

October 13, 2010

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:15 p.m. Present were Mr. Elvidge, Mr. Ricciardo, Mrs. Le Frois, Mayor Becker, Mr. Thomas Russo, Jr., Town Manager and Mr. Mark Hontz, Esq., Town Attorney. Mrs. Diglio was excused.

Mayor Becker 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 31, 2009."

Mayor Becker led the invocation and Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion of Mr. Ricciardo seconded by Mrs. Le Frois, the minutes of September 27, 2010 (Regular and Executive) meetings were approved as presented.

OPEN TO THE PUBLIC

Mrs. Thea Unhoch, 17 Condit Street, questioned Resolution #179-2010 which authorizes a contractual agreement with Appraisal Systems, Inc. for a complete reassessment of all real property. Mrs. Unhoch noted that Mr. Russo indicated that the reassessment process would be done in-house and felt that this resolution at a cost of \$43,400.00 is not considered in-house. Mr. Russo will address at the end of the public session.

Mr. Anwar Qarmout, 45 Woodside Avenue, questioned whether the Master Plan is complete? Mr. Qarmout stated his opposition to any speed tables (bumps) which may be placed in the Town, especially on Diller Avenue. He indicated that the Diller Avenue row is currently 66 feet wide and requested that the Town look into reducing the width to 50 feet wide, as are all the streets in Newton. Mr. Qarmout expressed his disappointment with the Main Street Newton organization, indicating that all of the training in Trenton was never implemented within the organization. Mr. Qarmout had several other questions to be addressed by Mr. Russo at the end of the public session.

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Mr. Russo first addressed Mrs. Unhoch's question and advised that Mr. Scott Holzhauser, our Tax Assessor, will be doing some of the work, but it was necessary to authorize an outside company to complete the reassessment.

Mr. Russo addressed Mr. Qarmout's questions. Mr. Russo noted that he will check with our Town Planner on the official status of the Master Plan. Mr. Russo indicated that the speed tables are expensive and will be reviewed during budget time. Mr. Russo noted that the right-of-way reduction for Diller Avenue will be forwarded to our Town Engineer. Mr. Russo indicated that Main Street Newton will have a Business Improvement District (BID) hearing on October 21, 2010 at 6 pm in the Council Chambers, and same will also be discussed at the next Council meeting on October 25, 2010. Mr. Russo and Mr. Hontz, Esq. also addressed additional questions of Mr. Qarmout.

COUNCIL & MANAGER REPORTS

Mr. Russo read correspondence from Chief Wechtler of the Newton Fire Department requesting permission to host the annual Halloween Parade on Sunday, October 31, 2010 at 6 p.m. Council had no objection to this request.

Mr. Russo was pleased to announce that the Town has received an "AA-" bond rating from Standard & Poor's. Mr. Russo referenced several notations on that report and noted that the Town has jumped three places since the last rating of A3 (Moody's).

Mr. Russo requested that the Town Council hold a Special meeting with the Newton Board of Education in order to accommodate one of the mandates which is part of the Best Practices from DCA. Mr. Russo noted that the meeting will be held on Thursday, October 28th at 7 p.m. The majority of Council indicated that they were available for this meeting. The Clerk will advertise accordingly.

Councilman Ricciardo commended Mr. Russo and Ms. Babcock, CFO, for their diligent work on obtaining a terrific Standard and Poor's bond rating for the Town of Newton.

Deputy Mayor Le Frois is looking forward to the joint meeting with the Newton Board of Education and feels the Town Council should meet with them at least once a year for the benefit of the students and the taxpayers.

ORDINANCES

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

Mr. Russo provided a summary of the proposed Ordinance.

ORDINANCE #2010-18

AN ORDINANCE AMENDING CHAPTER 3 OF THE NEWTON REVISED GENERAL ORDINANCES

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

I. Chapter 3 of the Newton Revised General Ordinances shall be amended as follows:

1. The asterisked language to the title to Chapter 3, "Police Department*," shall be amended to read:

* The establishment, maintenance, regulation and control of the municipal police department are provided for in N.J.S. 40A:14-118, et seq.

2. The provisions of Chapter 3-1 are hereby deleted and replaced with the following language:

3-1 Department Established; Composition.

The police department of the Town of Newton is hereby established and shall consist of a chief of police, a maximum of two (2) police lieutenants, a maximum of five (5) police sergeants, and such other patrol officers, probationary officers, traffic officers, school crossing guards, special police officers and employees that the town manager shall from time to time appoint.

3. There shall be two new subsections of Chapter 3-4, "Appointment of Officers," as follows:

3-4.5 Police Officer.

a. No person shall be given or accept a permanent appointment as a police officer in the Town unless such person has first been given a probationary or temporary assignment to such office for a period of not longer than one year, and has successfully completed a police training course at a school approved and authorized by the Police Training Commission.

b. Except as otherwise provided by law, no person shall be appointed as a member of the police department and force, unless he:

(1) Is a citizen of the United States;

(2) Is sound in body and of good health sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system;

(3) Is able to read, write and speak the English language well and intelligently;

(4) Is of good moral character, and has not been convicted of any criminal offense involving moral turpitude;

(5) Has successfully undergone psychological testing that is required of all full-time police officers in the Town of Newton and approved by the Police Training Commission.

c. No person shall be appointed to the police department as a regular or probationary member unless he shall at the time of making application be between the age of 21 and 35 years, except as provided by law in the case of veterans.

3-4.6 Special Police Officer.

a. Special Police Officers may be appointed for terms not to exceed one year. Nothing herein shall be construed to require reappointment upon the expiration of the term.

b. There shall be two classifications for special police officers. The classifications shall be based upon the duties to be performed by the special police officer as follows:

1. Class One: Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.

2. Class Two: Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission.

c. No person shall be appointed as a Special Police Officer unless the person:

(1) Is a resident of the State during the term of appointment;

(2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;

(3) Is sound in body and of good health and good moral character;

(4) Has not been convicted of any offense involving dishonesty, or which would make him unfit to perform the duties of his office;

(5) Has successfully undergone the same psychological testing that is required of all full-time police officers in the Town of Newton and approved by the Police Training Commission.

c. No person shall commence his duties as Special Police Officer unless he/she has successfully completed a training course approved by the Police Training Commission. No Special Police Officer may be issued a firearm unless he has successfully completed the basic firearms course approved by the commission.

4. The provisions of Chapter 3-6 are hereby deleted.

5. The provisions of Chapter 3-7.1(d) are hereby deleted and replaced with the following language:

d. All applicants to be classified within Class 1 must be residents of the Town of Newton as of the date of application and must maintain continuous residence within the Town of Newton through the examination process, up to and including the date of appointment.

6. The provisions of Chapter 3-7.1(e) are hereby deleted and replaced with the following language:

e. The provisions of this section shall apply only to the initial appointments and not to promotional appointments of persons already members of the police department.

7. The provisions of Chapter 3-7.2(a) are hereby deleted and replaced with the following language:

a. The town manager of the Town of Newton shall first appoint to membership in the police department of the Town of Newton persons qualifying in Class 1 provided in the preceding section herein, and then those in each succeeding Class in the order listed in the said foregoing section, and shall appoint a person or persons in any such Class only to a vacancy or vacancies remaining after all qualified applicants in the preceding Class or Classes have been appointed or have declined an offer of appointment.

8. The subsections of Chapter 3-9, "Powers and Duties," shall be re-organized as follows:

Subsections:

- 3-9.1 Chief of Police
- 3-9.2 Police Lieutenant
- 3-9.3 Police Sergeant
- 3-9.4 Police Officer
- 3-9.5 Special Police Officer
- 3-9.6 Duties of Department

9. The provisions of Chapter 3-9.1(c) are hereby deleted and replaced with the following language:

c. The chief of police shall recommend to the town manager from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the department. He shall have full charge and control of all apparatus and equipment of the department and its assignment and use, and shall be held responsible for its care, cleanliness and safekeeping.

10. The provisions of Chapter 3-9.3(b) (to become Chapter 3-9.2(b)) are hereby deleted and replaced with the following language:

b. The Lieutenant gives suitable police assignments and instruction to sergeants and police officers; provides them with needed advice and assistance when difficult problems or maneuvers arise; and checks their work to see that the proper procedures are followed, reasonable standards of workmanship, conduct, and output are maintained, and desired police objectives are achieved.

11. The provisions of Chapter 3-9.3.1(a) (to become Chapter 3-9.3(a)) are hereby deleted and replaced with the following language:

a. Under supervision of a Police Lieutenant during an assigned tour of duty, a Police Sergeant has charge of police activities intended to provide assistance and protection for persons, to safeguard property, to assure observance of the laws, and to apprehend law-breakers; and does related supervisory work as required.

12. The provisions of Chapter 3-9.3.1(e) (to become Chapter 3-9.3(e)) are hereby deleted and replaced with the following language:

e. Sees that needed police protection is provided when there are fires, outbreaks, and other conditions which may result in disorder, and when large numbers of people congregate for any reason.

13. As part of the re-organization of Chapter 3-9.3.1 into Chapter 3-9.3, there shall be a new Chapter 3-9.3(g), as follows:

g. Directs criminal and non-criminal investigations and sees that appropriate police action is taken.

14. The provisions of Chapter 3-9.3.2(a) (to become Chapter 3-9.4) are hereby deleted and replaced with the following language:

3-9.4 Police Officer.

During an assigned tour of duty, on foot, bike or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, to apprehend law-breakers; and does related work as required or assigned.

15. There shall be a new Chapter 3-9.5, as follows:

3-9.5 Special Police Officer.

During an assigned tour of duty, on foot, bike or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, to apprehend law-breakers, and does related work as required.

16. The provisions of Chapter 3-10 are hereby deleted.

17. The provisions of Chapter 3-11 are hereby deleted and replaced with the following language:

3-11 Hours of Employment.

The hours of employment of uniformed members of the police department shall not exceed twelve (12) consecutive hours in one day, nor eighty-four (84) hours in any one pay period; provided that in the case of an emergency the officer, board or other official having charge or control of the police department or the police system shall have full authorization to summon and keep on duty any and all such members during the period of emergency.

18. The provisions of Chapter 3-12 are hereby deleted and replaced with the following language:

3-12 Removal and Suspension.

Each regular police officer shall hold office and continue employment during good behavior and efficiency, and no person shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer, disobedience of the rules and regulations established or hereafter established for the department, or absence from duty without just cause for five days or more.

Any member of the department may be suspended, removed, fined, or reduced in rank for just cause upon due notice and service of written charges and a hearing if requested by the member.

19. The provisions of Chapter 3-13 are hereby deleted and replaced with the following language:

3-13 Uniforms and Equipment.

Duty firearms, holsters, and magazine holders for members of the police department authorized to have such equipment shall be furnished by the Town and remain its property. The expense of obtaining all other required uniforms and equipment shall be borne by each officer. Only Special Officers shall be furnished uniforms and related equipment by the Town, to be issued by the chief of police. Upon issuance of property to a member of the department the chief of police shall take a receipt from the member obtaining the property. Members receiving property from the department shall be held responsible for the same and upon leaving the service for any cause shall turn in to the chief of police all property belonging to the Town. The reasonable value of any property including uniforms and equipment not returned shall be deducted from the amount of salary or wages due each member.

The members of the police department shall, when on duty, wear such uniforms and equipment as shall be prescribed from time to time by the chief of police and shall at all times present a neat, clean, and respectable appearance.

20. The provisions of Chapter 3-14.1(a) are hereby deleted and replaced with the following language:

a. Members of the Police Department shall be permitted to accept police-related employment from private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Town.

II. This Ordinance shall take effect January 1, 2011.

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Mayor Becker opened the hearing to the public. There being no one from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mr. Elvidge and unanimously carried, the hearing was closed.

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

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

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

Mr. Russo provided a summary of the proposed Ordinance.

ORDINANCE #2010-19

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR THE ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1. \$14,400 is hereby appropriated from the Water Sewer Capital – Capital Improvement Fund for the following purpose in the Town of Newton, including all costs necessary therefore or incidental thereto:

Acquisition of a Hot Box – A hot box is a piece of equipment which keeps the asphalt hot while repaving roads for general road improvements and road improvements required due to improving watermain projects. The Town expects to save money through this purchase since road repairs adhere better, have a longer life due to road materials being applied at a hotter temperature, millings dug up from the road being repaired can be recycled thereby saving disposal costs and costs to purchase new asphalt.

\$14,400.00

A similar ordinance is being adopted in the General Capital Fund in the amount of \$14,400.00, to cover the total cost of \$28,800.00.

Section 2. The Water Sewer Capital Budget of the Town of Newton 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 3. This ordinance shall take effect as provided by the law.

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

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

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

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

Mr. Russo provided a summary of the proposed Ordinance.

ORDINANCE #2010-20

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$14,400 FOR THE ACQUISITION OF A HOT BOX FOR THE TOWN OF NEWTON

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1. \$14,400 is hereby appropriated from the General Capital - Capital Improvement Fund for the following improvement in the Town of Newton, including all costs necessary therefore or incidental thereto:

Acquisition of a Hot Box – A hot box is a piece of equipment which keeps the asphalt hot while repaving roads for general road improvements and road improvements required due to improving watermain projects. The Town expects to save money through this purchase since road repairs adhere better, have a longer life due to road materials being applied at a hotter temperature, millings dug up from the road being repaired can be recycled thereby saving disposal costs and costs to purchase new asphalt.

\$14,400.00

A similar ordinance is being adopted in the Water Sewer Capital Fund in the amount of \$14,400.00, to cover the total cost of \$28,800.00.

Section 2. The General Capital Budget of the Town of Newton 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 3. This ordinance shall take effect as provided by the law.

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

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

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

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

Mr. Russo provided a summary of the proposed Ordinance.

ORDINANCE #2010-21

AN ORDINANCE TO AMEND CHAPTER XXI, FEES AND COSS, OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter XXI, Fees and Costs, be amended as follows:

21-1.1 Licensing General (Relating to Chapter VI)

n. Trailer court operations (6-13.4)

- 1. Monthly charge \$50.00/trailer
- 3. Delete

21-1.5 Traffic (Relating to Chapter X).

1. Overnight Parking Pass Monthly Fee

- a. Central Plaza (Lot #4), Western Plaza (Lot #3), and the Adams Street Lot (Lot #1) (residents and business night shift employees) \$15.00*
- b. Tractor Trailer/Box Truck Parking - Annually \$25.00*
- c. Park & Ride (10-13B.2-b) Free

*plus applicable NJ State Sales Tax

21-1.15 Miscellaneous Fees and Charges

c. Miscellaneous Fees:

14. Delete (duplication of 21-1.1(o)).

g. Copying fees:

1. 8 ½" x 11" copies: .05 per page
or smaller

2. 8 ½" x 14" copies: .07 per page

3. 11" x 17" copies: .07 per page

4. 3" x 5" photographs, per print from
negative actual cost

5. 3" x 5" photographs, per print through
reproduction actual cost

6. Blueprint reproductions and computerized technological electronic information:

All unusual copy sizes such as 18" x 24", 24" x 36" and 36" x 48" including plans and tax maps that cannot be reproduced by ordinary document copying equipment in ordinary business sizes (8 ½" x 11", 8 ½" x 14" or 11" x 17") will be charged in accordance with the amounts charged to the town for having such copies made.

Paper copies shall be provided by the Town of Newton. In the event that requests are made for records to be copied onto medium not routinely maintained by the Town of Newton or which require a substantial amount of manipulation, programming or transfer of electronic or information technology records, then in addition to the per copy cost, the town may also charge the actual **cost** to contract a professional to provide the service of copying or transferring such records to computer diskettes, CDs, DVDs, etc. Such reasonable fee shall be equal to the actual cost incurred by the town for recording medium such as diskettes, CDs, or DVDs, plus programming, copying and transferring records to medium other than paper.

Mayor Becker opened the hearing to the public. There being no one from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mr. Elvidge and unanimously carried, the hearing was closed.

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

Mr. Elvidge	Yes	Mr. Ricciardo	No
Mrs. Diglio	Absent	Mrs. Le Frois	Yes
	Mayor Becker	Yes	

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This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

ORDINANCE #2010-22

AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE

WHEREAS, the Town of Newton has title to certain parcels of real property which are Lots 42.02 and 42.03 in Block 902 as shown on the Newton Tax Map, which parcels are not needed for public use; and

WHEREAS, the governing body has determined that said parcels should be sold separately at public auction to the highest bidder subject to the terms and conditions hereinafter set forth pursuant to N.J.S.A. 40A:12-13;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:

1. That Block 902, Lots 42.02 and 42.03, as shown on the Town of Newton Tax Map, be offered separately for sale at public auction to the highest bidder with a minimum bid required for Lot 42.02 of Thirty-Four Thousand and no/100 (\$34,000.00) Dollars, and for Lot 42.03 of Thirty-Five Thousand and no/100 (\$35,000.00) Dollars pursuant to N.J.S.A. 40A:12-13.

2. The sales shall be conducted in the Municipal Building of the Town of Newton, 39 Trinity Street, Newton, New Jersey, on November 22, 2010 at 10:00 a.m.

3. The governing body hereby appoints and designates the Newton Town Manager or such other person as the governing body shall designate, to conduct the separate sales of Block 902, Lots 42.02 and 42.03 on behalf of the governing body.

4. The parcels placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than Thirty-Four Thousand and no/100 (\$34,000.00) Dollars for Lot 42.02 and Thirty-Five Thousand and no/100 (\$35,000.00) Dollars for Lot 42.03. The auctioneer shall commence the bidding for each lot at the minimum required bid. The Town of Newton reserves the right, in its sole discretion, to either accept or reject any bid it deems in the Town of Newton's best interests. The Town, in its sole discretion, may accept a lower bid for any reason it deems in the Town's best interests. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as set forth in Paragraph 9 hereof.

5. The higher bidder for each lot shall execute separate Offers to Purchase in the form attached hereto at the conclusion of the bidding and pay a deposit by cash, bank check or cashier's check or attorney's trust account check in an amount equal to ten (10%) percent of the highest bid for each lot. The balance of the monies due for each lot pursuant to the highest bid and Offer to Purchase shall be paid in cash or certified check on delivery of the Deed, which shall be no later than December 30, 2010 at the offices of the Municipal Attorney, Hollander Strelzik Pasculli Pasculli Hinkes Gacquin Vandenberg & Hontz, LLC, 40 Park Place, Newton, NJ 07860, or at such other location as mutually agreed upon.

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6. The municipality expressly disclaims any and all implied warranties of habitability or usability with respect to each of these properties. The highest bidder for each lot shall purchase the property in an "as is" condition, having had an ample and sufficient opportunity to inspect said premises, examine its title, and review municipal ordinances and laws effectuating said premises, and that no representations regarding the value, character, quality, habitability or condition thereof, including environmental conditions, have been made to Buyer on behalf of the Town of Newton, prior to making a bid. The highest bidder for each lot, after closing, shall be responsible for all present and future defects of any kind in any part of the property. This agreement shall survive the closing of title.

7. The parcels offered for sale in this auction are the same lands and premises which the Town of Newton took title to by virtue of a certain Final Judgment of the Superior Court of New Jersey, Docket No. F-63920-02, dated May 4, 2010, and recorded in the Sussex County Clerk's Office in Deed Book 3249, Page 231&c. A copy of Judgment is attached hereto as **Schedule A**. The Town of Newton shall use in the deed of conveyance the description set forth in **Schedule A**. The highest bidder for each lot shall have the right, at its sole cost and expense, to obtain a new survey of that lot. Provided such survey depicts the lot and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

8. The conveyance of each lot shall be by Bargain and Sale Deed, and each lot shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Deed Book 383, Page 73&c., Deed Book 1537, Page 63&c., Deed Book 1578, Page 89&c., Deed Book 2235, Page 12&c., and Deed Book 2332, Page 108&c., laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bid for each lot shall be separately accepted or rejected by a Resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such auction sale. No bid may be withdrawn prior to such Resolution.

10. This notice of the auction sale of said lots shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

**OFFER TO PURCHASE
BLOCK 902, LOT 42.02**

1. The Undersigned hereby irrevocably offers to purchase from the Town of Newton, Lot 42.02 in Block 902 as shown on the Town of Newton Tax Map and as further described on **Schedule A** attached hereto and made a part hereof, for the sum of _____.

2. A bank check, certified check, attorney trust account check or cash for ten percent (10%) of the purchase price, payable to the "Town of Newton", is attached hereto, and shall be held in escrow in the trust account of the law firm of Hollander Strelzik, et al., and disbursed in accord with this Offer.

3. The balance of the purchase price shall be paid at the closing and upon

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delivery of the Deed, in cash, certified check, or bank check.

4. The closing will take place by December 30, 2010, at the offices of the municipal attorney, Hollander Strelzik, et al., 40 Park Place, Newton, New Jersey, or at such other location as is mutually agreed upon.

5. The conveyance of each lot shall be by Bargain and Sale Deed, and each lot shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Deed Book 383, Page 73&c., Deed Book 1537, Page 63&c., Deed Book 1578, Page 89&c., Deed Book 2235, Page 12&c., and Deed Book 2332, Page 108&c., laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

6. The Town of Newton will use in the deed of conveyance the premises described on **Schedule A** attached hereto. The Buyer shall have the right, at its sole cost and expense, to obtain a new survey of the property. Provided such survey depicts the property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the undersigned bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

7. This Offer shall not be deemed accepted until the adoption of a Resolution by the Newton Town Council, which shall take place no later than its second regular meeting following the date hereof. This Offer may not be withdrawn prior to such Resolution.

8. The Buyer has executed this Offer to Purchase with full knowledge as to the value of the land, buildings and improvements thereon, which buildings and improvements thereon, if any, are sold in an "as is" condition. The Buyer, by the execution of this Offer to Purchase, acknowledges that they have had the opportunity and have inspected the premises, examined its title, reviewed municipal ordinances and laws affecting the premises, and that no representations regarding the value, character, quality, habitability or condition thereof (including environmental conditions) have been made by or on behalf of the Town of Newton. The Buyer further acknowledges that the municipality has expressly and does expressly disclaim any and all implied warranties of habitability or usability with respect to this property. The Buyer agrees that by the execution of this Offer to Purchase to be responsible, after closing, for all present and future defects of any kind in any part of the property and to indemnify and hold harmless the Town of Newton regarding such present and future defects. This agreement shall survive the closing of title.

9. In the event that time shall be made of the essence in regard to this Offer, such Notice shall be sufficient and reasonable if mailed by ordinary mail to the address of the Undersigned as set forth herein, if such Notice making time of the essence shall direct the closing to be held at the time and place provided therein on a date not less than ten (10) days from the date of mailing of such Notice.

10. The Buyer represents that this is a non-contingent offer and that the Buyer has sufficient cash which will enable the Buyer to fully consummate this transaction without the requirement of approval by any lending institution.

11. In the event the Undersigned does not close title on or before

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December 30, 2010, or any extended closing date agreed upon in writing by the municipality, or if the Undersigned defaults hereunder, the Undersigned agrees that it would be impossible to accurately ascertain the actual damages the municipality would suffer, this Agreement may be deemed terminated by the Town of Newton and the Town of Newton shall be entitled to retain all sums paid by the Undersigned hereunder, as liquidated damages, and not in the nature of a penalty, and thereupon neither the Undersigned nor the municipality shall have any further rights against or obligations to the other hereunder.

12. THE THREE DAY ATTORNEY REVIEW PERIOD DOES NOT APPLY TO THIS TRANSACTION. By the execution of this Offer, the Undersigned acknowledges that they have had the opportunity to consult and have consulted with separate and independent counsel of their own choice in regard to the rights and obligations hereunder.

DATED: _____ SIGNED: _____
Signature

Print Full Name(s) Above

Address

Town, State, Zip

Telephone Number

Buyer's Legal Representation:

Name of Attorney

Name of Firm

Street Address

Town, State, Zip

Telephone Number

**OFFER TO PURCHASE
BLOCK 902, LOT 42.03**

1. The Undersigned hereby irrevocably offers to purchase from the Town of Newton, Lot 42.03 in Block 902 as shown on the Town of Newton Tax Map and as further described on **Schedule A** attached hereto and made a part hereof, for the sum of _____.

2. A bank check, certified check, attorney trust account check or cash for ten percent (10%) of the purchase price, payable to the "Town of Newton", is

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attached hereto, and shall be held in escrow in the trust account of the law firm of Hollander Strelzik, et al., and disbursed in accord with this Offer.

3. The balance of the purchase price shall be paid at the closing and upon delivery of the Deed, in cash, certified check, or bank check.

4. The closing will take place by December 30, 2010, at the offices of the municipal attorney, Hollander Strelzik, et al., 40 Park Place, Newton, New Jersey, or at such other location as is mutually agreed upon.

5. The conveyance of each lot shall be by Bargain and Sale Deed, and each lot shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Deed Book 383, Page 73&c., Deed Book 1537, Page 63&c., Deed Book 1578, Page 89&c., Deed Book 2235, Page 12&c., and Deed Book 2332, Page 108&c., laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

6. The Town of Newton will use in the deed of conveyance the premises described on **Schedule A** attached hereto. The Buyer shall have the right, at its sole cost and expense, to obtain a new survey of the property. Provided such survey depicts the property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the undersigned bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

7. This Offer shall not be deemed accepted until the adoption of a Resolution by the Newton Town Council, which shall take place no later than its second regular meeting following the date hereof. This Offer may not be withdrawn prior to such Resolution.

8. The Buyer has executed this Offer to Purchase with full knowledge as to the value of the land, buildings and improvements thereon, which buildings and improvements thereon, if any, are sold in an "as is" condition. The Buyer, by the execution of this Offer to Purchase, acknowledges that they have had the opportunity and have inspected the premises, examined its title, reviewed municipal ordinances and laws affecting the premises, and that no representations regarding the value, character, quality, habitability or condition thereof (including environmental conditions) have been made by or on behalf of the Town of Newton. The Buyer further acknowledges that the municipality has expressly and does expressly disclaim any and all implied warranties of habitability or usability with respect to this property. The Buyer agrees that by the execution of this Offer to Purchase to be responsible, after closing, for all present and future defects of any kind in any part of the property and to indemnify and hold harmless the Town of Newton regarding such present and future defects. This agreement shall survive the closing of title.

9. In the event that time shall be made of the essence in regard to this Offer, such Notice shall be sufficient and reasonable if mailed by ordinary mail to the address of the Undersigned as set forth herein, if such Notice making time of the essence shall direct the closing to be held at the time and place provided therein on a date not less than ten (10) days from the date of mailing of such Notice.

10. The Buyer represents that this is a non-contingent offer and that the Buyer has sufficient cash which will enable the Buyer to fully consummate this transaction without the requirement of approval by any lending institution.

11. In the event the Undersigned does not close title on or before

October 13, 2010

December 30, 2010, or any extended closing date agreed upon in writing by the municipality, or if the Undersigned defaults hereunder, the Undersigned agrees that it would be impossible to accurately ascertain the actual damages the municipality would suffer, this Agreement may be deemed terminated by the Town of Newton and the Town of Newton shall be entitled to retain all sums paid by the Undersigned hereunder, as liquidated damages, and not in the nature of a penalty, and thereupon neither the Undersigned nor the municipality shall have any further rights against or obligations to the other hereunder.

12. THE THREE DAY ATTORNEY REVIEW PERIOD DOES NOT APPLY TO THIS TRANSACTION. By the execution of this Offer, the Undersigned acknowledges that they have had the opportunity to consult and have consulted with separate and independent counsel of their own choice in regard to the rights and obligations hereunder.

DATED: _____ SIGNED: _____

Signature

Print Full Name(s) Above

Address

Town, State, Zip

Telephone Number

Buyer's Legal Representation:

Name of Attorney

Name of Firm

Street Address

Town, State, Zip

Telephone Number

Mayor Becker opened the hearing to the public. There being no one from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mr. Elvidge and unanimously carried, the hearing was closed.

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

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

October 13, 2010

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

Mr. Russo provided a summary of the proposed Ordinance.

ORDINANCE #2010-23

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND IMPLEMENTATION OF A REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWN OF NEWTON (N.J.S.A. 40A:4-53b)

WHEREAS, the Sussex County Board of Taxation has requested that the Director of the New Jersey Division of Taxation approve an Order mandating that the Town of Newton conduct a Reassessment of all real property within the corporate boundaries of said municipality; and

WHEREAS, the Division of Taxation had previously approved an Order for Revaluation on April 12, 2006; and

WHEREAS, a complete revaluation was completed and implemented on the 2008 Tax Book; and

WHEREAS, due to the sharp decline in property values over the past 2 years, the Town's true assessment ratio is well in excess of 100%. Since the New Jersey Constitution does not permit any property owner to be assessed at a ratio greater than 100%, the Town of Newton needs to reassess all properties within the Town for the purpose of establishing an equitable distribution of the municipal tax base in accordance with the law;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, State of New Jersey, that pursuant to NJSA 40A:4-53b, the sum of Sixty Thousand Dollars (\$60,000.00) is hereby appropriated for the preparation and implementation of a complete program of Reassessment of all real property within the Town of Newton. This action shall be deemed a "Special Emergency Appropriation" as defined and provided for in NJSA 40A:4-53b; and

BE IT FURTHER ORDAINED, that such appropriation and "special emergency notes" authorized to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to this act.

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

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

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

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

Mr. Russo provided a summary of the proposed Ordinance.

ORDINANCE #2010-24

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AMENDMENTS TO THE SPARTA AVENUE REDEVELOPMENT PLAN

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Absent	Mrs. Le Frois	Yes
	Mayor Becker	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 Monday, October 25, 2010.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Becker 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."*

RESOLUTION #176-2010*

AUTHORIZE TO PROVIDE FOR THE PURCHASE OF ROAD SALT FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON

October 13, 2010

WHEREAS, the County of Sussex advertised and received bids for road salt; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System Identification Number CK03-SXC; and

WHEREAS, the following vendor was awarded a contract for road salt and has extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

International Salt Co., Inc.
655 Northern Blvd.
Clark Summit, PA 18411

WHEREAS, the manufacturer has been awarded the County contract at the price of \$55.66 per tonnage of road salt, with such price good through May 2011; and

WHEREAS, that certified funds are available in the 2010 Town of Newton operating budget to award this contract for the 2010 portion of the contract up to \$10,000, with the balance subject to adequate funds being appropriated in the 2011 operating budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton does hereby award a contract for the purchase of road salt from International Salt Co., Inc., at the Sussex County price of \$55.66 per ton through May 2011.

RESOLUTION #177-2010*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Municipal Tax Sale held on June 2, 2010, a lien was sold on Block 403, Lot 36, also known as 12-14 Harrison Street, for 2009 delinquent Real Estate Taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1324, was sold to Robert Rothman for a 0% redemption fee with a \$1,800.00 premium; and

WHEREAS, F. Terrance Perna, Attorney, representing the buyer of said property, has affected redemption of Certificate #1324 in the amount of \$5,398.86;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Robert Rothman is entitled to a refund in the amount of \$5,398.86 as well as a refund of the premium in the amount of \$1,800.00; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to issue a check in the amount of \$5,398.86 for the redemption of Certificate #1324 and a separate check for the refund of the premium in the amount of \$1,800.00, payable to Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631.

RESOLUTION #178-2010*

APPROVE CHANGE ORDER NO. 2 AND CHANGE ORDER NO. 3 OF THE ALLEY SEWER

October 13, 2010

REPLACEMENT PROJECT

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Alley Sewer Replacement Project to Earth-Tech Associates, Inc. in the amount of \$72,758.00 by Resolution #195-2009 adopted on September 28, 2009; and

WHEREAS, the Town Council approved Change Order No. 1 which reduced the contract amount by \$7,700.44 to adjust the contract total to \$65,057.56 by Resolution #22-2010 adopted on February 8, 2010; and

WHEREAS, Harold E. Pellow and Associates, Inc., the Project Engineer, has recommended approval of Change Order No. 2 to reflect final as-built quantities, and removal of dense aggregate installed and re-grade and compact, and increase in asphalt price; and

WHEREAS, Change Order No. 2 will increase the contract amount by \$2,502.88 to the adjusted contract total of \$67,560.44; and

WHEREAS, Harold E. Pellow and Associates, Inc., the Project Engineer, has also recommended approval of Change Order No. 3 to reflect the quantities utilized to address the cracked apron and curb; and

WHEREAS, Change Order No. 3 will increase the contract amount by \$5,142.00 to the adjusted contract total of \$72,702.44; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to support the above change order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton hereby approves Change Order No. 2 and Change Order No. 3 for the Alley Sewer Replacement Project and hereby affirm that the Town Manager is authorized to execute said Change Order No. 2 and Change Order No. 3 on behalf of the Town, thereby increasing the contract amount to \$72,702.44.

RESOLUTION #179-2010*

AUTHORIZE A CONTRACTURAL AGREEMENT WITH APPRAISAL SYSTEMS, INC., FOR A COMPLETE REASSESSMENT OF ALL REAL PROPERTY

WHEREAS, the Sussex County Board of Taxation has requested that the Director of the New Jersey Division of Taxation approve an Order mandating that the Town of Newton conduct a Reassessment of all real property within the corporate boundaries of said municipality; and

WHEREAS, the Division of Taxation had previously approved an Order for Revaluation on April 12, 2006; and

WHEREAS, a complete revaluation was completed and implemented on the 2008 Tax Book; and

WHEREAS, due to the sharp decline in property values over the past 2 years, the Town's true assessment ratio is well in excess of 100%. Since the New Jersey Constitution does not permit any property owner to be assessed at a ratio greater than 100%, the Town of Newton needs to reassess all properties within the Town for the purpose of establishing an equitable distribution of the municipal tax base in accordance with the law;

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WHEREAS, Appraisal Systems, Inc. of Morristown, New Jersey has submitted a proposal in the amount of \$43,400 for appraisal services for said reassessment; and

WHEREAS, said proposal was recommended for acceptance by the Newton Tax Assessor and was subsequently reviewed by the Town Attorney; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton hereby authorizes an agreement with Appraisal Systems, Inc., for the complete assessment of all real property within the Town of Newton in the amount of \$43,400; and

BE IT FURTHER RESOLVED, that said contractual agreement is contingent upon the approval of the Director of the Division of Taxation of the State of New Jersey; and

BE IF FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Appraisal Systems, Inc., of Morristown, NJ, the Sussex County Board of Taxation and the State Division of Taxation and that a notice of this agreement be published in the newspaper of record in accordance with Local Public Contracts Law.

RESOLUTION #180-2010*

AWARD BID FOR PURCHASE OF SEWER TELEVISIONING EQUIPMENT

WHEREAS, the Town of Newton publicly opened and read bids for the Purchase of Sewer Televisioning Equipment on Wednesday, October 6, 2010 at 11:00 am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Envirosight 111 Canfield Avenue, Unit B3 Randolph, NJ 07869	\$77,857.05

WHEREAS, the Town Manager and the Water Sewer Supervisor recommend the award of the bid for the Purchase of Sewer Televisioning Equipment in the amount of \$77,857.05, to Envirosight; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the Purchase of Sewer Televisioning Equipment is to be awarded to Envirosight, 11 Canfield Avenue, Unit B3, Randolph, NJ in the amount of \$77,857.05.

RESOLUTION #181-2010*

APPROVAL OF AN INITIAL APPLICATION FOR TAXICAB DRIVER'S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and

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requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the initial Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for an initial Taxicab Driver's License, submitted by Barbara Fitzmaurice, 220 Route 519, Sussex, New Jersey 07461, representing D.A.D.S. Taxi & Limo, which shall expire on October 13, 2011.

RESOLUTION #182-2010*

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 2009 and 2010 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

16,768.86	VOID	27652
4,906.88	VOID	27653
31,796.85	Mr. Michael Schneck, Trustee for	27654
16,768.86	Mr. Michael Schneck, Trustee for	27655
31,796.85	Mr. Michael Schneck, Trustee for	27656
149.35	B & R Uniform	27656
190.19	Quill Corporation	27658
992.25	Harold Pellow & Assoc., Inc.	27659
1,632.86	Airmark Pools	27660
93.75	Sussex Car Wash, Inc.	27661
1,403.62	G & G Diesel Service, Inc.	27662
2,631.77	G & H Service, Inc.	27663
2,370.81	JCP&L	27664
475.74	New Jersey Herald	27665
437.69	Centurylink Communications, Inc.	27666
122.59	Centurylink Communications, Inc.	27667
35.00	Centurylink Communications, Inc.	27668
50.00	Lorraine Read	27669
90.00	Sussex County Economic	27670
264.76	ZEP Manufacturing Company	27671
23,042.56	McManimon & Scotland	27672
7.00	Peter J. Kays	27673
6,295.00	Willco, Inc.	27674
9.50	Newton Trophy	27675
600.00	Treasurer, State of New Jersey	27676
79.92	T.A. Mountford Company	27677
43.25	Sebring Auto Parts	27678
58.78	Sherwin-Williams	27679
182.63	Zee Medical	27680
270.35	West Chester Machinery	27681
69.95	L-3 Comm. Mobile-Vision	27682
103.87	McGuire	27683
202.50	Grinnell Recycle	27684

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187.28	Verizon Wireless	27685
285.00	North Jersey Portable Toilets	27686
3,397.94	Cooper Electric Supply Co.	27687
35.62	Daniel Finkle	27688
244.16	Advance Auto Parts	27689
259.86	The Home Depot	27690
1,608.17	The Home Depot	27691
2,285.00	Scottsdale Insurance Company	27692
1,274.91	Staples Business Advantage	27693
17.00	Language Line Services	27694
826.15	Lowe's	27695
144.00	CSS Test	27696
45.23	Nestle Waters	27697
2,742.74	Skylands Area Fire Equip & Training	27698
20.00	Treasurer, State of NJ- Burial	27699
55.00	Dawn Babcock	27700
1,464.00	Tire King	27701
168.00	Jersey Central Power & Light	27702
1,380.00	Knapp, Trimboli & Prusinowski, LLC	27703
7,141.13	Direct Energy Business	27704
2,058.33	Glenco Supply Inc.	27705
50.00	Roxbury Township	27706
418.00	Powerphone	27707
195,760.92	Payroll Account	27708
76,631.25	Bank of New York	27709
72,530.00	Depository Trust Company	27710
182,607.30	Payroll Account	27711

CAPITAL

2,071.50	Harold Pellow & Assoc., Inc.	7589
219.97	New Jersey Herald	7590
94.87	Cooper Electric Supply Co.	7591
529.85	The Home Depot	7592
82.61	JC Grill House	7593
1,900.00	Omega Environmental Services, Inc.	7594
33,555.20	Robert W. Wogisch	7595

Total TOWN BILLS \$687,519.29

WATER AND SEWER ACCOUNT

30,409.37	Payroll Account	106030
102,887.50	Bank of New York	106031
21.25	Harold Pellow & Assoc., Inc.	11741
8,472.84	JCP&L	11742
32.20	New Jersey Herald	11743
559.78	Sussex County Plumbing	11744
9,620.54	Coyne Chemical corp., Inc.	11745
125.85	Centurylink Communications, Inc.	11746
108.80	Willco, Inc.	11747
6,122.00	R & D Trucking Inc.	11748
1,495.93	Grinnell Recycle	11749
1,335.00	Alternate Power Inc.	11750
39.90	The Phillips Companies	11751
143.80	Advance Auto Parts	11752
401.78	The Home Depot	11753

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380.00	Kistler O'Brien Fire Protection	11754
28.99	Staples Business Advantage	11755
502.73	Ryan Herco Flow Solutions	11756
12,341.67	Direct Energy Business	11757
574.00	R & S Garage Doors	11758

CAPITAL

2,500.00	Treasurer, State of New Jersey	2157
16.45	New Jersey Herald	2158

Total WATER & SEWER BILLS \$178,120.38

TRUST ACCOUNT

1,868.25	Payroll Account	107124
2,087.50	Harold Pellow & Assoc., Inc.	2820

Total TRUST ACCOUNT BILLS \$3,955.75

FEDERAL STATE GRANT ACCOUNT

1,108.80	Payroll Account	101112
868.00	Apple	1054

Total DEVELOPMENT ESCROW ACCOUNT BILLS \$1,976.80

The Clerk presented an application for an off-premise raffle (50/50) from St. Joseph School RC Church, 17 Elm Street, Newton to be held on Friday, December 10, 2010 from at 4:30 p.m. at St. Joseph RC Church, 17 Elm Street. Proceeds to support the religious education program. It was noted that the above application is in order and accompanied by the prescribed fee.

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

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

INTERMISSION – None

DISCUSSION

a. Technical Review Committee

Mr. Russo outlined the draft ordinance which would create a Technical Review Committee (TRC) for the Newton Planning Board. This proposed

ordinance was created with the intention of streamlining the review process and providing an avenue for larger projects to be worked through prior to coming before the Planning Board. The TRC would consist of five members and an alternate appointed by the Planning Board Chair. The TRC would consist of two members of the Planning Board plus an alternate, the Zoning Officer, the Board Engineer and the Board Planner for a total of five. The Board Attorney would be present when applicants bring their attorney or legal issues arise. The overall intention of the TRC is for an applicant to meet with the Board's professionals to work through the technical details of an application so that the review before the Planning Board is more efficient.

After a brief discussion, the consensus of the Council was to proceed with creating a Technical Review Committee of the Planning Board. Mr. Russo will place the Ordinance for introduction on the next Council meeting to be held on Monday, October 25, 2010. The TRC will take effect January 1, 2011.

Mr. Hontz, Esq. updated Council on the latest Appellate Court ruling with regard to the proposed 3rd round regulations for COAH. Mr. Hontz indicated that the Court has struck down, for the second time, the proposed 3rd round regulations for COAH. Mr. Hontz advised that the Court rule requires that COAH create regulations which are similar to previous regulations and not resubmit what has already been submitted. Mr. Hontz will keep the Council updated.

OPEN TO THE PUBLIC

Mrs. Thea Unhoch, 17 Condit Street, questioned whether the joint meeting with the Newton Board of Education would open to the public and was advised that it will be open to the public.

Mr. Anwar Qarmout, 45 Woodside Avenue, questioned the status of the property on Orchard Street and was advised that asbestos has to be addressed and will the property be sold when completed.

Mr. Qarmout questioned whether construction could continue with the COAH regulations at "stay" and was advised by Mr. Russo that he will check

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with our Town Planner, due to the complexity of COAH.

COUNCIL & MANAGER COMMENTS

Mr. Russo advised Council of a petition received from residents of Moran & Hamilton Streets, requesting a streetlight be installed on Hamilton Street in front of 31-33 Hamilton Street. After contacting JCP&L, Mr. Russo concluded that we will work with JCP&L on upgrading the existing lights, which will illuminate the street much better.

Councilman Ricciardo, noting the timeline for unaccounted for water, questioned when the repair of the hydrants would take place and was advised by Mr. Russo that he will check with Mr. Paul Baldwin, Water Department Supervisor.

Councilman Ricciardo also inquired on the status of the Historic Ordinance update. Mr. Russo noted that the original timeframe was at the end of the calendar year but will check with the Town Planner on the current status.

Deputy Mayor Le Frois commended the Town Manager on the recent article in the NJ League of Municipalities magazine regarding the updated website for Newton. This social media outreach has opened more avenues to disseminate important community information to the residents of Newton and Newton is viewed as a model because of our advanced website, Mrs. Le Frois concluded.

The Town Council entered into Executive Session via Resolution #183-2010 at 8:30 p.m.

The Town Council returned from Executive Session at 10:08 p.m.

There being no further business to be conducted, upon motion by Mrs. Le Frois, seconded by Mr. Elvidge and unanimously carried, the meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk