

October 22, 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 Mrs. Becker and carried, the minutes of October 10, 2012 (Regular and Executive) meetings were approved as amended.

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. Neil Flaherty, 154 Sparta Avenue, inquired about the water restrictions and was advised that the level at Morris Lake is still 28 inches below spillway, therefore the water restrictions are still in effect.

COUNCIL & MANAGER REPORTS

a. Proclamations

1. Michael Albert Bell – Eagle Scout

P R O C L A M A T I O N

MICHAEL ALBERT BELL

WHEREAS, Michael Albert Bell , a member of Boy Scout Troop 85, Andover-Newton, NJ has earned the status of Eagle Scout; and

WHEREAS, We, the Town Council of the Town of Newton, recognize the many hours Michael devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Michael Albert Bell has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Michael's Eagle Scout Leadership Project he constructed a snack stand for the Lt. Charles A. Meyer American Legion Post 86 on Yates Avenue in Andover, New Jersey. This project involved removal of a fire pit, gathering of materials and leading friends and family to enclose the area to create the snack stand/storage for the Post; and

October 22, 2012

WHEREAS, Michael Albert Bell serves as an example to youth through his high level of personal achievement, leadership and community service;

NOW, THEREFORE, BE IT PROCLAIMED that We, the Mayor and Town Council of the Town of Newton, do hereby recognize and extend our sincere congratulations to Michael Albert Bell for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright and successful future.

2. Marshall Thomas Chudley – Eagle Scout

P R O C L A M A T I O N

MARSHALL THOMAS CHUDLEY

WHEREAS, Marshall Thomas Chudley, a member of Boy Scout Troop 85, Andover-Newton, NJ has earned the status of Eagle Scout; and

WHEREAS, We, the Town Council of the Town of Newton, recognize the many hours Marshall devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Marshall Thomas Chudley has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Marshall's Eagle Scout Leadership Project he constructed twenty-four (24) bat boxes, culminating in one hundred and sixty (160) hours of planning and labor. Once completed, the boxes were distributed to residents and hung along the trail near Lake Iliff; and

WHEREAS, Marshall Thomas Chudley serves as an example to youth through his high level of personal achievement, leadership and community service;

NOW, THEREFORE, BE IT PROCLAIMED that We, the Mayor and Town Council of the Town of Newton, do hereby recognize and extend our sincere congratulations to Marshall Thomas Chudley for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright and successful future.

Mr. Russo noted that the Newton Municipal Building will be closed on Tuesday, November 6, 2012 in observation of Election Day. The Municipal Building will also be closed on Monday, November 12, 2012 in observation of Veterans' Day. Mr. Russo noted that Town Hall will be closing at 3:00 p.m. on the Wednesday before Thanksgiving.

Mr. Russo reminded Council that the November 14, 2012 Council meeting has been cancelled due to the League of Municipalities convention and the next Council meeting will take place on Monday, November 26, 2012 @ 6:00 p.m.

Mr. Russo acknowledged the members of the Town Council who attended the New Jersey Governor's Conference on Housing and Economic Development in order to receive the Leading Public-Private Partnership Award for the Thorlabs Redevelopment Project. Mr. Russo congratulated the Town and those who assisted with the project.

Councilman Elvidge concurred that it was an honor and privilege to receive this

Governor's Award.

ORDINANCES

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

ORDINANCE #2012-24

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE MOUNT OF \$10,000 FOR GEAR BOX RECONDITIONING ON 2 RBC UNITS 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. \$10,000 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for the reconditioning of 2 gear boxes for 2 RBC units at the Wastewater Treatment Plant in the Town of Newton, including all costs necessary therefore or incidental thereto:

Section 2. The Water Sewer 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 of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

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

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 final adoption.

ORDINANCE #2012-25

AN ORDINANCE TO AMEND SECTION 213-7 AND SECTION 100-21 OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, there is a need to supplement and enhance the regulations previously adopted to include changes and adjustments to the Code of the Town of Newton as follows;

Section 213-7

Delete Existing Section 213-7 in its entirety and Replace with the Following:

Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance

A. Certificate of Compliance Required. Every property owner in the Town of Newton of a structure containing one or two residential dwelling units must obtain a **Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance** ("Certificate of Compliance") prior to a change in occupancy due to sale, re-sale, rental or re-rental. In each situation in which a property owner is required to obtain a Certificate of Occupancy, as required by the Uniform Construction Code, a Certificate of Compliance shall not be required in addition to the Certificate of Occupancy.

B. Inspection. Every property owner requiring a Certificate of Compliance shall: (i) request an inspection by the Town of Newton on the designated form; (ii) pay the required inspection fee and (iii) provide entry to the dwelling or dwelling unit and any assistance as may be required by the inspector. The Town Manager or the Town Manager's designated agent shall conduct the inspection upon receipt of the inspection request and payment of the fee. If the inspection reveals compliance with the smoke detector and carbon monoxide alarm requirements set forth in N.J.A.C. 5:70-4.19, or its successor regulation, and the requirement for a portable fire extinguisher as required by N.J.S.A. 52:27D-198.1 et seq. , or its successor statute, then the Town of Newton shall issue a Certificate of Compliance to the property owner.

C. Fee. A fee as established in § 100-21 shall accompany all applications for inspection and certificates of compliance.

Section 100-21

Replace subsection A of Section 100-21 with the following:

- A. Fee for application for inspection and Certificate of Compliance:**
 - i. Request for Certificate of Compliance received more than 10 business days prior to change of occupant: \$50.00;
 - ii. Request for Certificate of Compliance received four to 10 business days prior to the change of occupant: \$100.00;
 - iii. Request for Certificate of Compliance received fewer than four business days prior to the change of occupant: \$150.00.

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

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

Mrs. Becker	Yes	Mr. Elvidge	No
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.

October 22, 2012

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

ORDINANCE #2012-26

AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

The following **ORDINANCE** was offered by Mrs. Becker, 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 November 26, 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.

RESOLUTION #217-2012

RESOLUTION AUTHORIZING 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:

October 22, 2012

1. 2000 Ford Crown Victoria
Vin#: 2FAFP 71W7Y X1200 09
Odometer Reading: 103,968 MILES
Condition: Fair
2. 1984 Bandit Chipper Model No. 100
Serial# 822818
Condition: Poor

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 #218-2012

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY

WHEREAS, on January 12, 2009, Public Service Electric and Gas Company ("PSE&G" or "the Company") submitted a Petition with the New Jersey Board of Public Utilities ("BPU") for a determination under N.J.S.A. 40:55D-19 that the proposed a 500kV Susquehanna-Roseland transmission system upgrade project ("the Project") is reasonably necessary for the service, convenience or welfare of the public; and

WHEREAS, the Project will span sixteen (16) municipalities within the State of New Jersey; and

WHEREAS, the Town of Newton ("Municipality") is one of those 16 municipalities along the route of the Project and intervened in the BPU proceedings; and

WHEREAS, the Petition was approved by the New Jersey Board of Public Utilities ("BPU") on February 11, 2010; and

WHEREAS, PSE&G and the Town of Newton have reached an agreement under the terms set forth in a Contract attached hereto as Exhibit A that both Parties believe represents a fair and reasonable resolution that benefits both Parties;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby authorized to execute on behalf of the Town the Contract set forth in Exhibit A attached hereto and such other documentation as may be needed to effectuate said Contract.

RESOLUTION #219-2012

AWARD THE CONTRACT FOR THE PROPOSED MILLING AND PAVING OF HOWARD STREET PROJECT TO TILCON NEW YORK

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #205-2007 on December 10, 2007 in an effort to save budgeted monies and improve services for itself by participating in the Morris County Cooperative Pricing Council; and

WHEREAS, Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey was awarded Contract #6, Cat. "A" and Cat. "C", Road Resurfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

WHEREAS, the Town Engineer, Harold E. Pellow, has recommended that Tilcon New York be retained for the Proposed Milling and Paving of Howard Street Project, based on the Morris County Cooperative Pricing Council as outlined in the memo dated October 11, 2012, which is attached to and made part of this resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available to

October 22, 2012

support this project as per attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the contract for the Proposed Milling and Paving of Howard Street Project is hereby awarded to Tilcon New York in the amount of \$12,258.80 based on the Morris County Cooperative Pricing Council bid results.

RESOLUTION #220-2012

AWARD CONTRACT TO BOB VIERSMA & SONS, INC., FOR THE HOWARD STREET STORM DRAINAGE IMPROVEMENT PROJECT

WHEREAS, the Town of Newton received four quotes from qualified vendors for the Howard Street Storm Drainage Improvement Project at 11:00 a.m. on Tuesday, October 16, 2012; and

WHEREAS, Bob Viersma & Sons, Inc. provided the most cost effective quote for the Howard Street Storm Drainage Improvement Project; and

WHEREAS, it is recommended by the Purchasing Agent and Municipal Engineer that a contract for the Howard Street Storm Drainage Improvement be awarded to Bob Viersma & Sons, Inc., in the amount of \$27,386.00; 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 awards the contract for the Howard Street Storm Drainage Improvement to Bob Viersma & Sons, Inc., of Allamuchy, NJ in the amount of \$27,386.00.

RESOLUTION #221-2012

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 17.02, LOT 26 (FORMERLY BLOCK 1011, LOT 8)

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 17.02, Lot 26 (Formerly Block 1011, Lot 8), also known as 48 Merriam Avenue, for 2009 delinquent Water and Sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1339, was sold to US Bank cust for Pro Capital I LLC, for 0% redemption fee and a \$100.00 premium; and

WHEREAS, IndyMac Mortgage Services, the owner's mortgage company, has effected the redemption of Certificate #1339 in the amount of \$3,771.69;

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 a redemption in the amount of \$3,771.69; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$3,771.69 for the redemption of Certificate #1339 to US Bank cust for Pro Capital I LLC, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #222-2012

AFFIRMATION OF CHANGE ORDER NO. 1 FOR THE PROPOSED RETAINING WALL RENOVATIONS PROJECT

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

WHEREAS, the Newton Town Council approved Resolution #199-2012 at their meeting on September 24, 2012 accepting the project as complete based on the recommendation of FKA Architects, the Town Consultant on the project, and Harold E. Pellow & Associates, Inc, the Town Engineer, which included authorizing a change order due to findings that a landscape wall was a poured concrete wall and not a laid-up block wall as original building plans suggested, resulting in the reduction of the overall contract amount by \$9,000.00 to a new total of \$59,300.00; and

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 \$9,000.00 to the new contract total of \$59,300.00 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 SZ Construction, LLC, for the Proposed Retaining Wall Renovations Project is hereby affirmed, and that the Mayor is authorized to execute said Change Order No. 1.

RESOLUTION #223-2012

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

325.88	Quill Corporation	30999
112.43	Montague Tool & Supply	31000
214.00	MGL Printing Solutions	31001
198.00	Abcode Security	31002
1,622.39	Airmark Pools	31003
744.59	NUI Corporation	31004
77.10	New Jersey Herald	31005
711.12	SCMUA	31006
200.00	B & G Elevator	31007
193.40	Centurylink Communications, Inc.	31008
2,869.53	Centurylink Communications, Inc.	31009
4,734.00	Hollander, Strelzik, Pasculli, Hinkes	31010
71.09	Rowe & Company, Inc.	31011
888,289.79	County of Sussex	31012
28,150.21	County of Sussex	31013
64,756.18	County of Sussex	31014
291.85	Campbell's Small Engine	31015
504.00	Neopost Leasing	31016
600.00	Garden State Laboratories, Inc.	31017
63.00	Lock & Key World	31018
1,276.74	Timmerman Company	31019
53.24	Federal Express	31020
50.00	First United Methodist Church	31021
62.00	R.S. Phillips Steel Company	31022
20.00	Newton Trophy	31023
434.50	Minisink Press	31024
1,138.10	Dempsey Uniform & Supply, Inc.	31025
90.00	Greater Newton Chamber of Commerce	31026
100.56	Airgas East	31027
291.46	Boonton Tire Supply	31028

October 22, 2012

19.36	McGuire Chevrolet	31029
30.00	Sussex & Warren Tax Col. Assoc.	31030
1,403.66	Verizon Wireless	31031
166.74	Medtronic Physio-Contrl. Corp.	31032
2,685.75	County of Sussex	31033
76.13	Mr. John	31034
85.96	Cooper Electric Supply Co.	31035
2,235.00	Vogel, Chait, Collins, Schneider, PC	31036
333.15	Advance Auto Parts	31037
492.50	Access Control Technology	31038
29.89	Excelsior Lumber Company	31039
280.00	Scarinci & Hollenbeck, LLC	31040
328.86	Staples Business Advantage	31041
47.91	Lowe's	31042
48.00	CSS Test	31043
220.00	Pinnacle Wireless FBO Unitek Global	31044
4,207.34	Rachle's/Michele's Oil Company	31045
4,127.69	Taylor Oil Company	31046
300.03	Firefighter One	31047
2,250.00	Laddey, Clark & Ryan, LLP	31048
282.00	Sussex County Chamber of Commerce	31049
340.00	JMC Environmental Consultants, Inc.	31050
721.42	Ricciardi Brothers, Inc.	31051
223.40	Sign-a-Rama	31052
2,080.00	Garden State Highway Products	31053
168.00	Jersey Central Power & Light	31054
499.75	Penteledata	31055
886.24	Direct Energy Business	31056
385.40	Woodruff Energy US, LLC.	31057
90.00	The Buzak Law Group, LLC.	31058
1,220.00	Mainly Menus	31059
300.00	The NJ Shade Tree Federation	31060
27.30	The Plaza Restaurant	31061
50.00	BCMCAA	31062
400.00	The Alternative Press of Sussex County	31063
900.00	MGSB Fire Equipment	31064

CAPITAL

192.60	New Jersey Herald	8018
486.00	Hollander, Strelzik, Pasculli, Hinkes	8019
6,088.01	McManimon & Scotland	8020
6,118.00	Access Control Technology	8021
289.80	Lowe's	8022
1,080.00	Key-Tech	8023
291.78	Firefighter One	8024
7,458.00	J. Caldwell & Associates, LLC.	8025
17,343.81	M.L. Ruberton Construction & Safety	8026
8,379.00	CMS Construction Inc.	8027
182,817.74	Payroll Account	121058

Total TOWN BILLS \$1,256,731.38

WATER AND SEWER ACCOUNT

13.90	Montague Tool & Supply	13167
276.62	NUI Corporation	13168
5,698.30	Pumping Services	13169
608.35	SCMUA	13170
6,343.68	Coyne Chemical Corp., Inc.	13171
33.56	Centurylink Communications, Inc.	13172
1,222.40	Centurylink Communications, Inc.	13173
288.00	Hollander, Strelzik, Pasculli, Hinkes	13174
5,466.00	Garden State Laboratories, Inc.	13175

October 22, 2012

14,892.52	Sparta Township Tax Collector	13176
313.04	Dempsey Uniform & Supply, Inc.	13177
159.34	Airgas East	13178
6,500.00	Instrumentation Tech Systems	13179
79.00	NJWEA	13180
180.13	Verizon Wireless	13181
1,250.00	Smalley, John	13182
1,042.50	Main Pool & Chemical Company	13183
2,015.04	Suburban Energy Services	13184
245.00	Scarinci & Hollenbeck, LLC	13185
91.27	Staples, Business Advantage	13186
11.52	Lowe's	13187
962.00	Andy Matt, Inc.	13188
140.00	JMC Environmental Consultants	13189
984.00	Tire King	13190
6,629.40	Accurate Waste Removal	13191
119.90	Penteledata	13192
6,011.64	Direct Energy Business	13193
196.58	One Call Concepts	13194
167.53	Woodruff Energy US, LLC	13195
691.30	Hatch Mott Macdonald	13196

CAPITAL

1,172.64	Montague Tool & Supply	2255
59.22	Hamburg Plumbing Supply Co., Inc.	2256
274.00	R.S. Phillips Steel Company	2257
214.81	Weldon Asphalt Company	2258
1,400.00	Westra, Albert L.	2259
1,080.00	Key-Tech	2260
2,000.00	Kozdeba & Son, LLC.	2261
448.83	Payroll Account	126108
34,591.13	Payroll Account	126033

Total WATER & SEWER BILLS \$103,873.15

TRUST ACCOUNT

1,365.68	Greg Occlinania	3071
54.00	Hollander, Strelzik, Pasculli, Hinkes	3072
282.50	J. Caldwell & Associates, LLC	3073
1,026.00	Pellow, Harold & Assoc., Inc.	3074
1,000.00	Simmons Transport, Inc.	3075
1,333.33	Sloan, James P., P.C.	3076
525.00	Vogel, Chait, Collins, Schneider, PC	3077
1,751.65	Payroll Account	127116

Total TRUST ACCOUNT BILLS \$7,338.16

DEVELOPERS ESCROW ACCOUNT

2,283.00	Pellow, Harold & Assoc., Inc.	1102
18.00	Hollander, Strelzik, Pasculli, Hinkes	1103
1,230.00	Vogel, Chait, Collins, Schneider, PC	1104
2,488.15	Dolan & Dean Consulting Eng., LLC	1105
210.00	Ferriero Engineering, Inc.	1106
960.50	J. Caldwell & Associates, LLC.	1107

Total DEV. ESCROW BILLS \$7,189.65

FEDERAL/STATE GRANTS

30.07	Shop Rite	1109
91.03	Kerry Deckert	1110

5,865.00

RBA Group, Inc.

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Total FEDERAL/STATE GRANTS \$5,986.10

The Clerk presented an application for an off-premise raffle (50-50) from Pride Foundation, Inc., 44 Ryerson Avenue, Newton to be held on Thursday, December 20, 2012 at 2:25 pm at Halsted Middle School, 59 Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an off-premise raffle from Saint Joseph Church, 17 Elm Street, Newton to be held on Friday, December 7, 2012 at 4:00 p.m. at 17 Elm Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (Bingo & 50-50) from Pride Foundation, 44 Ryerson Avenue, Newton to be held on Friday, November 30, 2012 from 5:00 p.m. to 11:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton, NJ. 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**, seconded by Mr. Elvidge 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. Tree Bank Ordinance – Jessica Caldwell

Mrs. Jessica Caldwell, Newton Planner, addressed the Council and made a lengthy presentation on the draft Ordinance on establishing Tree Protection as well as amending the Tree Bank Ordinance. Mrs. Caldwell addressed the fees and costs associated with tree protection and replacement.

After a lengthy discussion, Council agreed to the Tree Bank Ordinance and asked Mrs. Caldwell to rework the verbiage on the Tree Protection Ordinance. Mr. Hontz and Mrs. Caldwell will work together on the Tree Protection Ordinance.

b. Spring Street Closure

Mr. Russo reviewed the memorandum he submitted to the Town Council dated October 18, 2012 regarding the potential Spring Street closure for Thorlabs annual

October 22, 2012

employee holiday gathering to be held on Friday, December 14, 2012. Mr. Russo outlined several thoughts and concerns surrounding this event.

After a lengthy discussion, Council agreed to the closure of Spring Street from 4:00 p.m. – 10:00 p.m.; set-up would be 4:00 p.m. to 6:00 p.m. with the party to run from 6:00 p.m. to 10:00 p.m.; no tents on Spring Street; Thorlabs would be responsible for all overtime Police & DPW costs as well as providing a proper certificate of insurance; Parking Authority permission needed in order to utilize Lot #5 Eastern Plaza; and a hold harmless agreement would be created by Mr. Russo and Mr. Hontz. It was noted that some of the party details are still in need of work and will be confirmed through Mr. Russo. Council also requested that Thorlabs notify the merchants on Spring Street of this holiday gathering.

OPEN TO THE PUBLIC

Mayor Diglio opened the hearing to the public.

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

COUNCIL & MANAGER COMMENTS - none

EXECUTIVE SESSION

Mr. Russo read Resolution #224-2012 and Council entered into Executive Session at 8:23 p.m.

Council returned from Executive Session at 8:59 p.m.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Ricciardo and unanimously carried, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk