

September 24, 2012

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:05 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. Ricciardo, seconded by Mr. Flynn and carried, the minutes of September 12, 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."

There was no public comment at this time.

COUNCIL & MANAGER REPORTS

Mr. Russo introduced Meagan DeJong as Clerk Typist in the Municipal Clerk's office. Mrs. DeJong introduced herself and provided a brief bio to the Governing Body. The Mayor and Town Council welcomed Meagan and wished her well in her new position.

a. Fire Museum - FKA

Mr. Tom Kosten of FKA Architects provided a lengthy presentation summarizing the investigation along with the recommended modifications and repairs to the Newton Fire Museum. Several questions were addressed by Mr. Kosten.

After a lengthy discussion, Council requested Mr. Russo and staff continue their research on grants available for this project. It was determined that the cost to complete the entire project is significant and Council would prefer to know the entire cost, with grants, if possible.

b. Best Practices Inventory Questionnaire – D. Babcock, CFO

Ms. Babcock briefly outlined the Best Practices Inventory Questionnaire, which is submitted to the Division of Local Government Services annually in order to obtain the

balance of the Town's State Aid. Ms. Babcock was pleased with the score and feels that the Town is ahead of the curve on some of the items addressed in the questionnaire. The Council had no comments.

ORDINANCES

There were no Ordinances.

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.

RESOLUTION #194-2012*

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:

Thomas Lawler

April MedicineBear

RESOLUTION #195-2012*

AWARD CONTRACT FOR THE PROPOSED IMPROVEMENTS TO THE EMERGENCY SPILLWAY OF PAULINS KILL DAM SITE #4 PROJECT

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 on September 5, 2012 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Amount</u>
CMS Construction, Inc. 152 Sherman Avenue Newark, NJ 07114	\$46,055.00
T.R. Weniger, Inc. 1900 New Brunswick Avenue Piscataway, NJ 08854	\$47,035.00
Zitone Construction & Supply Co., Inc. PO Box 1829, 261 Clove Road Montague, NJ 07827	\$52,720.00

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Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$59,270.00
Savage Equipment Co., Inc. 852 Warwick Turnpike Hewitt, NJ 07421	\$63,500.00
Frank Semeraro Construction Co., Inc. 333 Rutzer Road Wayne, NJ 07470	\$68,763.00
Jogi Construction, Inc. 355 Eisenhower Parkway Livingston, NJ 07039	\$70,000.00
Lakeside Construction P.O. Box 806 Hopatcong, NJ 07843	\$70,852.00
Berto Construction, Inc. 625 Leesville Avenue Rahway, NJ 07065	\$97,260.00
DMR Construction Services, Inc. 160 Hopper Avenue Waldwick, NJ 07463	\$101,671.60

WHEREAS, after review of the bid documents, the Town Engineer, Harold E. Pellow & Associates, Inc. and Newton's Qualified Purchasing Agent, Debra J. Millikin, recommend awarding the contract for the Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 project to CMS Construction, Inc., in the amount of \$46,055.00; 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 the bid submitted for the Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 project be awarded to CMS Construction, Inc., in the amount of \$46,055.00 based on the recommendation of the Town Engineer, Harold E. Pellow & Associates, Inc., and the Town's Qualified Purchasing Agent, Debra J. Millikin.

RESOLUTION #196-2012*

CHANGE OF TEXT AND TITLE TO THE TOWN OF NEWTON 2012 BUDGET, PURSUANT TO N.J.S.A. 40A:4-85

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the Governing Body, make such correction of the title, text, or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such municipality;

NOW, THEREFORE BE IT RESOLVED, that in accordance with the provisions of NJS 40A:4-85 the Town of Newton requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2012:

<u>Current</u>	<u>From</u>	<u>To</u>
USDA Loan Principal – DPW	\$19,939.07	
USDA Loan Principal – Fire Truck	\$26,217.04	
USDA Loan Interest – DPW	\$29,283.93	
USDA Loan Interest – Fire Truck	\$ 7,523.96	
RBC Capital 2012 Refund Bond Principal		\$ 65,000.00

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RBC Capital 2012 Refund Bond Interest \$ 17,964.00

Water Sewer Utility

USDA Loan Principal	\$ 68,011.85	
Interest on Loans	\$101,988.15	
RBC Capital 2012 Refund W/S Bond Principal		\$170,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by statute above referred to, and is necessary for the orderly operation of the Town of Newton for the reasons hereinafter set forth:

The Town of Newton refinanced (refunded 6 USDA loans: 4 Water Sewer and 2 General Capital) on 7/25/2012. The principal and interest was budgeted in the 2012 Current and Water Sewer Utility Budgets as "loan principal and loan interest". Since refunding bonds were issued, the titles of the appropriations need to be changed by resolution to reflect "bond principal and bond interest".

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

RESOLUTION #197-2012*

TO CANCEL CURRENT APPROPRIATION BALANCES – UNEXPENDED EMERGENCY APPROPRIATION – BUILDING AND GROUNDS – REPAIRS TO AIR CONDITIONER

WHEREAS, the Town of Newton received approval from the Division of Local Government Services on July 18, 2012 of an Emergency Application – N.J.S.A. 40A:4-46 in the amount of \$15,000.00 for Building and Grounds – Repairs to Air Conditioner, as requested per Resolution#123-2012; and

WHEREAS, the Town of Newton appropriated capital funds per (fully funded) Bond Ordinance #2012-22 for additional Building and Grounds costs in an amount sufficient to include the \$15,000 previously appropriated by the emergency, and the charges for the repairs to air conditioner have been transferred to the capital bond ordinance; and

WHEREAS, per N.J.S.A. 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the full amount of the \$15,000 emergency is hereby an unexpended balance in the Current Fund and is canceled to Current Operations.

RESOLUTION #198-2012*

AFFIRMATION OF CHANGE ORDER NO. 1 FOR THE PROPOSED ELEVATOR UPGRADE PROJECT

WHEREAS, on August 22, 2011 by way of adoption of Resolution #184-2011, the Newton Town Council awarded a contract to ThyssenKrupp Elevator Corporation of Cranford, New Jersey, in the amount of \$112,048.00, for the Proposed Elevator Upgrade Project; and

WHEREAS, the Newton Town Council approved Resolution #85-2012 at their meeting on April 23, 2012 accepting the project as complete based on the recommendation of Robert Corcoran, from VDA, LLC, the Town Consultant on the project, which included authorizing a change order due drilling costs that were not incurred, resulting in the reduction of the overall contract amount to a new total of \$101,348.00; and

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WHEREAS, as part of the final paperwork to close out the project, official approval of Change Order No. 1 which will reduce the original contract amount by \$10,700.00 to the new contract total of \$101,348.00 must be signed and executed, a copy of which is attached to and made part of this resolution; and

WHEREAS, since this change order is a reduction to the original contract amount no certification of availability of funds is needed from the Chief Financial Officer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that approval of Change Order No. 1 to the contract with ThyssenKrupp Elevator Corp., for the Proposed Elevator Upgrade Project is hereby affirmed, and that the Mayor is authorized to execute said Change Order No. 1 in quadruplicate to assure that ThyssenKrupp Elevator Corp., Harold E. Pellow & Associates, Inc., VDA, LLC., and the Town of Newton each have originals with original signatures.

RESOLUTION #199-2012*

ACCEPTANCE OF THE PROPOSED RETAINING WALL PROJECT AS COMPLETE

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Retaining Wall Project to SZ Construction, LLC of Rochelle Park, New Jersey in the amount of \$68,300.00 by Resolution #23-2012, which was adopted on February 13, 2012; and

WHEREAS, during construction, additional costs were not incurred as conservatively planned for in the original bid due to findings that a landscape wall was a poured concrete wall and not a laid-up block wall as original building plans suggested, thus a Change Order is required which will decrease the total contract amount by \$9,000.00 to a total of \$59,300.00; and

WHEREAS, Tom Kosten, AIA of FKA Architects, the Town Consultant for the project has recommended that the change order be approved and that the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the Change Order for the project decreasing the total contract amount to \$59,300.00 and hereby accepts the Proposed Retaining Wall Project as complete based on the recommendation of the Town Consultant so that the final paperwork can be started and a one (1) year Maintenance bond be secured by SZ Construction, LLC.

RESOLUTION #200-2012*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE REPAVING OF SPRING STREET FROM ROUTE 206 TO LOWER SPRING STREET AT COUNTY ROUTE 616

WHEREAS, the Town of Newton is applying for funding in the amount of \$231,334.00 to repave Spring Street from Route 206 to Lower Spring Street at County Route 616 through the New Jersey Department of Transportation Municipal Aid Grant Program;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2013_Newton Town-00041 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 Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and

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that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

RESOLUTION #201-2012*

APPROVAL OF SHARED SERVICES AGREEMENT WITH MONTAGUE TOWNSHIP TO PROVIDE QUALIFIED PURCHASING AGENT SERVICES

WHEREAS, the Township of Montague requires the services of a Qualified Purchasing Agent on an occasional and part-time basis; and

WHEREAS; the Town of Newton is able to provide the services of a Qualified Purchasing Agent on the terms required by the Township of Montague; and

WHEREAS, the State of New Jersey encourages municipalities to enter into Shared Services Agreements;

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

1. The Town of Newton approves and authorizes the execution of a Shared Services Agreement with the Township of Montague for the provision of a Qualified Purchasing Agent, in the form attached hereto.

RESOLUTION #202-2012*

ACCEPT THE BEST PRACTICES INVENTORY QUESTIONNAIRE AND AUTHORIZE ITS SUBMISSION TO THE STATE OF NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, Local Finance Notice 2012-18 sets forth the requirements regarding the Best Practices Inventory Questionnaire; and

WHEREAS, the final 5% allocation of state aid for CMPTRA and ETR will be disbursed based upon the results of this inventory; and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response. This can happen before or after actual submission of the inventory form; and

WHEREAS, the Municipal Clerk must subsequently file a certification confirming that the Inventory was discussed publicly; and

WHEREAS, attached to this resolution is the Best Practices Worksheet CY 2012. The Town of Newton's responses to this inventory qualify the Town to receive 100% funding of the final 5% aid payment;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it has been apprised of the responses, and does hereby authorize the Chief Financial Officer to email the worksheet to the State by the CY 2012 filing deadline of September 28, 2012 and authorizes the Municipal Clerk to file a certification confirming that the inventory was discussed publicly and submit such to the Division of Local Government Services to comply with the State requirements regarding the Best Practices Inventory Questionnaire.

RESOLUTON #203-2012*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

TOWN BILLS

77.78	Quill Corporation	30877
137.50	Sussex Car Wash, Inc.	30878
658.32	NUI Corporation	30879

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1,797.40	G & G Diesel Service, Inc.	30880
135.30	New Jersey Herald	30881
932.41	SCMUA	30882
200.00	B & G Elevator, Inc.	30883
225.12	CenturyLink Communications, Inc.	30884
249.70	CenturyLink Communications, Inc.	30885
2,877.85	CenturyLink Communications, Inc.	30886
6,498.00	Hollander, Strerlzik, Pasculli, Hinkes	30887
830.65	Rowe & Company, Inc.	30888
290.33	Campbell's Small Engine	30889
58.49	Tri-State Rentals, Inc.	30890
25.14	Federal Express	30891
5,925.00	Newton First Aid Squad	30892
111.00	Holzhauer, Scott	30893
5,475.00	KML Technology, Inc.	30894
6.18	J & D Sales and Service	30895
37.50	Kithcart, Brock	30896
77.62	T.A. Mountford Company	30897
100.00	Weights & Measures Fund	30898
1,000.00	NJ State Assoc. of Chf. Police	30899
175.00	Gardens of the World	30900
72.47	Sebring Auto Parts	30901
112.50	Teets, Kenneth A.	30902
658.00	Dempsey Uniform & Supply Inc.	30903
166.50	Milliken, Debra	30904
103.19	Airgas East	30905
266.97	Sirchie Finger Print Labs	30906
1,286.53	Boonton Tire Supply	30907
314.83	McGuire Chevrolet	30908
1,435.15	Verizon Wireless	30909
165.00	Accurate Door, Inc.	30910
189.00	Institute for Professional Development	30911
75.78	Mr. John	30912
400.14	Cooper Electric Supply Co.	30913
1,170.00	Vogel, Chait, Collins, Schneider, PC	30914
190.94	Advance Auto Parts	30915
9.99	Carquest	30916
109.65	Rogo Fastener Co., Inc.	30917
1,540.00	Scarinci & Hollenbeck, LLC	30918
221.16	Emergency Medical Products	30919
1,075.00	Underwriters Laboratories, Inc.	30920
170.00	Tritec Office Equipment, Inc.	30921
1,110.35	Staples Business Advantage	30922
186.00	Spectrum Communications	30923
70.30	Dominick's Pizza	30924
77.95	New Jersey Law Journal	30925
4,699.38	Rachel's/Michele's Oil Company	30926
2,029.09	Taylor Oil Co.	30927
2,508.00	PowerDMS, Inc.	30928
2,250.00	Laddey, Clark & Ryan, LLP	30929
2,146.78	JMC Environmental Consultants, Inc.	30930
110.00	NJLM	30931
120.00	NJLM	30932
30.00	NJLM	30933
168.00	Jersey Central Power & Light	30934
499.75	Penteledata	30935
266.90	Direct Energy Business	30936
223.49	Woodruff Energy US, LLC	30937
495.00	The Buzak Law Group, LLC	30938
5,245.40	Harter Equipment, Inc.	30939
173.11	Kerry Deckert	30940
1,154.00	Sheraton Atlantic City Convention	30941
226.00	J. Caldwell & Associates	30942
190.00	Bergen City Technical School	30943

CAPITAL

40.00	NJMMA Meeting T. Russo	30876
84.90	Reimb. Captial Redevel. Meeting Exp.	121054
181,757.41	9/13 Current Payroll	121053
84.90	Dominick's Pizza	7979
113,072.00	Campbell Freightliner, LLC	7980
60.00	NJ Motor Vehicle Services	7981
28,968.00	Modern Equipment Sales & Rental Co.	7982
2,100.00	Pellow, Harold & Assoc., Inc.	7983
72.60	New Jersey Herald	7984
90.00	Hollander, Strelzik, Pasculli, Hinkes	7985
32,423.00	Current Account	7986
1,260.00	Vogel, Chait, Collins, Schneider, PC	7987
22,881.30	BCI Burk Company	7988
110.00	Kieffer Electric, Inc.	7989
16,999.99	Sparctech Solutions, LLC	7990
9,685.22	Thyssenkrupp Elevator Corp.	7991
558.00	Rent-a-Fence, Inc.	7992
1,407.75	J. Caldwell & Associates, Inc.	7993
7,140.00	Ahera Consultants, Inc.	7994
13,600.00	Nick Restoration LLC	7995

Total TOWN BILLS \$494,008.66

WATER AND SEWER ACCOUNT

96.84	Montague Tool & Supply	13102
282.64	NUI Corporation	13103
8,415.10	Pumping Services	13104
568.00	SCMUA	13105
7,680.00	Coyne Chemical Corp., Inc.	13106
32.27	CenturyLink Communications, Inc.	13107
1,226.73	CenturyLink Communications, Inc.	13108
936.00	Hollander, Strelzik, Pasculli, Hinkes	13109
28.50	Campbell's Small Engine	13110
15,087.78	Water & Sewer Capital Account	13111
46.80	Sebring Auto Parts	13112
314.64	Dempsey Uniform & Supply, Inc.	13113
400.00	R&D Trucking, Inc.	13114
164.16	Airgas East	13115
37.00	Lasso, Ervin	13116
250.00	Treasurer, State of New Jersey	13117
168.56	Verizon Wireless	13118
832.80	Univar USA, Inc.	13119
1,250.00	Smalley, John	13120
1,006.36	Main Pool & Chemical Company	13121
1,335.00	Alternate Power, Inc.	13122
19.78	Advance Auto Parts	13123
2,310.00	Scarinci &Hollenbeck, LLC	13124
1,225.00	Kistler O'Brien Fire Protection	13125
625.07	Airmati Compressor Systems, Inc.	13126
27.50	Scottsdale Insurance Company	13127
378.36	Staples Business Advantage	13128
57.59	Lowe's	13129
61.00	Krave Café	13130
2,407.50	Murch Auto Body, Inc.	13131
28.00	Eric Tompkins	13132
962.00	Andy Matt, Inc.	13133
1,958.60	JMC Environmental Consultants, Inc.	13134
991.33	CDW Government, Inc.	13135
7,212.24	Accurate Waste Removal	13136
119.90	Penteledata	13137
318.04	Direct Energy Business	13138

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214.42	One Call Concepts	13139
181.92	Woodruff Energy US, LLC	13140
2,100.00	Pellow, Harold & Asso., Inc.	7983
72.60	New Jersey Herald	7984
90.00	Hollander, Strelzik, Pasculli, Hinkes	7985
32,423.00	Current Account	7986
1,260.00	Vogel, Chait, Collins, Schneider, PC	7987
22,881.30	BCI Burk Company	7988
110.00	Kieffer Electric, Inc.	7989
16,999.99	Sparctech Solutions, LLC	7990
9,685.22	Thyssenkrupp Elevator Corp.	7991
558.00	Rent-a-Fence, Inc.	7992
1,407.75	J. Caldwell & Associates, LLC	7993
7,140.00	Ahera Consultants, Inc.	7994
13,600.00	Nick Restoration LLC	7995

CAPITAL

77.02	Payroll Account	126106
1,006.86	Payroll Account	126106
275.65	Payroll Account	126105
31,594.97	Payroll Account	126026
1,235.24	Payroll Account	126028
33,009.74	Payroll Account	126029

Total WATER & SEWER BILLS \$136,778.91

TRUST ACCOUNT

2,236.76	Pellow, Harold & Assoc. Inc.	3053
728.00	Hollander, Strelzik, Pasculli, Hinkes	3054
1,333.33	Sloan, James P., P.C.	3055
60.00	Current Account	3056
240.00	Vogel, Chait, Collins, Schneider, PC	3057
421.26	Seely Brothers	3058
141.25	J. Caldwell & Associates, LLC	3059
235.80	Payroll Account	127114

Total TRUST ACCOUNT BILLS \$5,160.60

FEDERAL/STATE GRANT ACCOUNT

7.20	New Jersey Herald	1104
700.00	Lisa Bechtel	1105

Total FEDERAL/STATE GRANT BILLS \$707.20

DEVELOPERS ESCROW

1,032.00	Pellow, Harold & Asso., Inc.	1098
1,245.00	Vogel, Chait, Collins, Schneider, PC	1099
5,452.50	Ferriero Engineering Inc.	1100
1,638.50	J. Caldwell & Associates, LLC	1101

Total DEVELOPERS ESCROW BILLS \$9,368.00

RESOLUTION #204-2012*

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
AUTHORIZING AN AMENDMENT TO A SITE ACCESS AGREEMENT WITH RESPECT THE
NEWTON ARMORY PROPERTY**

WHEREAS, the Town of Newton owns that certain land known as the Newton Armory and identified on the Official Tax Map of the Town as Block 10.01, Lot 6 (formerly

Block 801, Lot 49.01) (the "**Property**"); and

WHEREAS, Newton 213, L.L.C. (the "**LLC**"), has expressed interest in purchasing the Property, and has requested that the Town grant the LLC access to the Property and permission to conduct thereon certain investigations, surveys, testing and studies of the Property (collectively, the "**Investigations**"), all at the LLC's cost and expense and at no cost or expense to the Town; and

WHEREAS, on April 9, 2012 the Town authorized the execution of a site access agreement (the "**Agreement**") establishing the terms and conditions of such access to the Property; and

WHEREAS, on June 25, 2012 the Town authorized an extension of the Agreement through September 24, 2012; and

WHEREAS, the LLC has requested to further extend the term of the Agreement until December 31, 2012, and the Town wishes to so extend the term of the Agreement;

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Town hereby authorizes the execution of a letter amendment to the Agreement in substantially the form attached hereto as **Exhibit A** and by this reference incorporated herein. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto, with such additions, deletions and modifications as may be necessary or desirable in consultation with the Town Attorney and Special Counsel.

Section 3. 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.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the Town Clerk.

Section 5. This Resolution shall take effect immediately.

EXHIBIT A

FORM OF LETTER AMENDMENT TO SITE ACCESS AGREEMENT

The Clerk presented an application for on-premise raffles (Tricky-Tray & 50-50) from The Pride Foundation, Inc., 44 Ryerson Avenue, Newton, N.J. to be held on Friday, November 9, 2012 at 6:00 p.m. at Merriam Avenue School, 81 Merriam Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, 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. Diller Avenue – Harold E. Pellow & Associates

Police Chief Richards and Sgt. Coppolella provided statistics, based on data created by the speed trailer which was placed on Diller Avenue. Responding to complaints received, Chief Richards advised that the data shows that the average daily traffic on Diller Avenue calculates to approximately 11,500 vehicles per day and noted that the majority of vehicles traveling on Diller Avenue are in compliance with the current speed limit.

Mr. Harold Pellow of Harold Pellow & Associates provided a map of Diller Avenue which shows the installation of speed tables. Mr. Pellow noted that this road should be milled and paved prior to the installation of speed tables. After a lengthy discussion, Council directed Mr. Russo to review the funding available for the speed tables as well as research grant opportunities. Mr. Russo directed Mr. Pellow to rework the figures after reducing the number of speed tables on Diller Avenue to three. It was also suggested that reducing the speed limit on Diller Avenue may also act as a deterrent for speeders with the assistance of police enforcement.

b. Certificate of Compliance – Ordinance Draft – Mark Hontz, Esq.

Mr. Hontz outlined the draft Ordinance pertaining to Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance. Mr. Hontz also addressed the revised fee schedule. After a brief discussion, Council agreed to proceed with the draft Ordinance as recommended by Mr. Hontz.

OPEN TO THE PUBLIC

Mrs. Thea Unhoch, 17 Condit Street, addressed the Council and noted that the refurbishment of the Fire Museum will be a burden on taxpayers and suggested that the Fire Department hold a fundraiser (ie. car raffle or golf outing) to raise money for this cause.

Mr. Michael Tumminelli, 45 Diller Avenue, asked that the Council look at the human factor element during Council's analysis of a solution for Diller Avenue residents.

Mr. Steve Kelmer, 21 Diller Avenue, questioned whether the engineer's design for speed tables allow for the Diller Avenue residents to access their driveways without

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obstruction and was subsequently advised that speed tables are not placed in front of driveways.

There being no one else to be heard, Mayor Diglio closed the hearing to the public.

COUNCIL & MANAGER COMMENTS

Deputy Mayor Ricciardo addressed the upcoming Strategic Vision Plan meetings that are set to take place on Thursday, October 25th at 7:00 p.m. and Saturday, October 27th at 9:00 a.m. Mr. Ricciardo advised that the Council has decided to revisit the overall vision of the Town and identify key problem areas within the Town. The updated Strategic Vision Plan will combine planning and marketing strategies to develop a focused, action-based plan to guide future decision-making in the Town of Newton. Mr. Ricciardo encouraged the public, businesses and Newton residents to attend these meetings to provide their input.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mr. Elvidge and unanimously carried, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk