

January 28, 2013

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 Ursula Leo, 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, 2012."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and carried, the minutes of December 11, 2012 Special Meeting was 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."

Neil Flaherty, 154 Sparta Avenue, addressing Ordinance 2013-2, suggested that a sliding scale should be used for the cost of removing trees, noting that the current cost structure would be excessive to a developer.

COUNCIL & MANAGER REPORTS

a. Timber Salvage - Morris Lake

Dave Simmons, Town Engineer, made a lengthy presentation on the Timber Salvage plan at Morris Lake. It was noted that Doug Tavella, Forester of Appalachian Forestry Service, was not able to attend this evening. Mr. Simmons provided an aerial map/storm damage map and outlined the areas of concern, which were damaged from Hurricane Sandy. The plan to harvest the trees in the five (5) acre area would allow for the trees to be removed and the Town would receive approximately \$5,000.00.

In order to access the timber, the Town would require an agreement and permission from the property owner of Lot 43. It was suggested that a permanent easement should be pursued in order for the timber to be removed in the future.

After a lengthy discussion, the Governing Body will consider the pursuit of the timber salvage, if a permanent easement could be obtained from the land owner for

access to the Town property.

Mr. Russo advised Council that Energy Market Exchange (EMEX) held their auction on Friday and the Town will receive a 10% savings on the electricity costs, with a total savings of \$50,000 over a two year period. Mr. Russo will work with Mrs. Leo on the EMEX contract.

Mr. Russo advised Council that there will be a joint Council and School Board presentation to the Newton Boys Soccer Team for recognition of their State Championship. The Town will present a Proclamation, a banner and a trophy. The presentation will take place at 6:00 p.m. at the Newton High School gym.

ORDINANCES

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

ORDINANCE 2013-1

AN ORDINANCE ESTABLISHING CHAPTER 242 TREE PROTECTION OF THE CODE OF THE TOWN OF NEWTON

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Deputy Mayor Ricciardo 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 February 11, 2013.

ORDINANCE 2013-2

AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

The following **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its introduction, 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	

Mr. Russo noted the minor change to the Ordinance in Section 1-D.

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 February 11, 2013.

ORDINANCE #2013-3

AN ORDINANCE TO ESTABLISH A LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR MEMBERS OF THE NEWTON VOLUNTEER FIRST AID SQUAD

Mayor Diglio recused herself from discussion on this Ordinance.

The following **ORDINANCE** was offered by Mr. Elvidge, 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		Abstain	

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 February 11, 2013.

ORDINANCE #2013-4

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWN OF NEWTON BY PUBLIC AUCTION

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Deputy Mayor Ricciardo 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 February 11, 2013.

OLD BUSINESS- None

CONSENT AGENDA

Mr. Russo reviewed the various resolutions.

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."*

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Resolution #20-2013 was removed from the consent agenda. Mayor Diglio recused herself from any discussion on Resolution #20-2013.

RESOLUTION #20-2013

AUTHORIZING WAIVING OF WATER AND SEWER UTILITY CHARGES FOR THE NEWTON VOLUNTEER FIRST AID SQUAD

WHEREAS, the Newton First Aid Squad, "NFAS", is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

WHEREAS, the "NFAS" owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

WHEREAS, the "NFAS" operating expenses are funded through donations and fundraising efforts; and

WHEREAS, the Newton Town Council supports the efforts of the "NFAS" and would like to assist, so they may continue to provide this valuable emergency service to the people of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2013.

The following **RESOLUTION** 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		Abstain	

RESOLUTION #21-2013*

A RESOLUTION OF THE TOWN OF NEWTON AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE VIA AN ONLINE AUCTION WEBSITE

WHEREAS, the Town of Newton has determined to move forward with the EMEX Reverse Auction in order to procure electricity for the Town of Newton; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and

WHEREAS, the Town of Newton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act;

NOW THEREFORE BE IT RESOLVED, that we the Mayor and Town Council do hereby authorize the utilization of the online auction services of EMEX, LLC, in order to procure electricity for the Town of Newton through www.energymarketexchange.com.

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RESOLUTION #22-2013*

APPROVE 2012 APPROPRIATION RESERVE TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2012 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Community Development OE 1064216A	Cencom SW 1094734A	\$1,100.00
Inspection of Buildings OE 1077226A	Fire OE 1070202A	\$120.00
TOTAL CURRENT TRANSFERS		\$1,220.00

RESOLUTION #23-2013*

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 2012 and 2013 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

106.87	Quill Corporation	31339
268.00	Decker's Fire & Safety Equipment, Inc.	31340
31.25	Sussex Car Wash, Inc.	31341
3,095.74	NUI Corporation	31342
268.64	G & G Diesel Service, Inc.	31343
1,873.17	JCP&L	31344
1,060.00	Pumping Services, Inc.	31345
190.29	Centurylink Communications, Inc.	31346
35.00	Centurylink Communications, Inc.	31347
253.81	Centurylink Communications, Inc.	31348
5,862.00	Hollander, Strelzik, Pasculli, Hinkes	31349
116.29	Campbell's Small Engine	31350
504.00	Neopost Leasing, Inc.	31351
182.82	Tri-State Rentals, Inc.	31352
598.00	R. S. Phillips Steel Company	31353
913.77	Willco, Inc.	31354
250.00	Treasurer, Petty Cash Fund	31355
619.00	NJLM	31356
1,920.00	J & D Sales & Service, Inc.	31357
16.00	Smith, William F.	31358
754.00	T.A. Mountford Company, Inc.	31359
78.00	Minisink Press, Inc.	31360
480.88	Good Year	31361
30.76	Sebring Auto Parts, Inc.	31362
1,373.19	Dempsey Uniform & Supply, Inc.	31363
9,872.75	L-3 Comm. Mobile-Vision	31364
7.00	Lasso, Ervin	31365
1,822.52	Boonton Tire Supply, Inc.	31366
240.49	Boonton Tire Supply, Inc.	31367
1,003.21	McGuire	31368
50.00	NJMMA	31369
600.00	Sussex Co. Assoc. Chiefs of Police	31370

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561.00	Grinnell Recycling	31371
1,448.95	Verizon Wireless, Inc.	31372
194.44	Verizon Wireless, Inc.	31373
1,271.93	State Chemical	31374
115.00	Accurate Door, Inc.	31375
167.61	Petro Mechanics, Inc.	31376
95.00	Sussex County Lock & Safe, Inc.	31377
139.30	Dell Marketing, L.P.	31378
658.58	International Code Council, Inc	31379
290.90	Rogo Fastener Co., Inc.	31380
18,143.93	Access Control Technology, Inc.	31381
1,802.50	Scarinci & Hollenbeck, LLC	31382
207.00	Poster Compliance Center	31383
56.95	Ward's Flowers and Gifts	31384
390.00	Penn State University	31385
159.38	AW Direct, Inc.	31386
659.73	Staples Business Advantage, Inc.	31387
5.10	Language Line Services, Inc.	31388
96.00	CSS Test, Inc.	31389
950.00	National Fire Codes Subscription	31390
139.95	Magarino Ford, LLC	31391
6,305.53	Rachles/Michele's Oil Company, Inc.	31392
4,454.58	Taylor Oil Co., Inc.	31393
625.00	Morris County Coop.	31394
53.00	Eric Tompkins	31395
23.87	Dawn Babcock	31396
2,250.00	Laddey, Clark & Ryan, LLP	31397
30.00	Lea Data Technologies	31398
373.92	County of Sussex	31399
1,325.00	Garden State Highway Products, Inc.	31400
342.23	B & H, Inc.	31401
8,361.00	Kyocera Mita	31402
2,010.00	Chelbus Cleaning Co., Inc.	31403
53.00	Dustin McGarry	31404
5,579.73	Direct Energy Business, Inc.	31405
6,189.41	Woodruff Energy US, Inc.	31406
1,419.00	Apple	31407
192.40	Thyssenkrupp Elevator Corp.	31408
157.50	Extra Tech Data Services, LLC	31409
700.00	Clear Channel Radio	31410
100.00	The Alternative Press of Sussex County	31411
5,353.50	Mr. Brian Benson	31412

CAPITAL

46.35	Thomas S. Russo, Jr.	31338
80.00	The Plaza Restaurant	31336
28.25	Thomas S. Russo, Jr.	31335
929,927.25	Newton Board of Education	131006
136,828.13	US Bank Oper.	131005
9,745.45	Treasurer, State NJ/727 FUND	131004
200,710.15	Payroll Account	131003
226,233.99	Payroll Account	131002
50.00	The Plaza Restaurant	31334
10,000.00	Federal & State Grant	131001
150.00	Pellow, Harold & Assoc., Inc.	8058
2,900.00	Cerbo's Hampton Nursery, Inc.	8059
3,466.00	Kieffer Electric, Inc.	8060
4,150.25	J. Caldwell & Associates, LLC.	8061

Total TOWN BILLS \$1,632,244.19

WATER AND SEWER

572.89	Hach Company	13345
1,332.79	NUI Corporation	13346
12,892.96	Pumping Services, Inc.	13347
33.45	Centurylink Communications	13348
125.85	Centurylink Communications	13349
90.00	Hollander, Strelzik, Pasculli, Hinkes	13350
14.00	Lock & Key World	13351
163.01	Hamburg Plumbing Supply Co., Inc.	13352
50.00	Water & Sewer Petty Cash Fund	13353
14,275.27	Sparta Township Tax Collector	13354
2,342.20	Weldon Asphalt Company, Inc.	13355
20,000.00	Trust Account, Town of Newton	13356
395.94	Dempsey Uniform & Supply, Inc.	13357
750.00	Frank Semeraro Construction, Inc.	13358
500.00	R&D Trucking, Inc.	13359
526.26	Airgas East	13360
35.00	Lasso, Ervin	13361
200.00	Treasurer, State of New Jersey	13362
153.61	Verizon Wireless, Inc.	13363
1,250.00	Smalley, John	13364
1,493.40	Main Pool & Chemical Company, Inc.	13365
2,280.00	RAM Motors & Controls, Inc.	13366
138.00	Poster Compliance Center	13367
1,052.95	Process Tech Sales and Service	13368
203.22	Staples Business Advantage, Inc.	13369
625.00	Morris County Coop.	13370
21.00	Eric Tompkins	13371
72.16	County of Sussex	13372
7,030.80	Accurate Waste Removal, Inc.	13373
3,228.04	APC Sales & Service Corporation	13374
21.00	Dustin McGarry	13375
8,787.44	Direct Energy Business Inc.	13376
2,448.36	Woodruff Energy US, Inc.	13377
314.00	Apple	13378
1,512.01	Capitol Supply Const. Products, Inc.	13379
3,338.00	A.P. Certified Testing, LLC.	13380
8,148.67	Hatch Mott Macdonald	13381
964.78	USA Blue Book	13382
165.96	Kraft Power Corp.	13383
75.00	Mr. Brian Benson	13384

CAPITAL

35,382.19	Payroll Account	136002
32,974.11	Payroll Account	136001
8,190.00	Township of Parsippany-Troy Hills	13344
6,328.23	Grinnell Recycling	2276
3,516.00	RAM Motors & Controls, Inc.	2277
1,311.63	HD Supply Waterworks LTD 61	2278

Total WATER & SEWER BILLS \$185,325.18

TRUST

1,333.33	Sloan, James P., P.C., Inc.	3093
2,102.60	Bob Viersma & Sons, Inc.	3094
1,306.26	Payroll Account	137102
2,425.32	Payroll Account	137101

Total TRUST ACCOUNT BILLS \$7,167.51

FEDERAL/STATE GRANTS

298.00	Draeger Safety Diagnostics, Inc.	1130
1,121.68	Payroll Account	131101

Total FEDERAL/STATE GRANTS \$1,419.68

A motion was made by Deputy Mayor 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. Art Alley

Ursula Leo, Esq., Town Attorney, submitted a draft Ordinance, naming a public alley as “Art Alley”. It was noted that this public right-of-way is located in the Town of Newton running between Spring Street and Trinity Street.

After a brief discussion, the Newton Town Council agreed to proceed and will introduce this Ordinance at the February 11th Council meeting.

OPEN TO THE PUBLIC

Mayor Diglio opened the hearing to the public.

Gary Posey, Captain of Newton First Aid Squad, thanked the Newton Town Council for introducing an ordinance to establish a Length of Service Awards Program (LOSAP) for members of the Newton Volunteer First Aid Squad.

COUNCIL & MANAGER COMMENTS

Councilman Flynn noted that the research for the proposed tree ordinance showed that there were not many properties involved.

Councilman Ricciardo noted that if there were several trees over 5” in diameter, then the cost could be excessive.

EXECUTIVE SESSION

Mr. Russo read Resolution #24-2013 and Council entered into Executive Session at 7:36 p.m.

Upon motion of Deputy Mayor Ricciardo, seconded by Mrs. Becker and carried, Council left Executive Session at 8:53 p.m.

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There being no further business to be conducted, upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk