

February 10, 2014

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, Deputy Mayor Elvidge, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager, and Ursula Leo, Esq., Town Attorney. Mrs. Becker was absent.

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, 2013."

Mayor Ricciardo led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mrs. Diglio, seconded by Deputy Mayor Elvidge and carried, the minutes of January 27, 2014 Regular and Executive meeting was 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."*

There was no one from the public to be heard.

**COUNCIL & MANAGER REPORTS**

**a.) Commission/Board Vacancies**

Mr. Russo noted the list of the Board and Commission vacancies and asked the Council have all potential applicants submit their application to the Town Manager's office. Mayor Ricciardo reminded Council that the Newton Housing Authority vacancy requires five courses be taken within the first year of serving on the Housing Authority.

**b.) Variance – Karen Bell**

Karen Bell, 55 Diller Avenue, Owner of John's Barber Shop, addressed the Council and advised her business on Diller Avenue is closing and she needs to move immediately. The new location would require an application for variance with the appropriate fees. Ms. Bell requested the Council waiver the variance fees due to the tremendous hardship on her business.

After a brief discussion, Council advised that a variance through the Planning Board is required and the fees could not be waived.

Mr. Russo advised that the Municipal Building will be closed on Monday, February 17, 2014 in observation of Presidents' Day.

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Mr. Russo advised he recently attended the Statewide Insurance Fund Reorganization meeting and has been selected as Chairman. The Town of Newton received another award for Loss Control and thanked his staff for their continued effects in this area.

**ORDINANCES**

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

**ORDINANCE #2014-2**

**AN ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A 40a: 4-45.14)**

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	Absent
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 February 24, 2014.

**OLD BUSINESS**

**a.) SID Feasibility Study- Gina Thomas, Jennifer Credidio, Esq. & Jessica Caldwell**

Gina Thomas, Community Resource Partner, outlined the Special Improvement District (SID) program and updated Council on her progress with working with the community, schools and merchants. Ms. Thomas outlined the successes and failures of other municipalities with a SID. Ms. Thomas feels the study is a great tool and the budget is good. Ms. Thomas recommended a 9 to 11 member board and feels a 5 year sunset provision is necessary and not 3 years.

Jennifer Credidio, Esq. addressed the exempt properties and felt there would not be a required mandated financial obligation due to their classification.

Jessica Caldwell, Planner, outlined some key items in the feasibility study and feels the Town has all the documentation in place and is ready to move forward with the SID.

After a lengthy discussion, Council agreed to move forward with the draft ordinance for the next Council meeting on February 24, 2014. Mr. Russo will have a color map of the SID Assessment Tier created for the Town Council. Mr. Russo also noted he and Ms. Thomas will work on the "branding" of the Town.

**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 requested that Resolution #24-2014 be removed from the consent agenda for further clarification.

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

**RESOLUTION #22-2014\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR LEGAL SERVICES WITH URSULA H. LEO, ESQ. ATTORNEY OF LAW, OF LADDEY, CLARK AND RYAN, LLP**

**WHEREAS**, the professional services of an attorney are required by the Town of Newton in relation to an application to be filed with USDA Rural Development regarding the 20" HDPE transmission main line along Fox Hollow Farms Lake Club; and

**WHEREAS**, Ursula H. Leo, Esq., is currently the Town Attorney; and

**WHEREAS**, an appropriate agreement for said services has been prepared for execution by both parties; and

**WHEREAS**, legal services are a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate, with Ursula H. Leo, Esq, to permit her to perform the services of Counsel for the Town of Newton in relation to 20" HDPE transmission main project with USDA Rural Development.

**RESOLUTION #23-2014\***

**RESOLUTION OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE TOWN OF NEWTON TO SUBMIT AN ELIGIBILITY DETERMINATION AND FUNDING APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE- RURAL DEVELOPMENT ADMINISTRATION FOR THE CONSTRUCTION OF A NEW 20" HDPE TRANSMISSION MAIN AT FOX HOLLOW FARMS LAKE CLUB FOR THE NEWTON WATER SYSTEM**

**WHEREAS**, the Town of Newton (hereinafter the "Town") plans to submit to the United States Department Agriculture – Rural Development (hereinafter "Rural Development") a request for eligibility determination concerning the Town's entitlement to participate in Rural Development's "Water and Waste Disposal Program" (hereinafter the "Program"); and

**WHEREAS**, the Town wishes to pursue through the Program funding for the construction for a new 20" HDPE transmission main at Fox Hollow Farms Lake Club for the Newton Water System; and

**WHEREAS**, it is in the best interest of the Town to actively and diligently pursue this project, for reasons associated with the health, safety, and welfare of the community serviced by the Town; and moreover, pursue funding with and through Rural

Development, based upon Rural Development's determination that the Town is eligible to participate in the Rural Development's program;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, as follows:

1. All necessary action, including the filing of formal applications is taken to pursue with Rural Development actual funding for the construction of a new 20" HDPE transmission main at Fox Hollow Farms Lake Club, in Sparta Township for the Newton Water System.
2. The Town is authorized to accept any and all funding through the United States Department of Agriculture/Rural Development Water and Waste Disposal Program.
3. The Town's Deputy Town Manager shall publish an appropriate notice of intention to file an application with Rural Development for funding for the proposed project in the Town's official newspaper within sixty (60) days of the Town's submission of an application for funding to Rural Development.
4. The duly authorized representatives for the Town, including the Town's Engineer, Attorney, Bond Counsel and Auditor, be and are hereby authorized to execute any and all documents to be submitted to USDA/Rural Development. Further the Town Manager is hereby authorized to execute the necessary documents in order to receive an eligibility determination and funding from the USDA/Rural Development.

**RESOLUTION #25-2014\***

**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 2013 and 2014 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**

1,222.50	Pellow, Harold & Asso, Inc.	33049
4,515.00	Municipal Software, Inc.	33050
391.66	G & G Diesel Service	33051
7,813.61	JCP&L	33052
674.36	SCMUA	33053
125.85	Centurylink Communications, Inc.	33054
50.00	Newton Board of Education	33055
15.00	Campbell's Small Engine Inc.	33056
183.34	Tri-State Rentals, Inc.	33057
250.00	Sussex County Economic	33058
17.71	Hayek's Market Inc.	33059
41.00	Sisco, James	33060
41.00	Straway, Richard A. Jr.	33061
41.00	Straway, Thomas	33062
150.00	Willco, Inc.	33063
41.00	Smith, William F	33064
200.00	Treasurer, State of New Jersey	33065
700.00	T.A. Mountford Company, Inc.	33066
35.60	Galls Incorporated	33067
315.00	Minisink Press Inc.	33068
125.00	Sussex County Detectives Assoc.	33069
9,404.34	International Salt, Inc.	33070
60.00	Greater Newton Chmbr of Comm.	33071
29.48	West Chester Machinery	33072

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42.00	Lasso, Ervin	33073
567.76	Boonton Tire Supply Inc.	33074
1,226.95	McGuire, Inc.	33075
800.93	Vision Service Plan	33076
210.00	NJMMA	33077
90.00	Sussex and Warren Tax Col. Asso.	33078
191.90	Verizon Wireless, Inc.	33079
103.76	Walmart	33080
75.78	Mr. John, Inc.	33081
193.20	Cooper Electric Supply Co.	33082
155.00	Wildflowers with Tami	33083
237.00	Poster Compliance Center	33084
1,190.20	Staples Business Advantage, Inc.	33085
48.00	CSS Test Inc.	33086
43.19	SFDL LLC	33087
114.17	Nestle Waters, Inc.	33088
33.00	Steve Estler	33089
184.00	Hampton Body Works, Inc.	33090
5,858.16	Rachles/Michele's Oil Company Inc.	33091
2,644.85	Taylor Oil Co., Inc.	33092
550.00	Morris County Coop	33093
360.00	JMC Environmental Consultants, Inc.	33094
631.00	NJLM	33095
41.00	William Oswin III	33095
14,878.40	Code 96 LLC	33096
564.75	Penteledata	33098
252.00	Dolan & Dean Consulting Eng, LLC	33099
136,408.50	NJMEBF	33100
288.75	284 Aggregates, LLC.	33101
365.70	284 Aggregates, LLC.	33102
3,540.00	Chelbus Cleaning Co., Inc.	33103
41.00	Roy Leyman	33104
100.00	GPANJ	33105
239.99	Tractor Supply Co	33106
130.00	Van Meter & Assoc's Inc.	33107
19.17	Lucy Delorto	33108
175.00	Kozdeba & Son LLC.	33109
125.61	United Telephone/ Century Link	33110
65.00	P.O.S. Solutions, NJ, LLC.	33111
882.66	Prime Lube, Inc.	33112
661.65	Morris Asphalt Co.	33113
30.00	Raul Couce	33114
181.74	AlSCO Industrial Products Inc.	33115
197,524.68	Payroll Account	141007

**CAPITAL**

3,038.50	Pellow, Harold & Asso, Inc.	8234
299.98	Denville Line Painting, Inc.	8235
3,480.00	Wade Associates	8236

**Total TOWN BILLS \$405,327.38**

**WATER AND SEWER ACCOUNT**

104.36	Montague Tool & Supply, Inc.	14029
4,895.07	Schmidt's Wholesale, Inc.	14030
4,478.75	Pellow, Harold & Asso, Inc.	14031
4,734.64	JCP&L	14032
270.00	Keller Welding Company, LLC.	14033
44,986.50	Pumping Services, Inc.	14034
773.95	SCMUA	14035
3,206.57	Coyne Chemical Corp., Inc.	14036
2,445.00	Garden State Laboratories Inc.	14037

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150.00	Willco, Inc.	14038
20.00	Minisink Press Inc.	14039
211.90	Vision Service Plan	14040
5,120.00	Passaic Valley Sewerage Comm.	14041
5,477.70	Main Pool & Chemical Company, Inc.	14042
70.00	Wildflowers with Tami	14043
158.00	Poster Compliance Center	14044
240.00	Airmati Ccompressor Systems, Inc.	14045
550.00	Morris County Coop	14046
119.90	Penteledata	14047
26,135.50	NJMEBF	14048
7,235.00	NJ Dept of Environmental Protection	14049
2,500.00	Community Resource Partners, LLC	14050
32,386.74	Payroll Account	146003

**CAPITAL**

2,158.75	Pellow, Harold & Asso, Inc.	2328
867.15	Denville Line Painting, Inc.	2329
2,045.30	Hatch Mott Macdonald	2330

**Total WATER & SEWER BILLS \$151,340.78**

**TRUST ACCOUNT**

62.50	Pellow, Harold & Asso, Inc.	3211
1.50	Melode Dance Studio	3212
1,229.39	Payroll Account	147103

**Total TRUST ACCOUNT BILLS \$1,293.39**

**FEDERAL/ STATE GRANTS**

293.75	Dawn R Alvarez	1190
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**Total DEV. ESCROW BILLS \$293.75**

**DOG RESERVE**

15.99	Lorraine Read	8537
325.00	Tranquility Veterinary	8538
3.28	Payroll Account	142101
42.84	Payroll Account	142101

**Total DOG RESERVE \$387.11**

The Clerk presented an application for a special permit for a social affair from The Sussex County Arts and Heritage Council, 133 Spring Street, Newton to be held on Saturday, March 1, 2014 from 7:00 p.m. to 10:00 p.m. and Saturday, May 3, 2014 from 4:00 p.m. to 6:00 p.m. 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.

The Clerk presented an application for an on-premise raffle (50/50 & Raffle) from the Sussex County Community College Foundation, One College Hill Road, Newton to be held on Saturday, April 12, 2014 from 9:00 a.m. to 6:30 p.m. at One College Hill Road,

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Newton. It was noted that the application was in order and accompanied by the prescribed fees.

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

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

## **RESOLUTIONS**

### **RESOLUTION #24-2014**

#### **AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT AND A MUNICIPAL REIMBURSEMENT AGREEMENT IN CONNECTION WITH DEVELOPMENT OF THE PROPERTY KNOWN AS BLOCK 22.05, LOT 13, NEWTON, NEW JERSEY (GRANDE VILLAGGIO)**

**WHEREAS**, Martorana Enterprises, LLC ("Martorana") received approval to construct 54 townhomes, 6 low and moderate income apartments and associated improvements on property formally known as Block 22.05, Lot 13, located at 104 Sparta Avenue, Newton, New Jersey; and

**WHEREAS**, Martorana is required to enter into a Developer's Agreement with the Town of Newton setting forth the rights, duties and obligations of the parties in connection with the Development; and

**WHEREAS**, there has been prepared a Developer's Agreement by and between Martorana and the Town of Newton dated February 11, 2014; and

**WHEREAS**, the Town desires to authorize the execution of the Developer's Agreement subsequent to its execution by Martorana; and

**WHEREAS**, the Town of Newton and Grande Villaggio Condominium Association, Inc. ("Villaggio") desire to enter into a Municipal Reimbursement Agreement pursuant to N.J.S.A. 40:67-23.2 in connection with the construction of a residential development on property formally known as Block 22.05, Lot 13, located at 104 Sparta Avenue, Newton, New Jersey; and

**WHEREAS**, there has been prepared a Municipal Reimbursement Agreement by and between Villaggio and the Town of Newton with a last revision date of October 25, 2013; and

**WHEREAS**, the Town desires to authorize the execution of the Municipal Reimbursement Agreement subsequent to its execution by Villaggio.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, they being the Governing Body thereof as follows:

1. All the terms and conditions of a certain Developer's Agreement dated February 11, 2014 by and between the Town of Newton and Martorana Enterprises, LLC are hereby approved, ratified and confirmed by the Town of Newton.

2. All the terms and conditions of a certain Municipal Reimbursement Agreement with a last revision date of October 25, 2013 by and between the Town of Newton and Grande Villaggio Condominium Association, Inc. are hereby approved, ratified and confirmed by the Town of Newton.

3. The Mayor and Clerk are hereby authorized to execute said Developer's Agreement and Municipal Reimbursement Agreement subsequent to the execution by the Developer and together with other appropriate officers and employees of the Town are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

4. The Town hereby authorizes and approves any non-substantive modifications to the Developer's Agreement and Municipal Reimbursement Agreement as may be recommended and approved by the Town Manager and Town Attorney prior to execution.

5. This Resolution shall take effect immediately.

Mayor Ricciardo and Mrs. Diglio had questions which were addressed accordingly.

A motion was made by Mayor Ricciardo to approve Resolution #24-2014, seconded by Deputy Mayor Elvidge and roll call resulted as follows:

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

**INTERMISSION – None**

**DISCUSSION**

Mr. Russo reminded Council of the Budget Hearing on Wednesday, February 12, 2014 at 6:00 p.m.

**OPEN TO THE PUBLIC**

John McChesney, owner of properties in Newton, stated one of his properties is in the Tier 1 of the SID, as well as, the Historic District and feels the Town is not spending their money wisely. Mr. McChesney feels the Town should invest in bringing in new businesses.

**COUNCIL & MANAGER COMMENTS**

Mrs. Diglio asked everyone to remember Thea Unhoch, previous Mayor/Councilwoman, as her husband, Willie, passed away this week.

Mayor Ricciardo reminded Council to reduce the Capital Improvement expenditures by at least \$600,000.

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Deputy Mayor Elvidge and unanimously carried, the meeting was adjourned at 7:59 p.m.



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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 phrase "Respectfully submitted,".

Lorraine A. Read, RMC  
Municipal Clerk