

August 13, 2012

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. 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 Mrs. Becker, seconded by Mr. Ricciardo and carried, the minutes of July 23, 2012 (Regular) meeting were approved with one minor correction. Upon motion of Mr. Flynn, seconded by Mr. Ricciardo and carried, the minutes of July 23, 2012 (Executive Session) meeting were approved.

#### **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**

Mr. Russo previewed the newly designed Water and Sewer bills with the Town Council.

Mr. Russo then introduced Tracy Villaverde, Human Resource Coordinator for the Town of Newton. Mrs. Villaverde introduced herself to the Governing Body and gave a brief background of her prior work experience and what she plans to bring to the Town of Newton. Mrs. Villaverde noted that she resides in the Town of Newton.

Mrs. Read, Municipal Clerk, reported to the Council that the annual Town-wide Garage Sale which took place on August 3, August 4, and August 5, 2012 was a huge success. Over 88 participants took part in the annual Town-wide Garage Sale, Mrs. Read concluded.

**ORDINANCES**

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

**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)**

**WHEREAS**, the ordinance books of the Town of Newton need to be updated and the cost is estimated to be \$18,000.

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), that pursuant to NJSA 40A: 4-53, the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated for the preparation of a revision and codification of ordinances for the Town of Newton and shall be deemed an emergency appropriation as defined and provided for in NJSA 40A: 4-55.

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

**BE IT FURTHER ORDAINED**, that a copy of this ordinance be filed with the Director of the Division of Local Government Services.

Mayor Diglio opened the hearing to the public. There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mr. Elvidge 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 #2012-21**

**AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE, ARTICLE V, TOWN ATTORNEY, §3-24 APPOINTMENT, TERM; QUALIFICATIONS OF THE CODE OF THE TOWN OF NEWTON**

The following **ORDINANCE** was offered by Mr. Elvidge, who moved its introduction, seconded by Mr. Ricciardo 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 27, 2012.

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

**ORDINANCE #2012-22**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$82,500.00 FOR VARIOUS IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, 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	

**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 27, 2012.

**OLD BUSINESS**

Mark Hontz, Esq. gave a brief update on the status of the draft Ordinance for "Disruptive Properties". After a brief discussion, Council thanked Mr. Hontz for his progress and look forward to viewing the next draft Ordinance.

**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."*

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

**RESOLUTION #164-2012\***

**APPOINTMENT OF COMMISSIONER AND ALTERNATE COMMISSIONER TO THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND**

**BE IT RESOLVED**, by the Town Council of the Town of Newton in the County of Sussex in the State of New Jersey that Thomas S. Russo, Jr., Town Manager, is hereby appointed as the Town's Commissioner to the North Jersey Municipal Employee Benefits Fund; and

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**BE IT FURTHER RESOLVED**, that Tracy Villaverde, Human Resources Coordinator, is hereby appointed as the Town's Alternate Commissioner to the North Jersey Municipal Employee Benefits Fund.

**RESOLUTION #165-2012\***

**AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT FOR CALENDAR YEAR 2013**

**WHEREAS**, the Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Newton Town Council further recognizes that it is incumbent upon not only public officials, but the entire community, to take action to prevent such abuses in our community; and

**WHEREAS**, the Newton Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton hereby recognizes the following:

1. The Newton Town Council does hereby authorize the submission of an application for Action Alliance grant funding for calendar year 2013 in the amount of \$18,772.00.
2. The total Alliance Budget is \$37,544.00, inclusive of the aforementioned \$18,772.00, a Cash Match of \$4,693.00, and an In-Kind Match of \$14,079.00.
3. The Newton Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
4. The Town of Newton hereby designates Kerry Deckert, Recreation Supervisor, and Debra J. Millikin, Deputy Town Manager, as representatives for the Town of Newton on the Action Alliance Committee.

Approved: \_\_\_\_\_  
Sandra Lee Diglio, Mayor

**RESOLUTION #166-2012\***

**TO CANCEL OUTSTANDING CHECKS IN THE MUNICIPAL COURT ACCOUNT**

**WHEREAS**, there are check(s) which have not been cashed in the Town of Newton Court Account; and

**WHEREAS**, those check(s) have been reviewed to determine if they should be canceled and the amount paid over to the Town Treasurer to be deposited into the Town of Newton Current Fund Balance;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the outstanding checks totaling \$110.00 as per the attached memo from court dated July 30, 2012 are hereby canceled.

**RESOLUTION #167-2012\***

**APPROVE CHANGE ORDER NO. 1 FOR THE TRAFFIC STRIPING PORTION OF THE PAVING OF VARIOUS STREETS PROJECT**

**WHEREAS**, the Governing Board 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

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**WHEREAS**, Denville Line Painting, Inc., of Rockaway, New Jersey was the low bidder on the "MCCPC" portion for municipalities with regard to Traffic Striping; and

**WHEREAS**, the Town of Newton has contracted with Denville Line Painting through the "MCCPC" for the Traffic Striping for the *Milling and Paving of Various Streets Project* which includes Moran Street, Merriam Avenue, the Main Street Parking Lot, the Memory Park Parking Lot, Straway Boulevard and the Pool Parking Lot for a total contract amount of \$12,905.00; and

**WHEREAS**, the Town Engineer, Harold E. Pellow has recommended Change Order No. 1 to the Traffic Striping portion of the *Milling and Paving of Various Streets Project* resulting in an increase in costs of \$2,546.21; and

**WHEREAS**, the Chief Financial Officer has certified the original and final costs and 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 Change Order No. 1 for the Traffic Striping of the *Milling and Paving of Various Street Project* in the Town of Newton is hereby approved resulting in a \$2,546.21 increase in costs for a new contract total of \$15,451.21.

**BE IF FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Town Engineer, Harold E. Pellow & Associates, Inc., and the contractor, Denville Line Painting, Inc., Rockaway, New Jersey.

#### **RESOLUTION #168-2012\***

#### **AWARD CONTRACT TO AA FENCE CO., INC. FOR INSTALLATION OF FENCE AT MEMORY PARK**

**WHEREAS**, the Town of Newton received three quotes from qualified vendors for the removal and installation of black vinyl fence for Memory Park; and

**WHEREAS**, AA Fence Co., Inc., provided the most cost effective quote for the removal and fence installation; 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 black vinyl fence for Memory Park be awarded to AA Fence Co., Inc., in the amount of \$17,650.00; 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 purchase of a black vinyl fence to AA Fence CO., Inc., Hamburg, NJ in the amount of \$17,650.00.

#### **RESOLUTION #169-2012\***

#### **AUTHORIZE CHANGE ORDER NO. 1 FOR THE WATERMAIN PIPES AND FITTINGS FOR THE MAPLE AVENUE WATERMAIN PROJECT**

**WHEREAS**, the Town Council of the Town of Newton, awarded the contract for the purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project to HD Supply Waterworks, Ltd., of Edison, New Jersey for a contract amount of \$67,801.45 by the adoption of Resolution #99-2012 at their meeting on May 30, 2012; and

**WHEREAS**, David Simmons, of Harold E. Pellow & Associates, Inc, the Water Engineer on the project, has recommended Change Order No. 1 for said project resulting in an overall decrease of \$2,220.00 in the project contract amount to a new contract total of \$65,581.45;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it hereby authorizes Change Order No. 1 for the purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project based on the recommendation of the Project Engineer, with said Change Order resulting in a \$2,220.00 increase to a new contract total of \$65,581.45; and

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

**RESOLUTION #170-2012\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 19.04, LOT 10 (FORMERLY KNOWN AS BLOCK 1306.01, LOT 20.03)**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 19.04, Lot 10, (formerly known as Block 1306.01, Lot 20.03) also known as 83 Mount View Street, for 2009 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1352, was sold to US Bank cust for Pro Capital I LLC, for 0% redemption fee with a premium of \$200.00; and

**WHEREAS**, Ms. Katherine L. Lang, owner of said property has effected redemption of Certificate #1352 in the amount of \$1,626.51;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Capital I LLC, is entitled to the redemption in the amount of \$1,626.51 along with the premium of \$200.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,626.51 for the redemption of Certificate #1352 as well as a check in the amount of \$200.00 for the return of the premium payable to US Bank cust for Pro Capital I LLC, 50 So. 16<sup>th</sup> Street Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #171-2012\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 12.03, LOT 1; QUAL:C0039 (FORMERLY KNOWN AS BLOCK 14.01, LOT 14.06, QUAL:C0039)**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 12.03, Lot 1, Qual: C0039 (formerly known as Block 1401, Lot 1401.06, Qual: C0039) also known as 39 Carriage Lane, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1372, was sold to ALMAR for 0% redemption fee with a premium of \$8,700.00; and

**WHEREAS**, Jamie L. McMahon, Esq. attorney handling the sale of said property has effected redemption of Certificate #1372 in the amount of \$17,866.15;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that ALMAR is entitled to the redemption in the amount of \$17,866.15 along with the premium of \$8,700.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$17,866.15 for the redemption of Certificate #1372 as well as a check in the amount of \$8,700.00 for the return of the premium payable to ALMAR, 2 Kiel Avenue #202, Kinnelon, NJ 07405.

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**RESOLUTION #172-2012\***

**RATIFY AND AFFIRM THE ISSUANCE OF REFUNDING BONDS**

**WHEREAS**, in early 2012 the Town Auditor suggested that the Town of Newton consider refinancing its outstanding United States Department of Agriculture (USDA) debt to obtain both a lower interest rate and a shorter term and thereby effect a cost savings for the Town of Newton residents; and

**WHEREAS**, all the necessary resolutions and approvals, including the State Local Finance Board, were obtained; and

**WHEREAS**, the appropriate Town Officials executed said Bonds in the amount of \$10,210,000.00 dated July 25, 2012 split as follows:

\$1,685,000 General Improvement Refunding Bonds NIC 3.124763% maturing 5/1/2031

\$8,525,000 Water and Sewer Utility Refunding Bonds NIC 3.672174% maturing 5/1/2038

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Council meeting, herewith attached is a copy of the *Certificate of Delivery and Payment with the attached Schedule A*. Also attached is the *Savings Analysis* prepared by RBC Capital Markets, LLC on June 27, 2012 showing an aggregate gross savings of \$2,804,343.35 for the refunding bonds;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby ratify and affirm the issuance of said Bonds by the Chief Financial Officer and the execution of said bonds by the appropriate Town Officials.

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**RESOLUTION #173-2012\***

**CAPITAL BUDGET AMENDMENT**

**Whereas**, the local Capital Budget for the year 2012 was approved on the 26th day of March 2012; and

**Whereas**, it is desired to amend said adopted Capital Budget Section;

**Now, Therefore Be It Resolved**, by the Town Council of the Town of Newton, County of Sussex that the following Capital Budget amendment of 2012 be made:

	(		(		(
RECORDED VOTE:	AYES	(	NAYS	(	ABSTAIN
(Insert last name)		(		(	
		(		(	ABSENT
		(		(	

**CAPITAL BUDGET (Current Year Action)**

**2012**

PLANNED FUNDING SERVICES FOR CURRENT YEAR 2012									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2012 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Improvement Municipal Bldgs	3	40,000				40,000			
Lower Spring Street Beautification Project	4	42,500				42,500			
<b>TOTAL ALL PROJECTS</b>		82,500				82,500			

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**Anticipated Project Schedule and Funding Requirements**

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2012	2013	2014	2015	2016	
Improvement Municipal Bldgs	3	40,000	2012	40,000					
Lower Spring Street Beautification Project	4	42,500	2012	42,500					
<b>TOTAL ALL PROJECTS</b>		<b>82,500</b>		<b>82,500</b>					

**3 YEAR CAPITAL PROGRAM 2012 - 2014  
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS		CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES			SCHOOL
		CURRENT YEAR 2012	FUTURE YEARS				GENERAL	SELF LIQUIDATING	ASSESSMENT	
Improvement Municipal Bldgs	40,000				40,000					
Lower Spring Street Beautification Project	42,500				42,500					
<b>TOTAL ALL PROJECTS</b>	<b>82,500</b>				<b>82,500</b>					

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Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution amending the Capital Budget section as adopted by the Governing Body on the 13th day of August, 2012.

Certified by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lorraine A. Read, RMC, Municipal Clerk

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**RESOLUTION #174-2012\***

**SPECIAL EMERGENCY APPROPRIATION – PREPARATION OF A REVISION AND CODIFICATION OF ORDINANCES IN THE TOWN OF NEWTON 2012 CURRENT BUDGET**

**WHEREAS**, an ordinance has been adopted creating a special emergency appropriation of \$18,000.00 to prepare a revision and codification of Town ordinances and no adequate provision was made in the 2012 Current Budget for the aforesaid purpose; and

**WHEREAS**, N.J.S.A. 40A:4-53 et. seq. provides that it shall be lawful to make such appropriations, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), that in accordance with N.J.S.A. 40A:4-55:

- 1) A special emergency appropriation in the Current Budget is hereby made for preparation of a revision and codification of its ordinances in the amount of \$18,000.00.
- 2) The total amount of the special emergency appropriation is \$18,000 and the Town of Newton hereby requests that an exclusion from the 5% CAP be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$3,600 per year in the budgets of the next five succeeding years commencing with the budget of 2013 in accordance with 40A:4-55 (c).
- 3) That an emergency note or notes be authorized not in excess of \$18,000.00, the amount appropriated by ordinance as stated above.
- 4) That said note or notes shall be dated after August 13, 2012, may be renewed from time to time, and at least 1/5 of all such notes and renewals thereof shall mature and be paid in each fiscal year thereafter until all are paid.
- 5) That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

**RESOLUTION #175-2012\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER’S LICENSE SUBMITTED BY HAROLD R. STORM, JR.**

**WHEREAS**, the Code of the Town of Newton requires that under **Chapter 283, Article I, §283-2, License Required**. “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this article.” “All licenses issued under this article are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s License application for Harold R. Storm, Jr. is complete and accurate; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, New Jersey and represents Chip’s Taxi, Limo & Courier, which expires on May 31, 2013.

**RESOLUTION #176-2012\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB OWNER’S LICENSE SUBMITTED BY HAROLD R. STORM, JR. T/A CHIP’S TAXI, LIMO & COURIER**

**WHEREAS**, the Code of the Town of Newton requires that under **Chapter 283,**

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**Article I, §283-2, License required**, "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this article." "All licenses issued under this article are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application for Harold R. Storm, Jr., t/a Chip's Taxi, Limo & Courier is complete and accurate; and

**WHEREAS**, in accordance with **§283-6, Inspection of vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ 07860, t/a Chip's Taxi, Limo & Courier, which shall expire May 31, 2013; and

**BE IT FURTHER RESOLVED**, that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

**RESOLUTION #177-2012\***

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY  
DIRECTING THE TOWN PLANNING BOARD TO REVIEW PROPOSED AMENDMENTS TO THE  
MERRIAM GATEWAT REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT  
AND HOUSING LAW**

**WHEREAS**, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

**WHEREAS**, on April 23, 2007, the Town of Newton (the "Town"), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the "Rehabilitation Area"); and

**WHEREAS**, in November 2010, after review and comment by the Town's Planning Board in accordance with the Act, the Town implemented a redevelopment plan (the "Redevelopment Plan") for a portion of the Rehabilitation Area comprised of: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the "Plan Area"); and

**WHEREAS**, the Town wishes to enlarge the Plan Area to include all of Block 22.04, Lot 5 (then Block 1308, Lot 1), which is within the Rehabilitation Area and which is owned by the Town, and further wishes to modify density requirements and certain bulk standards contained in the Redevelopment Plan; and

**WHEREAS**, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

**WHEREAS**, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment,

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

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT**

The Town Council hereby authorizes and directs the Planning Board to review the Proposed Amendment attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by *N.J.S.A. 40A:12A-7(e)*.

III. **SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. **AVAILABILITY OF THE RESOLUTION**

A copy of this resolution shall be available for public inspection at the offices of the Town.

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

**RESOLUTION #178-2012\***

**APPROVE BILLS AND VOUCHERS FOR PAYMENT**

**TOWN BILLS**

111.00	VOID	30126
477.98	VOID	30673
102.00	VOID	28553
153.00	VOID	28913
102.00	VOID	28939
102.00	VOID	29297
102.00	VOID	29601
477.98	Sussex County Clerk	30716
167.00	ABCCode Security	30717
7,624.00	Accurate Door, Inc.	30718
312.50	Alternate Power, Inc.	30719
92.89	Atlantic Tactical	30720
2,800.00	Bobcat of North Jersey –WE	30721
864.33	Boonton Tire Supply	30722
519.00	Brian Fox	30723
1,495.68	Buckman's Inc.	30724
346.60	Campbell's Small Engine	30725
105,000.00	Capital Account	30726
1,184.85	Carpet Gallery	30727
124.85	Centurylink Communications, Inc.	30728
180.97	Cerbo's Hampton Nursery	30729
2,010.00	Chelbus Cleaning Co., Inc.	30730
110.00	Costco	30731
10,640.36	County of Sussex	30732
48.00	CSS Test	30733
475.00	D. Lovenberg's Portable Toilet Rent	30734
2,397.46	Direct Energy Business	30735
89.85	Dominick's Pizza	30736
92.00	EM Signs	30737
494.76	Fastenal Company	30738
78.83	Federal Express	30739
124.00	Fire Fighters Equipment Co.	30740
2,441.00	Firefighter One	30741

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2,459.06	Family Ford, Inc.	30742
573.00	G & G Diesel Service Inc.	30743
94.00	Galls Incorporated	30744
2,362.50	Gold Type Business Machines	30745
59.80	Hayek's Market Inc.	30746
153.00	Scott Holzhauer	30747
232.48	J & D Sales and Services	30748
168.00	Jersey Central Power & Light	30749
8,699.16	JCP&L	30750
435.00	Knapp, Trimboli & Prusinowski, LLC	30751
92.50	Lock & Key World	30752
256.55	Lowe's	30753
122.40	Montague Tool & Supply	30754
330.00	Municipal Software, Inc.	30755
504.00	Neopost Leasing	30756
171.90	New Jersey Herald	30757
545.00	Newton Medical Center	30758
101.95	Newton Trophy	30759
118,044.00	NJMEBF	30760
600.00	Office Equipment Corporation	30761
390.00	Harold Pellow & Assoc., Inc.	30762
39.98	Quill Corporation	30763
4,602.87	Rachles/Michele's Oil Company	30764
19.98	Lorraine Read	30765
204.93	Rowe & Company, Inc.	30766
261.12	SCMUA	30767
120.00	Screen Creation Plus	30768
2,950.60	Selective Insurance Company	30769
70.00	Sonia Barria	30771
1,109.50	Spartech Solutions, LLC	30772
943.54	Staples Business Advantage	30773
2,810.23	Taylor Oil Co.	30774
185.00	Thyssenkrupp Elevator Co.	30775
1,412.54	Timmerman Company	30776
190.74	Verizon Wireless	30777
840.11	Vision Service Plan	30778
1,770.00	Vogel, Chait, Colins, Schneider, PC	30779
15.89	Walmart	30780
50.32	Weis Markets	30781
252.00	West Group	30782
1,353,618.25	Newton Board of Education	121044
207,731.25	Depository Trust Company	121045
4,005,000.00	Depository Trust Company	121046
187,662.53	Payroll Account	121047

**CAPITAL**

28,558.00	Beyer-Warnock Fleet & Leasing	7951
60.00	NJ Motor Vehicle Services	7952
21,773.76	Harold Pellow & Assoc., Inc.	7953
58.20	New Jersey Herald	7954
1,873.20	Grinnell Recycle	7955
645.00	Vogel, Chait, Collins, Schneider, PCC	7956
5,354.00	Fire & Safety Services, LTD	7957
3,270.46	Firefighter One	7958
2,439.71	Denville Line Painting, Inc.	7959
49,294.00	SZ Construction LLC	7960
53,740.00	Walker Diving Underwater Construction	7961
1,817.00	Kozdeba Brothers Sand & Gravel	7962
4,658.50	J. Caldwell & Associates, LLC	7963

**Total TOWN BILLS \$6,220,929.15**

**WATER AND SEWER ACCOUNT**

204.63	VOID	12860
204.63	Sussex County Plumbing	13033
570.00	E S C Enterprises	13034
111.50	Montague Tool & Supply	13035
5,851.76	Harold Pellow & Associates, Inc.	13036
330.00	Municipal Software, Inc.	13037
3,716.51	JCP&L	13038
6,004.20	Pumping Services	13039
135.70	SCMUA	13040
87.63	Sussex County Plumbing	13041
251.70	Centurylink Communications, Inc.	13042
120.00	Newton Medical Center	13043
2,432.00	Garden State Laboratories, Inc.	13044
197.70	Joseph Carr	13045
471.43	Sebring Auto Parts	13046
51.57	McGuire	13047
720.00	Treasurer, State of New Jersey	13048
161.71	Vision Service Plan	13049
6,936.66	Passaic Valley Sewerage Comm.	13050
1,135.16	Sussex County Mailing Service	13051
141.47	Staples Business Advantage	13052
5,483.74	Denville Line Painting, Inc.	13053
2,005.72	William Grenville, LLC	13054
20,832.00	NJMEBF	13055
9,183.86	Direct Energy Business	13056
615.46	Capitol Supply Const. Products, Inc.	13057
6,719.76	USALCO	13058
32,588.60	Payroll Account	126024

**CAPITAL**

5,716.50	Harold Pellow & Assoc., Inc.	2232
41.99	Rowe & Company Inc.	2233
2,139.07	Grinnell Recycle	2234
7,218.74	Denville Line Painting, Inc.	2235
1,200.00	JTJ Tapping, Inc.	2236
5,825.00	Harter Equipment Inc.	2237
64,269.82	HD Supply Waterworks LTD 61	2238
547.88	Payroll Account	2239
41.91	Payroll Account	126103

**Total WATER & SEWER BILLS \$193,886.75**

**TRUST**

2,370.00	Harold Pellow & Assoc., Inc.	3043
106.88	Walmart	3044
345.00	Vogel, Chait, Collins, Schneider, PC	3045
169.50	J. Caldwell & Associates, LLC	3046

**Total TRUST ACCOUNT BILLS \$2,991.38**

**DEVELOPERS ESCROW ACCOUNT**

1,899.00	Harold Pellow & Assoc., Inc.	1089
594.00	Hollander, Strelzik, Pasculli, Hinkes	1090
1,860.00	Vogel, Chait, Collins, Schneider, PC	1091
2,740.75	Dolan & Dean Consulting Eng, LLC	1092
680.90	Ferriero Engineering Inc.	1093
1,751.50	J. Caldwell & Associates, LLC	1094

**Total DEV. ESCROW BILLS \$9,526.15**

The Clerk presented an application for an off-premise raffle (50-50) from St. Joseph’s RC Church, 17 Elm Street, Newton, N.J. to be held on October 26, 2012 at 7:00 pm. at St. Joseph’s Community Center, Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

Prior to approving the consent agenda, Jennifer Credidio, Esq., gave a brief synopsis on Resolution #177-2012. Ms. Credidio advised that this Resolution is directing the Town Planning Board to review the proposed amendments to the Merriam Gateway Redevelopment Plan, which was drafted and submitted by Jessica Caldwell, Town Planner. The purpose of the Plan is to create consistency between the development contemplated for the Plan Area and the Bulk Standards promulgated in the Plan. For this reason, the proposed Plan amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan, as well as, the State Development and Redevelopment Plan.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Ricciardo 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**

There was no discussion at this time.

**OPEN TO THE PUBLIC**

There was no public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Russo noted that there has been additional security card readers implemented in the Court Room, the Court Chambers as well as the Prosecutor’s office. These new security measures were a requirement of the Administrative Office of the Courts (AOC).

Mr. Russo advised Council that he has received the new laptops for the Governing Body, which was budgeted for last year. This will allow for the Town Council to go “paperless”. Mr. Russo noted that he has installed all the necessary programs and

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Council will have them at the next Council meeting. The next Council meeting will be the last meeting with the paper agendas, Mr. Russo concluded.

Mr. Russo noted that Mr. Wayne McCabe will be at the next Council meeting at 6:45 p.m. to interview for one of the vacancies on the various Boards and Commissions.

Deputy Mayor Ricciardo questioned when Council will review the proposal submitted by RPM and was advised that Mr. Russo is waiting on a response to the several questions he submitted to them. Upon receipt Mr. Russo will forward to Council.

Councilman Elvidge had questions with regard to the security card readers which were addressed by Mr. Russo.

Mayor Diglio inquired whether Dave Soloway, Esq. gave advice on the voting restrictions for the Martorana site plan application, for both Deputy Mayor Ricciardo and Mayor Diglio, for the next Planning Board meeting. Mr. Soloway advised that both Deputy Mayor Ricciardo and Mayor Diglio should not vote on that application due to the particular aspects of the variance application.

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 7:29 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk