

August 12, 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 Deputy Mayor Elvidge, seconded by Mrs. Becker and carried, the minutes of July 22, 2013 Regular Meeting with minor changes and July 22, 2013 Special Meeting were approved.

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."

Jonathan Andrews, owner of the Springboard Shoppes, Spring Street, Newton, requested the Town re-visit the maintenance issues on Spring Street. Mr. Andrews pointed out some areas of concern and believes the appearance of Spring Street is important and feels the maintenance issues have gone unnoticed.

Tara Pankz, 14 Woodside Avenue, questioned the pending ordinance pertaining to "Parking and Driveway Standards". Mrs. Pankz addressed concern with her husband's work vehicle, which he takes home every night and was advised that his vehicle would be permitted under this ordinance because the weight capacity is less than 15,000 lbs.

COUNCIL & MANAGER REPORTS

Mr. Russo read correspondence from Dennis Harrington of the St. Patrick's Day Parade Committee, requesting permission to host the 11th Annual Saint Patrick's Day parade in Newton. The parade will take place on Saturday, March 15, 2014 at 11:30 am.

Upon motion by Mrs. Diglio and seconded by Mr. Flynn, that permission be granted to host the 2014 St. Patrick's Day parade on Saturday, March 15, 2014 and roll

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call resulted as follows:

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

ORDINANCES

Prior to adoption of Ordinance 2013-22, Ursula Leo, Esq. requested that this Ordinance be TABLED until such time as the Newton Planning Board has a chance to review same at their August 21, 2013 Planning Board meeting.

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

Upon motion of Mrs. Becker, seconded by Mrs. Diglio and carried, that Ordinance 2013-22 be **TABLED**, until the next Council meeting on Monday, August 26, 2013 and roll call resulted as follows:

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

At this time, Mrs. Leo outlined the proposed Ordinance for the public's edification.

ORDINANCE #2013-23

AN ORDINANCE OF THE TOWN OF NEWTON AUTHORIZING THE LEASE BETWEEN THE TOWN OF NEWTON AND NEWTON FIRE MUSEUM, INC., IN ACCORDANCE WITH THE NEW JERSEY LOCAL LANDS AND BUILDING LAW N.J.S.A. 40a: 12-14 ET SEQ.

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, 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		

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 26, 2013.

OLD BUSINESS

Under Old Business, Tom Kosten, Town Architect, updated Council on the current renovations of the Newton Fire Museum. Mr. Kosten obtained quotes for the option of

filling the underground cistern. Cory Stoner, Town Engineer, noted that he has issued a stop work order to the current contractor.

After a lengthy discussion, Council requested quotes for a pre-fabricated building on the back of the museum, keeping the front of the building the same for historic preservation. Mr. Kosten and Mr. Stoner will obtain additional quotes and return to the next Council meeting on August 26th. Mr. Kosten noted he will not be able to attend the next Council meeting but will send his partner.

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."*

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

RESOLUTION #139-2013*

APPOINTMENT OF RALPH PORTER AS A CLASS A, REGULAR MEMBER OF THE HISTORIC PRESERVATION ADVISORY COMMISSION

WHEREAS, there is currently a vacancy on the Historic Preservation Advisory Commission for a Class A, Regular Member due to the resignation of Louis Read; and

WHEREAS, a Class A member is defined as a person who is knowledgeable in building design and construction or in architectural history; and

WHEREAS, Ralph Porter, meets said criteria and has expressed interest in serving as a Class A, Regular Member on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Ralph Porter is hereby appointed to an unexpired four-year term as a Class A, Regular Member of the Newton Historic Preservation Advisory Commission, effective immediately with said term continuing to December 31, 2015.

RESOLUTION #140-2013*

AWARD TRUCK #2 REFURBISHMENT 2000 TANDEM FREIGHTLINER TRUCK

WHEREAS, the Town of Newton publicly accepted and opened bids for Truck #2 Refurbishment 2000 Tandem Freightliner Truck on Wednesday, July 17, 2013 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Plow Option</u>	<u>Total</u>
Structural Metal Fabrications, Inc. 1226 Little Gap Road \$65,270.00 Palmerton, PA 18071	\$55,253.00	\$10,071.00	

WHEREAS, based on review of the bid documents the Department of Public Works Supervisor and Qualified Purchasing Agent recommend award Truck #2 Refurbishment 2000 Tandem Freightliner Truck to Structural Metal Fabrications, Inc., in the amount of \$55,253.00; and

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WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the purchase of Truck #2 Refurbishment 2000 Tandem Freightliner Truck be awarded to Structural Metal Fabrications, Inc., Palmerton, PA, in the amount of \$55,253.00. There is no need at this time for the plow option. A copy of this resolution and the proposed Contract is to be forwarded to Structural Metal Fabrications, Inc., for execution.

RESOLUTION #141-2013*

AUTHORIZE A CREDIT DUE A WATER AND SEWER UTILITY ACCOUNT

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Account is due a credit for the reason stated;

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 account for amount billed incorrectly due to the reason(s) stated:

Credit for a final reading scheduled erroneously:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
22942	43 Fox Hollow Rd.	\$198.00

RESOLUTION #142-2013*

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

607.86	Quill Corporation	32277
66.50	Montague Tool & Supply, Inc.	32278
762.50	Pellow, Harold & Asso, Inc.	32279
46.00	Decker's Fire & Safety Equipt Inc.	32280
169.47	Airmark Pools, Inc.	32281
223.10	G & G Diesel Service Inc.	32282
8,287.14	JCP&L	32283
205.00	B & G Elevator Inc.	32284
35.00	Centurylink Communications Inc.	32285
4,055.28	Centurylink Communications Inc.	32286
3,090.58	Centurylink Communications Inc.	32287
18.00	Hollander, Streckzik, Pasculli, Hinkes	32288
764,092.68	County of Sussex	32289
21,314.10	County of Sussex	32290
46,649.67	County of Sussex	32291
1,430.68	Campbell's Small Engine Inc.	32292
504.00	Neopost Leasing, Inc.	32293
15.00	Lock & Key World	32294
768.00	Timmerman Company, Inc.	32295
100.00	First United Methodist Church	32296
35.00	NJ Police Traffic Officers	32297
500.00	Trust Account, Town of Newton	32298
194.19	Sebring Auto Parts, Inc.	32299
4,498.00	Newton Junior Athletic League	32300
188.95	Sherwin-Williams	32301

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239.79	Teets, Kenneth A.	32302
1,472.40	L-3 Comm. Mobile-Vision	32303
30.00	Sussex County Clerk's Assn.	32304
239.18	Sirchie Finger Print Labs, LLC.	32305
780.23	Boonton Tire Supply Inc.	32306
762.80	Vision Service Plan	32307
40.00	NJMMA	32308
1,580.03	Grinnell Recycle, Inc.	32309
189.75	Verizon Wireless, Inc.	32310
150.00	Petro-Mechanics, Inc.	32311
3,907.90	County of Sussex	32312
179.73	Walmart	32313
45.00	S/NJ Toxicology Laboratory	32314
1,140.81	Home Depot, Inc.	32315
828.11	Staples Business Advantage, Inc.	32316
422.00	Screen Creation Plus	32317
128.00	Stalker Radar Inc.	32318
609.00	Stalker Radar Inc.	32319
1,100.00	Hampton Body Works, Inc.	32320
1,133.50	Pinnacle Wireless FBO Unitek Global	32321
5,657.59	Rachles/Michele's Oil Company, Inc.	32322
6,514.11	Laddey, Clark & Ryan, LLP	32323
120.00	Tire King, Inc.	32324
600.00	Trimboli & Prusinowski, LLC.	32325
2,457.50	Chelbus Cleaning Co., Inc.	32326
4,081.94	Direct Energy Business Inc.	32327
192.40	Thyssenkrupp	32328
135.00	Extra Tech Data Services LLC	32329
106.64	Shop Rite, Inc.	32330
290.71	Harleysville Life Insurance Company	32331
665.00	D. Lovenberg's Portable Toilet Rent	32332
2,633.69	Morphotrak, Inc.	32333
23.85	Recreation Supply Company, Inc.	32334
200.00	Hampton Body Works Towing, LLC.	32335
325.00	El Media Group	32336
564.40	Swimoutlet.com	32337
4,279.04	Custom Bandaq	32338
52.00	Megan Nicole Kanka Foundation Inc.	32339
328.98	Gov Connection	32340
350.00	Gary Criff	32341
96.90	Elavon (merchant svc)	131059
400,000.00	Capital Account	131058
198,234.64	Payroll Account	131057
711,109.16	Newton Board of Education	131056

CAPITAL

419.26	Montague Tool & Supply, Inc.	8149
15,666.75	Pellow, Harold & Asso, Inc.	8150
118.00	R.S. Phillips Steel Company	8151
75,000.00	KML Technology Inc.	8152
5,295.00	Wilfred Macdonald, Inc.	8153
15.58	Home Depot, Inc.	8154
329.50	Staples Business Advantage, Inc.	8155
265.05	Lowe's, Inc.	8156
75.50	Sussex County Rental Center, LLC	8157
1,172.00	Laddey, Clark & Ryan, LLP	8158
1,154.36	FKA Architects Inc.	8159
3,164.00	J. Caldwell & Associates, LLC.	8160
33,047.56	Edge Property Maintenance, Inc.	8161
2,435.08	Blue Ridge Lumber	8162
253.05	Payroll Account	133007

Total TOWN BILLS \$2,350,264.17

WATER AND SEWER ACCOUNT

1,851.75	Pellow, Harold & Asso, Inc.	13726
209.96	Hach Company	13727
4,190.63	JCP&L	13728
9,529.44	Coyne Chemical Corp., Inc.	13729
125.85	Centurylink Communications, Inc.	13730
1,241.60	Centurylink Communications, Inc.	13731
1,160.00	Garden State Laboratories Inc.	13732
21.32	Sebring Auto Parts, Inc.	13733
4,560.00	R&D Trucking Inc	13734
194.58	Vision Service Plan	13735
4,735.47	Grinnell Recycle, Inc.	13736
6,960.00	Passaic Valley Sewerage Comm.	13737
3,652.00	Main Pool & Chemical Company, Inc.	13738
464.00	Laddey, Clark & Ryan, LLP	13739
529.00	Accurate Waste Removal Inc.	13740
2,005.72	William Grennille, LLC.	13741
3,715.14	Direct Energy Business Inc.	13742
135.00	Extra Tech Data Services LLC	13743
1,773.38	Hatch Mott Macdonald	13744
325.00	El Media Group	13745
162.50	Countryside Title Agency, Inc.	13746
33,278.37	Payroll Account	136027

CAPITAL

3,060.75	Pellow, Harold & Asso, Inc.	2293
34,571.46	Tony's Concrete Constr Co, Inc.	2294
23,534.70	HD Supply Waterworks LTD 61	2295

Total WATER & SEWER BILLS \$141,987.62

TRUST ACCOUNT

121.25	Pellow, Harold & Asso, Inc.	3154
1,458.00	Hollander, Strelzik, Pasculli, Hinkes	3155
418.84	Walmart	3156
18.92	Home Depot, Inc.	3157
222.12	Foremost Promotions	3158
145.95	Simon Peter Sport	3159
1,508.31	Country Club Ice Cream, LLC	3160
9,521.91	Payroll Account	137117

Total TRUST ACCOUNT BILLS \$13,415.30

FEDERAL/STATE GRANTS

957.35	Sussex County Mailing Service	1153
1,510.95	Atlantic Tactical Inc.	1154
70.49	Shop Rite, Inc.	1155
132.23	Kerry Deckert	1156
250.00	Joe Mate	1157
2,581.45	Payroll Account	131104

Total FEDERAL/STATE GRANTS \$5,502.47

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RESOLUTION #143-2013*

AUTHORIZE CHANGE ORDER NO. 2 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, on July 22, 2013 the Newton Town Council adopted Resolution #134-2013 approving Change Order No. 1 for said project adjusting the total contract amount to a new total of \$38,214.00 based on the recommendation of the Town Engineer, Harold E. Pellow;

WHEREAS, the Town Engineer has prepared Change Order No. 2 for the Curb, Sidewalk and Apron Replacement on Maple Avenue, which will reduced the overall contract by \$2,937.00 to a new total of \$35,277.00:

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves Change Order No. 2 for the Proposed Curb, Sidewalk and Apron Replacement on Maple Avenue; 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 Tony's Concrete Construction Co., Inc., and the Town Engineer.

RESOLUTION #144-2013*

AWARD CONTRACT TO COTHERY CONSTRUCTION COMPANY, INC., FOR THE REPLACEMENT OF THE MECHANICAL BAR SCREEN AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the Town of Newton solicited bids for the Replacement of the Mechanical Bar Screen at the Wastewater Treatment Plant and

WHEREAS, the bids for the Replacement Bar Screen at the Wastewater Treatment Plant were publicly opened and read on Tuesday, August 6, 2013 at 10:00 a.m. as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Cothery Construction Co., Inc. 252 Summit Avenue Langhorne, PA 19047	\$187,170.00
Coppola Services, Inc. 28 Executive Parkway Ringwood, NJ 07456	\$198,000.00
Allied Construction Group, Inc. 499 Washington Road Parlin, NJ 08859-1022	\$198,335.00
CFM Construction, Inc. 5 Bay Street Stirling, NJ 07980	\$218,600.00

WHEREAS, after review of all submitted bids, John J. Scheri, of Hatch Mott McDonald, the Town of Newton Sewer Engineer, recommends awarding of the contract for Replacement Mechanical Bar Screen at the Wastewater Treatment Plant to Cothery Construction Co., Inc., in the amount of \$187,170.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby awards the contract for the Replacement Mechanical Bar Screen at the Wastewater Treatment Plant and authorizes the Mayor and Clerk to execute an agreement with Cothery Construction Company, Inc., Langhorne, PA in the amount of \$187,170.00.

The Clerk presented an application for an on-premise raffle (2 tickets to Radio City Music Hall, NYC) from Newton Medical Center Foundation, 175 High Street, Newton to be held on Saturday, November 16, 2013 at 6:30 p.m. at 175 High Street, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for a permit for a social affair from Karen Ann Quinlan Memorial Foundation, 99 Sparta Avenue, Newton to be held on Sunday, November 10, 2013 from 6:00 p.m. to 10:00 p.m. at Krave Café and Caterer, 102 Sparta Avenue, 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 Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, 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	

INTERMISSION – None

DISCUSSION

a. Newton Pride Foundation Halloween 5K Request

Mr. Russo noted that the Newton Pride Foundation requested a Halloween 5K to take place on October 26, 2013. Sgt. Dean Coppolella outlined the route to be taken and approved same. Mr. Russo noted that Newton Pride Foundation has been advised that a cost will be charged if DPW and Police are needed for this event. Motion to approve was made by Mrs. Becker, seconded by Mrs. Diglio and roll call resulted as follows:

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

b. Business Improvement District

Mike Pappas and Mary Moody of North Branch Associates provided an update on the feasibility study for a Special Improvement District (SID) project. Ms. Moody

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outlined several municipalities, similar to Newton, and the progress of their Special Improvement Districts. Ms. Moody recommended a façade improvement program which would be provided through the BID program. Council had several questions which were addressed by Mr. Pappas and Ms. Moody.

OPEN TO THE PUBLIC

Mayor Ricciardo opened the hearing to the public.

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Mayor Ricciardo questioned whether the Town is addressing the stumps on Maple Avenue and was advised by Mr. Russo that the Town Engineer is looking into getting quotes for removal of stumps. Mayor Ricciardo requested the Town create a policy which would require the contractor remove stumps prior to new curbing or sidewalks.

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk