

July 22, 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. Diglio, Mrs. Becker, Deputy Mayor Elvidge, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Town Attorney.

Mayor Ricciardo 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 Ricciardo led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, the minutes of July 1, 2013 (Reorganization Meeting) were approved. Mrs. Becker abstained from approval of minutes.

OPEN TO THE PUBLIC

Mayor Ricciardo 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 one from the public to be heard.

COUNCIL & MANAGER REPORTS

There were no Council & Manager Reports at this time.

ORDINANCES

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

ORDINANCE #2013-22

AN ORDINANCE TO AMEND SECTION 320-23 "PARKING AND DRIVEWAY STANDARDS" OF THE NEWTON TOWN CODE TO PROHIBIT CERTAIN FRONT YARD PARKING AND PARKING OF CERTAIN VEHICLES ON RESIDENTIAL PROPERTY AND AMENDING SECTION 320-3 TO ADD DEFINITIONS FOR AGE RESTRICTED HOUSING AND COMMERCIAL VEHICLES AND AMENDING SECTION 320-27 REGARDING GRANDFATHER CLAUSE

The following **ORDINANCE** was offered by Mrs. Diglio, who moved its introduction, seconded by Mr. Flynn and roll call resulted as follows:

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

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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 August 12, 2013.

OLD BUSINESS

Under Old Business, Mrs. Diglio moved to approve Resolution #128-2013. The motion was seconded by Deputy Mayor Elvidge and roll call resulted as follows:

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

RESOLUTION #128-2013

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RATIFYING AND RECONFIRMING RESOLUTION #101-2013 AUTHORIZING AN EMERGENCY
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48**

WHEREAS, Newton Town Centre Urban Renewal Associates, LP (the "Entity") has proposed to develop an age-restricted, low and moderate income rental housing project consisting of approximately 65 units, approximately 1,600 square feet of commercial space, and a community room of approximately 2,200 square feet to be utilized by the residents of the development and available for use by the Town, together with approximately 82 parking spaces, upon property located at the intersection of Spring Street and Union Place and identified upon the official tax map of the Town as Block 8.05, Lots 4, 7, 8 and 9 (collectively, the "Land") and commonly known as 5 Union Place, 50 Trinity Street and 58 Trinity Street (collectively, the "Project"); and

WHEREAS, the Entity has represented to the Town that it would not be feasible to undertake the Project without financial assistance from the Town, and has requested that the Town fund a loan to the Project in the amount of \$45,000 (the "Loan"); and

WHEREAS, the Entity has further represented that approval of the Loan is a critical component of its application for Low Income Housing Tax Credits to finance the Project, which application was required to be submitted to the New Jersey Housing and Mortgage Finance Agency in June 2013; and

WHEREAS, the Mayor and Town Council have determined that the development of the Project and the financing of the Project through the use of Low Income Housing Tax Credits is a desirable improvement for the community and in the best interests of the Town and its residents; and

WHEREAS, the calendar year 2013 budget did not include an appropriation to fund the Loan; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created hereby, is \$88,000, and 3% of the total current operating appropriations in the budget for calendar year 2013 is \$277,644.89; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations in the budget for calendar year 2013; and

WHEREAS, on June 10, 2013 the Town approved Resolution #101-2013 authorizing the emergency appropriation; and

WHEREAS, the requisite certificate of the Chief Financial Officer has been filed in the office of the Town Clerk,

NOW THEREFORE BE IT RESOLVED by the Mayor and Town Council of the Town of Newton (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

Section 1. The recitals hereto are hereby incorporated herein as if set forth at length.

Section 2. Resolution 101-2013, a copy of which is attached hereto, is hereby ratified and reconfirmed.

Section 3. The Town Clerk is hereby authorized and directed to transmit two certified copies of this resolution to the Director of the Division of Local Government Services.

Section 4. This resolution shall take effect immediately.

CONSENT AGENDA

Mayor Ricciardo 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.”*

Mayor Ricciardo advised that an additional Resolution needs to be added to the consent agenda. A motion was made to add Resolution #138-2013 by Mr. Flynn, seconded by Deputy Mayor Elvidge and roll call resulted as follows:

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

Mr. Russo reviewed the various resolutions on the Consent Agenda.

Mayor Ricciardo requested that Resolution #134-2013 be removed from the Consent Agenda for separate discussion.

RESOLUTION #130-2013*

AUTHORIZING ENTRY INTO AN AGREEMENT WITH THE COUNTY OF SUSSEX FOR MODIFICATION AND MAINTENANCE OF A STORMWATER CONVEYANCE SYSTEM ALONG COUNTY ROUTE 663, A.K.A. HICKS AVENUE, AT APPROXIMATELY MILE POST 0.02 NEAR THE INTERSECTION OF COUNTY ROUTE 663 AND THE SUSSEX BRANCH TRAIL

WHEREAS, the Town of Newton will be advancing a Trail Improvement Project on a portion of the Sussex Branch Trail; and

WHEREAS, the project includes the intersection of County Route 663 and the Sussex Branch Trail; and

WHEREAS, included within the project are modifications to an existing stormwater conveyance system including a crossdrain carrying stormwater flowing in the northerly direction (toward Newton) under County Route 663; and

WHEREAS, the existing crossdrain consists of two different pipe materials, the upstream being a 12-inch corrugated metal pipe having its inlet day-lighted on the southerly roadside (toward Andover Township) and extending under County Route 663

to some unknown point at which the pipe changes to a 15-inch reinforced concrete pipe, also under County Route 663, being the same pipe day-lighted at the northerly roadside (toward Newton) into an open channel drainage swale; and

WHEREAS, the crossdrain pipe has a total length of approximately 40-feet; and

WHEREAS, water flows downstream through the open channel swale extending into and traversing Block 24.02, Lot 2 of the Town of Newton; and

WHEREAS, Sussex County has prescriptive rights to operate the crossdrain; and

WHEREAS, the Town of Newton has proposed modifications to the stormwater conveyance system to enhance trail and roadway user safety; and

WHEREAS, the proposed system modifications include construction of a new Type A inlet located at the system inlet whereby the existing crossdrain inlet sump adjacent to the trail is eliminated; and

WHEREAS, the proposed modifications also include construction of a new manhole located at the existing crossdrain outfall sump; and

WHEREAS, downstream modifications also propose installation of a new 15-inch reinforced concrete pipe whereby approximately 80-linear of the existing open channel swale is to be carried by the proposed pipe moving the northerly system open discharge point to the opposite side of the trail, said discharge point residing farther from the road and trail within the existing open channel swale; and

WHEREAS, the proposed modifications are being recommended as an improvement and safety enhancement for both roadway and trail users; and

WHEREAS, Sussex County and the Town of Newton have identified the need to establish responsibilities for operation and maintenance of the modified system; and

WHEREAS, both parties have expressed a willingness to cooperate with the common goal of improving overall safe and efficient use of the facilities; and

WHEREAS, both parties recognize that modifications of the stormwater conveyance system are driven by the proposed local trail improvement project; and

WHEREAS, the parties have entered into a Stormwater Conveyance System Operations and Maintenance Agreement ("Agreement") for design, construction, operation, and maintenance of said stormwater conveyance system modifications, a copy of which is attached hereto;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Town Council of the Town of Newton be and are hereby authorized to execute the attached Agreement with the Sussex County Board of Chosen Freeholders for the design, construction, operation, and maintenance of said stormwater conveyance system modifications, a copy of said Agreement is attached hereto and made a part hereof.

RESOLUTION #131-2013*

APPROVE PURCHASE OF 2013 TOYOTA CAMRY HYBRID XLE 4 DOOR SEDAN

WHEREAS, three quotes were obtained for the purchase of a 2013 Toyota Camry Hybrid XLE 4 Door Sedan which total cost is under the bid threshold of \$36,000 and were received on July 1, 2013; and

WHEREAS, the following are the three quotes received:

<u>Name of Dealer</u>	<u>Price</u>
Toyota of Morristown, Inc. 169 Ridgedale Avenue Morristown, NJ 07960	\$28,773.00
Towne Toyota 1499 Route 46 Ledgewood, NJ 07852	\$28,995.00
Crestmont Toyota 730 Route 23 North Pompton Plains, NJ 07444	\$29,269.00

WHEREAS, Toyota of Morristown, Inc. has supplied the lowest quote to the Town of Newton for the purchase of a 2013 Toyota Camry Hybrid XLE 4 Door Sedan in the amount of \$28,773.00; and

WHEREAS, the Purchasing Agent has recommended the purchase of the 2013 Toyota Camry Hybrid XLE 4 Door Sedan with financing through Toyota Financial Services at 0.0% financing for 60 months in the amount of \$28,773.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support this purchase as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that a 2013 Toyota Camry Hybrid XLE 4 Door Sedan be purchased through Toyota of Morristown, Inc., Morristown, NJ in the amount of \$28,773.00; and

BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Newton designates and authorizes the Town Manager and Chief Financial Officer to execute, attest, and deliver any related documents necessary for the consummation of the transactions contemplated by the Toyota Financial Services Agreement for the acquisition of said vehicle.

RESOLUTION #132-2013*

AWARD CONTRACT TO M. SKY CONSTRUCTION FOR THE PROPOSED SIDEWALK IMPROVEMENTS ON VARIOUS STREETS PROJECT

WHEREAS, the Town of Newton solicited bids for the Proposed Sidewalk Improvements on Various Street Project; and

WHEREAS, the bids for the Proposed Sidewalk Improvements on Various Streets Project were publicly opened and read on Tuesday, July 16, 2013 at 11:00 a.m. as follows:

<u>Bidder</u>	<u>Bid Amount</u>
M. Sky Construction Corp. 830 Route 15 South Lake Hopatcong, NJ 07849	\$90,291.00
Tony & Son, Inc. 80 Harrow Drive Colonia, NJ 07067	\$95,363.10
Tony's Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$105,096.00

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JAK Construction Corp.
T/A Diamond Construction
35 Beaverson Blvd.
Suite 12C
Brick, NJ 08723

\$180,366.00

WHEREAS, after review of all submitted bids, Harold E. Pellow of Harold E. Pellow and Associates, Inc., the Town Engineer, recommends award of the Proposed Sidewalk Improvements on Various Streets Project to M. Sky Construction Corp., in the amount of \$90,291.00; and

WHEREAS, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available based on the attached certification; and

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby awards the contract for the Proposed Sidewalk Improvements on Various Streets Project and authorizes the Mayor and Clerk to execute an agreement with M. Sky Construction Corp., Lake Hopatcong, New Jersey in the amount of \$90,291.00.

RESOLUTION #133-2013*

AUTHORIZE CHANGE ORDER NO. 1 FOR THE PROPOSED STREETScape IMPROVEMENTS TO LOWER SPRING STREET

WHEREAS, on October 10, 2012 the Newton Town Council adopted Resolution #214-2012, awarding a contract V&K Construction, Inc., for the Proposed Streetscape Improvements to Lower Spring Street; and

WHEREAS, on June 10, 2013 the Newton Town Council adopted Resolution #92-2013 approving Change Order No. 1, for the Proposed Streetscape Improvements to Lower Spring Street which increased the total contract amount by \$1,947.00 for a new contract total of \$294,884.00; and

WHEREAS, Harold Pellow & Associates, Inc., the Engineer for the project, has prepared and recommends approval of Change Order No. 2 for said project, which will decrease the overall project by \$9,682.00 to a new contract total of \$285,202.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 2 for the Proposed Streetscape Improvements to Lower Spring Street; and

BE IT FURTHER RESOLVED, that a copy of Change Order No. 2 be attached to and made part of this resolution; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to V&K Construction, Inc., and the Town Engineer.

RESOLUTION #135-2013*

AUTHORIZE ENTERING INTO AN EQUITABLE SHARING AGREEMENT WITH THE FEDERAL GOVERNMENT FOR FORFEITED CASH, PROPERTY AND PROCEEDS

WHEREAS, the Newton Police Department and the detective bureau work with the Federal Government to enforce laws, and this activity sometimes results in the seizure of property; and

WHEREAS, the Federal Government requires the Governing Body to enter into an Equitable Sharing Agreement which must be signed by the Police Chief and the Newton Town Manager in order to receive proceeds from any sale of forfeited property; and

WHEREAS, the State of New Jersey permits the accounting of these funds through a budgetary function called a Dedication by Rider (PL 1986, C135) and the Town of Newton received approval from the Division of Local Government Services for a

Dedication by Rider for Disposal of Forfeited Property on November 30, 2006;

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

1. The Newton Town Council does hereby authorize the Police Chief and Town Manager to enter into an "Equitable Sharing Agreement" with the Federal Government for the purpose of receiving proceeds from forfeited cash, property, and proceeds.
2. The Town of Newton and the Newton Police Department agree to be bound by the statutes and guidelines that regulate shared assets and the requirements for participation in the Federal Equitable Sharing Program.
3. The Town of Newton and the Newton Police Department agree to account separately for federal equitable sharing funds received from the Department of Justice and the Department of Treasury, and comply with any audit requirements.
4. The Town of Newton further authorizes the Chief Financial Officer to set up the Automated Clearing House (ACH) payment authorization with Lakeland Bank for credits to the Town of Newton Trust Account to receive payments from the federal government for any forfeiture proceeds.

RESOLUTION #136-2013*

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.

WATER AND SEWER ACCOUNT

275.45	NUI Corporation	13693
2,521.69	JCP&L	13694
6,053.48	Pumping Services, Inc.	13695
588.80	SCMUA	13696
410.50	Sussex County P & H, Inc.	13697
8,473.75	Coyne Chemical Corp., Inc.	13698
35.21	Centurylink Communications, Inc.	13699
125.85	Centurylink Communications, Inc.	13700
93.37	Campbell's Small Engine Inc.	13701
4,089.17	Current Account	13702
1,690.04	Weldon Asphalt Company, Inc.	13703
322.69	Dempsey Uniform & Supply Inc.	13704
7,616.00	R&D Trucking Inc.	13705
106.86	Airgas East	13706
179.79	Treasurer, State of New Jersey	13707
47,037.23	Statewide Insurance Fund	13708
153.42	Verizon Wireless, Inc.	13709
4,528.70	Main Pool & Chemical Company, Inc.	13710
413.50	Home Depot, Inc.	13711
10.59	Carquest, Inc.	13712
1,117.70	Sussex County Mailing Service	13713
44.00	Krave Café	13714
608.00	Laddey, Clark & Ryan, LLP	13715
1,924.00	Andy Matt, Inc.	13716
161.00	Accurate Waste Removal Inc.	13717
119.90	Penteledata	13718
10,279.41	Direct Energy Business Inc.	13719
172.80	One Call Concepts, Inc.	13720
185.36	Woodruff Energy US, Inc.	13721
887.48	Hatch Mott MacDonald	13722

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1,384.25	J. Caldwell & Associates, LLC	13723
16,098.00	Penn Jersey Machinery	13724
33,359.97	Payroll Account	136026
400.00	Treasurer, State of New Jersey	13692
778.92	Tuscany Bistro	13691
33,426.66	Payroll Account	136025

CAPITAL

1,104.00	Pellow, Harold & Assoc., Inc.	2288
78.90	New Jersey Herald, Inc.	2289
500.00	Ferraiolo, Cerullo & Cuva	2290
600.00	McManimon, Scotland & Baumann, LLC	2291
14,612.54	Hatch Mott MacDonald	2292
1,000,000.00	Current Account	126114

Total WATER & SEWER BILLS \$1,202,568.98

TRUST

1,844.25	Pellow, Harold & Assoc., Inc.	3149
8,966.90	McManimon, Scotland & Baumann, LLC	3150
415.24	Walmart	3151
75.00	Vogel, Chait, Collins, Schneider, PC	3152
8.00	Laddey, Clark & Ryan, LLP	3153
4,331.28	Payroll Account	137115
140.00	Foremost Promotions	3148

Total TRUST ACCOUNT BILLS \$15,780.67

DEVELOPERS ESCROW ACCOUNT

842.50	Pellow, Harold & Assoc., Inc	1135
105.00	Vogel, Chait, Collins, Schneider	1136
1,260.00	Ferriero Engineering Inc.	1137
282.50	J. Caldwell & Associates, LLC.	1138

Total DEV. ESCROW BILLS \$2,490.00

RESOLUTION #137-2013*

RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE

WHEREAS, the Code of the Town of Newton under Chapter 156 "Junkyards and Junk Dealers" require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, New Jersey; and

WHEREAS, Section 156-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, Newton Auto Salvage has been re-inspected due to the ongoing tire storage issue and the Sussex County Health Department advised that the tire issue has been rectified as of July 12, 2013; and

WHEREAS, Newton Auto Salvage has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of junk dealer;

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NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Mike Sesera, Jr., t/a Newton Auto Salvage, LLC, 79 Mt. View Street, Newton, N.J which shall expire on December 31, 2013.

RESOLUTION #138-2013*

AWARD THE CONTRACT FOR THE PAVING OF VARIOUS STREETS PROJECT OF TILCON, NEW YORK

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #189-2011 on September 14, 2011 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, Road Surfacing 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 Paving of Various Streets Project (Howard Street, Maple Avenue, Cedar Street, Kelsey Avenue, Hillside Terrace) in the Town of Newton, based on the Morris County Cooperative Pricing Council as outlined in the memo dated July 1, 2013, which is attached to and made part of this resolution; and

WHEREAS, traffic control will be required for the completion of said project, which staff and costs will be supplied by the Town of Newton:

To be awarded to Tilcon New York through the Morris County Co-op \$159,381.93

WHEREAS, the Chief Financial Officer has certified that funds are available to 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 Resurfacing of Various Streets Project (Howard Street, Maple Avenue, Cedar Street, Kelsey Avenue, Hillside Terrace) in the Town of Newton is hereby awarded to Tilcon New York in the amount of \$159,381.93, based on the Morris County Cooperative Pricing Council bid results.

The Clerk presented an application for an off-premise raffle (50-50) from St. Joseph Roman Catholic Church, 17 Elm Street, Newton to be held on October 25, 2013 at 7:00 p.m. at St. Joseph Community Center, Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an on-premise raffle (50-50) from Pride Foundation Inc., 44 Ryerson Avenue, Newton to be held on September 12, 2013 at 7:00 p.m.; September 27, 2013 at 7:00 p.m.; November 1, 2013 at 7:00 p.m.; November 8, 2013 at 7:00 p.m.; and December 10, 2013 at 6:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

A motion was made by Mr. Flynn to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Deputy Mayor Elvidge and roll call resulted as follows:

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

Mayor Ricciardo questioned the reason for Change Order No. 1 for the proposed curb, sidewalk and apron replacement on Maple Avenue, which was addressed by Mrs. Millikin.

RESOLUTION #134-2013

AUTHORIZE CHANGE ORDER NO. 1 FOR THE PROPOSED CURB, SIDEWALK AND APRON REPLACEMENT ON MAPLE AVENUE

WHEREAS, on June 10, 2013 the Newton Town Council adopted Resolution #98-2013, awarding a contract to Tony's Concrete Construction Co., Inc., for the Proposed Curb, Sidewalk and Apron Replacement on Maple Avenue; and

WHEREAS, the Town Engineer, Harold E. Pellow recommends in his memo dated July 15, 2013, approving Change Order No. 1, for the Proposed Curb, Sidewalk and Apron Replacement on Maple Avenue which will increase the total contract amount by \$5,891.00 for a new contract total of \$38,214.00;

WHEREAS, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 1 for the Proposed Curb, Sidewalk and Apron Replacement on Maple Avenue; and

BE IT FURTHER RESOLVED, that a copy of Change Order No. 1 be attached to and made part of this resolution; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Tony's Concrete Construction Co., Inc., and the Town Engineer.

A motion was made by Deputy Mayor Elvidge, to approve **Resolution #134-2013**, seconded by Mr. Flynn and roll call resulted as follows:

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

DISCUSSION

a. Highlands Council – Transfer of Development Rights (TDR)

Margaret Nordstrom, Deputy Executive Director of Highlands Council, provided a PowerPoint presentation and outlined the Transfer of Development Rights (TDR) program. Ms. Nordstrom noted that the TDR program is a Land Use and Regional Planning Tool and is an effective means of addressing economic development needs simultaneously with local and regional landowner equity.

James Humphries, Principal Planner, provided a detailed overview of the TDR

process. It was noted that the planning process is provided at no cost to the municipality since the Highlands Council awards a grant for the necessary studies.

After a lengthy question and answer period, Council thanked Ms. Nordstrom and Mr. Humphries for the presentation.

INTERMISSION – 5 minutes

b. Fire Museum Project Update

Tom Kosten, President of FKA Architects, and Cory Stoner, Town Engineer, updated the Governing Body on the issue discovered while performing a structural renovation at the Newton Fire Museum. Mr. Kosten advised Council that a vault/cistern was discovered under the main floor of the Fire Museum. It was determined that it was an old cistern. Mr. Kosten provided two options as well as a cost analysis for both options in order to fill the cistern. Mr. Stoner provided a schematic of the size of the cistern along with the two options for filling the cistern.

After a lengthy discussion, Council directed Mr. Russo to have the Town Attorney review the contract currently in place; obtain a quote from the current contractor to “fill” the cistern; and then revisit the issue at the next Council meeting on August 12, 2013.

c. October 16, 2013 Meeting Conflict

Mr. Russo advised Council that a Special Election is set for Wednesday, October 16th, therefore the Municipal Clerk's office requested the cancellation of the regularly scheduled Council meeting. After a brief discussion, Council agreed to cancel the Council meeting on October 16th due to the Special Election.

OPEN TO THE PUBLIC

Mayor Ricciardo opened the hearing to the public.

Mary Salo, 45 Ryerson Avenue, questioned Ordinance 2013-22, “Parking and Driveway Standards”. Mayor Ricciardo addressed her concerns and explained the Ordinance shall prohibit vehicles parking on their front lawns.

There was no one else from the public to be heard.

COUNCIL & MANAGER COMMENTS

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There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk