

February 25, 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, 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 Mr. Ricciardo, seconded by Mrs. Becker and carried, the minutes of January 28, 2013 Regular Meeting, January 28, 2013 Executive Meeting, February 11, 2013 Regular Meeting, and February 13, 2013 Budget Hearing were approved with minor changes.

COUNCIL & MANAGER REPORTS

There were no Council and Manager reports at this time.

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 were no public comments at this time.

ORDINANCES

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

ORDINANCE # 2013-5

AN ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the

previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$115,330.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.5%, amounting to \$115,330.79, and that the CY 2013 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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. Elvidge, who moved its adoption, seconded by Mr. Flynn and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2013-6

AN ORDINANCE NAMING A PUBLIC ALLEY AS "ART ALLEY"

WHEREAS, there is a public alley in the Town of Newton running between Spring Street and Trinity Street, between Block 8.04, Lots 5, 6 and 9 and Block 8.05, Lots 1 and 2; and

WHEREAS, the Town Council, as recommended by a Town citizen, desires to rename the public alley "Art Alley" in order to recognize the participating businesses and artistic influence on the public alley; and

WHEREAS, N.J.S.A. 40:67-1(k) permits governing bodies of municipalities to enact ordinances naming streets and highways;

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

Section 1. The existing public alley from Spring Street running north to Trinity Street, between Block 8.04, Lots 5, 6 and 9 and Block 8.05, Lots 1 and 2, shall be renamed as "Art Alley".

Section 2. The Municipal Clerk is authorized and shall file this Ordinance with the United States Post Office, the New Jersey Department of Transportation, the Sussex County Sheriff's Office, appropriate 911 emergency dispatch service, the Sussex County Planning Board, the New Jersey State Police, the Newton Planning Board, the Newton Tax Assessor, the Newton Tax Collector, the Newton Department of Public Works, the Newton Volunteer Fire Department, the Newton Volunteer First Aid Squad, and the Newton Office of Emergency Management.

Section 3. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Diglio opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, 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		

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 #2013-7

ORDINANCE REAPPROPRIATING \$29,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$29,000 of the proceeds of obligations originally made available pursuant to Section 3(c) of bond ordinance #2012-13 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 9, 2012 is no longer necessary for the acquisition of equipment consisting of a street sweeper, a chipper and a crack sealer for which the obligations previously were authorized.

Section 2. The \$29,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the acquisition of equipment for the Department of Public Works consisting of a zero turn mower, a walk-behind mower with backpack blower and a blacktop pavement roller.

Section 3. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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. Elvidge and unanimously carried, the hearing was closed.

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

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2013-8

AN ORDINANCE OF THE TOWN OF NEWTON VACATING A PORTION OF A CERTAIN STREET NEVER CONSTRUCTED AND DEEMED AN ABANDONED ROAD

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

February 25, 2013

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 March 11, 2013.

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

ORDINANCE #2013-9

AN ORDINANCE TO AMEND CHAPTER 307 "VEHICLES AND TRAFFIC" OF THE CODE BOOK OF THE TOWN OF NEWTON

The following **ORDINANCE** was offered by Mr. Flynn, 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		

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 March 11, 2013.

OLD BUSINESS - None

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 reviewed the various resolutions on the Consent Agenda.

Councilman Flynn requested that Resolution #40-2013 be removed from the Consent Agenda for further discussion.

RESOLUTION #33-2013*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 8.04, LOT 2

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 8.04, Lot 2 (formerly Block 717, Lot 2), also known as 127-129 Spring Street, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1359, was sold to US Bank Cust/Sass Muni V dtr for 0% redemption rate and a premium in the amount of \$17,500.00; and

WHEREAS, First Hope Bank, Financial Institution for said property; has effected the redemption of Certificate #1359 in the amount of \$33,339.27;

February 25, 2013

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust/Sass Muni V dtr is entitled to a redemption in the amount of \$33,339.27 as well as the premium of \$17,500.00; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to issue two checks; the first in the amount of \$33,339.27 for the redemption of Certificate #1359, and the second in the amount of \$17,500.00 for the return of the premium to US Bank Cust/Sass Muni V dtr, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #34-2013*

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	Engineering OE 1060200A	\$ 240.00
Inspection of Buildings OE 1077226A	Engineering OE 1060200A	\$1,500.00
TOTAL CURRENT TRANSFERS		\$1,740.00

RESOLUTION #35-2013*

APPROVE 2012 APPROPRIATION RESERVE TO BE LAPSED TO TRUST – SNOW REMOVAL RESERVE

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2012 appropriation reserve balance be lapsed to Trust – Snow Removal Reserve pursuant to N.J.S.A. 40A: 4-62.1. This resolution is being adopted in accordance with the provisions of N.J.S.A. 40A:4-59.

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
<u>TRUST</u>		
Snow Removal OE 1081200A	Snow Removal Reserve 711202	\$20,000.00
Snow Removal SW 1081100A	Snow Removal Reserve 711202	\$20,000.00
TOTAL		\$40,000.00

RESOLUTION #36-2013*

AMENDMENT TO 2013 TEMPORARY OPERATING BUDGET

WHEREAS, the Town Council of the Town of Newton adopted the 2013 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #6-2013 on January 14, 2013; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the Governing Body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget

February 25, 2013

and that a copy of this resolution be filed with the Director of Local Government Services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2013 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON
2013 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Group Insurance OE	1066200	\$175,694
Snow Removal SW	1081100	20,000
Occupational Health OE	1085200	3,000
Swimming Pool OE	1090200	5,000
Contribution to PFRS	1092897	<u>551,294</u>
 Total Current Temp Amendment		 \$754,988

2012 TOWN OF NEWTON BUDGET

<u>CURRENT</u>		<u>WATER/SEWER</u>
\$11,422,490	Total 2012 General Appropriations	\$4,061,000
1,761,245	Less: Debt Service	691,100
123,000	Capital Improvements	695,000
<u>478,390</u>	Reserve for Uncollected Taxes	<u>0</u>
\$9,059,855	Total Amount to calculate upon	\$2,674,900
<u>x 1/12</u>		<u>x 1/12</u>
\$754,988	Allowable 2013 Temporary Budget Amend.	\$222,908

RESOLUTION #37-2013*

AUTHORIZE NON-BINDING ADOPTION OF STRATEGIC VISION PLAN FOR THE TOWN OF NEWTON

WHEREAS, J. Caldwell & Associates, LLC, Newton Town Planner, in conjunction with Millennium Strategies, LLC, prepared a Strategic Vision Plan, dated February 2013, for certain areas within the Town of Newton; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates, LLC and Stuart Z. Koperweis of Millennium Strategies, LLC, held two public involvement sessions, October 25 and October 27, 2012, whereby participants were given a brief overview of the purpose and process regarding the vision plan and public comment was sought; and

WHEREAS, Ms. Caldwell and Mr. Koperweis conducted several interviews with local business and government entities to obtain stakeholder input for the vision plan and surveys were completed by participants in the public involvement sessions; and

WHEREAS, the final draft of the Strategic Vision Plan was presented to the Town Council on February 11, 2013;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton does hereby authorize the non-binding adoption of the Strategic Vision Plan for the Town of Newton, dated February 2013, as jointly prepared by J. Caldwell & Associates, LLC and Millennium Strategies, LLC, in final form.

RESOLUTON #38-2013*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

February 25, 2013

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

Utility Advisory Board recommends waiver of delinquent penalties:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19315	29 Mt. View Street	\$3.00
19322	29 ½ Mt. View Street	\$3.00

Utility Advisory Board recommends credit for sewer charges due to a leak:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21755	55A-55 Halsted Street	\$475.00

RESOLUTION #39-2013*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

TOWN BILLS

141.87	Quill Corporation	31508
22.00	Montague Tool & Supply	31509
408.00	MGL Printing Solutions, LLC.	31510
1,500.00	Inst. For Forensic Psychology	31511
80.00	Abcode Security	31512
206.25	Sussex Car Wash, Inc.	31513
3,162.83	NUI Corporation	31514
359.00	New Jersey Herald, Inc.	31515
200.00	B & G Elevator, Inc.	31516
223.22	Centurylink Communications, Inc.	31517
2,870.80	Centurylink Communications, Inc.	31518
3,654.00	Hollander, Strelzik, Pasculli, Hinkes	31519
107.88	Rowe & Company, Inc.	31520
47.40	Campbell's Small Engine, Inc.	31521
216.24	Timmerman Company, Inc.	31522
27.72	Tri-State Rentals, Inc.	31523
109.16	Federal Express	31524
333.00	R. S. Phillips Steel Company	31525
34.84	Lafayette Auto Parts	31526
55.00	Sisco, James	31527
55.00	Straway, Richard A. Jr.	31528
55.00	Straway, Thomas	31529
545.00	Willco, Inc.	31530
488.67	Vital Computer Resources, Inc.	31531
55.00	Smith, William P.	31532
55.00	Kithcart, Brock	31533
37.00	Hagaman, William	31534
76.00	Minisink Press	31535
569.40	Good Year, Inc.	31536
60.00	Carr, Joseph	31537
31.41	Sebring Auto Parts, Inc.	31538
659.49	Dempsey Uniform & Supply, Inc.	31539
103.19	Airgas East	31540
30.00	Lasso, Ervin	31541
60.00	Sussex County Clerk's Assn.	31542
123.73	Boonton Tire Supply, Inc.	31543
921.27	McGuire, Inc.	31544
1,411.63	Verizon Wireless, Inc.	31545
76.13	Mr. John, Inc.	31546
1,107.37	The Phillips Companies, Inc.	31547
5,280.00	Vogel, Chait, Collins, Schneider, PC	31548
473.54	Home Depot, Inc.	31549
88.32	Carquest, Inc.	31550

February 25, 2013

840.82	Rogo Fastener Co., Inc.	31551
2,400.00	McCullough Tree Experts, LLC.	31552
32,142.50	Lincoln Financial Group	31553
81.95	Ward's Flowers and Gifts	31554
930.50	Staples Business Advantage, Inc.	31555
28.99	Staples Business Advantage	31556
100.79	Lowe's, Inc.	31557
48.00	CSS Test, Inc.	31558
28.40	Dominick's Pizza, LLC.	31559
55.00	Steve Estler	31560
3,534.00	Pinnacle Wireless FBO Unitek Global	31561
3,892.82	Rachles/Michele's Oil Company, Inc.	31562
7,595.49	Taylor Oil Co., Inc.	31563
30.00	Eric Tompkins	31564
2,250.00	Laddey, Clark & Ryan, LLP	31565
55.00	Adam Vough	31566
55.00	Joseph White	31567
45.00	NJAPA	31568
975.00	Gramco Business Communications, Inc.	31569
55.00	William Oswin III	31570
160.00	Jersey Central Power & Light, Inc.	31571
999.50	Penteledata	31572
55.00	Roy Leyman	31573
249.02	Custom Products Corp.	31574
30.00	Dustin McGarry	31575
942.00	Rutgers, Center for Government Serv.	31576
735.00	Rutgers, Center for Government Serv.	31577
1,215.84	Direct Energy Business, Inc.	31578
27.99	Tractor Supply Co.	31579
1,899.37	Woodruff Energy US, Inc.	31580
304.75	Glendale Parade Store, LLC	31581
21,355.21	Cargill Deicing Technology, I c.	31582
50.00	Ideal Farms	31583
204.00	Surveymonkey.com, LLC	31584

CAPITAL

315.00	Whentowork, Inc.	31507
220.00	Town of Newton	131012
98.95	Read, Lorraine	31506
211,388.39	Payroll Account	131011
929,926.75	Newton Board of Education	131010
6.95	The Star Ledger	31505
1,780.89	Tilcon New Jersey, Inc.	8071

Total TOWN BILLS \$1,253,220.23

WATER AND SEWER ACCOUNT

47.30	Quill Corporation	13412
1,441.82	NUI Corporation	13413
27.30	New Jersey Herald, Inc.	13414
819.00	Pumping Services, Inc.	13415
6,072.00	SCMUA	13416
3,754.80	Coyne Chemical Corp., Inc.	13417
33.45	Centurylink Communications, Inc.	13418
1,219.78	Centurylink Communications, Inc.	13419
108.00	Hollander, Strelzik, Pasculli, Hinkes	13420
910.00	Garden State Laboratories	13421
634.40	Lubrication Engineers, Inc.	13422
87.00	Carr, Joseph	13423
41.52	Sebring Auto Parts, Inc.	13424
311.44	Dempsey Uniform & Supply, Inc.	13425
750.00	Frank Semeraro Construction, Inc.	13426

February 25, 2013

175.16	Airgas East	13427
14.00	Lasso, Ervin	13428
4.23	McGuire, Inc.	13429
2,300.00	Treasurer, State of New Jersey	13430
153.61	Verizon Wireless, Inc.	13431
1,250.00	Smalley, John	13432
1,359.60	Main Pool & Chemical Company, Inc.	13433
1,303.50	Tilcon New Jersey, Inc.	13434
100.95	Advance Auto Parts	13435
257.01	Home Depot, Inc.	13436
929.00	Process Tech Sales and Service	13437
264.99	Sussex County Rental Center, LLC	13438
14.00	Eric Tompkins	13439
239.80	Penteledata	13440
189.05	NASCO	13441
21.00	Dustin McGarry	13442
135.86	Direct Energy Business, Inc.	13443
109.26	One Call Concepts, Inc.	13444
1,319.50	Woodruff Energy US, Inc.	13445
500.00	Hatch Mott MacDonald	13446
5,390.00	Township of Parsippany-Troy Hills	13447

CAPITAL

33,006.30	Payroll Account	136004
2,217.63	Tilcon New Jersey, Inc.	2281

Total WATER & SEWER BILLS \$67,512.26

TRUST

150.00	Pellow, Harold & Assoc., Inc.	3097
54.00	Hollander, Strelzik, Pasculli, Hinkes	3098
1,333.33	Sloan, James P., P.C., Inc.	3099
22.20	Walmart	3100
240.00	Vogel, Chait, Collins, Schneider, PC	3101

CAPITAL

275.00	Payroll Account	137104
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Total TRUST ACCOUNT BILLS \$2,074.53

DEVELOPERS ESCROW ACCOUNT

894.00	Pellow, Harold & Assoc., Inc.	1116
324.00	Hollander, Strelzik, Pasculli, Hinkes	1117
600.00	Vogel, Chait, Collins, Schneider, PC	1118
339.00	J. Caldwell & Associates, LLC.	1119

Total DEV. ESCROW BILLS \$2,157.00

FEDERAL/STATE GRANTS

10,000.00	Current Account	1132
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Total FEDERAL/STATE GRANTS \$10,000.00

DOG RESERVE

266.00	Usher Publishing Company	8529
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Total DOG RESERVE \$266.00

The Clerk presented a membership firemen’s application into the Newton Fire Department from Tyler A. Mackesy, 35 New Hampshire Street, Newton. It was noted that the application was in order and signed by the Chief of the Newton Fire Department.

The Clerk presented an application for a Special Permit for a Social Affair from the Sussex County Arts & Heritage Council, 133 Spring Street, Newton to be held on Saturday, April 27, 2013 at 133 Spring Street, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

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	

Councilman Flynn and Councilman Ricciardo addressed concerns with regard to the expenses to be incurred at the Newton Fire Museum. Mr. Russo recommended that this architectural service contract move forward in order to address the outside structural issues at the Fire Museum.

RESOLUTION #40-2013

AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ARCHITECTURAL SERVICES FOR THE STRUCTURAL RENOVATIONS FOR THE NEWTON FIRE MUSEUM

WHEREAS, the Town of Newton has a need to acquire the services of FKA Architects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for architectural services for structural renovations to the Newton Fire Museum located at 150 Spring Street; and

WHEREAS, FKA Architects submitted a modified proposal, dated December 17, 2012, outlining the services to be provided for an amount not to exceed \$19,700 which is less than the threshold established by the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

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 FKA Architects, for the architectural services for the Newton Fire Museum located at 150 Spring Street, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

A motion was made by Mrs. Becker to approve **Resolution #40-2013**, seconded by Mr. Elvidge and roll call resulted as follows:

February 25, 2013

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	No
Mayor Diglio		Yes	

INTERMISSION - None

DISCUSSION

A. Property Tax Reward Program (Shop Newton)

Mr. Russo introduced Carmine de Falco and Nick Campanella, of Fincredit Inc. who made a presentation to the Town Council on a reward program, "Shop Newton", that will allow Newton residents to shop local and save money on their property taxes. Consumers would receive a card, which would be swiped at participating merchants in the Town. The resident would accrue credits and credits would be applied to their property tax bill on an annual basis. The program would not cost the Town of Newton anything, but the merchants would be charged a \$10.00 monthly fee to participate.

After a lengthy discussion, Council directed Mr. Russo to contact the merchants through the Newton Chamber of Commerce and Spring Street Merchants Group and set up another meeting with Fincredit Inc. to meet with the business owners for their input.

B. Historic Preservation Commission Status

Mr. Russo updated Council on the status of the Historic Preservation Advisory Commission. The Commission has not met in several months, due to the lack of a quorum. Mr. Russo requested guidance on whether the Commission should be disbanded or kept. Mr. Russo outlined the ramifications if they Commission is disbanded and would be absorbed into the Planning Board. It was noted that an Architectural Sub-Committee could be formed.

After a lengthy discussion, Council directed Mr. Russo to continue working with Legal Counsel and the Town Planner to pursue more details on the potential costs related to the disbandment.

C. Property Reassessment – Scott J. Holzauer

Mr. Holzauer updated the Town Council on current situation surrounding the property reassessment necessary in the Town of Newton. Mr. Holzauer met with the Sussex County Taxation Board who suggested that a hybrid reassessment be performed. Mr. Holzauer outlined the process which would be taken in order to

perform same.

After a lengthy discussion, Council agreed to allow Mr. Holzhauser to work on the appropriate RFP for same.

D. 2013 Municipal Budget

Mr. Russo summarized the changes made to the capital and municipal budget as per the Governing Body comments at the two previous budget meetings.

Mr. Brian Fox, Fire Chief, discussed the Fire Department findings on the refurbishment of Engine 803 versus the replacement of Engine 803. For various reasons discussed, Chief Fox feels that refurbishment is not an economically sound decision for this Engine.

After a lengthy discussion, the consensus of the Council was to repair Engine 803 in 2013 and revisit the issue of refurbishing same in 2014.

OPEN TO THE PUBLIC

Mayor Diglio opened the hearing to the public.

Mr. Wayne McCabe, 125 High Street, expressed his disappointment with the possibility of abolishing the Newton Historic Advisory Commission. Mr. McCabe asked the Governing Body to reconsider disbanding the Historic Commission.

Mr. Harry Kaplan, 34 Hillside Avenue, currently a member of the Historic Commission, feels that the Historic Preservation in the Town is important and asks that the Town not disband the Historic Commission.

Mr. Wayne LeVante, 5 East Stuart Street, suggested that perhaps a company could sponsor a fire apparatus, placing their company name on the fire truck, which would provide great advertisement and exposure to their company.

Mr. Anwar Qarmout, 45 Woodside Avenue, suggested that the Town lease or rent a fire truck, if possible, in order to save funds for the Town of Newton. Mr. Qarmout addressed questions regarding the budget which were addressed by Mr. Russo. He also did not support the elimination of the Historic Commission and advised that he would be interested in serving as a member. Mr. Qarmout hopes that the funds to be utilized for the Fire Museum exterior renovations will be beneficial to the residents of Newton.

February 25, 2013

COUNCIL & MANAGER COMMENTS

Councilman Flynn addressed correspondence regarding the Diller Avenue traffic issues and the request to put speed tables on Diller Avenue. Councilman Flynn does not believe that speed tables are necessary but suggested that the speed be reduced to 20 mph, which is currently 25 mph.

After a brief discussion, the consensus of the Council was to decrease the speed limit on Diller Avenue to 20 mph. Mr. Russo will work with the Town Engineer and Legal Counsel on same.

EXECUTIVE SESSION

Mr. Russo read Resolution #41-2013 and Council entered into Executive Session at 10:13 p.m.

Upon motion of Mrs. Becker, seconded by Deputy Mayor Ricciardo and carried, Council left Executive Session at 10:35 p.m.

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 10:36 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk