

September 11, 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, Deputy Mayor Elvidge, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager, and Ursula Leo, Esq., Town Attorney. Mrs. Diglio arrived at 8:09 p.m.

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 Mr. Flynn and carried, the minutes of August 26, 2013 Regular 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."

Tara Pankz, 14 Woodside Avenue, questioned the potential building project being constructed by Quick Chek on Sparta Avenue and Mayor Ricciardo advised Mrs. Pankz to attend the Planning Board meeting to address her concerns regarding the project.

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 #2013-24

AN ORDINANCE AMENDING CHAPTER 289 "TOWING" TO ADD A NEW SECTION 289-12 ENTITLED "REMOVAL OF VEHICLES CONSTITUTING A PUBLIC SAFETY RISK"

The aforementioned **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its introduction, seconded by Mrs. Becker and roll call resulted as follows:

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

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

Tom Kosten, Town Architect, updated Council on the status of the Newton Fire Museum. Mayor Ricciardo noted that the Fire Museum, although located in the Newton Historic District, is not on the State or National Registry and therefore can be altered or demolished.

After a lengthy discussion, the Town Council requested Mr. Russo to obtain an appraisal for the Fire Museum building from the Tax Assessor. Mayor Ricciardo noted that the current contractor is still on a "stop work order".

Jessica Caldwell, Planner; Deb Millikin, Deputy Town Manager reviewed the draft ordinance pertaining to water restrictions. Mrs. Millikin advised that water conservation was suggested during Plan Endorsement.

After a brief discussion, the Town Council agreed to introduce the proposed Ordinance at the next Council meeting with the recommended amendments from the Governing Body.

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 #151-2013*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE TRINITY STREET PROJECT

WHEREAS, the Town of Newton is filing a grant application in the amount of \$170,904.68 through the NJDOT Municipal Aid Program for the milling and paving of Trinity Street;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Newton Town-00182 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

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RESOLUTION #152-2013*

AFFIRM THE ISSUANCE OF A \$1,810,050 BOND ANTICIPATION NOTE

WHEREAS, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes to provide temporary financing for the Town; and

WHEREAS, the Town of Newton needed to finance the debt authorized by Ordinances #2012-13 and #2013-11 adopted April 9, 2012 and April 22, 2013 respectively; and

WHEREAS, six quotations were received on Tuesday, August 20, 2013 as follows:

<u>Institutions</u>	<u>Net Interest</u>
Passaic Valley Water Commission	1.36%
Lakeland Bank	1.05%
Sussex Bank	1.0 %
Oppenheimer & Co., Inc.	.9801%
Jefferies LLC	.998%
TD Bank, NA	.85%

WHEREAS, the Chief Financial Officer with advice and counsel from Andrea Kahn, Esq., of McManimon, Scotland and Baumann, LLC, Newton Bond Counsel, has awarded the sale to TD Bank, NA for a Bond Anticipation Note totaling \$1,810,050.00 at a interest rate of .85%, and a yield of .85%; and

WHEREAS, the appropriate Town Officials have executed said Note in the amount of \$1,810,050.00 dated August 29, 2013 and maturing August 29, 2014; and

WHEREAS, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby affirm the issuance of a \$1,810,050 Bond Anticipation Note issued August 29, 2013 and maturing August 29, 2014 bearing an interest rate of .85% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

RESOLUTION #153-2013*

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;

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:

CREDIT FOR A METER THAT WAS READ INCORRECTLY:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25679	27 Linwood Ave	\$164.90

RESOLUTION #154-2013*

APPOVE 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

61.95	Quill Corporation	32454
219.99	Staples Credit Plan, Inc	32455
208.42	E.A. Morse & Company, Inc.	32456
125.00	Pellow, Harold & Assoc., Inc.	32457
75.00	Decker's Fire & Safety Equip. Inc.	32458
117.00	ABCODE Security Inc.	32459
7,787.69	JCP&L	32460
250.00	SCUMA	32461
35.00	Centurylink Communications, Inc.	32462
125.85	Centurylink Communications, Inc.	32463
274.09	Campbell's Small Engine, Inc.	32464
296.00	Neopost Leasing, Inc.	32465
738.00	Willco, Inc.	32466
278.00	Newton Citgo, Inc.	32467
1,191.00	Water & Sewer Operating Acct	32468
65.00	T.A. Mountford Company, Inc.	32469
586.75	Galls Incorporated	32470
513.00	Minisink Press Inc.	32471
1,000,000.00	Water & Sewer Capital Account	32472
35.66	Sebring Auto Parts, Inc.	32473
531.24	Sherwin-Williams	32474
847.07	Zee Medical, Inc.	32475
100.00	Greater Newton Chamber of Comm.	32476
261.00	S/ NJ Dept of Labor & Workforce Dev	32477
7,012.73	Boonton Tire Supply Inc.	32478
776.64	Vision Service Plan	32479
527.00	Rutgers Center For Gov't Serv., Inc	32480
189.75	Verizon Wireless, Inc.	32481
395.00	Accurate Door, Inc.	32482
192.42	Gold Type Business Machines	32483
812.50	Alternate Power Inc.	32484
219.55	Wildflowers With Tami	32485
1,260.00	Vogel, Chait, Collins, Schneider, PC	32486
48.31	Advance Auto Parts	32487
101.90	Ward's Flowers and Gifts	32488
936.32	Staples Business Advantage, Inc.	32489
321.28	Staples Business Advantage, Inc.	32490
532.50	Screen Creation Plus	32491
96.00	CSS TEST Inc.	32492
68.67	Nestle Waters, Inc.	32493
52.75	Pinnacle Wireless FBO Unitek Global	32494
1,804.38	Rachles/ Michele's Oil Company, Inc.	32495
1,051.45	Taylor Oil Co., Inc.	32496
1,465.05	General Code, LLC	32497
5,952.00	County of Sussex	32498
315.00	Trimboli & Prusinowski, LLC.	32499
132,060.00	NJMEBF	32500
2,010.00	Chelbus Cleaning Co., Inc.	32501
192.40	Thyssenkrupp Elevator Corp.	32502
150.00	Extra Tech Data Services LLC	32503
257.97	Cartridge World	32504
113.00	J. Caldwell & Associates, LLC.	32505
92.97	Weathertech	32506
1,680.00	Comprehensive Safety Resource, LP	32507
75.00	Civil Service Commission	32508
300.00	Pegasus Electric Motors, Inc.	32509
30.00	Fred F Suljic, P.P.	32510
11,875.00	Chase Bank	131064

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194,914.58	Payroll Account	131063
345,875.00	Bank of New York	131062
981,859.16	Newton Board of Education	131061

CAPITAL

1,963.00	Pellow, Harold & Assoc., Inc.	8173
601.50	G & G Diesel Service Inc.	8174
254.00	R.S. Phillips Steel Company	8175
4,085.12	Current Account	8176
6.98	Lowe's, Inc.	8177
2,439.00	Campbell Foundry Co	8178
950,000.00	Chase Bank	133009
40,522.00	Current Account	133008

Total TOWN BILLS \$3,710,210.85

WATER AND SEWER ACCOUNT

4.04	Montague Tool & Supply, Inc.	13782
5,643.73	JCP&L	13783
123.31	Sussex County p & H, Inc.	13784
680.00	Coyne Chemical Corp., Inc.	13785
75.00	Minisink Press Inc.	13786
59.00	Carr, Joseph	13787
46.90	Sebring Auto Parts, Inc.	13788
190.56	Vision Service Plan	13789
4,800.00	Passaic Valley Sewerage Comm.	13790
5,451.00	Main Pool & Chemical Company, Inc.	13791
877.60	Kistler O'Brien Fire Protection, Inc.	13792
7.79	Staples Business Advantage, Inc.	13793
280.00	Screen Creation Plus	13794
32.00	Eric Tompkins	13795
184.00	Accurate Waste Removal Inc.	13796
25,184.00	NJMEBF	13797
3,435.40	Direct Energy Business Inc.	13798
1,000.00	Cit-E-Net, LLC	13799
150.00	Extra Tech Data Services LLC	13800
6,452.40	Hatch Mott Macdonald	13801
1,120.00	Comprehensive Safety Resource, LP	13802
911.89	Sparta Postmaster	13781
450.00	Treasurer, State of New Jersey	13780
35,176.56	Payroll Account	136029

CAPITAL

451.24	Sussex County P & H, Inc.	2300
6,391.17	Firefighter One, LLC.	2301
4,000.00	M. Sky Construction Corp.	2302
441.22	Payroll Account	126115
5,767.57	Payroll Account	126115

Total WATER & SEWER BILLS \$109,386.38

TRUST ACCOUNT

6,172.25	Pellow, Harold & Assoc., Inc.	3165
65.75	Federal Express	3166
2,173.75	Vogel, Chait, Collins, Schneider, PC	3167
4,680.00	Vogel, Chait, Collins, Schneider, PC	3168
1,008.00	Laddey, Clark & Ryan, LLP	3169
3,051.00	J. Caldwell & Associates, LLC	3170
470.00	JCP&L	3171
618.75	Payroll Account	137119

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Total TRUST ACCOUNT BILLS \$18,239.50

FEDERAL/ STATE GRANTS

500.00	Thompson Daniels	1161
173.50	Payroll Account	131106
2,268.00	Payroll Account	131106

Total FEDERAL/ STATE GRANTS \$2,941.50

RESOLUTION #155-2013*

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH COMMUNITY RESOURCE PARTNERS, L.L.C. FOR MARKETING CONSULTING SERVICES FOR THE TOWN OF NEWTON

WHEREAS, the Town Manager of the Town of Newton requested proposals on August 30, 2013 for the services of a qualified Marketing Consultant for the Town of Newton and received three (3) responses by the September 5, 2013 deadline; and

WHEREAS, Community Resource Partners, L.L.C. submitted a proposal dated August 31, 2013 outlining the services to be provided for \$30,000, with \$25,000 payable by the Town of Newton, and \$5,000 payable by the Newton School District, the total of which is less than the threshold established by the Local Public Contracts Law; and

WHEREAS, after review of all proposals, the Town Manager recommends to the Governing Body that Community Resource Partners, L.L.C. is the most responsible and responsive company for the project; and

WHEREAS, the term for such services shall be September 16, 2013 – July 16, 2014; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement in the 2013 municipal budget and anticipated to be available in the 2014 municipal budget if recommended by the Town Manager and approved by the Governing Body;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby concurs with the Town Manager's recommendation and authorizes the Mayor and Clerk to execute an agreement with Community Resource Partners, L.L.C., for Marketing Consulting Services as outlined in the August 31, 2013 proposal; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Community Resource Partners, L.L.C 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.

The Clerk presented an application for an on-premise raffle (Tricky Tray and 50-50) from The Catholic Academy of Sussex County, Inc to be held on Friday, September 27, 2013 from 6:00-10:00 p.m. at St. Joseph's Regional School, 20 Jefferson Street Newton. It was noted that the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an off-premise raffle (50-50) from The Catholic Academy of Sussex County, Inc., to be held on Thursday, May 15, 2014 at 6:00 p.m. at St. Joseph's Regional School, 20 Jefferson Street, 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 Mrs. Becker and roll call resulted as follows:

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

INTERMISSION

DISCUSSION

a. Parking Fees

Mr. Russo reviewed the draft Ordinance for parking fees. Mr. Russo noted that this would amend certain parking lot meter fees and parking passes for certain metered lots. Mr. Russo noted that the Parking Authority has approved the proposed amendments to this Ordinance.

After a brief discussion, Council agreed to the amendments and agreed to introduce the Ordinance at the next Council meeting.

At this time, Mr. Russo introduced Gina Thomas, of Community Resource Partners, LLC, who was appointed this evening for Marketing Consulting Services. Ms. Thomas addressed the Town Council and thanked them for the opportunity to serve the Town of Newton and looks forward to working with the Town on this marketing project.

OPEN TO THE PUBLIC

Mayor Ricciardo opened the hearing to the public.

John Igner, owner of 55 Swartswood Road, addressed the Council to discuss the water restriction ordinance. He is a certified irrigation contractor and made some suggestions with regard to the water restrictions which would assist the residents as well as the Town.

Anwar Qarmout, 45 Woodside Avenue, addressed the Council and noted that he is in favor of demolishing the Fire Museum and selling the property. He had several suggestions if the property was vacant. Mr. Qarmout also made suggestions with regard to water conservation for Newton residents.

COUNCIL & MANAGER COMMENTS

Mr. Russo reported on the fire which occurred at 55 Trinity Street this evening. Fire is out and no injuries were reported.

Councilwoman Diglio advised that she attended, on behalf of the Town Council,

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the 9-11 Memorial Ceremony at the Sussex County Community College this evening and noted that it was emotional.

EXECUTIVE SESSION

Mr. Russo read Resolution #156-2013 and Council entered into Executive Session at 8:12 p.m.

Upon motion of Mrs. Becker, seconded by Mrs. Diglio and carried, Council left Executive Session at 8:29 p.m.

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 8:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Lorraine A. Read, RMC
Municipal Clerk