

December 14, 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, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr. Mrs. Le Frois was excused.

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.”

Mr. Anwar Qarmout, member of the public, 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 of Mrs. Becker, seconded by Mrs. Unhoch and unanimously carried, that the minutes of November 23, 2009 (Regular) meeting was approved as presented.

PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Ray Storm, 202 Main Street, addressed Council and provided photos of graffiti sited on the building formerly known as Acme Market, which is currently vacant. Mr. Storm requested the Council to address this matter.

Dr. Ken Greene, Superintendent of Newton Schools, reported that he has been in the Newton District for 6 months and since then has observed progress in the Town of Newton. He congratulated Council on their successful efforts with Thorlabs. Dr. Greene also commended Council on their traditions as well as the great working relationship and continued support with the Newton School District.

Mr. Anwar Qarmout, 45 Woodside Avenue, thanked the Governing Body for the opportunity to say a prayer at tonight’s Council meeting. Mr. Qarmout presented the Council with a copy of a legal opinion from the Alliance Defense Fund (ADF), which provides some model invocation policies, which can serve as a constitutional solution to allow public invocations. Mr. Qarmout asked that the Council to reconsider putting the prayer back on the agenda.

Council & Manager Reports

Mr. Russo reported that the graffiti issues, mentioned by Mr. Storm, have been addressed and corrected but noted that he viewed the new “artwork” today and has already notified the Code Enforcement Official to address same.

Mr. Russo reported on the hours of operation during the holidays. On December 18th

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Town Hall will close at 3:30 p.m., for holiday party; on December 24th Town Hall will close at noon and on December 25th, Town Hall will be closed.

Mr. Russo noted that the County Freeholder meeting will be held Wednesday, December 16th at 5:00 p.m. with the Recovery Zone Funding approval on the agenda for Thorlabs.

Mr. Russo also noted that at the next Town Council meeting on Monday, December 28th, the Council will be introducing an Ordinance to accept the changes in the Redevelopment Plan for 56 Sparta Avenue, which has been approved by the Newton Planning Board.

ORDINANCES

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

ORDINANCE #2009-29

BOND ORDINANCE PROVIDING FOR CERTAIN IMPROVEMENTS WITHIN THE SPARTA AVENUE PLAN AREA IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$4,660,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,660,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST THEREOF

WHEREAS, the Mayor and Town Council (the "Governing Body") of the Town of Newton in the County of Sussex, New Jersey (the "Town"), acting by Resolution on April 25, 2005, after review of the findings of the Planning Board in accordance with the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act") designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

WHEREAS, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area"); and

WHEREAS, on March 23, 2009, after referral to and incorporation of comments received from the Planning Board, the Town adopted Ordinance No. 2009-6 implementing a redevelopment plan (the "Redevelopment Plan") for the Redevelopment Area and a portion of the Rehabilitation Area adjacent thereto (collectively, and as further described therein, the "Sparta Avenue Plan Area"); and

WHEREAS, Section 37 of the Redevelopment Law provides that the Town may incur indebtedness, borrow, appropriate and expend money and issue its negotiable bonds or other obligations for the purpose of aiding any redevelopment entity with respect to any redevelopment project which is located within its jurisdiction, including those instances where, as here, the Governing Body of a municipality directly exercises the powers of the redevelopment entity under the Redevelopment Law; and

WHEREAS, Section 37 further provides that the bonds or other obligations of any municipality shall be authorized by ordinance adopted pursuant to the Local Bond Law, *N.J.S.A. 40A:2-1 et seq.*; and

WHEREAS, Section 66 of the Redevelopment Law provides that the Town may provide for a tax exemption within the Redevelopment Area and for payments in lieu of taxes in connection therewith; and

WHEREAS the Town believes that it is in its best interest to assist Thorlabs Urban Renewal, LLC, Newton, New Jersey (the "Redeveloper") as the designated urban renewal entity with respect to the proposed mixed-use facility within the Sparta Avenue Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project Improvements") through the issuance of bonds or other obligations to finance certain Project Improvements and in connection therewith to enter into a certain financial agreement to provide additional security for the payment of the principal and interest on such bonds or other obligations,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND 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 improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town as a general improvement. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$4,660,000. Pursuant to Section 37 of the Redevelopment Law, no down payment is required, notwithstanding the requirements of Section 11 of the Local Bond Law, because the improvement or purpose set forth in Section 3 is a "redevelopment project" under the Redevelopment Law.

Section 2. In order to finance the cost of the improvements described in Section 3, negotiable bonds are hereby authorized to be issued pursuant to the Local Bond Law in a principal amount not to exceed \$4,660,000. In anticipation of the issuance of the bonds or redevelopment area bonds, negotiable bond anticipation notes are hereby also 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 purposes for which the bonds are to be issued is the construction of Project Improvements (as defined in the recitals hereto and by this reference incorporated herein), including all other costs necessary therefor 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.

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 capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. 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.

(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 30 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 \$4,660,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$2,000,000 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.

Section 7. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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 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.

Mayor Elvidge declared the hearing on Ordinance #2009-29 open to the public.

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

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

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

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The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-30

AN ORDINANCE TO ACCEPT THE DEDICATION OF PATERSON PLACE, WINDSOR DRIVE, BUCKINGHAM COURT AND STRATFORD LANE BY THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX

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

WHEREAS, certain streets in the Town of Newton, hereinafter more particularly described, have been dedicated to public use by virtue of the filing of a certain map in the Sussex County Clerk's Office showing said streets, said map entitled "Final Plat, Section 3, Castle Ridge, Newton, Lot 3.01, Block 1201.01, Town of Newton, Sussex County, New Jersey" prepared by Bricker Associates dated October 10, 2000, and last revised June 28, 2001 and filed in the Sussex County Clerk's Office on August 7, 2001 as Registered Map No. 1301.

WHEREAS, the Town Council of the Town of Newton deems it in the public interest to accept the dedication of said street shown on said map for public use.

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

Section 1. The Town of Newton does hereby accept the dedication of the streets known as Paterson Place, Windsor Drive, Buckingham Place and Stratford Lane as more particularly shown and described on a certain map entitled "Final Plat, Section 3, Castle Ridge, Newton, Lot 3.01, Block 1201.01, Town of Newton, Sussex County, New Jersey" prepared by Bricker Associates dated October 10, 2000, and last revised June 28, 2001 and filed in the Sussex County Clerk's Office on August 7, 2001 as Registered Map No. 1301 and more particularly described on **Schedules A and B** attached hereto.

Section 2. The aforesaid streets shall continue to be known and designated by the names and designations shown on the filed map hereinabove referred to.

Section 3. This Ordinance shall take effect after publication and passage according to law.

Mayor Elvidge declared the hearing on Ordinance #2009-30 open to the public.

Mr. Dale Duckworth, 2 Stratford Lane, expressed his disappointment with the Town taking over the roads when, in fact, the developer requirements have not yet been completed. Mr. Duckworth submitted a punch list to the governing body for their review and noted the incomplete items. He addressed concern with the Evergreens and Shade trees which have never been planted to date.

Mrs. Kelly Berkowitz, 25 Paterson Place, noted that the speed limit signs are missing and there are curbing issues which have not been resolved.

Mr. Ricciardo noted that the Town Engineer was present at a recent Council meeting and recommended that the Ordinance be placed on agenda for approval and noted that the trees were addressed at that time.

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After a brief discussion, the governing body directed Mr. Russo to revisit the bond issues with the Town Attorney and the Town Engineer. Mr. Russo noted that it is possible that the Town may incur the cost of the trees, since an agreement was reached at a prior Council meeting.

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

After a brief discussion, the following ORDINANCE was **TABLED**, until the next Council meeting on December 28th, in order for Mr. Russo to revisit the issues discussed with the Town Attorney and Town Engineer. Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, roll call resulted as follows:

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

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

ORDINANCE #2009-31

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2010

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

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Absent	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 December 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 #2009-32

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2010

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

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Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Absent	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 December 28, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to discuss.

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 by Mrs. Unhoch that Resolution #270-2009 be removed from the Consent Agenda for separate discussion.

RESOLUTION #242-2009*

APPOINTMENT OF LUCILLE VALENTINE AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2010

BE IT RESOLVED, by the Town Council of the Town of Newton that Lucille Valentine **be and is hereby appointed as the Senior Citizen Coordinator on aging for the Town of Newton** during calendar year 2010.

RESOLUTION #243-2009*

RESOLUTION PROCLAIMING JANUDARY 2010 AS RADON ACTION MONTH

WHEREAS, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer, causing as many as 500 deaths annually in New Jersey; and

WHEREAS, elevated radon levels are found in many homes and pose a serious health threat to families residing in these homes; and

WHEREAS, any home may have high levels of radon - even if neighboring homes do not; and

WHEREAS, radon testing is easy and inexpensive - and elevated levels of radon can be effectively reduced at the cost of a typical home repair; and

WHEREAS, a significant number of homes in the Town of Newton have elevated levels of radon; and

WHEREAS, by mitigating homes with radon concentrations at or above 4pCi/L in New Jersey, 140-250 lives are saved annually;

NOW, THEREFORE, We the Mayor and Town Council of the Town of Newton do hereby proclaim JANUARY 2010 as RADON ACTION MONTH in the Town of Newton and

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call upon all residents who have not yet tested to test their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

RESOLUTION #244-2009*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL POLICE OFFICERS

WHEREAS, Section 3-10 within Chapter III, Police Department, of the Revised General Ordinances of the Town of Newton indicates that the Town Manager may appoint Special Police Officers for a term not to exceed one year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as Special Police Officers for calendar year 2010:

Class II

Joseph Sapio

Donald Donofrio

Patrick Abello

Class I

Louis Read

RESOLUTION #245-2009*

CANCELLATION OF SMALL BALANCES

WHEREAS, N.J.S.A. 40A: 5-17.1 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than ten (\$10.00) dollars; and

WHEREAS, the Town Council of the Town of Newton may authorize the Tax Collector to process, without any further action on the part of the Governing Body, any cancellation of property tax refunds or delinquencies of less than ten (\$10.00) dollars;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton in the County of Sussex in the State of New Jersey that the Tax Collector is hereby authorized to process, the cancellation of any property tax refunds or delinquencies of less than ten (\$10.00) dollars.

RESOLUTION #246-2009*

DESIGNATION OF LINDA A. ROTH AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON

WHEREAS, N.J.S.A. 54:5-11 provides that each municipality within the State of New Jersey shall designate a person to act as the Tax Search Officer for the municipality, and

WHEREAS, Linda A. Roth, as Certified Tax Collector for the Town of Newton, is qualified to make examinations of the municipalities records as to unpaid municipal liens and to certify the results of that examination;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby designates Linda A. Roth as the Tax Search Officer for the Town of Newton.

RESOLUTION #247-2009*

ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date;

BE IT FURTHER RESOLVED, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 31st of each calendar year;

BE IT FURTHER RESOLVED, that the ten (10) day grace period for quarterly tax payments shall remain in effect, that any payment of taxes not made on or before the due date in accordance with this Resolution shall be charged interest from the due date as set forth by law, and that this Resolution shall take effect immediately.

RESOLUTION #248-2009*

ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2010

WHEREAS, Section 13 of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to post and maintain posted throughout the year a schedule of the meetings of said public body;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, New Jersey that the following schedule for 2010 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month at 7:00pm, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey;

**Council Meetings
7:00pm**

January	11	and	25	July	12	and	26
February	8	and	22	August	9	and	23
March	8	and	22	September	15*	and	27
April	12	and	26	October	13*	and	25
May	12*	and	24	November	8	and	22
June	14	and	28	December	13	and	29*

*Held Wednesday

****Reorganizational Meeting
6:00pm
Thursday, July 1, 2010**

BE IT FURTHER RESOLVED, that, for the purposes of the Act, the official bulletin board for posting notices shall be the bulletin board in the first floor lobby of the Municipal Building at 39 Trinity Street, Newton, New Jersey, with said board being just outside the door of the Municipal Clerk's Office;

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey Herald and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

RESOLUTION #249-2009*

DESIGNATE BANKS AS DEPOSITORIES FOR 2010

BE IT RESOLVED, by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2010:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank
Chase
New Jersey Cash Management Fund
Sussex Bank
Lakeland Bank
First Hope Bank
Sovereign Bank
TD Bank (formerly Commerce Bank)
Highland State Bank
Valley National Bank

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director, a copy of the Governmental Unit Deposit Protection Act Notification of Eligibility, which is filed semi-annually with the Department of Banking each June 30th and December 31st every year.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town’s custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

RESOLUTION #250-2009*

REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2010:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Debra Millikin	Deputy Town Manager	400 miles	\$200.00
Scott Holzhauer	Tax Assessor	400 miles	\$200.00
Michael Teets	Deputy Fire Chief	300 miles	\$150.00
Jason Miller	Assistant Fire Chief	300 miles	\$150.00
Kathy Citterbart	Zoning Officer	300 miles	\$150.00
Thomas Trudgeon, Sr.	Recreation Supervisor	300 miles	\$150.00

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance in effect at the time of travel, from Newton to the point of destination and return during calendar year 2010.

RESOLUTION #251-2009*

APPOINT LOCAL EMERGENCY PLANNING COMMITTEE

WHEREAS, Appendix A:9-41 of the NJ Statutes Annotated, and N.J.A.C. 13:64-2.3 pertaining to Emergency Management, require that every New Jersey municipality create a Local Emergency Planning Committee; and

WHEREAS, the individual appointed as the local Emergency Management Coordinator shall also be a member of, and shall serve as Chairman of, said Local Emergency Planning Committee;

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NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2010 as listed below:

Kenneth A. Teets	Emergency Management Coordinator
Dan Finkle	Deputy Emergency Management Coordinator
Chief John Tomasula	Newton Police Department
Thomas S. Russo, Jr.	Newton Town Manager
Derek Wechtler	Newton Fire Chief
Irv Kinney	Newton Vol. First Aid and Rescue Squad
Ken Jaekel	Newton Public Works Director
Paul Baldwin	Newton Water and Sewer Supervisor
Lorraine Read	Newton Municipal Clerk
Debra Millikin	Deputy Town Manager
Robert Bittle	Newton Construction Official
Dr. Kennedy Greene	Newton School Superintendent
Robert Dunphy	Radio Station WNNJ
Patricia Day	Sussex County Chapter of the American Red Cross

RESOLUTION #252-2009*

**DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION OF
DISABILITY REPRESENTATIVE**

WHEREAS, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton;

BE IT FURTHER RESOLVED that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

RESOLUTION #253-2009*

DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER

BE IT RESOLVED, by the Town Council of the Town of Newton that Debra Millikin is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2010;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

RESOLUTION #254-2009*

**DESIGNATION OF CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE
INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES**

WHEREAS, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

WHEREAS, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not

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determined by this or subsequent Resolutions.

2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.

3) This Resolution shall take effect immediately upon its adoption.

RESOLUTION #255-2009*

DESIGNATE OFFICIALS TO SIGN CHECKS

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2010.

RESOLUTION #256-2009*

**DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE
NJ OPEN PUBLIC MEETINGS ACT FOR 2010**

WHEREAS, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed or hand delivered;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

RESOLUTION #257-2009*

DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2010

BE IT RESOLVED by the Town Council of the Town of Newton that the newspapers listed below be designated as the official newspapers for the Town of Newton for legal advertising during the 2010 calendar year:

New Jersey Herald

New Jersey Sunday Herald

RESOLUTION #258-2009*

**APPOINTMENT OF RISK MANAGEMENT CONSULTANT FOR THE TOWN OF
NEWTON FOR CALENDAR YEAR 2010**

WHEREAS, TOWN OF NEWTON (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

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NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. TOWN OF NEWTON hereby appoints KEITH MITCHELL its local Risk Management Consultant.
2. The MAYOR AND MUNICIPAL CLERK and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2010 in the form attached hereto.

Attest:

Town of Newton

Lorraine A. Read, Municipal Clerk

By: _____
E. Kevin Elvidge, Mayor

RESOLUTION #259-2009*

**APPOINTMENT OF MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY
WATER QUALITY POLICY ADVISORY COMMITTEE**

BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Supervisor, Paul Baldwin, is hereby appointed as the municipality’s representative to the Sussex County Water Quality Policy Advisory Committee for 2010 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey;

BE IT FURTHER RESOLVED, that, if required, the Newton Water and Sewer Supervisor may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Mr. John Armeno, Chairman of the Sussex Water Quality PAC.

RESOLUTION #260-2009*

**APPOINTMENT OF MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY
SOLID WASTE ADVISORY COMMITTEE FOR 2010**

BE IT RESOLVED by the Town Council of the Town of Newton that the Public Works Director, Kenneth Jaekel, is hereby appointed as the municipality’s representative to the Sussex County Solid Waste Advisory Committee to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:30pm at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey;

BE IT FURTHER RESOLVED that, if required, the Public Works Director may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Ron Keller, Chairman of the Sussex County SWAC.

RESOLUTION #261-2009*

**RESOLUTION APPOINTING FUND COMMISSIONER FOR STATEWIDE
INSURANCE**

WHEREAS, The Town of Newton (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

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NOW, THEREFORE, BE IT RESOLVED by the governing body of the that Thomas S. Russo, Jr., is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that Debra J. Millikin is hereby appointed as the Alternate Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Town of Newton

By: _____
E. Kevin Elvidge, Mayor

ATTEST:

Lorraine A. Read, Municipal Clerk

This Resolution agreed to the 14th day of December, 2009 by a vote of:

___ Affirmative ___ Abstain ___ Negative ___ Absent

RESOLUTION #262-2009*

AUTHORIZE EXECUTION OF A SHARED SERVICE AGREEMENT FOR ANIMAL CONTROL AND POUND SERVICES WITH THE TOWNSHIP OF WANTAGE COVERING CALENDARY YEAR 2010

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

WHEREAS, the annual fee for the year 2010 proposed by Wantage Township for said services are \$15,000; and

WHEREAS, sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2010 for said services.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement for animal control and pound services, in duplicate, with the Township of Wantage for calendar year 2010.

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

RESOLUTION #263-2009*

TO CANCEL RECEIVABLE AND RESERVE BALANCE IN THE COMMUNITY DEVELOPMENT JOINT MUNICIPAL HOUSING REHABILITATION TRUST FUND

WHEREAS, the Town of Newton received an award in the amount of \$350,000.00 from the State of New Jersey Department of Community Affairs, CDBG grant for *Joint Municipal Housing Rehabilitation Trust* in 2002; and

WHEREAS, the total costs expended and approved by the State of New Jersey total \$339,421.00; and

WHEREAS, a receivable balance of \$10,579.00 entitled *Due from State of New Jersey – Community Development* remains on the Trust Fund balance sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and its offsetting reserve balance from the Trust Fund balance sheet;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that they hereby cancel the following grant receivable and reserve balance:

Trust Fund

CDBG Grant Receivable – Due from State of New Jersey,
Community Development #220112 \$10,579.00

Reserve for S/NJ Community Devel. CDBG #2002-0785-04 #221225
\$10,579.00

RESOLUTION #264-2009*

APPOINT INSURANCE AGENT

WHEREAS, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

WHEREAS, said insurance services will be needed during calendar year 2010;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell of the Mitchell Agency, be named as agent of record effective January 1, 2010 for the following insurance policies:

- a) Commercial Business Policy SIF2010-07860
- b) All Bonds
- c) Comprehensive Law Enforcement Liability SIF2010-07860
- d) Public Officials/Employees Liability SIF2010-07860
- e) Workers’ Compensation WC1007860NEW
- f) Umbrella Policy UB S1730038
- g) Fire Accident Insurance VFP 4331-2338DO
- h) Fire Life Insurance G001047-0001

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge;

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #265-2009*

AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2010 WITH REGARD TO TAX APPEALS

BE IT RESOLVED, by the Town Council of the Town of Newton that the Municipal Tax Assessor and the Town Attorney are hereby authorized to defend all contest appeals before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey;

BE IT FURTHER RESOLVED, that the Municipal Tax Assessor and the Town Attorney are also hereby authorized to initiate municipal appeals to correct the Town of Newton tax listing including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as may be necessary to correct the assessments for the Town of Newton;

BE IT FURTHER RESOLVED, that the Municipal Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the

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purpose of signing settlements of the foregoing matters by stipulation for the 2010 Calendar Year.

RESOLUTION #266-2009*

APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON

WHEREAS, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

WHEREAS, Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the calendar year 2010.

RESOLUTION #267-2009*

REAPPOINTMENT OF DR. NANCY CRADDOCK TO THE ADVISORY BOARD OF HEALTH

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. Nancy Craddock is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2010 and continuing through December 31, 2014.

RESOLUTION #268-2009*

APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR CALENDAR YEAR 2010

WHEREAS, the Town of Newton has a need for professional planning services for certain specific matters under non-fair and open contracts pursuant to provisions of N.J. S. A 40A:11-5(1)(a); and

WHEREAS, the Jessica C. Caldwell, P.P., A.I.C.P, as employed by Harold E. Pellow & Associates, Inc. was appointed to provide professional services for the Town of Newton during 2009, said professional services will be needed by the Town of Newton during calendar year 2010, and the appropriate agreement for the appointment has been prepared and executed by said Planner; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., as employed by Harold E. Pellow & Associates, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that neither she nor the firm has made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the them from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2010;

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

NOW, THEREFORE BE IT RESOLVED, THAT the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc.

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BE IT FURTHER RESOLVED that a fully-certified copy of this Resolution and a fully-executed copy of the Agreement shall be provided to Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc.

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

RESOLUTION #269-2009*

AWARD CONTRACT FOR FIRE HOUSE #1 RENOVATIONS

WHEREAS, bids for Fire House #1 Renovations were publicly opened and read on Wednesday, December 2, 2009 at 11:00am as follows:

Contractor	Base Bid	Alternate #1 Roof-top Unit	Alternate #2 EPDM Roofing	Alternate #3 Emergency Generator	Total Bid
Zinno Construction PO Box 333 Vernon, NJ 07462	\$228,199	\$8,375	-\$5,000	\$12,063	\$243,637
Lanyi & Tevald, Inc. 439 Route 46 East Rockaway, NJ 07866	\$238,600	\$20,240	-\$6,600	\$12,800	\$265,040
Pakis Construction Inc. 86 James Street Bloomfield, NJ 07003	\$258,200	\$14,900	-\$16,000	\$11,800	\$268,900
TM Brennan Contractors, Inc. 3505 Route 94 Hamburg, NJ 07419	\$280,000	\$12,495	-\$13,545	\$11,830	\$290,780
Ranco Mechanical Inc. 36 West End Avenue Newton, NJ 07860	\$265,000	\$16,489	-\$6,000	\$24,800	\$300,289
Safeway Contracting, Inc. 1087 Prospect Avenue Mountainside, NJ 07092	\$289,700	\$35,000	-0-	\$32,000	\$356,700
McCann Acoustics & Construction Inc. 265 Broad Street Bloomfield, NJ 07003	\$353,830	\$28,000	\$15,000	\$10,000	\$406,830

WHEREAS, the bids were reviewed for completeness by the project architect, HQW Architects, LLC and the apparent low bidder is Zinno Construction; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that a contract for the Renovations to Firehouse #1 be awarded to Zinno Construction of Vernon, New Jersey in the amount of \$243,637 based on the recommendation of HQW Architects, LLC.;

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to execute any all documents necessary for this acquisition and certified copies of this resolution be forwarded to all bidders.

RESOLUTION #271-2009*

AUTHORIZE CREDIT DUE WATER AND SEWER UTILITY ACCOUNT

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Account is due credit 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 account for amount billed incorrectly due to the reason stated:

Account should have been Inactive

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18223	1 Hicks Avenue	\$146.40

RESOLUTION #272-2009*

REAPPOINTMENT TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Melissa Logan is hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2010 and continuing through December 31, 2012.

RESOLUTION #273-2009*

APPROVE 2009 APPROPRIATION TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2009 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Liquidation of TTL – OE 1057200	Legal – OE 1058201	1,000.
Swimming Pool – S&W 1090101	Legal – OE 1058201	4,200.
Mosquito/Gypsy Moth – OE 1086200	Legal – OE 1058201	2,100.
Group Health Insurance –OE 1066200	Planning Board – OE 1062216	4,800.
Planning Board – SW 1062101	Planning Board – OE 1062216	900.
TOTAL CURRENT TRANSFERS		\$13,000.

RESOLUTION #274-2009*

AUTHORIZE A SETTLEMENT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection has agreed to resolve the penalty liability accrued by the Town of Newton for effluent violations of the Town’s NJDEP permit which occurred at the Newton Sewage Treatment Plant during the months of January and February 2009; and

WHEREAS, the Town of Newton has agree to pay the \$11,000.00 penalty stipulated in the attached Settlement Agreement; and

WHEREAS, the Town Manager, as Chief Executive Officer, is authorized to sign this Settlement Agreement on behalf of the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Settlement Agreement with the New Jersey Department of Environmental Protection which is attached to and made part of this resolution.

The Clerk presented an Application for an off-premise raffle (50/50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton, NJ 07860 to be held on Friday, March 12, 2010 at 8:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton.

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

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

RESOLUTION #270-2009

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

887,294.00	Newton Board of Education	910086
33,736.00	U.S.D.A. / FHA	910087
73.99	COSTCO	26227
60.00	NJMMA	26228
185,942.45	Payroll Account	960046
470.60	Newton Postmaster	26229
75.00	Applebee's	26230
113.98	Quill Corporation	26231
58.50	Montague Tool & Supply	26232
495.01	Harold Pellow & Associates, Inc.	26233
150.00	Decker's Fire & Safety	26234
140.00	Freedom Business Machines	26235
93.75	Sussex Car Wash, Inc.	26236
1,156.80	Camille Furguele	26237
2,651.29	G & G Diesel Service Inc.	26238
52.14	G & H Service, Inc.	26239
16,518.13	Jersey Central Power & Light	26240
235.00	New Jersey Herald	26241
170.25	SCMUA	26242
61.13	Sussex County Plumbing	26243
175.50	Michael D. Teets	26244
390.00	B & G Elevator Inc.	26245
347.61	Centurylink-EROC Scanning	26246
35.00	Centurylink-EROC Scanning	26247
121.18	Centurylink-EROC Scanning	26248
2,767.50	Hollander, Hontz, Hinkes & Pasculli LLC	26249
1,156.80	Arthur & Rita Frisbie	26250
1,156.80	John & Terry Iliff	26251
41.80	Raymond Storm	26252

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45,000.00	Capital Account	26253
2,319.48	Thea Unhoch	26254
2,568.40	Delta Dental	26255
2,629.28	Delta Dental	26256
396.00	Neopost Leasing	26257
8,000.00	Newton First Aid Squad	26258
37.50	Joseph Inga	26259
24.00	R.S. Phillips Steel Company	26260
268.00	Thomas Trudgeon	26261
234.00	Scott Holzhauer	26262
262.50	Willco., Inc.	26263
613.24	Newton Citgo	26264
578.40	Eugene Williams	26265
30.00	NJ State League of Munic.	26266
37.50	Brock Kithcart	26267
26.59	Gall's Inc.	26268
578.40	Donald Donofrio	26269
1,156.80	Gerald & Jean Garris	26270
23.15	Weis Markets	26271
703.18	Dempsey Uniform & Supply Inc.	26272
271.50	Debra Millikin	26273
5.80	Airgas	26274
578.40	Jean Richards	26275
365.29	Boonton Tire Supply	26276
799.41	Weiner Lesniak	26277
228.40	YOJ Sports	26278
1,156.80	James & Nancy Ransnorth	26279
185.14	Verizon Wireless	26280
525.00	North Jersey Portable Toilets	26281
1,471.93	Dell Computer Corporation	26282
33.42	Walmart	26283
1,166.19	Cooper Electric Supply Co.	26284
352.91	Wildflowers with Tami	26285
6,509.33	Vogel, Chait, Collins, Schneider, PC	26286
9,330.83	Fire & Safety Services, LTD.	26287
578.40	Larry F. Romyns	26288
1,156.80	Thomas & Bulah Morris	26289
2,092.92	Guardline Fire & Safety Co., Inc.	26290
482.00	McCullough Tree Experts, LLC	26291
587.50	Tania L. Ell	26292
65.34	Matthew Bender & Co.	26293
7,414.00	Newton Fire Department	26294
323.93	Staples Business Advantage	29295
5.10	Language Line Services	29296
578.40	Douglas Cummins	29297
38.98	Lowe's	29298
175.50	Katherine Citterbart	29299
17.27	Nestle Waters	29300
1,491.67	Andrews & Company, LLC	29301
4,217.82	Rachles/Michele's Oil Company	29302
3,807.22	Taylor Oil Co.	29303
623.00	Odyssey	29304
61.23	Action Office Supplies	29305
2,208.00	Innovative Data Solutions	29306
107.04	Dawn Babcock	29307
2,000.00	Laddey, Clark & Ryan, LLP	29308
1,346.40	Adam Vough	29309
1,156.80	Ronald Clouse	29310
175.50	Derek J. Wechtler	29311
258.00	QC Laboratories	29312
1,000.00	Thomas S. Russo, Jr.	29313
193.52	County of Sussex	29314

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1,520.00	Weather Works	29315
168.00	Jersey Central Power & Light	29316
192.80	James J. Kilduff	29317
765.00	Knapp, Trimboli & Prusinowski LLC	29318
70.00	Preservation New Jersey, Inc.	29319
1,044.95	Atlas Business Solutions	29320

CAPITAL

519.98	Costco	7457
30.94	Harold Pellow & Associates, Inc.	7458
2,563.90	Airmark Pools	7459
126.00	Hollander, Hontz, Hinkes & Pasculli LLC	7460
3,052.05	Weldon Asphalt Company	7461
584.43	Houghton, Quarty, Warr	7462
882.04	Office Furniture 2000	7463
1,980.00	A. Nelessen & Associates, Inc.	7464
2,107.60	W.B. Mason	7465
357.72	Global	7466
16,062.30	Porter Lee Corporation	7467
27,505.66	Earth-Tec Associates, Inc.	7468
9.00	C & V Paving Contractors, Inc.	7469

Total TOWN BILLS \$1,315,911.69

WATER AND SEWER ACCOUNT

570.16	Newton Postmaster	11161
24,363.00	U.S.D.A. / FHA	960044
453.32	Wendy Cooney	11162
478.54	State of New Jersey-PWT	960045
234.94	Municipal Software, Inc.	11163
1,737.32	Montgomery Watson Harza	11164
16,998.94	Jersey Central Power & Light	11165
72.84	New Jersey Herald	11166
6,085.76	Pumping Services	11167
357.20	SCMUA	11168
874.46	Sussex County Plumbing	11169
14.00	Paul Baldwin	11170
14.00	Paul M. Havens	11171
9,554.34	Coyne Chemical Corp., Inc.	11172
26.80	Centurylink-EROC Scanning	11173
125.85	Centurylink-EROC Scanning	11174
1,134.00	Hollander, Hontz, Hinkes & Pasculli, LLC	11175
781.36	Delta Dental	11176
150.00	Rectifier Auto Electric	11177
22.00	Campbell's Small Engine	11178
1,346.00	Lock & Key World	11179
167.40	Tri-State Rentals, Inc.	11180
24.00	R.S. Phillips Steel Company	11181
2,721.04	Current Account	11182
300.49	Dempsey Uniform & Supply Inc.	11183
104.80	One Call Systems	11184
7,550.00	R & D Trucking Inc.	11185
102.24	Airgas	11186
14.00	Ervin Lasso	11187
403.65	Limecrest Quarry (CEMEX)	11188
6,800.00	Instrumentation Tech Sysems, Inc.	11189
4,392.00	Passaic Valley Sewerage Comm.	11190
1,828.40	John Smalley	11191
6.47	Advance Commercial	11192
1.32	Carquest	11193

2,612.00	Process Tech Sales & Service	11194
183.38	Action Office Supplies	11195
962.50	Andy Matt, Inc.	11196
22.96	County of Sussex	11197
1,287.01	Basic Chemical Solutions	11198
10,400.00	D2L Associates, Inc.	11199
30.00	SC Office of Public Health Nursing	11200
401.42	P.E.P.	11201
26,361.22	Payroll Account	11202

Total WATER & SEWER BILLS \$132,071.13

TRUST ACCOUNT

1,109.54	Harold Pellow & Assoc., Inc.	2718
1,752.00	Hollander Hontz, Hinkes & Pasculli LL	2719
4,674.89	Emergency Software Products	2720
51.00	Weiner Lesniak	2721
450.00	Daniel Colfax, Esq.	2722
1,755.00	Vogel, Chait, Collins, Schneider, PC	2723
375.00	Vogel, Chait, Collins, Schneider, PC	2724
1,125.00	Colleen Cunningham, Esq.	2725
2,942.32	AWT	2726
2,157.35	Payroll Account	971025
793.00	Payroll Account	971026

Total TRUST ACCOUNT BILLS \$17,185.10

A motion was made by Mr. Ricciardo to approve Resolution #270-2009, seconded by Mrs. Becker and roll call resulted as follows:

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

It was noted that Mrs. Unhoch abstained from P.O. #33207.

OPEN TO THE PUBLIC

Mayor Elvidge opened the meeting to the public.

Mr. Ray Storm, 202 Main Street, addressed concerns with the curbing and sidewalks at the corner of Ryerson and West Nelson Street, across from Newton High School, and indicated that the Town should send the property owner a notice to repair same.

COUNCIL & MANAGER COMMENTS

Mr. Ricciardo expressed his disappointment and addressed his concerns with the professionals who address the bond issues after a developer has not completed their development. Mr. Ricciardo strongly suggested that the Town not accept any development projects until the bonding company has completed all aspects of the project.

Councilwoman Unhoch reported on the League of Municipality meeting she attended

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recently and noted that one speaker gave advice on prerequisites when recommending raises for employees. She noted that holidays, birthdays and long weekends should be viewed as a “perk”.

Based on the League meeting and complaints received, Mrs. Unhoch raised criticism on the issue of early dismissals prior to a holiday and feels that this practice should not continue in 2010.

Mr. Russo noted that it is the Town Manager’s prerogative to close the building early prior to a holiday and indicated that it is an infrequent occasion. Mr. Russo also advised that he has never received complaints regarding new office hours or early dismissal and requested that all complaints be forwarded to him for response.

Mrs. Unhoch also reported that the State is looking to eliminate the Planning and Zoning Boards in the municipalities.

Mr. Ricciardo noted that his understanding is that the State is looking to combine the Planning and Zoning Boards into one Land Use Board in order to have a more cohesive and streamlined application process.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk