This property is currently occupied by the non-profit owner as listed above. The nature of their non-profit status, and the specific use of this facility, makes it eligible for “exempt status” pertaining to real estate taxes. The property owner (who purchased the property in November-04) undertook a major development project onsite that included the construction of 3 new buildings, with one existing “residential style” building still remaining from the original property.

The applicant applied for “Exempt Status” on 8/15/08. Unfortunately, there were some initial questions pertaining to the use of this facility (specifically the Education Bldg. and Day Care Bldg). These questions originally resulted in a determination by my office that the facility was not exempt from the Non-Residential Development Fee (N-RDF) that was enacted in 2008, and I levied a fee for this property accordingly. That fee was based on the assessed value of the facility “post construction” – which was in excess of \$7M (the present assessment still only reflects the “partial”). The N-RDF was hotly contested by the property owner, and there were extensive deliberations back-and-forth with their attorney, myself, and Bill Hinks. This issue was not finally resolved until late December 2008 – after the filing of Newton’s 2009 Tax List had been made to the County Tax Board.

Typically, an appeal would be filed with the County Tax Board to challenge the denial of an exemption. Unfortunately, the property owner was not aware that the exemption had not been processed – especially considering that I did finally agree to make them exempt with regard to the N-RDF. The property owner does have an obligation under their Developers Agreement to make an annual “in-lieu contribution” of \$7,000 – which is commence upon the issuance of the Certificate of Occupancy. This obligation is not affected by the exemption determination.

Based on my final determination that this property should in-fact be classified as TAX EXEMPT, it would be appropriate for you to cancel the 2009 taxes for the parcel. I recommend you prepare a resolution for the governing body in order to effectuate this action.

I have already processed this change in the assessment system so that there is no further chance of this property not being considered as EXEMPT from this point forward.

Sorry for the confusion this situation has caused you. If you have additional questions in this regard, please give me a call. Thanks!”

RESOLUTION 171-2009

RESOLUTION TO FORGIVE TAXES ON BLOCK 303, Lot 21.01

WHEREAS, Project Self Sufficiency of Sussex County, Inc., a non-profit agency, owns a certain property known as 127 Mill Street, and shown on the Newton Tax Map as Block 303, Lot 21.01; and

WHEREAS, the Tax Assessor of the Town of Newton has made the final determination that this parcel of property should be classified as tax exempt; and

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WHEREAS, Block 303, Lot 21.01 is being occupied by a non-profit owner and is therefore eligible for “exempt status” pertaining to real estate taxes;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for the tax year 2009 in the amount of \$19,343.71 for Block 303, Lot 21.01, also known as 127 Mill Street, shall be forgiven;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to forgive said taxes for the tax year 2009.

After a brief discussion, the foregoing resolution was adopted by the following vote:

A motion was made by Mrs. Unhoch to approve **RESOLUTION #171-2009**, seconded by Mrs. Le Frois and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	No
	Mayor Elvidge	No	

Councilwoman Le Frois requested Mr. Russo to revisit the Developers Agreement for Project Self Sufficiency for further clarification.

Intermission (10 minutes)

DISCUSSION (WORK SESSION)

No additional topics were discussed.

OPEN TO THE PUBLIC

Mayor Elvidge opened the meeting to the public. There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

The Town Council and Mr. Russo had no additional items to discuss.

The Town Council entered into Executive Session at 8:10 p.m.

The Town Council returned from Executive Session at 8:27 p.m.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Le Frois and unanimously carried, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk