

July 23, 2012

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:32 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Ricciardo, Mr. Flynn, Mayor Diglio, Thomas S. Russo, Jr., Town Manager, and Mark Hontz, Esq., Town Attorney.

Mayor Diglio 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, 2011."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Elvidge, seconded by Mrs. Becker and carried, the minutes of June 25, 2012 (Special) meeting and July 9, 2012 (Regular) meeting were approved, with an abstention from Mr. Flynn for June 25, 2012 Special meeting. Upon motion of Mr. Elvidge, seconded by Mrs. Becker and carried, the minutes of July 2, 2012 (Reorganization) meeting was approved, with an abstention from Mr. Ricciardo.

OPEN TO THE PUBLIC

Mayor Diglio read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

There being no one from the public to be heard, Mayor Diglio closed the meeting to the public.

COUNCIL & MANAGER REPORTS

Mrs. Read, Municipal Clerk, announced that the Town-wide Garage Sale will take place on August 3, August 4, and August 5, 2012. The advertising is done by the Municipal Clerk's office; a map is created and will be posted on the Town website. The permits are \$12.00 and may be obtained through the Town Clerk's office.

Mr. Russo thanked Thea Unhoch and the ladies who assisted her with the mailing of the tax bills today.

ORDINANCES

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

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ORDINANCE #2012-19

AN ORDINANCE TO AMEND SCHEDULE "B" OF ORDINANCE 2011-25

WHEREAS, there is a need to amend Schedule "B" of Ordinance 2011-25 "An Ordinance to Establish Minimum and Maximum Salaries and Wages for Officers and Employees of the Town of Newton for Calendar Year 2012" to reflect certain staffing changes; and

WHEREAS, Schedule "B" of Ordinance 2011-25 shall be replaced in its entirety to reflect the following changes:

Additions:

Level 3

Swim Instructor

Level 8

Court Attendant

Level 16

Code Enforcement Officer

Deputy Municipal Clerk

Deputy Registrar

Deletions:

Level 4

Deputy Municipal Clerk/Deputy Registrar

Level 10

Const.Official/Code Enforcement Officer/
Bldg. Inspector

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

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

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

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

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

ORDINANCE #2012-20

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION OF A REVISION AND CODIFICATION OF ORDINANCES FOR THE TOWN OF NEWTON (N.J.S.A. 40A:4-53)

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

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Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		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 August 13, 2012.

OLD BUSINESS – None

CONSENT AGENDA

Mayor Diglio 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.”*

Deputy Mayor Ricciardo requested that Resolution #158-2012 be removed for separate discussion.

Mr. Russo provided a brief overview of the various Resolutions.

RESOLUTION #153-2012*

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 2011 has been filed by a Registered Municipal Accountant with the 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, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the Governing Body have personally reviewed, at 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

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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 an 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 than 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 #154-2012*

APPOINTMENT TO SUBMIT A GRANT AGREEMENT AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF SIDEWALK AND CURBING ALONG WATER STREET (ROUTE 206/94)

WHEREAS, the Town of Newton is applying for funding in the amount of \$131,260.00 to place sidewalks and curbing along the westerly side of Water Street (Route 206/94) under the NJDOT Transportation Enhancement Grant; and

WHEREAS, there is a need for the placement of sidewalks in this area due to the many pedestrians that walk along the shoulder of Water Street heading toward the retail stores within this area of Town; and

WHEREAS, the curbs and sidewalks will help to promote a safer environment for pedestrians to travel to get to the stores and also connect to the downtown area of Newton;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton formally supports this grant application, and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Clerk are hereby authorized to submit an electronic grant application identified as TE-2012-Newton Town-00004 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of same.

RESOLUTION #155-2012*

AWARD CONTRACT TO MODERN EQUIPMENT SALES AND RENTAL CO. FOR BANDIT 150 XP CHIPPER FOR THE DEPARTEMNT OF PUBLIC WORKS

WHEREAS, the Town of Newton received four quotes from qualified vendors for Bandit 150XP Chipper for the Department of Public Works; and

WHEREAS, Modern Equipment Sales & Rental Co., provided the most cost effective quote for the Bandit 150XP Chipper; and

WHEREAS, it is recommended by the Town of Newton's Purchasing Agent, Debra J. Millikin and the Department of Public Works Supervisor, Kenneth Jaekel that a contract for the purchase of Bandit 150XP Chipper be awarded to Modern Equipment Sales and Rental Co., in the amount of \$28,968.00; and

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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 we hereby award the contract for the purchase of a Bandit 150XP Chipper to Modern Equipment Sales and Rental Co., of Edison, NJ in the amount of \$28,968.00.

RESOLUTION #156-2012*

AWARD CONTRACT TO RAM INDUSTRIAL SERVICE, INC., FOR THE REPAIR OF RBC 2C AND RBC 2D AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the Town of Newton received two quotes from qualified vendors for the replacement of two (2) RBC units for the Waste Water Treatment Plant; and

WHEREAS, RAM Industrial Service, Inc., provided the most cost effective quote for the replacement for of both RBC units; and

WHEREAS, it is recommended by the Town of Newton Purchasing Agent, Debra J. Millikin that a contract for the purchase of repair of RBC 2C and RBC 2D for the Waste Water Treatment Plant be awarded to RAM Industrial Service, Inc., in the amount of \$32,720.00; 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 we hereby award the contract for the repair of RBC 2C and RBC 2D for the Waste Water Treatment Plant to RAM Industrial Services, Inc., of Leesport, PA in the amount of \$32,720.00.

RESOLUTION #157-2012*

APPROVE PURCHASE OF GUARD RAIL FOR STRAWAY BLVD. AND MEMORY PARK PARKING LOT

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #189-2011 on September 14, 2011 in an effort to save budgeted monies and improve services for itself by renewing its membership in the Morris County Cooperative Pricing Council "MCCPC"; and

WHEREAS, M.L Ruberton Construction & Safety, of 1512 Mays Landing Road, Folsom, New Jersey was the low bidder on the "MCCPC" portion for municipalities with regard to Guide Rail; and

WHEREAS, the Town of Newton has received a price through the "MCCPC" for the Guide Rail placement for Straway Blvd. and the Memory Park Parking Lot, for an amount of \$20,025.04; and

WHEREAS, the Town of Newton Purchasing Agent, Debra J. Millikin and the Department of Public Works Supervisor, Kenneth Jaekel have recommended the purchase of the guide rail through M.L. Ruberton Construction & Safety in the amount of \$20,025.04; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Guide Rail for Straway Blvd., and the Memory Park Parking Lot be purchased through M.L. Ruberton Construction & Safety, Folsom, New Jersey through the "MCCPC" in the amount of \$20,025.04.

RESOLUTION #159-2012*

RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. 2001 Chevrolet Impala
 Vin#: 2G1WF55K3193858841
 Odometer Reading: 77,500 MILES
 Condition: Fair
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #160-2012*

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 2011 and 2012 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

172.52	Quill Corporation	30643
734.29	E.A. Morse & Company	30644
14.95	Montague Tool & Supply	30645
429.00	Harold Pellow & Assoc., Inc.	30646
27.00	Decker's Fire & Safety	30647
137.50	Sussex Car Wash, Inc.	30648
661.78	NUI Corporation	30649
12,370.79	JCP&L	30650
516.87	SCMUA	30651
195.00	B & G Elevator, Inc.	30652
194.30	Centurylink Communications, Inc.	30653
42.47	Centurylink Communications, Inc.	30654
35.00	Centurylink Communications, Inc.	30655
2,855.23	Centurylink Communications, Inc.	30656

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2,664.00	Hollander, Strelzik, Pasculli, Hinkes	30657
354.36	Rowe & Company	30658
129.52	Campbell's Small Engine	30659
267.75	D & E Service Center	30660
8.75	Lock & Key World	30661
64.49	Tri-State Rentals, Inc.	30662
532.00	West Group	30663
4,350.00	Ferraioli, Cerullo & Cuva	30664
425.00	Willco, Inc.	30665
275.00	Treasurer, State of New Jersey	30666
1,150.00	T.A. Mountford Company	30667
609.29	Minisink Press Inc.	30668
218.46	Sebring Auto Parts	30669
4,505.00	Newton Junior Athletic League	30670
327.88	Zee Medical	30671
982.98	Dempsey Uniform & Supply Inc.	30672
477.98	Sussex County Bd. Of Elections	30673
664.54	Airgas East	30674
4,508.92	Boonton Tire Supply	30675
21,876.07	Ford Motor Credit-Municipal	30676
51,431.78	Statewide Insurance Fund	30677
1,527.73	Verizon Wireless	30678
419.47	State Chemical	30679
23.45	Walmart	30680
75.78	Mr. John	30681
86.58	Linda Roth	30682
1,150.48	The Home Depot	30683
224.35	The Home Depot	30684
3,690.00	Fire & Safety Services, LTD	30685
8.70	Town of Newton	30686
436.00	Treasurer, State of NJ	30687
146.00	Thomson West	30688
792.70	Scarinci & Hollenbeck, LLC	30689
1,093.43	Buckman's Inc.	30690
155.00	Draeger Safety Diagnostics, Inc.	30691
305.45	Staples Business Advantage	30692
1,455.52	Hampton Body Works	30693
3,000.00	Pinnacle Wireless FBO Unitek Global	30694
598.44	Municipal Graphics Inc.	30695
5.00	Treasurer, State of NJ - Burial	30696
6,960.55	Rachles/Michele's Oil Company	30697
1,886.65	Taylor Oil Co.	30698
2,250.00	Laddey, Clark & Ryan, LLP	30699
1,487.50	JMC Environmental Consultants, Inc.	30700
8,025.39	Family Ford, Inc.	30701
105.60	Atlantic Tactical	30702
765.00	Knapp, Trimboli & Prusinowski, LLC	30703
499.75	Penteledata	30704
2,010.00	Chelbus Cleaning Co., Inc.	30705
6,338.36	Direct Energy Business	30706
150.00	Idville	30707
241.49	Woodruff Energy US, LLC	30708
116.52	Grainger	30709
174.78	NJ Div. Pension & Benefit	30710
185.00	Thyssenkrupp Elevator Corp.	30711
69.99	Cartridge World	30712
705.00	D. Lovenberg's Portable Toilet Rent	30713
483.00	Recreation Supply Company, Inc.	30714
321.00	Swank Motion Pictures, Inc.	30715
339.00	Town of Newton	121040
9,745.46	Treasurer, State of NJ/727 Fund	121041
349,068.13	US Bank Oper. Ctr/Trust Mgmt.	121042
188,572.74	Payroll Account	121043

CAPITAL

507.50	Harold Pellow & Assoc., Inc.	7941
36.00	Hollander, Strelzik, Pasculli, Hinkes	7942
10,915.00	Tony's Concrete Constr. Co., Inc.	7943
32.10	The Phillips Companies	7944
613.89	The Home Depot	7945
2,270.76	W. B. Mason	7946
3,944.00	Sign-A-Rama	7947
1,793.40	Allsteel, Inc.	7948
558.00	Rent-A-Fence, Inc.	7949
175.00	High Hollow Farm	7950
1,789.90	Payroll Account	123001

Total TOWN BILLS \$732,541.01

WATER AND SEWER ACCOUNT

144.56	Montague Tool & Supply	12989
1,273.09	Schmidt's Wholesale Inc.	12990
101.95	Hach Company	12991
271.88	NUI Corporation	12992
5,669.83	JCP&L	12993
1,459.00	Pumping Services	12994
418.60	SCMUA	12995
377.40	Sussex County Plumbing	12996
21.00	Paul M. Havens	12997
11,612.72	Coyne Chemical Corp., Inc.	12998
32.35	Centurylink Communications, Inc.	12999
125.85	Centurylink Communications, Inc.	13000
1,220.91	Centurylink Communications, Inc.	13001
954.00	Hollander, Strelzik, Pasculli, Hinkes	13002
3,150.00	Ferraioli, Cerullo & Cuva	13003
14,732.22	Sparta Township Tax Collector	13004
55.71	Minisink Press, Inc.	13005
313.04	Dempsey Uniform & Supply Inc.	13006
400.00	R & D Trucking	13007
143.55	Airgas East	13008
42.00	Ervin Lasso	13009
1,384.00	Instrumentation Tech Systems, Inc.	13010
45,344.22	Statewide Insurance Fund	13011
500.00	JCI Jones Chemicals, Inc.	13012
168.56	Verizon Wireless	13013
4,092.00	Simmons Transport, Inc.	13014
1,250.00	John Smalley	13015
871.53	Main Pool & Chemical Company	13016
37.64	Advance Auto Parts	13017
994.08	The Home Depot	13018
1,028.00	Scottsdale Insurance Company	13019
17,532.00	Stalker Radar	13020
90.00	Erik Tompkins	13021
962.00	Andy Matt Inc.	13022
9,318.60	Accurate Waste Removal	13023
119.90	Penteledata	13024
67.00	Dustin McGarry	13025
11,926.21	Direct Energy Business	13026
181.10	One Call Concepts	13027
163.00	Woodruff Energy US, LLC	13028
2,027.32	Hatch Matt Macdonald	13029
99.76	Komline-Sanderson	13030
2,289.96	Badger Meter	13031
600.00	Richard L. Fitch	13032
35,045.54	Payroll Account	13033

CAPITAL

90.00	Hollander, Strelzik, Pasculli, Hinkes	2228
308.57	Rowe & Company, Inc.	2229
12,771.00	Tony's Concrete Constr. Co., Inc.	2230
127.93	The Home Depot	2231
2,060.99	Payroll Account	126101
1,000,000.00	Current Account	126102

Total WATER & SEWER BILLS \$1,193,970.57

FEDERAL STATE GRANT ACCOUNT

300.00	Center for Prevention & Counseling	1096
945.00	Screen Creation Plus	1097
73.26	Kerry Deckert	1098

Total FED. STATE GRANT BILLS \$1,193,970.57

TRUST ACCOUNT

210.00	Harold Pellow & Assoc., Inc.	3033
1,548.00	Hollander, Strelzik, Pasculli, Hinkes	3034
1,333.33	James P. Sloan, PC	3035
340.00	Minisink Press, Inc.	3036
656.18	Walmart	3037
393.02	The Home Depot	3038
620.75	Dominick's Pizza	3039
100.00	PSS	3040
1,931.72	Country Club Ice Cream	3041
536.75	J. Caldwell & Associates, LLC	3042

Total TRUST ACCOUNT BILLS \$7,669.75

RESOLUTION #161-2012*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

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

Delinquent Penalties Erroneously Charged:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21184	25 Donald Ave.	\$18.04
14613	8 Birch Dr.	\$18.21
24178	12 Douma Ct.	\$17.53
9081	47 Foster St.	\$25.35
900	5 Washington St.	\$17.36
15381	17 Mason Ave.	\$17.70
13225	21 Woodside Ave.	\$32.32
25580	6 Buckingham Ct.	\$26.88

RESOLUTION #162-2012*

AUTHORIZE EXTENSION FOR PAYMENT OF REAL ESTATE TAXES

WHEREAS, the Sussex County Board of Taxation has certified the 2012 tax rate for the Town of Newton, on July 9, 2012 and as a result, the tax bills for the third installment could not be mailed by June 15, 2012, but were mailed instead on July 25, 2012, and

WHEREAS, the intent of NJSA 54:4-64 is to assure that taxpayers are given adequate notice of taxes due before penalties are invoked requiring payment of interest for delinquency under the provisions of NJSA 54:4-67; and

WHEREAS, in accordance with NJSA 54:4-67 and NJSA 54:4-81 a twenty five (25) day extension period must be provided. In fairness to the taxpayers of the Town of Newton, the Town has extending the twenty five (25) days to August 20, 2012 by establishing the interest rate for delinquency at zero percent (0%) from the certification date of mailing said tax bills; and

WHEREAS, interest shall revert back to August 1, 2012 after the August 20, 2012 extension period to provide consistency and compliance in accordance with NJSA 54:4-67;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the twenty five day (25) extension period is hereby granted for the 3rd 2012 tax quarter (August) by charging zero percent (0%) interest during said extension period; and

BE IT FURTHER RESOLVED that following the August 20, 2012 extension period, interest shall be charged from August 1, 2012, in compliance with NJSA 54:4-67.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION**

RESOLUTIONS, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

Deputy Mayor Ricciardo noted that Resolution #158-2012 is for a Change Order for the installation of sidewalks and curbs on various intersections project. Mr. Ricciardo expressed his disappointment with the Town Engineer for not reviewing the whole project properly, resulting in a Change Order.

RESOLUTION #158-2012

AUTHORIZE CHANGE ORDER NO. 1 FOR INSTALLATION OF SIDEWALKS AND CURBS ON VARIOUS INTERSECTIONS PROJECT

WHEREAS, the Town Council of the Town of Newton, awarded the contract for the Installation of Sidewalks and Curbs on Various Intersections to Tony's Concrete Construction Co., Inc. for a contract amount of \$21,246.00 by the adoption of Resolution #102-2012 at their meeting on May 30, 2012; and

WHEREAS, the Governing Body at their meeting on June 11, 2012 accepted the project as complete based on the recommendation of the Town Engineer, Harold E. Pellow & Associates, Inc., by the adoption of Resolution 106-2012; and

WHEREAS, in preparing the final paperwork to close the project, Harold E. Pellow recommends Change Order No. 1 which will result in an overall increase of \$2,440.00 in the project contract amount to a new total of \$23,686.00; 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 it hereby authorizes Change Order No. 1 for the Installation of Sidewalks and Curbs on Various Intersections based on the recommendation of the Project Engineer, with said Change Order resulting in a new contract total of \$23,686.00:

BE IT FURTHER RESOLVED, that a copy of Change Order No. 1 be attached to and made part of this resolution.

A motion was made by Mr. Ricciardo to approve **RESOLUTION #158-2012**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

INTERMISSION – None

DISCUSSION

A. Railroad Right of Way (Harold Pellow & Associates)

Cory Stoner, Town Engineer, presented the Town Council with a conceptual plan for a proposed redevelopment of the Railroad Right of Way. The conceptual drawings included three buildings which would be located between lower Spring Street and Diller Avenue, with parking along the current right of way. Mr. Stoner was looking for guidance on the Town’s position for a lease option or sale option of the town-owned property.

After a lengthy discussion, the majority of the Town Council was in favor of leasing the town-owned property.

B. Disruptive Tenant Ordinance Draft (Mark Hontz, Esq.)

Mark Hontz, Esq. made a presentation on a draft Ordinance for “Disruptive Properties”. Mr. Hontz outlined the responsibilities of landlords and owners as well as the violations set forth within this Ordinance. It was noted that there are three boarding houses in Town, two which have required on an average of two to three police calls weekly, due to complaints about the residents’ conduct.

After a lengthy discussion, Council unanimously agreed to have Legal Counsel and Mr. Russo further pursue the avenue of licensing of boarding houses.

OPEN TO THE PUBLIC

Mr. Anwar Qarmout, 45 Woodside Avenue, suggested that the Town meet with the three property owners of the boarding houses to discuss the issues at large and perhaps offer incentives to them.

Mr. John Ragsdale, 40 Halsted Street, supports this initiative with the boarding houses and thanked the Governing Body for addressing the issue.

Mrs. Thea Unhoch, 17 Condit Street, addressing the right of way property presentation by the Town Engineer, suggested that the Town keep one of the buildings on the Town-owned property and utilize it for a Senior Citizen/Recreation facility.

COUNCIL & MANAGER COMMENTS

Mrs. Debra Millikin, currently working on RFP's, asked Council for clarification on the current requirement that the Town Attorney must live in the Town of Newton. Council unanimously agreed that that section of the Ordinance should be amended to exclude that requirement, which is no longer necessary.

Councilman Flynn inquired about the vacancies on the Newton Historic Commission and noted that there was interest from Mr. Wayne McCabe. After a brief discussion, Mr. Russo advised that he will reach out to Mr. McCabe to address his interest in serving on one of the various boards and commissions.

Councilman Elvidge addressed concern with a food vendor who parks in front of Thorlabs on a daily basis to serve lunch to the employees. After a brief discussion, it was noted that the food vendor has met all of the criteria under Chapter 206, "Peddling and Soliciting" and has received all proper licenses from the Town. Mr. Russo directed the Clerk to review the fees associated with the food vendor licensing.

Mayor Diglio inquired about the Shade Tree Ordinance updates and was advised that the Shade Tree Commission was charged with updating the Ordinances related to trees and fee structure and to date, Mr. Russo has not received feedback.

Deputy Mayor Ricciardo asked Debra Millikin to have personnel fix the hose bib in front of the Municipal Building, which is leaking.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 9:07 p.m.

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Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk