

March 9, 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, Tom 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 Scott Boger of the First Baptist Church, in Newton, performed the invocation. Mayor Ricciardo led all present in the Pledge of Allegiance to the flag and the Clerk called the roll.

Mayor Ricciardo declared the meeting open to the public.

OPEN TO THE PUBLIC

Mr. Tom Lawler, 41 Condit Street, Newton, addressed his concern regarding “an old spill” on a certain property within the Sparta Avenue Redevelopment Area. Mayor Ricciardo indicated that it would be the developer’s responsibility to obtain a “No Further Action” clearance notice from the Department of Environmental Protection.

COUNCIL & MANAGER REPORTS

Mayor Ricciardo questioned the Municipal Clerk on the lease agreement for Chip’s Taxi, which was due to expire. Mrs. Lorraine Read advised that she made contact with Mr. Storm, as well as the landlord, requesting an addendum to the current business lease. Mrs. Read noted that she did follow up with a letter to Mr. Storm, but will also forward one to the landlord.

ORDINANCES

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

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ORDINANCE # 2009-6

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY ALONG SPARTA AVENUE.

The following ORDINANCE was offered by Mrs. Le Frois, who moved its adoption, 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 | | |

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 March 23, 2009.

The Clerk will advertise the above Ordinance according to law.

Mayor Ricciardo proudly expressed the hard work by many professionals in creating this Plan throughout the past 18 months.

OLD BUSINESS

There was no Old Business before the Council.

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.”*

RESOLUTION #35-2009*

Resolution Providing for Financial Support to the Main Street Newton, Inc., Organization for calendar Year 2009

WHEREAS, the Town of Newton recognizes the importance of the downtown as it relates to the economic health and quality of life of the entire community, and

WHEREAS, the continued improvement, revitalization and development of the downtown is a critical municipal goal, and

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WHEREAS, a local Main Street Program organization, known as Main Street Newton, Inc., comprised of private and public community leaders, has been formed to stimulate economic development and preservation of the downtown, thereby lessening the burden of municipal government, and

WHEREAS, the Town Council of the Town of Newton had originally committed, through Resolution 5-2007, a matching fund amount, not to exceed \$40,000 per year, for four successive years beginning in 2007, and

WHEREAS, the Town Council of the Town of Newton acknowledges that a significant downturn in the economy of New Jersey and the United States creates an even greater need this year for the success of the Main Street Newton, Inc. organization and program, and

WHEREAS, the Town Council of the Town of Newton is committed to providing financial support in the municipal budget to the Main Street Newton, Inc. organization for calendar year 2009, without the matching fund restriction, in a total amount not to exceed \$40,000, and

WHEREAS, partial funding in an amount not to exceed \$20,000 shall be provided to the Main Street Newton, Inc. organization in a lump sum payment after adoption of this Resolution for purposes restricted to the payment of salary of the Main Street Newton Executive Director; and

WHEREAS, it is anticipated that the Executive Director and Board President of Main Street Newton, Inc. will keep the Town Council informed of the progress being made by the organization as it relates to meeting their 2009 fundraising goals.

RESOLUTION #36-2009*

Take our Daughter and Sons to Work[®] Day

WHEREAS, The Take Our Daughters and Sons to Work[®] Foundation operates the Take Our Daughters and Sons to Work[®] Day to help our nation's daughters and sons reach their full potential in school, in family life, in the community, and in their future work lives; and

WHEREAS, Take Our Daughters and Sons to Work[®] Day is making a positive difference in the lives of our youth through creating a wide range of experiences to instill the confidence necessary to acquire the skills and attitudes to enter and compete in today's workplace; and

WHEREAS, This program for 16 years has designed and promoted activities that encourage girls and boys to think about how their dreams for the future – both for their work and family lives – can be realized; and

WHEREAS, Through this educational experience, girls and boys begin to see the connection between studied subjects like math, English and science and how they are applied to the “real” world. As a result, girls and boys are given an opportunity to explore the workplace and apply the experience to their everyday studies; and

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WHEREAS, This program is a public education campaign that amplifies the voices of girls and boys, shares the vision of our nation's daughters and sons for a better future, and works through the program to help girls and boys make their vision of today their reality of tomorrow;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton do hereby extend greetings and best wishes to all observing April 23, 2009 as "*Take Our Daughters and Sons to Work[®] Day*" in the Town of Newton, and we urge all business and organizations to join the Town of Newton in supporting this program and its participants, enabling students to realize their full potential and reach their dreams.

RESOLUTION #37-2009*

Resolution Authorizing Release of Executive Session Minutes

WHEREAS, it is appropriate for the Town Council of the Town of Newton to establish a procedure for the review and release of minutes of meetings of the Town Council which have not been open to the public in accordance with the Open Public Meetings Act,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session this 9th day of March 2009, that:

1. There shall be a minutes review committee (MRC) consisting of the Town Manager or his designee, the Town Clerk and the Town Attorney, whose job shall be to periodically review the minutes of closed sessions of the Town Council and make recommendations to the Town Council as to which minutes should be made public. The MRC shall have no power and shall not be a "public body" within the meaning of the Open Public Meetings Act.
2. The MRC shall meet on an as-needed basis, but at least annually. Meetings of the MRC shall be scheduled at the convenience of the MRC members by the Town Manager or his designee.
3. Prior to each meeting of the MRC, the Town Clerk shall prepare a list of all closed session minutes that have not been made public. The list and the minutes listed shall be made available to the MRC at their meetings.
4. Recommendations to make minutes public shall be on a case-by-case basis, taking into consideration both the interest in maintaining confidentiality set forth in N.J.S.A. 10:4-12 and the interest in prompt disclosure set forth in N.J.S.A. 10:4-14. The applicable guidelines set forth in paragraph 7 of this resolution may be considered as a general standard.
5. The decision to make public the minutes of any closed session shall be made only by the Town Council, and shall be based on a finding that public disclosure of the matters discussed at such closed session will not be detrimental to the public interest. In making this finding, the public body shall take into consideration, but need not agree with, the recommendation of the MRC and the basis for the recommendation as set forth in paragraph 4 above. In cases where more than one matter was disclosed in closed session, the public body may elect to make public only the minutes pertaining to certain of those matters, and to keep the rest of the

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minutes confidential. Should the minutes contain any material entitled to protection, the public body shall excise the protected matter, provided, that all materials required by law to be contained in the minutes shall be set forth.

6. Minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person in the same manner as minutes of open meetings.

7. Guidelines. The following general guidelines pertaining to the purposes for closed meetings set forth in N.J.S.A. 10:4-12 may be considered in recommending and deciding when to make public minutes of closed sessions:

a) Matters required by law to be confidential. When the need to preserve the secrecy of the confidential information discussed no longer exists; provided, that material entitled to court protection shall not be disclosed.

b) Matters affecting the right to receive federal funds. When disclosure would no longer impair the right to receive funds or cause funds already received to be forfeited.

c) Matters involving individual privacy. Such matters shall not be disclosed except as ordered by a court of competent jurisdiction, or with the written consent of all of the individual(s) concerned.

d) Matters relating to collective bargaining agreements. When the collective bargaining agreement has been made and ratified.

e) Certain matters involving public funds. After the transaction involving the public funds has been made.

f) Matters affecting public safety and property. When disclosure would no longer impair the safety and property of the public or the conduct of any investigation.

g) Litigation, contract negotiation and certain privileged matters. As to litigation, when a final decision has been rendered and all rights of appeal are exhausted; as to anticipated litigation, when the statute of limitations has expired as to all such claims made; as to contract negotiation, when either the contract has been made and is binding on all parties or if not made, when negotiation is terminated; as to matters falling within the attorney-client privilege, at such time, if ever, that disclosure would not violate the attorney's ethical duties.

h) Employment matters. When the employment decision has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.

i) Deliberations after hearing in penalty matters. After the decision to impose or not impose the penalty has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed, and

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BE IT FURTHER RESOLVED, that copies of this Resolution shall be provided to the Town Manager, the Town Clerk and the Town Attorney for their information and attention.

RESOLUTION #38-2009*

Authorize the Mayor to Execute an Amendment to the Developer's Agreement with Route 519 & North Park Drive, LLC, dated June 23, 2008, for block 303, Lot 26.05, for Kohl's Department Store, Extending the Completion Date Until July 31, 2009

#WHEREAS, the Town of Newton entered into a Developer's Agreement with Route 519 & North Park Drive, LLC, on June 23, 2008, to construct a Kohl's Department Store on property known as Block 303, Lot 26.05, on the tax map of the Town of Newton, located on North Park Drive, pursuant to Resolution #101-2008 adopted by the Newton Town Council on June 23, 2008; and

WHEREAS, Route 519 & North Park Drive, LLC, received final site plan approval at the meeting of the Newton Planning Board on February 18, 2009, and requested that the time for completion be extended ninety (90) days as set forth in said Developer's Agreement; and

WHEREAS, the Newton Town Engineer has no objection to such request.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Newton authorizes and directs the Mayor and Municipal Clerk to execute an Amendment to the June 23, 2008, Developer's Agreement with Route 519 & North Park Drive, LLC, extending the completion date until July 31, 2009, a copy of which Amendment is attached hereto and made a part of this Resolution.

BE IT FURTHER RESOLVED that Route 519 & North Park Drive, LLC, shall be provided with a certified copy of this Resolution.

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

RESOLUTION #39-2009*

Approve Participation with the State of New Jersey in a Safe and Secure Communities Program Administered by the division of Criminal Justice, Department of Law and Public Safety.

WHEREAS, the Town of Newton wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant # P-4602), and

WHEREAS, the Town Council of the Town of Newton has reviewed the application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

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NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that:

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety;
- 2) The Attorney General will receive funds on behalf of the applicant;
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds;
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized;

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-4602.

RESOLUTION #40-2009*

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:

UTILITY BOARD RECOMMENDS WAIVER OF PORTION FO SEWER CHARGE FOR 3RD QUARTER OF 2008:

| <u>Account</u> | <u>Address</u> | <u>Amount</u> |
|----------------|----------------|---------------|
| 3594 | 33 Mill Street | \$3,955.00 |

UTILITY BOARD RECOMMENDS REDUCTION/CORRECTION OF WATER BILL OF 3RD QUARTER OF 2008:

| <u>Account</u> | <u>Address</u> | <u>Amount</u> |
|----------------|-----------------|---------------|
| 3890 | 127 Mill Street | \$377.80 |

RESOLUTION #41-2009*

Authorize Reduction of Funds Deposited as a Performance Guarantee by Julie Richard, LLC

WHEREAS, Julie Richard, LLC posted a \$268,638.48 performance guarantee with Developers Surety Indemnity Company, in favor of the Town of Newton in connection with the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue in the Town of Newton; and

WHEREAS, in a letter dated February 20, 2009, Julie Richard, LLC requested the release of said performance guarantee; and

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WHEREAS, in a letter dated March 4, 2009, David B. Simmons, Jr., PE of the engineering firm of Harold E. Pellow & Associates, Inc. has reviewed the status of work at the premises and noted the completion of certain work and the necessity of completing other work, and as a result of said inspection recommended that the performance guarantee be reduced to maintain a balance of \$25,800.00; and

WHEREAS, in said letter Mr. Simmons calculated the required two-year maintenance bond to be in the amount of \$29,744.10, which must be posted prior to the partial granting of the requested release of the performance guarantee per Section 1.18 of the Developer's Agreement between Developer and Town.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it shall accept from Julie Richard, LLC, a two-year maintenance bond in the amount of \$29,744.10 related to the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue, based on the recommendation of the office of the Town Engineer; and

BE IT FURTHER RESOLVED that upon posting of the required maintenance bond by Julie Richard, LLC, the Town Council authorizes the reduction of the performance guarantee to \$25,800.00 related to the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue based on the recommendation of the office of the Town Engineer.

RESOLUTION #42-2009*

Resolution Authorizing Grant Submission for PARIS Grant Program

WHEREAS, the Governing Body of The Town of Newton has agreed to apply for a PARIS Grant in the amount not to exceed \$140,000; and

WHEREAS, the Governing Body of the Town of Newton is acknowledging and accepting the responsibility of acting as applicant for this grant; and

WHEREAS, the State of New Jersey has made PARIS grants available to assist county and municipal governments in their records management, preservation and storage efforts; and

WHEREAS, the purpose of this grant is to begin implementation of a disaster recovery plan for the Town of Newton;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Newton that the Town of Newton does hereby apply for a PARIS Grant for the purpose cited above.

RESOLUTION #43-2009*

Approve 2008 Appropriation Reserve Transfers

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2008 appropriation reserve transfers be approved effective this date:

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| <u>From</u> | <u>To</u> | <u>Amount</u> |
|--|---------------------------------------|-----------------|
| Police OE 1074254A | Community Development OE 1064216A | \$ 910 |
| Police OE 1074254A | Unemployment Insurance OE 1098299A | \$ 1,000 |
| Municipal Court SW 1059101A | Unemployment Insurance OE 1098299A | \$ 4,000 |
| Police SW 1074117A | Emergency Management OE 1078271A | \$ 40 |
| Elections OE 1051544A | Engineering OE 1060216A | \$ 1,000 |
| Parks & Playgrounds SW 1091101A | Accum Absence 1094400A | \$12,000 |
| Parks & Playgrounds SW 1091101A | Unemployment Insurance OE 1098299A | \$ 6,500 |
| Inspection of Buildings SW 1077103A | Snow Removal OE 1081239A | \$ 1,050 |
| Worker Compensation Ins.OE 1067200A | Recycle & Sanitation OE 1083269A | \$ 800 |
| TOTAL TRANSFERS | | \$27,300 |

RESOLUTION #44-2009*

Amendment to 2009 Temporary Operating Budget

WHEREAS, the Town Council of the Town of Newton adopted the 2009 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #244-2008 dated December 22, 2008, and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget (2008 Budget \$8,175,285 x 1/12 = \$681,273;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the 2009 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON
2009 TEMPORARY BUDGET AMENDMENT**

| <u>Account</u> | <u>Account No.</u> | <u>Amt of Amendment</u> |
|-----------------------------------|--------------------|-------------------------|
| Legal OE | 1058201 | 10,000 |
| Human Resource SW | 1053103 | 2,000 |
| Finance – Audit OE | 1054300 | 6,000 |
| Community Development OE | 1064216 | 3,000 |
| Employee Group Insurance OE | 1066200 | 100,000 |
| Workers Compensation Ins. OE | 1067200 | 32,000 |
| Other Insurance OE | 1069200 | 30,000 |
| Road Repair SW | 1080100 | 40,000 |
| Snow Removal SW | 1081101 | 1,000 |
| Stormwater OE | 1082200 | 1,000 |
| Recycling & Sanitation OE | 1083265 | 10,000 |
| Vehicle Maintenance OE | 1083374 | 30,000 |
| Main Street Contribution Match OE | 1094300 | <u>20,000</u> |

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| | | |
|------------------------------|---------|-----------|
| Total Current Temp Amendment | | \$285,000 |
| Debt Service | 1096200 | \$210,000 |

2008 TOWN OF NEWTON BUDGET

| | |
|----------------|--|
| \$9,796 010 | Total 2008 General Appropriations |
| 1,043,690 | Less: Debt service |
| 182,800 | Capital Improvements |
| <u>394,235</u> | Reserve for Uncollected Taxes |
| \$8,175,285 | Total Amount to calculate upon |
| <u>x 1/12</u> | |
| \$ 681,273 | Allowable 2009 Temporary Budget Amendment |

RESOLUTION #45-2009*

Memorandum of Understanding Between the State Planning Commission and the Town of Newton

WHEREAS, the Town of Newton (petitioner), has submitted a petition for Plan Endorsement to the State Planning Commission (Commission) pursuant to Plan Endorsement Guidelines adopted October 18, 2007 and proposed rules based on same; and

WHEREAS, the petitioner has been afforded the choice to pursue Plan Endorsement pursuant to the adopted Plan Endorsement Guidelines and proposed rules based on same; and

WHEREAS, the Executive Director of the Office of Smart Growth has determined that petitioner is currently seeing plan endorsement in good faith; and

WHEREAS, the Office of Smart Growth and relevant State agencies have conducted a substantive review of planning documents and other submissions and has conducted an opportunities and constraints analysis based on same; and

WHEREAS, the Office of Smart Growth and relevant State agencies have negotiated an Action Plan to be completed as a condition of receiving plan endorsement, which includes designation of an interim center by the Commission; and

NOW, THEREFORE BE IT RESOLVED, that petitioner and the State Planning Commission do hereby agree to enter into this memorandum of Understanding (MOU), including the Action Plan attached hereto as Exhibit A, in order to advance the petition for plan endorsement; and

BE IT FURTHER RESOLVED, that the State Planning Commission and petitioner hereby agrees as follows:

1. Petitioner acknowledges receipt of a letter from the Office of Smart Growth setting forth all current issues concerning the consistency of the petition with the State Plan and the necessary actions to be taken in order for petitioner to achieve Plan Endorsement.
2. Petitioner acknowledges it has reviewed and agreed upon the terms contained in the Action Plan.

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3. Petitioner agrees to exert good faith efforts to achieve Plan Endorsement and to meet the timelines set forth in the Action Plan attached hereto.

4. Petitioner agrees to provide necessary documentation of its planning efforts to the Office of Smart Growth and to resolve issues of consistency with the State Plan so as to achieve Plan Endorsement.

5. Office of Smart Growth and State agency members of the State Planning Commission agree to continue efforts to facilitate petitioner's achievement of Plan Endorsement.

6. Office of Smart Growth, relevant State agencies and the Commission agree to exert good faith efforts to timely provide benefits delineated in the Action Plan attached hereto in order to advance petitioner's efforts to achieve plan endorsement, including but not limited to designating an interim center.

BE IT FURTHER RESOLVED, that the Executive director of the Office of Smart Growth shall satisfy public notice and posting requirements in accord with proposed new plan endorsement rules; and

BE IT FURTHER RESOLVED, that the Executive Director of the Office of Smart Growth and the Chairman of the State Planning Commission are hereby authorized to execute such documents and to take other actions as may be necessary to execute this MOU.

RESOLUTION #46-2009*

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 2007 and 2008 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

| | | |
|------------|-------------------------------------|--------|
| 9,557.50 | Main Street Newton, Inc. | 25103 |
| 16,151.74 | Payroll Account | 910015 |
| 59,742.84 | NJSHBP | 910016 |
| 29,123.94 | NJSHBP | 910017 |
| 853,927.00 | Newton Board of Education | 910018 |
| 164,130.65 | Payroll Account | 910019 |
| 1,529.82 | Harold Pellow & Assoc., Inc. | 25104 |
| 105.00 | Freedom Business Machines | 25105 |
| 841.24 | G & G Diesel Service, Inc. | 25106 |
| 8,591.17 | Jersey Central Power & Light | 25107 |
| 360.50 | New Jersey Herald | 25108 |
| 1,465.30 | SCMUA | 25109 |
| 124.63 | EMBARQ | 25110 |
| 18.00 | Hollander,Hontz,Hinkes&Pasculli,LLC | 25111 |
| 377.42 | Willco, Inc. | 25112 |
| 150.00 | NJ State League of Municipalities | 25113 |

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| | | |
|-----------|--------------------------------------|-------|
| 70.00 | Sussex County League of | 25114 |
| 537.20 | Good Year | 25115 |
| 6.82 | Sebring Auto Parts | 25116 |
| 179.38 | Boonton Tire Supply | 25117 |
| 129.36 | Weiner Lesniak | 25118 |
| 271.29 | Medtronic Physio-Contrl Corp. | 25119 |
| 111.84 | Universal Supply Group Inc. | 25120 |
| 17.94 | Cooper Electric Supply Co. | 25121 |
| 157.95 | Linda Roth | 25122 |
| 2,112.24 | Guardline Fire & Safety Co., Inc. | 25123 |
| 45.00 | NJ Assoc. Planning & Zoning Admin. | 25124 |
| 120.00 | Int. Assoc. of Chiefs of Police | 25125 |
| 217.14 | Staples Business Advantage | 25126 |
| 20,000.00 | Main Street Newton, Inc. | 25127 |
| 1,282.50 | Skylands Area Fire Equip. & Training | 25128 |
| 768.55 | Rachles/Michele's Oil Company | 25129 |
| 140.20 | JC Grill House | 25130 |
| 50.00 | NJ Drug Recognition Experts | 25131 |
| 6,186.91 | Kieffer Electric, Inc. | 25132 |
| 86.96 | W.B.Mason | 25133 |
| 6,698.00 | Gramco Business Communications | 25134 |
| 329.95 | B & H | 25135 |

CAPITAL

| | | |
|----------|------------------------------|--------|
| 1,000.00 | Current Account | 911001 |
| 992.40 | Harold Pellow & Assoc., Inc. | 7290 |

Total TOWN BILLS \$1,196,708.38

WATER AND SEWER ACCOUNT

| | | |
|------------|-----------------------------------|--------|
| 575.47 | Newton Postmaster | 10623 |
| 4,333.80 | Payroll Account | 960006 |
| 143,471.00 | U.S.D.A. / FHA | 960007 |
| 25,937.68 | Payroll Account | 960008 |
| 278.45 | Harold Pellow & Associates, Inc. | 10624 |
| 397.83 | Lee Company | 10625 |
| 21,308.35 | Jersey Central Power & Light | 10626 |
| 357.50 | Keller Welding Company | 10627 |
| 360.00 | Pumping Services | 10628 |
| 138.70 | SCMUA | 10629 |
| 6.00 | Paul M. Havens | 10630 |
| 950.00 | Bank of New York | 10631 |
| 750.00 | Frank Semeraro Construction, Inc. | 10632 |
| 12.00 | Ervin Lasso | 10633 |
| 1,174.31 | Thomas English & Associates | 10634 |
| 48.54 | Water & Sewer Petty Cash Fund | 10635 |

Total WATER & SEWER BILLS \$200,099.63

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TRUST ACCOUNT

| | | |
|----------|------------------------------|--------|
| 2,065.05 | Payroll Account | 971005 |
| 675.23 | Harold Pellow & Assoc., Inc. | 2613 |
| 234.86 | Harold Pellow & Assoc., Inc. | 1035 |

Total TRUST BILLS \$2,975.14

A motion was made by Mrs. Unhoch to approve the **COMBINED ACTION RESOLUTIONS**, which was 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 | |

DISCUSSION

a. Fee Ordinance Revisions

Mr. Russo reviewed his memo, dated February 20, 2009, and indicated that all department heads provided input and made recommendations to the fees related to their department.

Mr. Russo reviewed with the governing body, each section of Chapter 21, "Fees and Costs", which were modified.

Councilwoman Unhoch inquired about adding a "vending machine license fee" under the Municipal Clerk's office. Mr. Russo was directed to obtain sample Ordinances from other municipalities.

After a lengthy question and answer period, Mr. Russo will make changes as recommended and will forward to Council for their review.

b. Street Signs

Mr. Russo presented a sample of the "new" street signs, which is a heavier steel grade from the current street signs. Mr. Russo obtained a quote of \$124.00 per sign, which is a savings of approximately \$200.00 per sign.

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The consensus of the Council was to go with the blue street signs with white reflective lettering, instead of the standard green signs.

10-MINUTE INTERMISSION

c. 2009 Budget

Mr. Russo advised Council of the additional cuts made to the 2009 Municipal Budget. He decreased the proposed budget by an additional \$131,181.00 and outlined the areas impacted by the additional cuts. Mr. Russo calculated this adjusted budget to be an 8 point increase; which was originally at 9 points. Mr. Russo noted that he revisited the Capital Improvements budget and also decreased it by \$235,000.00.

After a brief discussion, Mr. Russo advised that he will forward the outlined decreases, from the Municipal Budget and Capital Budget, to Council in their Friday packets.

d. Code Enforcement

Mr. Russo reviewed a letter from Mr. Robert Bittle, Construction Official, which addressed a code enforcement issue, related to the International Building Code (IBC), with Kohl's Department Store.

Mayor Ricciardo expressed his concerns with the inconsistency with the plan review process for general public as well as for commercial. In addition, Mayor Ricciardo addressed concerns regarding the interpretation of the International Fire Code (IFC) and requested Mr. Russo to obtain an interpretation, for renovations/new construction, from Department of Community Affairs (DCA). It was noted that the International Fire Code is new and came into effect for New Jersey on February 1, 2009.

OPEN TO THE PUBLIC

Mayor Ricciardo opened the meeting to the public.

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Mr. Neil Flaherty, 154 Sparta Avenue, expressed his approval with the new “blue” street signs presented by Mr. Russo, but suggested the Town contact the Town Engineer to inquire which color has a best visibility at night. Mr. Russo advised that he did contact the Town Engineer for advice and there was no preference on color.

Mr. Tom Lawler, 41 Condit Street, expressed his feelings regarding the newly implemented International Fire Codes, suggesting that all codes should not be applicable to everyone, unless renovations and/or new facilities are constructed. He agreed that an interruption should be obtained from DCA.

Mr. Anwar Qarmout, 45 Woodside Avenue, addressed several issues and gave his opinion and suggestions regarding these issues. Additional concerns were addressed regarding the fee structure within the Planning & Zoning Office, if an applicant is required to go before the Planning and Zoning Boards. A final thought expressed was for the Council to review the option, with the potential grant funds, of a centralized fire house for: 1) public safety; 2) lower the operating costs; and 3) benefits for the taxpayers.

COUNCIL & MANAGER COMMENTS

Councilwoman Le Frois addressed the letter dated March 4, 2009, from Linda Roth, CTC, Tax Collector, who recommends holding the 2009 Annual Tax Sale on June 24, 2009, traditionally held in October. After a brief discussion, Council agreed with the recommendation of our Tax Collector and directed Mr. Russo to proceed.

There being no further business to conduct, upon motion of Mayor Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 9:38 p.m.

Respectfully submitted,
Lorraine A. Read, RMC
Municipal Clerk