

August 27, 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 Deputy Clerk called the roll and upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, the minutes of August 13, 2012 (Regular) 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."

Mr. Michael Tumminelli, 45 Diller Avenue, Newton, expressed his concerns regarding speeding issues on Diller Avenue and indicated he has reached out to Mr. Russo and the police department for resolution.

Mr. Russo indicated that the speed trailer will be re-implemented at the beginning of September. Mr. Russo also indicated that the existing data from the speed trailer will be presented at the September 24th Council meeting. Mr. Russo stated that at that time the Town Engineer and Police Chief Richards will be present to discuss their findings and present options of how to mitigate the speeding issues on Diller Avenue.

Mr. Steve Kilmer, 21 Diller Avenue, Newton, expressed his concern regarding the speeding issues on Diller Avenue. Mr. Kilmer indicated that the installation of rumble strips create a lot of noise and are not the solution. Mr. Kilmer stated that in a report from a private engineering firm it was determined that the average speed on Diller Avenue was 40 miles per hour.

Mr. Ricciardo questioned whether the Engineering firm was one that the residents had hired privately and Mr. Kilmer indicated that it was.

Mr. Kilmer quoted a portion of an email from the police department about the

challenges with setting up radar on Diller Avenue and concluded by stating that the only answer is speed tables.

COUNCIL & MANAGER REPORTS

Mr. Russo indicated that Town Hall will be closed on Tuesday, November 6, 2012 for the Presidential Election.

Mr. Russo announced that the Town Council meeting of Wednesday, November 14, 2012 will be cancelled due to the fact that several Council members as well as other staff will be attending the League of Municipalities Conference.

ORDINANCES

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

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

BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter 3, Article V, be amended as follows:

§3-24 Appointment; term; qualifications.

The Town Attorney shall be appointed by ordinance by the Council by a majority vote of its members for a term of one year, from the first day of January of the year of his appointment and until his successor has been appointed and qualifies. He shall be an attorney at law of New Jersey.

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 Mrs. Becker, 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 Deputy Clerk will advertise the above Ordinance according to law.

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

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

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

Section 1. \$82,500.00 is hereby appropriated from the Capital Fund Balance in the General Capital Fund for the following various improvements in the Town of Newton, including all costs necessary therefore or incidental thereto:

Improvement of Various Municipal Buildings consisting of upgrades, renovations and acquisition and installation of furnishings and equipment. \$40,000.00

Lower Spring Street Beautification Project including construction of sidewalks, curbs, pavers, rain gardens, light poles and similar beautification improvements (This supplements Ordinance 2012-16 adopted May 14, 2012 which appropriated \$285,000 including a \$200,000 grant from NJ DOT). **\$42,500.00**

TOTAL \$82,500.00

Section 2. The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

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

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its adoption, 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	

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

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

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ORDINANCE #2012-23

AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

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 September 12, 2012.

OLD BUSINESS

There was no Old Business to discuss.

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.

Mr. Flynn requested Resolution #184-2012 to be pulled from the Consent Agenda for further discussion.

RESOLUTION #179-2012*

AWARD PURCHASE OF ELEVATED ANGLE FRAME BLEACHERS FOR BABE RUTH FIELD AT MEMORY PARK

WHEREAS, the Town of Newton publicly opened bids for the purchase of Elevated Angle Frame Bleachers for the Babe Ruth Field at Memory Park on Tuesday, August 21, 2012 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Louis Barbato Landscaping, Inc. 1600 Railroad Avenue Holbrook, NY 11741	\$43,933.00
Degler Whiting, Inc. 531 West Lancaster Avenue Frazer,PA 19355	\$57,400.00

WHEREAS, based on review of the bid documents the Department of Public Works Supervisor and Qualified Purchasing Agent recommend awarding of the Elevated Angle Frame Bleachers to Louis Barbato Landscaping, Inc., in the amount of \$43,933.00; 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 the bid submitted for the purchase of Elevated Angle Frame Bleachers for the Babe Ruth Field at Memory Park be awarded to Louis Barbato Landscaping, Inc., 1600 Railroad Avenue, Holbrook, NY 11741 in the amount of \$43,933.00. A copy of this resolution and the proposed Contract is to be forwarded to Louis Barbato Landscaping, Inc., for execution.

RESOLUTION #180-2012*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS

WHEREAS, New Jersey Statute 40A:9-154.1 states *"The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year..."*;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2012-2013 school year:

Lisa Banta	Karen Mokrzcki
Deborah A. Alger	Martha Morris
Diane Bell	Raymond L. Natoli
Carol E. Blanchard	Dawn L. Rude
Douglas Bowne	Wallace Smith
Louise Cart	Steven A. Stoll
Debra L. Dellamo	Lori Teets
Carolyn Dippel	Donna VanNieuwland
Betty Francis	Lauren Yurgel
Christine Howard	Nancy Zdanek
Peter J. Kays	
Gleanord I. Kinney	

RESOLUTION #181-2012*

APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM

WHEREAS, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 17, 2012 as part of the annual "Festival of Lights"; and

WHEREAS, the Sussex County Fire Marshal, Joseph C. Inga, has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 17, 2012 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

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BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshal, Joseph C. Inga.

RESOLUTION #182-2012*

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

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

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2011 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in October 2012.

RESOLUTION #183-2012*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

TOWN BILLS

718,749.66	County of Sussex	30783
19,237.30	County of Sussex	30784
52,244.23	County of Sussex	30785
800.00	Treasurer, State of New Jersey	30789
375.00	Treasurer, State of New Jersey	30790
1,455.85	Quill Corporation	30791
35.25	MGL	30792
68.75	Sussex Car Wash Inc.	30793
642.35	NUI Corporation	30794
337.55	G & G Diesel Service Inc.	30795
260.55	New Jersey Herald	30796
378.24	SCMUA	30797
200.00	B & G Elevator	30798
264.80	Centurylink Communications, Inc.	30799
35.00	Centurylink Communications, Inc.	30800
2,864.80	Century Link Communications, Inc.	30801
5,220.00	Hollander, Strelzik, Pasculli, Hinkes	30802
27,034.40	Capital Account	30803
180.00	Lock & Key World	30804
214.14	Federal Express	30805
82.98	Hamburg Plumbing Supply Co., Inc.	30806
32.00	Newton Trophy	30807
250.00	T. A. Mountford Company	30808
148.00	Gann Law Books	30809
21.36	Weis Markets	30810
763.54	Dempsey Uniform & Supply Inc.	30811
223.50	S/NJ Dept. of Labor & Workforce Dev.	30812
1,012.01	Airgas East	30813
1,400.45	Verizon Wireless	30814
190.86	Verizon Wireless	30815
140.00	NJRPA	30816
27.97	Walmart	30817
75.78	Mr. John	30818
149.59	Cooper Electric Supply Co.	30819
12,000.00	Holzauer & Holenstein, LLC	30820
855.00	Vogel Chait, Collins, Schneider, PC	30821
598.27	The Home Depot	30822
796.20	The Home Depot	30823

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119.50	Thomson West	30824
175.00	Scarinci & Hollenbeck, LLC	30825
923.77	Buckman's Inc.	30826
470.92	Staples Business Advantage	30827
4,973.00	Trand	30828
288.00	CSS Test	30829
73.19	Nestle Waters	30830
1,675.00	Black Lagoon	30831
3,690.54	Rachles/Michele's Oil Company	30832
2,840.19	Taylor Oil Co.	30833
671.17	Structural Metal Fabricators	30834
2,250.00	Laddey, Clark & Ryan, LLP	30835
2,085.00	JMC Environmental Consultants, Inc.	30836
336.00	Jersey Central Power & Light	30837
499.75	Penteledata	30838
594.00	Rutgers, Center for Government Services	30839
6,144.66	Direct Energy Business	30840
214.53	Woodruff Energy US, LLC	30841
330.00	Town of Newton Electronic Fees	30842
240.00	Electronic Fees – W/S	30843
103.35	Dowrite	30844
484.75	Extra Tech Data Services LLC	30845
197.75	J. Caldwell & Associates, LLC	30846
71.35	Recreation Supply Company, Inc.	30847
30.00	Town Cycle	30848
183,888.48	Payroll Account	121048
1,000,000.00	Water & Sewer Capital Account	121049
929,927.25	Newton Board of Education	121050

CAPITAL

895.00	Sussex County Soil Conservation	7964
2,395.50	Harold Pellow & Assoc., Inc.	7965
31.80	New Jersey Herald	7966
396.00	Hollander, Strelzik, Pasculli, Hinkes	7967
869.95	Lock & Key World	7968
14,302.46	McManimon & Scotland	7969
250.00	Lou's Glass	7970
23.12	The Home Depot	7971
1,105.00	Kieffer Electric, Inc.	7972
6,410.00	Garden State Highway Products	7973
3,871.00	State Line Fire & Safety Inc.	7974
1,666.75	J. Caldwell & Associates, LLC	7975

Total TOWN BILLS \$2,937,438.50

WATER AND SEWER ACCOUNT

251.46	Quill Corporation	13059
1,298.00	M G L Printing Solution	13060
272.73	NUI Corporation	13061
7,119.01	Pumping Services	13062
493.35	SCMUA	13063
7,564.80	Coyne Chemical Corp., Inc.	13064
32.27	Centurylink Communications Inc.	13065
1,219.38	Centurylink Communications Inc.	13066
288.00	Hollander, Strelzik, Pasculli, Hinkes	13067
850.00	Garden State Laboratories Inc.	13068
311.44	Dempsey Uniform & Supply Inc.	13069
200.00	R & D Trucking Inc.	13070
147.85	Airgas East	13071
700.00	JCI Jones Chemicals Inc.	13072
234.09	Verizon Wireless	13073

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653.40	Univar USA Inc.	13074
1,250.00	John Smalley	13075
1,782.90	Main Pool & Chemical Company	13076
148.34	The Home Depot	13077
23.00	Eric Tompkins	13078
962.00	Andy Matt, Inc.	13079
4,293.00	Accurate Waste Removal	13080
2,005.72	William Grennille LLC	13081
119.90	Penteledata	13082
157.36	One Call Concepts	13083
163.65	Woodruff Energy US, LLC	13084
541.54	Capitol Supply Const. Products, Inc.	13085
214.75	Extra Tech Data Services LLC	13086
33,464.17	Payroll Account	126025

CAPITAL

90.00	Hollander, Strelzik, Pasculli, Hinkes	2239
3,246.99	Grinnell Recycle	2240
135.19	The Home Depot	2241
15,025.00	Harter Equipment, Inc.	2242
5,136.00	Kozdeba & Son LLC	2243
1,809.35	Payroll Account	126104

Total WATER & SEWER BILLS \$57,097.35

TRUST

144.00	Hollander, Strelzik, Pasculli, Hinkes	3047
1,333.33	James P. Sloan, PC	3048
54.52	Walmart	3049
240.00	Vogel, Chait, Collins, Schneider, PC	3050
298.96	Country Club Ice Cream	3051
404.22	Payroll Account	127113

Total TRUST ACCOUNT BILLS \$2,475.03

DEVELOPERS ESCROW ACCOUNT

36.00	Hollander, Strelzik, Pasculli, Hinkes	1095
45.00	Vogel, Chait, Collins, Schneider, PC	1096
508.50	J. Caldwell & Associates, LLC	1097

Total DEV. ESCROW BILLS \$589.50

FEDERAL/STATE GRANT ACCOUNT

1,000.00	Center for Prevention & Counseling	1099
565.00	Screen Creation Plus	1100
439.07	Shop Rite	1101
500.00	Kerry Deckert	1102

Total FEDERAL/STATE GRANT BILLS \$2,504.07

RESOLUTION #185-2012*

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2012 TOWN OF NEWTON BUDGET
PURSUANT TO N.J.S.A. 40A:4-87 (C 159, PL 1948)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount; and

WHEREAS, the Town of Newton received a grant award in the amount of \$20,265.00 from the State of New Jersey Department of Environmental Protection Historic Preservation Office; and

WHEREAS, the Town of Newton authorized the execution of a grant agreement in the amount of \$17,865.00 with a cash match of \$2,400, totaling \$20,265.00 per Resolution #73-2012 on April 23, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2012 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

NJ DEP Historic Preservation Grant \$20,265.00

BE IT FURTHER RESOLVED that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

NJ DEP Historic Preservation Ordinance Update
& Publication Grant.....
\$20,265.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

The Deputy Clerk presented an application for on-premise raffles (50-50) from The Pride Foundation, Inc., 44 Ryerson Avenue, Newton, N.J. to be held on Saturday, September 15, 2012, Friday, October 12, 2012 and Friday, October 19, 2012 at 7:00 p.m. at 44 Ryerson Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS WITH THE REMOVAL OF RESOLUTION #184-2012**, 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	

Mr. Flynn requested further explanation of Resolution #184-2012 which was addressed by Debra Millikin, Deputy Town Manager and Deputy Mayor Ricciardo.

RESOLUTION #184-2012

APPOINTMENT OF THE RBA GROUP, INC. TO COMPLETE AN INTENSIVE-LEVEL ARCHITECTURAL SURVEY OF HISTORIC RESOURCES WITHIN THE TOWN OF NEWTON

WHEREAS, the Town of Newton accepted Requests For Proposals on Wednesday, August 15, 2012 to complete an Intensive-Level Architectural Survey of Historic Resources within the Town of Newton; and

WHEREAS, the Town of Newton received grant funding for the completion of this work through NJ Historic Preservation Office in the amount of \$5,865.00; and

WHEREAS, the RBA Group, Inc., has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of the RBA Group, Inc., proposal by Newton's Qualified Purchasing Agent and the NJ Historic Preservation Office, they have determined that the RBA Group, Inc. is the best firm for the position; and

WHEREAS, the cost to complete the survey is not to exceed the grant amount of \$5,865.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with the RBA Group, Inc., for an Intensive-Level Architectural Survey of Historic Resources within the Town of Newton.

A motion was made by Mrs. Becker to approve **RESOLUTION #184-2012**, 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	

At this time, Mr. Russo explained to the public that the Town Council has gone paperless and the rest of the meeting will be training for the Governing Body on the new laptop computers. Mr. Russo stated that the meeting is still open to the public and recommended that at this time, the meeting be opened to the public for comments and then a short intermission before the commencement of the training.

OPEN TO THE PUBLIC

There was no public to be heard.

INTERMISSION – 10 Minutes

DISCUSSION

There was no discussion at this time.

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COUNCIL & MANAGER COMMENTS

At this time, Mr. James Holmes, IT Consultant with Extratech, and Terri Oswin, Administrative Assistant, provided the Governing Body with training for use on the new laptop computers.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 7:57p.m.

Respectfully submitted,

Irene M. O'Connor
Deputy Municipal Clerk