

May 27, 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 Mr. Elvidge, Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mayor Ricciardo and Town Manager, Mr. Thomas Russo, Jr.

Mayor Ricciardo made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 22, 2008”.

Pastor Bob Klienschmidt of the Sparta Evangelical Free Church led the invocation.

Mayor Ricciardo led the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Unhoch seconded by Mrs. Becker and carried that the minutes of May 11, 2009 (Regular) and May 11, 2009 (Executive Session) were unanimously approved.

PRESENTATION

Mr. Russo read the following prepared statement in honor of Det. Lt. Mike Richards:

“Mike Richards has been a Detective for over 8 years. He was assigned to the Investigative Division of the Newton Police Department in 2000 and has been the supervisor of the unit since 2001. In 2002, Mike Richards was promoted to the rank of Detective Sergeant and in 2006 he was promoted to the rank of Detective Lieutenant. He has been President of Sussex County Detectives’ Association since 2006. As the Investigative Division Supervisor, Mike Richards is responsible for the review, oversight and management of all criminal investigations. From this oversight, he is able to provide analysis of criminal activity and coordinate with members of the Detective Bureau and the Patrol Division to respond to specific problems and crime trends that are observed.

Mike Richards’ belief of sharing information with other agencies and developing relationships with other detectives throughout the county and state has earned him the respect as a leader amongst his peers. His “leave no stone unturned” approach to investigations has lead to an intense and relentless investigative style which is model for members of the Newton Police Department’s Detective Bureau. Using a victim-centered approach, crimes are investigated thoroughly and promptly with professionalism and tenacity, which help to enhance the quality of life for citizens and visitors in the Town of Newton.

During 2008, Mike Richards supervised a Detective bureau that arrested 82 individuals that resulted in 148 criminal complaints being signed. His Detective Bureau was able to clear approximately 2/3 of all burglaries that were reported to the Newton Police. He coordinated several drug distribution investigations in and around the Spring Street area that resulted in the arrest of over 10 individuals and the seizure of over 500 bags of cocaine and heroin with a street value of over \$10,000.

During his tenure as a Detective, Mike Richards has been the lead detective in several high profile cases in Newton. Thousands of investigations have been conducted by Mike

May 27, 2009

Richards over the years. Mike Richards embodies the mantra of “Cooperative Investigation for Crime Reduction.”

Mayor Ricciardo read the following Proclamation honoring Michael Richards as “Detective of the Year”.

P R O C L A M A T I O N

Detective of the Year

Michael Richards

WHEREAS, Michael Richards began his career in law enforcement with the Town of Newton in November of 1989 as a part-time police dispatcher; and

WHEREAS, Michael was appointed to the position of police officer in 1994, and was assigned to the Detective Bureau in 2000; and

WHEREAS, in 2001 Michael assumed the role of Supervisor of Detectives and in 2002 was promoted to the title and position of Detective Sergeant, and to the title of Lieutenant in 2006; and

WHEREAS, through the years Michael has promoted and facilitated inter-agency cooperation and information sharing as a means for solving a greater number of crimes and limiting the impact of organized criminal efforts on local communities; and

WHEREAS, during his tenure with the Newton Police Department’s Detective Bureau, Michael has served as the lead investigator in numerous high profile cases, resulting in the apprehension and conviction of several individuals;

NOW, THEREFORE BE IT RESOLVED, that We, the Mayor and Town Council of the Town of Newton do hereby proclaim our appreciation of Detective Lieutenant Michael Richards and offer our congratulations to him on being named the Sussex County Detectives’ Association’s “**Detective of the Year**”.

Mayor Ricciardo indicated that “this is the result of tenacity, hard-work and love of your job. Thank you very much, Mike”.

Det. Lt. Richards thanked the Mayor and Town Council for this honor. Mr. Richards indicated that he is “grateful for allowing him to be in the position I am in. It’s a serious job but I have fun doing it and get to do things that I love to do. The accolades today are not only a reflection on me but also the leadership I received from Chief Tomasula and the support that I receive from detectives: Tom Tosti, Neil Casey, Tom Muller. Often times, on my way home, a few hours after the time I was supposed to be home, I will call my parents, to check in, and thank them for the work ethic that they instilled in me. At the same time, I want to acknowledge my wife, Lexis, and my family for putting up with the late hours”.

Chief Tomasula displayed the “traveling award” that Mike Richards received today at his award luncheon for “Detective of the Year”. It was noted that this will be displayed in the Police Department lobby for an entire year. Chief Tomasula advised that he attended the luncheon today, which was a packed room of detectives as well as dignitaries. Chief Tomasula congratulated Mike for his accomplishments and stated that we are “glad to have him on our staff”. Chief Tomasula thanked the Council for the acknowledgement of Det. Lt. Richards this evening.

Councilwoman Unhoch also commended Det. Lt. Richards for organizing the Annual September 11th Commemorative Ceremony held at Sussex County Community College, “which is always touchingly beautiful”.

May 27, 2009

Council took a few minutes to take photos with Det. Lt. Richards.

Mayor Ricciardo declared the meeting open to the public.

Mr. Neil Flaherty, 154 Sparta Avenue, requested that the Council agendas be placed up on the Newton website prior to the Council meetings in order to know what will be discussed ahead of time. Mr. Flaherty noted that the last two meetings were not on the website. Mr. Russo will address same.

Council & Manager Reports

Mr. Russo read the following Proclamation to declare September as “Ovarian Cancer Awareness Month”.

P R O C L A M A T I O N

Ovarian Cancer Awareness Month

WHEREAS, Ovarian cancer is called the “silent killer” because its symptoms are often vague or subtle; and

WHEREAS, Ovarian cancer is the fifth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States. Each year, more than 22,000 Americans are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, If detected in its early stages, survival from ovarian cancer is 90-95 percent, yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

WHEREAS, The **Turn The Towns Teal** campaign was launched by Gail MacNeil during her 10-year battle with ovarian cancer; and

WHEREAS, Kaleidoscope of Hope (KOH), the Atlantic Health System and the National Ovarian Cancer Coalition-Northern NJ (NOCC) are partnering to promote awareness of ovarian cancer through the **Turn the Towns Teal** campaign;

NOW, THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby declare September as Ovarian Cancer Awareness Month and support the **Turn the Towns Teal** awareness campaign.

Mr. Russo read correspondence from DASI, Domestic Abuse Services, Inc., requesting permission to hang “purple” ribbons for the month of October in recognition of Domestic Violence Awareness Month. Council had no objection to the organization hanging “purple” ribbons throughout the Town. Councilwoman Becker mentioned that the Chamber would be putting cornstalks in the same vicinity, but would not interfere with the ribbons.

Mr. Russo read a request from the Greater Newton Chamber of Commerce requesting permission to hang a banner across Spring Street to advertise the “Taste of Newton”, which is scheduled for September 14, 2009. It was noted that the banner would be hung two weeks prior to this event. Council unanimously agreed to grant this request.

May 27, 2009

Mr. Russo updated Council on the scheduled Gypsy Moth spraying which will take place tomorrow, May 28th, on the forty-four (44) acres near the High School.

Mr. Russo requested Council's support on manning the Newton booth during the Newton Day festivities to be held on Saturday, June 13, 2009. Several of the Council members offered to man the booth at specific times.

ORDINANCES

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

ORDINANCE # 2009-14

AN ORDINANCE CONCERNING HOURS OF WORK FOR CERTAIN EMPLOYEES AND CONSONANT ELIGIBILITY FOR BENEFITS

WHEREAS, the Town of Newton desires to adjust the office hours that the municipal building is normally open for regular services from Monday through Thursday, 8:30 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 4:30 p.m., to 8:30 a.m. to 4:30 p.m. Monday through Friday; and

WHEREAS, the adjustment is in the best interest of the community in that the revised daily schedule would permit current staffing levels while still providing exceptional service to Newton's citizens; would be consistent each workday of the week and in conformance with the hours of operation at other Sussex County municipal buildings; and would realize savings in utility expenses; and

WHEREAS, the adjustment in hours of operation shall require a consonant adjustment in the hours full-time municipal office employees are required to work from 37 hours per week to 35 hours per week; and

WHEREAS, the adjustment in hours per week worked by municipal office employees must be matched by an adjustment in the minimum hours needed for full-time employees to qualify for group insurance that is provided by Newton as an employee benefit.

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

1. The provisions of Subsection 4:5.1(a)3 of the Newton Revised General Ordinances are hereby deleted and replaced with the following language:

Office: 35 hours per week, 8:30a.m. to 4:30p.m., Monday through Friday.

2. Subsection 4-10.1, "Group Insurance," shall be amended so that the phrase "a minimum (37) thirty-seven hours per week" shall become "a minimum (35) thirty-five hours per week."

3. Relevant provisions in the municipal personnel manual shall be amended in accordance with these Code revisions.

4. This Ordinance shall take effect upon its passage and publication, as provided for by law.

Mayor Ricciardo declared the hearing on Ordinance #2009-14 open to the public.

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

May 27, 2009

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

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-15

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON TO ESTABLISH AND ADOPT THE MUNICIPAL POWERS AUTHORIZED BY THE STATE OF NEW JERSEY'S ABANDONED PROPERTY REHABILITATION ACT, N.J.S.A. 55:19-78 ET SEQ., AND RELATED STATUTORY PROVISIONS

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey, agrees with the State Legislature of the State of New Jersey, that abandoned properties create a wide range of problems for municipalities, including but not limited to, the fostering of criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, the Town Council of the Town of Newton agrees with the State Legislature that abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, the Town Council of the Town of Newton agrees with the State Legislature that, based upon the above, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those nearby properties; and

WHEREAS, the Town Council of the Town of Newton agrees with the State Legislature that the continued presence of abandoned properties in the Town of Newton acts as a significant barrier to the Town's continued progressive development and revitalization; and

WHEREAS, the Town Council of the Town of Newton agrees with the State Legislature that it is the responsibility of the property owner to maintain their property in sound condition and prevent it from becoming a nuisance;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Newton that the Code of the Town of Newton is hereby amended to establish and adopt the municipal powers authorized by the State of New Jersey's Abandoned Property Rehabilitation Act, *N.J.S.A. 55:19-78 et seq.*, and related statutory provisions, as follows:

CHAPTER 20B

REHABILITATION OF ABANDONED PROPERTY

20B-1 Municipal Powers to Rehabilitate Abandoned Property. Town of Newton hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the

rehabilitation of abandoned property. Such powers are set forth, *inter alia*, in the “Abandoned Properties Rehabilitation Act” (N.J.S. 55:19-78 *et seq.*) and in applicable portions of the “New Jersey Urban Development Corporation Act” (N.J.S. 55-19-1 through -77). These state statutory powers are collectively referred to herein as the “Enabling Statutes”.

20B-2 Public Officer. The Public Officer, as defined in N.J.S. 55:19-80, who is responsible for executing the provisions of this Ordinance for the rehabilitation of abandoned property, shall be designated by resolution of the Town Council.

20B-3 Abandoned Property. The Public Officer shall designate a property as an “Abandoned Property” if said property meets the criteria set forth in N.J.S. 55:19-81 (abandoned property criteria) and/or N.J.S. 55:19-82 (nuisance property criteria). The Public Officer’s designation is limited by the provisions of N.J.S. 55:19-83.

20B-4 Abandoned Property List. The Public Officer shall establish an Abandoned Property List pursuant to N.J.S. 55:19-55. An interested party (as that term is defined in N.J.S. 55:19-105.a) may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S. 55:19-105.

20B-5 Rights of Owner of Abandoned Properties. The owner of a property on the Abandoned Property List has such rights designated to said owner by the Enabling Statutes. Such powers include, but are not limited to:

- (a) challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S. 55:19-55.e;
- (b) seeking removal from said list, pursuant to N.J.S. 55:19-57 and -103;
- (c) petitioning for reinstatement of control and possession, pursuant to N.J.S. 55:19-92 *et seq.*;

20B-6. Municipal Powers. Town of Newton has such powers and rights regarding abandoned properties as set forth in the Enabling Statutes. Such powers include but are not limited to:

- (a) sale of tax lien, pursuant to N.J.S. 55:19-56;
- (b) special tax sales, pursuant to N.J.S. 55:19-101;
- (c) foreclosing the right to redemption, pursuant to N.J.S. 55:19-58;
- (d) recourse directly against property owner, pursuant to N.J.S. 55:19-100;
- (e) possession and control of property, pursuant to N.J.S. 55:19-84 to -92, *et seq.*;
- (f) rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S. 55:19-90;
- (g) borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S. 55:19-91;
- (h) sale of property, pursuant to N.J.S. 55:19-96;
- (i) purchase of property, pursuant to N.J.S. 55:19-96;
- (j) recover rehabilitation costs by lien on property, pursuant to N.J.S. 55:19-98;
- (k) clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S. 55:19-56, -102.

20B-7 Rights of Utilities. Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S. 55:19-106.

20B-8 Interpretation. All references in this Ordinance to state statutes include reference to all amendments thereto. References to particular sections of the Enabling Statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other, applicable statutory provisions contained in the Enabling Statutes or elsewhere in the New Jersey statutes.

Mayor Ricciardo declared the hearing on Ordinance #2009-15 open to the public.

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

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

May 27, 2009

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2009-16

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2009-9 OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY FINALLY ADOPTED APRIL 27, 2009 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT

Mr. Russo noted that North Park Drive will not be completed this year, as per our Town Engineer, so amendment was necessary in order to reallocate that funding to other streets that would be completed this year.

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

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo		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 June 8, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

Mayor Ricciardo requested an updated report, from Mrs. Millikin, on the water leak detection program at the next Council meeting on June 8th meeting.

CONSENT AGENDA

Mayor Ricciardo read the following statement:

“All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

It was requested that Resolutions #97-2009 and #98-2009 be removed from the consent agenda for individual discussion.

May 27, 2009

RESOLUTION #91-2009*

TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitle "Comments and Recommendations, and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey a order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #92-2009*

AUTHORIZE THE MAYOR TO EXECUTE A DEVELOPER'S AGREEMENT WITH NORTH PARK URBAN RENEWAL LP KNOW KNOWN AS 206 NORTH PARK DRIVE, LLC, PERTAINING TO BLOCK 303, LOTS 26.02, 26.03, 26.04 AND 26.06

WHEREAS, at a regular meeting of the Newton Planning Board on December 19, 2007, the application of North Park Urban Renewal, LP know known as 206 North Park Drive, LLC received preliminary site plan approval, and said approval was memorialized in a Resolution of the Board on February 20, 2008 to construct a Dunkin' Donuts Restaurant and Walgreen's drug store on the property known as Block 303, Lots 26.02, 26.03, 26.04, and 26.06 on the Tax Map of the Town of Newton located at the intersection of North Park Drive and NJSH Route 206, and

WHEREAS, one of the conditions of approval was that the Developer enter into an

May 27, 2009

appropriate Developer's Agreement with the Town of Newton, and both parties wish to express by said Developer's Agreement their acceptance of conditions, safeguards and limitation under which on-site construction will proceed, and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes and directs the Mayor to execute the Developer's Agreement with 206 North Park Drive, LLC which is attached hereto, and that said Developer's Agreement be forwarded to all other appropriated parties for execution.

RESOLUTION #93-2009*

DESIGNATING REPRESENTATIVES TO MEDIATE A RESOLUTION TO NEWTON'S HOUSING ELEMENT AND FAIR SHARE PLAN OBJECTIONS

WHEREAS, the Town of Newton, Sussex County, State of New Jersey, has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, N.J.A.C. 5:96-3.6 requires a 45-day period of public review of the petition and Housing Element and Fair Share Plan and all supporting documentation; and

WHEREAS, three objections to Newton's Housing Element and Fair Share Plan were filed, consistent with N.J.A.C. 5:96-4.1(a); and

WHEREAS, N.J.A.C. 5:96-8.1 requires that COAH meet with representatives of the municipality and the objectors and attempt to mediate a resolution of the objections; and

WHEREAS, the Town of Newton is further required by N.J.A.C. 5:96-8.2(d) 2 to adopt a resolution designating representatives to act on its behalf concerning such mediation.

NOW, THEREFORE BE IT RESOLVED that the following persons shall constitute the representatives of the Town of Newton, Sussex County, State of New Jersey, and are authorized to act on its behalf and to attend, as deemed necessary and prudent, the mediation sessions:

1. *Jessica C. Caldwell, P.P., A.I.C.P. – Town Planner*
2. *E. Kevin Elvidge – Councilman*
3. *Debra J. Millikin – Deputy Town Manager/Community Development Director*
4. *Thomas S. Russo, Jr. – Planning Board Member/Town Manager*
[NOTE: N.J.A.C. 5:96-8.2(c) states "A municipality shall have a mediation team comprised of two representatives in addition to a member of the municipal planning board and a member of the municipal governing body (who shall not be the same individual)."]

BE IT FURTHER RESOLVED that these individuals are authorized to negotiate on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that Thomas S. Russo, Jr. is authorized to execute any written agreement reached during the mediation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that at any mediation session those representatives that are present shall collectively have full authority to act.

RESOLUTION #94-2009*

A RESOLUTION OF THE TOWN OF NEWTON APPOINTING A PUBLIC OFFICER AS DEFINED BY N.J.S. 55:19-80

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey, has adopted an Ordinance for Rehabilitation of Abandoned Property, thereby assigning to itself the statutory powers granted to willing municipalities under the "Abandoned Properties Rehabilitation Act," N.J.S. 55:19-78 et seq., and in applicable portions of the "New Jersey Development Corporation Act," N.J.S. 55:19-1 through -77, (said statutory provisions referred to herein collectively as the "Enabling Statutes"); and

May 27, 2009

WHEREAS, the Enabling Statutes and the aforementioned Ordinance empower the Town of Newton to designate a “Public Officer,” as that term is defined in N.J.S. 55:19-80; and

WHEREAS, the Town of Newton desires to designate said Public Officer and confer upon said Public Officer all of the powers set forth in the Enabling Statutes and the aforementioned Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that the Community Development Director is hereby appointed and designated the “Public Officer” for the purposes of implementing the powers set forth in the Enabling Statutes and the Newton Ordinance, “Rehabilitation of Abandoned Property.” This appointment and designation shall be effective immediately.

RESOLUTON #95-2009*

A RESOLUTON OF THE TOWN OF NEWTON APPOINTING A PURCHASING AGENT

WHEREAS, the Newton Town Council adopted Ordinance 2009-1 on January 26, 2009 establishing the position of Purchasing Agent pursuant to N.J.S.A. 40A:11-9; and

WHEREAS, Debra Millikin, Deputy Town Manager has successfully completed the certification process and possesses the qualifications to become the Town of Newton’s Purchasing Agent;

NOW THEREFORE BE IT REOSLVED by the Town Council of the Town of Newton that it hereby designates Debra Millikin as the Purchasing Agent for the Town of Newton in conjunction with and as part of her duties and at the same as salary as she currently receives as Deputy Town Manager.

RESOLUTION #96-2009*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason stated:

Credit due to estimated reading being higher than actual discovered at 2nd quarter reading:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26136	16 Woodridge Court	\$188.19

RESOLUTION #99-2009*

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

183,479.52	Payroll Account	910041
254.00	Grand Hotel of Cape May	25407

May 27, 2009

33,736.00	U.S.D.A. / FHA	910043
853,927.00	Newton Board of Education	910044
264.04	Quill Corporation	25408
307.26	Staples Credit Plan	25409
865.04	Harold Pellow & Associates, Inc.	25410
4,686.00	Municipal Software, Inc.	25411
250.00	Airmark Pools	25412
18.00	Alpine Spring Water Company	25413
65.00	Brian & Bill's Automotive, Inc.	25414
143.75	Sussex Car Wash, Inc.	25415
3,225.36	NUI Corporation	25416
54.91	G & G Diesel Service Inc.	25417
83.75	G & H Service, Inc.	25418
5,280.82	Jersey Central Power & Light	25419
77.70	New Jersey Herald	25420
510.05	New Jersey Herald	25421
905.55	SCMUA	25422
350.00	B & G Elevator Inc.	25423
426.79	EMBARQ	25424
2,797.87	EMBARQ	25425
70.96	EMBARQ	25426
5,850.00	Hollander,Hontz,Hinkes&Pasculli LLC	25427
92.76	Campbell's Small Engine	25428
725.00	Fire Fighters Equipment co.	25429
11,700.00	Neopost Leasing	25430
150.00	Peter J. Kays	25431
150.00	James Sisco	25432
150.00	Richard A. Straway, Jr.	25433
150.00	Thomas Straway	25434
519.40	Willco, Inc.	25435
20.00	Sussex County League of	25436
150.00	William F. Smith	25437
150.00	Brock Kithcart	25438
1,725.00	T. A. Mountford Company	25439
150.00	William Hagaman	25440
283.80	Ann M. Rosellen	25441
40.21	Sebring Auto Parts	25442
131.00	Skylands Press	25443
2,482.60	Stamp Fulfillment	25444
725.35	Dempsey Uniform & Supply, Inc.	25445
9,000.00	Greater Newton Chamber of Commerce	25446
406.89	Airgas	25447
2,500.00	E. Kevin Elvidge	25448
130.00	Grinnell Recycle	25449
1,414.57	Verizon Wireless	25450
146.88	Logical Source, Inc.	25451
72.45	Mr. John	25452
150.00	Kenneth Jaekel	25453
93.50	Linda Roth	25454
1,064.28	The Phillips Companies	25455
1,261.24	Fire & Safety Services, LTD.	25456
1,599.08	Guardline Fire & Safety Co., Inc.	25457
105.00	Scarinci & Hollenbeck, LLC	25458
1,127.78	Sussex County Mailing Service	25459
285.31	Weldon, Williams & Lick, Inc.	25460
281.35	Matthew Bender & Co.	25461
99.42	Staples Business Advantage	25462
10.48	Lowe's	25463
48.00	CSS Test	25464
150.00	Steve Estler	25465
150.00	Roy Leyman	25466
243.75	Pinnacle Wireless, Inc.	25467

May 27, 2009

1,192.26	Rachles/Michele's Oil Company	25468
1,615.45	Taylor Oil Co.	25469
290.68	Action Office Supplies	25470
22.00	Dawn Babcock	25471
2,000.00	Laddey, Clark & Ryan, LLP	25472
150.00	Adam Vough	25473
150.00	Joseph White	25474
119.67	County of Sussex	25475
150.00	William Oswin, III	25476
208.00	Back Thru the Future	25477
3,100.00	Rullo & Juillet Associates, Inc.	25478

CAPITAL

486.83	Payroll Account	911003
13,668.28	Harold Pellow & Assoc., Inc	1032
1,175.53	Payroll Account	930003
15,657.87	Harold Pellow & Assoc., Inc.	7318
168.00	New Jersey Herald	7319
1,512.00	Hollander, Hontz, Hinkes & Pasculli, LLC	7320
280.51	Limecrest Quarry (CEMEX)	7321
8,789.88	A. Nelessen & Associates, Inc.	7322
66.30	Lowe's	7323
2,200.00	Northeast Fire Protection, Inc.	7324

Total TOWN BILLS \$1,190,467.73

WATER AND SEWER ACCOUNT

27,766.39	Payroll Account	960019
819.60	Harold Pellow & Associates, Inc.	10750
2,931.00	Municipal Software, Inc.	10751
11,228.46	Montgomery Watson Harza	10752
486.80	Lee Company	10753
914.84	NUI Corporation	10754
12,322.33	Jersey Central Power & Light	10755
150.00	John Madden	10756
76.95	New Jersey Herald	10757
15,628.05	Pumping Services	10758
162.00	Paul Baldwin	10759
162.00	Paul M. Havens	10760
27.71	EMBARQ	10761
1,337.22	EMBARQ	10762
630.00	Hollander, Hontz, Hinkes & Pasculli LLC	10763
3,300.00	Neopost Leasing	10764
1,679.00	Garden State Laboratories, Inc.	10765
1,193.72	Weldon Asphalt Company	10766
150.00	William Grennille	10767
150.00	Joseph Carr	10768
2,482.60	Stamp Fulfillment	10769
269.20	Dempsey Uniform & Supply, Inc.	10770
165.40	One Call Systems	10771
6,250.00	R & D Trucking, Inc.	10772
98.64	Airgas	10773
162.00	Ervin Lasso	10774
196.65	Limecrest Quarry (CEMEX)	10775
273.42	McGuire	10776
2,268.00	Passaic Valley Sewerage Comm.	10777
1,250.00	John Smalley	10778
175.00	Scarinci & Hollenbeck, LLC	10779
73.27	Staples Business Advantage	10780
150.00	Eric Tompkins	10781

May 27, 2009

962.50	Andy Matt, Inc.	10782
3,600.00	William Grennille, LLC	10783

CAPITAL

947.25	Harold Pellow & Associates, Inc.	2136
36.00	Hollander, Hontz, Hinkes & Pasculli, LLC	2137

Total WATER & SEWER BILLS \$100,476.00

TRUST ACCOUNT

1,935.70	Payroll Account	971011
150.00	Daniel Colfax, Esq.	2646
1,125.00	Colleen Cunningham, Esq.	2647
1,250.00	Enforsys Fire System, Inc.	2648
4,730.68	JMC Environmental Consultants, Inc.	2649

Total TRUST BILLS \$9,191.38

RESOLUTION #100-2009*

**AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS
IN ACCORDANCE WITH NEW JERSEY LAW**

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent, and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2008 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in June of the current calendar year.

The Clerk presented an application for an off-premise raffle from the Newton Memorial Hospital Foundation, 175 High Street, Newton to be held on November 21, 2009 at 6:30 p.m. at 175 High Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

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

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

Mayor Ricciardo noted that, as per the memo dated May 27, 2009, there are Zoning deficiencies related to the renewal Taxicab Owner's license. Until such time as the deficiencies are addressed it was recommended that the two Resolutions be denied. Upon motion of Mrs.

May 27, 2009

Unhoch, seconded by Mrs. Becker and carried, Resolution #97-2009 “Approval of a Renewal Application for a Taxicab Owner’s License” and Resolution #98-2009, “Approval of a Renewal Application for a Taxicab Driver’s License” were denied and roll call resulted as follows:

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

Mr. Russo and Mayor Ricciardo noted that the deficiencies were related to the hours of operation; where the calls are being dispatched from, as well as the number of employees. It was noted that the current taxicab owner’s license expires on May 31, 2009, therefore the goal is to have Mr. Storm provide the appropriate information in a timely manner. If the information meets the satisfaction of the Zoning Officer, a provisional license can be issued by the Municipal Clerk until the June 8th Council meeting. Mayor Ricciardo suggested Mr. Storm appear at the next Council meeting for any additional questions of the Governing Body.

DISCUSSION (WORK SESSION)

OPEN TO THE PUBLIC

Mayor Ricciardo opened the meeting to the public.

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Mr. Russo outlined some agenda items to be discussed at the next few Council meetings. Mr. Russo will schedule four (4) Architects, of the eight (8) who submitted RFP’s, to discuss with Council their proposals submitted for the Council Chambers renovations.

Mrs. Millikin will present a report for the water leak detection program at the June 8th meeting.

Mr. Russo also advised Council that a replacement for Water/Sewer Superintendent is still being pursued.

At the June 22, 2009 Council meeting, Mr. Russo will request the Main Street Newton group to come in to discuss their progress and financial situation. It was noted that MSN has had its scheduled fundraisers, therefore this would be the right time for them to update us on their current financial status for the remainder of this year. The Town Council can then have a better idea on the funding provided by the Town of Newton.

May 27, 2009

Mayor Ricciardo advised the governing body that he will be attending a meeting at Newton Memorial Hospital, with Jim Sheldon, Executive Director of Main St. Newton, as well as John Eskilson, County Administrator. The meeting will address the involvement of Newton Memorial Hospital with the Main Street Newton Program.

Mrs. Unhoch questioned when Mr. William Grenville's Retirement Party will take place and was advised that it has been tentatively rescheduled for July 17, 2009 at 4:30 p.m. at the No. 1 Fire House on Mill Street.

Mr. Russo commended Mr. Larry Pryduluk on the preparation of the Memorial Day Parade, held on Monday, May 25, 2009. Council agreed with the praise of Mr. Pryduluk and suggested that a Proclamation be prepared for the next Council meeting.

Mayor Ricciardo shared his conversation he had with the Grand Marshall, Mr. Pelt, who served in World War II, as did the Mayor's Dad. Mayor Ricciardo expressed his gratitude for the men and women who have served, so that we may live in a free country.

Council also commended the new "Welcome to Newton" signs that were recently erected at the four main entrances of Newton. Additional signs were installed at Memory Park and Pine Street Park and one will be ordered for Summit Avenue Park.

There being no further business to conduct, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk