

March 24, 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, Mrs. Becker, Deputy Mayor Elvidge, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager, and Ursula Leo, Esq., 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, 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 March 10, 2014 Special meeting, March 10, 2014 Regular meeting, and March 10, 2014 Executive 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."*

There was no one from the public to be heard.

### **COUNCIL & MANAGER REPORTS**

#### **a.) Project Launch- Project Self Sufficiency**

Sharon Gill Williams, Project Director for Project Launch Newton, explained Project Launch as a program with collaboration between Project Self-Sufficiency (PSS) and Newton Public School District for grades 4 – 8. Ms. Williams introduced some of the children who attend the program and explained their current project they recently completed. The students had reviewed the local government aspects of Newton and created several brochures of the Town of Newton.

Matt Welker, a Project Launch student, shared his thoughts on the things he loves about Newton and why it is such a great Town to live in.

Shane Hendershot, a Project Launch student, also shared his thoughts on the great things Newton has to offer and loves the support he receives from his teachers. Newton is a great Town and has a great school district, Mr. Hendershot concluded.

Ms. Williams left the Town Council with the hand-made brochures created by the students.

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Mayor Ricciardo thanked all the students who attended and thanked Ms. Williams for teaching the students local government lessons.

Mr. Russo read a request from the Newton Memorial Day Committee to close Spring Street from 9:45 am to 11:30 a.m. for the parade on Monday, May 26, 2014. In addition, the Committee has requested Town funding of \$500.00 to offset the costs of the parade. Mr. Russo noted the Town annually budgets this amount for the Newton Memorial Day parade.

Council unanimously agreed to close Spring Street as requested for the Memorial Day parade as well as grant the funding to offset the cost of the parade.

Mr. Russo advised Council that Friday, April 11, 2014 is the Town's 150<sup>th</sup> Birthday (Incorporated 1864) and the Town will celebrate with cake and activities at the Newton Fire Museum at 1:00 p.m.

### **ORDINANCES**

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

#### **ORDINANCE #2014-4**

#### **A FULLY FUNDED WATER AND SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$281,851.15 FOR SEWER TREATMENT PLANT MODIFICATIONS AND IMPROVEMENTS TO REPLACE CLARIFIER DRIVE AND TANK COVERS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$281,851.15 is hereby appropriated from the Water Sewer Capital Fund Reserve Balances:

Reserve for Sewer Rehabilitation	\$190,000.00
Reserve for Sewer Treatment Plant Modifications	\$ 91,851.15

for Improvements to the Sewer Treatment Plant in the Town of Newton including replacement of the primary settling tank drive and tank covers, including all costs necessary therefore or incidental thereto.

**Section 2.** The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

Mayor Ricciardo opened the hearing to the public.

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

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

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

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

#### **ORDINANCE #2014-5**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$300,000 FOR THE CONSTRUCTION OF A 20" HDPE WATER TRANSMISSION MAIN ACROSS FOX HOLLOW LAKE IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF**

The following **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its introduction, 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	

**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 April 14, 2014.

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

#### **ORDINANCE #2014-6**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY APPROPRIATING \$1,912,000 THEREFOR, INCLUDING A \$165,000 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT EXPECTED TO BE RECEIVED, AND AUTHORIZING THE ISSUANCE OF \$1,473,275 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

The following **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its introduction, seconded by Mrs. Becker 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 April 14, 2014.

Councilman Flynn expressed his frustration in regard to the major expense now incurred by the current Town Council for the construction of a 20" HDPE Water transmission main to be placed across Fox Hollow Lake. He feels that the initial idea, approximately 50 years ago, of the pipe under the lake was a poor decision and design. Councilman Flynn asked the Town continue to do their due diligence in the future with all contracts and easements.

**OLD BUSINESS**

There was no Old Business to be discussed.

**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."*

A motion was made by Mrs. Diglio, seconded by Mrs. Becker to include Resolution #61-2014 to the consent agenda and roll call resulted as follows:

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

Prior to reviewing the various resolutions on the Consent Agenda, Mr. Russo noted that a typo (on debt amount) will be corrected on Resolution #54-2014 and Councilman Flynn will recuse himself from check #1171 on Resolution #59-2014.

**RESOLUTION #49-2014\***

**APPROVE 2013 APPROPRIATION RESERVE TRANSFERS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2013 appropriation reserve transfers be approved effective this date:

<b><u>From</u></b> <b><u>CURRENT</u></b>	<b><u>To</u></b>	<b><u>Amount</u></b>
Vehicle Maint. OE 1083370A	Accumulated Absence SW 1094400A	\$10,000.00
Pool OE 1090241A	Parks OE 1091239A	\$100.00
Pool OE 1090241A	DCRP OE 1098294A	\$150.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$10,250.00</u></b>

**RESOLUTION #50-2014\***

**APPROVE 2013 APPROPRIATION RESERVE BE LAPSED TO TRUST- SNOW REMOVAL RESERVE**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2013 appropriation reserve balance be lapsed to Trust – Snow Removal Reserve pursuant to NJSA40A: 4-62.1. This resolution is being adopted in accordance with the provisions of NJSA 40A:4-59.

<u>From</u> <u>CURRENT</u>	<u>To</u> <u>TRUST</u>	<u>Amount</u>
Snow Removal OE 1081226A	Snow Removal Reserve 711202	\$6,000.00
Road OE -Machinery 1080326A	Snow Removal Reserve 711202	\$4,000.00
<b>TOTAL</b>		<hr/> <b>\$10,000.00</b>

**RESOLUTION #51-2014\***

**AUTHORIZING THE EXECUTION OF LEASE TERMINATION AGREEMENT AND GENERAL RELEASE**

**WHEREAS**, the Town of Newton entered into a Communications Site Lease Agreement ("Agreement") on December 20, 2000, concerning the Water Tower Site, commonly known as a portion of Block 102, Lot 3 located in the Town of Newton, whereby Nextel of New York, Inc., rented the subject property pursuant to the terms set forth in the Agreement; and

**WHEREAS**, a Lease Termination Agreement and General Release ("Termination Agreement") has been prepared, which provides for the termination and the surrender of the property to the Town of Newton, with certain equipment to remain on-site, and subject to a payment to the Town of Newton as an incentive payment; and

**WHEREAS**, by mutual agreement, Nextel and the Town of Newton desire to execute the Termination Agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Town of Newton hereby authorize the Mayor and Clerk to execute the attached Lease Termination Agreement and General Release.

**RESOLUTION #52-2014\***

**AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF PROVIDING A CERTIFIED RECYCLING PROFESSIONAL FOR THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton "NEWTON" has enacted a recycling plan for all recyclables as designated by the Sussex County Solid Waste Management Plan; and

**WHEREAS**, the State of New Jersey requires to have its annual recycling tonnage reports approved and executed by a duly Certified Recycling Professional "CRP"; and

**WHEREAS**, the Town of Newton and the Sussex County Municipal Utilities Authority "SCMUA", a municipal utilities authority of the State of New Jersey, have negotiated a Shared Services Agreement stating that SCMUA shall serve as NEWTON's CRP; and

**WHEREAS**, said Shared Services Agreement is attached to and made part of this resolution;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Mayor and Clerk are hereby authorized to execute the attached Agreement authorizing the Sussex County Municipal Utilities Authority to serve as the Town of

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Newton's Certified Recycling Professional.

**RESOLUTION #53-2014\***

**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 ACCOUNTS THAT SHOULD BE INACTIVE:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6789	24 Church St.	\$75.00
6796	24 ½ Church St.	\$75.00

**UTILITY BOARD RECOMMENDS CREDIT FOR THE FOLLOWING DUE TO LEAKS:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19001	32 New Hampshire St.	\$125.00
226	124 Spring St.	\$45.00
2135	6 Hampton St.	\$75.00

**RESOLUTION #54-2014\***

**CAPITAL BUDGET AMENDMENT**

TOWN OF NEWTON TEMPORARY CAPITAL BUDGET AMENDMENT							
RESOLUTION #54-2014							
<b>Whereas</b> , the local capital budget for the year 2014 was introduced on March 10, 2014 but has not been adopted; and							
<b>Whereas</b> , it is desired to adopt a temporary capital budget which amends the adopted capital budget section of a prior year;							
<b>Now , Therefore Be It Resolved</b> , by a majority of the full membership of the Governing Body of the Town of Newton, County of Sussex that the following capital budget amendment of 2014 be made:							
	(Becker			(			
RECORDED VOTE:	AYES	(Diglio		NAYS	(		
		(Elvidge			(		
(Insert last name)		(Flynn			(		
		(Ricciardo			(		
ABSTAIN	(			(			
ABSENT	(			(			
Funding as Amended							
Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Capital Improvement Fund	Prior Year Reserves	Grants in Aid	Debt Authorized
<b>General Capital</b>							
Various Capital Improvements	#2014-6	\$ 1,912,000.00		\$ 95,600.00	\$ 178,125.00	\$165,000.00	\$ 1,473,275.00
<b>Total - All Projects</b>		<b>\$ 1,912,000.00</b>		<b>\$95,600.00</b>	<b>\$178,125.00</b>	<b>\$165,000.00</b>	<b>\$ 1,473,275.00</b>
<b>Be It Further Resolved</b> , that one certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.							
It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 24th day of March 2014.							

**RESOLUTION #55-2014\***

**REFUND ON SITE PLAN APPLICATION AND ZONING PERMIT FEE FOR BLOCK 8.03, LOT 11**

**WHEREAS**, Guangying Chen paid an application fee to the Town of Newton for a waiver of site plan in the amount of \$100.00, and also paid an application fee in the amount of \$25.00 for a zoning permit related to real property located at Block 8.03, Lot 11, also known as 71 Spring Street, in the Town of Newton; and

**WHEREAS**, Guangying Chen has withdrawn her site plan application and voided the zoning permit; and

**WHEREAS**, no costs were incurred by Town professionals related to Ms. Chen's applications;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body authorizes a refund be made to Guangying Chen in the amount of \$125.00; and

**BE IT FURTHER RESOLVED**, that the Treasurer is hereby authorized to issue a check to Guangying Chen in the amount of \$125.00.

**RESOLUTION #56-2014\***

**AWARD PURCHASE CONTRACTS FOR SLUDGE AND CHEMICAL WASTE TRUCKING**

**WHEREAS**, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services; and

**WHEREAS**, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton Wastewater Treatment Plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year; and

**WHEREAS**, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened and read on Wednesday, March 19, 2014 as follows:

	<u><b>Sludge Trucking</b></u>	<u><b>Chemical Waste Trucking</b></u>
Russell Reid 200 Smith Street PO Box 130 Keasbey, NJ 08832-0130	\$0.0586	\$0.0586
Earth Care Resource Management Corp. 99 Maple Grange Road Vernon, NJ 07462	\$0.0517	\$0.0395
R & D Trucking, Inc. 1874 Route 23 North West Milford, NJ 07480	\$0.0399	\$0.04
<b>Accurate Waste Removal Services, Inc.</b> <b>226 Prospect Point Road</b> <b>Lake Hopatcong, NJ 07849</b>	<b>\$0.0339</b>	<b>\$0.033</b>

**WHEREAS**, Accurate Waste Removal Service, Inc., was the lowest bidder for sludge trucking and for chemical waste trucking; and

**WHEREAS**, the Qualified Purchasing Agent recommends awarding the contract for sludge trucking and chemical waste trucking to Accurate Waste Removal Services, Inc;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking and chemical waste trucking to Accurate Waste Removal Services, Inc. and that a certified copy of this resolution be forwarded to all bidders.

**RESOLUTION #57-2014\***

**AWARD PURCHASE CONTRACTS FOR THE ACQUISITION OF CHEMICALS**

**WHEREAS**, specifications were prepared for the purchase of various chemicals needed to operate the Newton Wastewater Treatment Plant and the Newton Water Filtration Plant, and bids were subsequently solicited and publicly opened and read on Wednesday, March 19, 2014 as follows:

	<b>Liquid Sodium Carbonate</b>	<b>Liquid Aluminum Sulfate</b>	<b>Liquid/ Gas Sulfur Dioxide</b>	<b>Liquid Chlorine/ Gas</b>	<b>CES PACI 2500/ Del Pac 2950</b>	<b>Liquid Sodium Hydroxide</b>	<b>Liquid Hydrofluosilic Acid</b>	<b>Sodium Hypochlorite</b>
Usalco 1120 Middle River Road Baltimore, MD 21220	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>No Bid</u> per gal  \$ <u>No Bid</u> per gal	\$ <u>No Bid</u> lb  \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb  \$ <u>No Bid</u> total	\$ <u>4.95</u> gal  \$ <u>79,200</u> total	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total
Univar 532 E. Emmaus Street Middletown, PA	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal  \$ <u>No Bid</u>	\$ <u>.66 lb</u>  \$ <u>7,227 total</u>	\$ <u>.80 lb</u>  \$ <u>8,760 total</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u>	\$ <u>1.40</u> gal  \$ <u>7,700</u> total	\$ <u>5.48</u> gal  \$ <u>6,850</u> total	\$ <u>1.35</u> gal  \$ <u>10,125</u> total
Coyne Chemical Co. 3015 State Rd Croydon, PA 19021	\$ <u>0.708</u> gal  \$ <u>63,720 total</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb  \$ <u>No Bid</u> total	\$ <u>1.2776</u> lb  \$ <u>13,989.72</u> total	\$ <u>4.683</u> gal  \$ <u>74,928 total</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>4.583</u> gal  \$ <u>5,728.75 total</u>	\$ <u>No Bid</u>  \$ <u>No Bid</u> total
Main Pool & Chemical 501 Main Street Avoca, PA 18641	\$ <u>.79</u> gal  \$ <u>71,100</u> total	\$ <u>1.093,000</u> gal  \$ <u>1.025,000</u> gal  \$ <u>32,700</u> gal total  \$ <u>30,600</u> gal total	\$ <u>1.25</u> lb  \$ <u>13,687.50</u> total	\$ <u>.667</u> lb  \$ <u>7,303.65</u> total	\$ <u>No Bid</u>  \$ <u>No Bid</u> total	\$ <u>1.29</u> gal  \$ <u>7,095</u> total	\$ <u>4.68</u> gal  \$ <u>5,850</u> total	\$ <u>1.24</u> gal  \$ <u>9,300</u> total
JCI – Jones Chemical, Inc. 103 River	\$ <u>No Bid</u> gal  \$ <u>No</u>	\$ <u>No Bid</u> gal	\$ <u>.70</u> lb  \$ <u>7,665</u>	\$ <u>.5333</u> gal  \$	\$ <u>No Bid</u> gal	\$ <u>No Bid</u> gal  \$ <u>No</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u>
Miracle Chemical Company 1151 B Highway 33	\$ <u>No Bid</u> gal  \$ <u>No Bid</u>	\$ <u>No Bid</u> gal  \$ <u>No</u>	\$ <u>No Bid</u> lb  \$ <u>No Bid</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal  \$ <u>No</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u>	\$ <u>No Bid</u> gal  \$ <u>No Bid</u> total	\$ <u>.99</u> gal  \$ <u>7,425.00 total</u>

**WHEREAS**, the bids for chemicals listed above were reviewed by the Qualified Purchasing Agent, Debra J. Millikin, and she has recommended the awards for the following purchase of chemicals based on submission of the low bids which are in the best interest of the Town of Newton; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby awards bids for the purchase of chemicals as follows:

**Chemical**

Liquid Sodium Carbonate  
Liquid Aluminum Sulfate  
Liquid/Gas Sulfur Dioxide  
Liquid Chlorine/Gas  
CES PACI 2500  
Liquid Sodium Hydroxide  
Liquid Hydrofluosilic Acid  
Sodium Hypochlorite

**Bidder Receiving Award**

Coyne Chemical Co.  
Main Pool & Chemical  
Univar  
JCI Jones  
Coyne Chemical Co.  
Main Pool & Chemical  
Coyne Chemical Co.  
Miracle Chemical Company

**BE IT FURTHER RESOLVED**, that the Water and Sewer Supervisor is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

**RESOLUTION #58-2014\***

**REFUND OF MONIES FOR TAXES DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 24.02, LOT 3**

**WHEREAS**, Gregory S. Schaffer, Esq. of Garippa, Lotz & Giannuario, an attorney representing Newco, Inc., owner of Block 24.02, Lot 3 also known as 9 Hicks Avenue, filed a State Tax Court Appeal to lower the 2013 assessment on said block and lot; and

**WHEREAS**, the Tax Office received, on March 11, 2014, a Judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2013. This order has resulted in a refund of monies in the total amount of \$6,698.88;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Gregory S. Schaffer, Esq. of Garippa, Lotz & Giannuario for Newco, Inc., is entitled to a refund in the amount of \$6,698.88; and

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$6,698.88 to Gregory S. Schaffer, Esq., for Newco, Inc., Garippa, Lotz & Giannuario, 66 Park Street, Montclair, NJ 07042.

**RESOLUTION #59-2014\***

**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**

32.18	Quill Corporation	33281
409.10	Montague Tool & Supply, Inc.	33282
812.50	Pellow, Harold & Assoc. Inc.	33283
208.00	Sussex Car Wash Inc.	33284
4,467.54	Elizabethtown Gas	33285

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586.56	G & G Diesel Service Inc	33286
612.39	JCP&L	33287
167.04	SCMUA	33288
112.00	Teets, Michael D	33289
280.12	Centurylink Communications, Inc.	33290
2,985.58	Centurylink Communications, Inc.	33291
18.00	Hollander, Strelzik, Pasculli, Hinkes	33292
72.30	Campbell's Small Engine Inc.	33293
425.00	Office Equipment Corporation	33294
6,043.50	Newton First Aid Squad	33295
112.00	Holzhauer, Scott	33296
406.00	Willco, Inc.	33297
33.33	Sloan, James P, P.C., Inc.	33298
1,920.00	J & D Sales & Service, LLC.	33299
50.00	Sussex County League of	33300
37.50	Kithcart, Brock	33301
605.00	T.A. Mountford Company, Inc.	33302
50.00	Registrar's Assoc. of New Jersey	33303
35.00	Registrar's Assoc. of New Jersey	33304
1,500.00	Microsystems-NJ Com, LLC.	33305
41.00	Carr, Joseph	33306
15.00	Sussex County Assessors Assoc.	33307
790.00	Rutgers Continue Ed Cook College	33308
785.31	Dempsey Uniform & Supply Inc.	33309
140.00	Millikin, Debra	33310
134.00	Sussex County Clerk's Assn	33311
469.49	Boonton Tire Supply Inc.	33312
550.00	Treasurer, State of New Jersey	33313
53,775.32	Statewide Insurance Fund	33314
112.00	Miller, Jason	33315
1,558.20	Verizon Wireless, Inc.	33316
175.10	Petro-Mechanics, Inc.	33317
74.85	Walmart	33318
76.13	Mr. John, Inc.	33319
137.00	Nena	33320
7,250.00	Holzhauer & Holenstein, LLC.	33321
757.13	Danforth's Trailer & Auto, Inc.	33322
56.04	Teresa Ann Oswin	33323
5,365.47	Fire & Safety Services, LTD., Inc.	33324
301.00	Seely Brothers, Inc.	33325
70.00	Sussex County Community College	33326
585.08	Staples Business Advantage, Inc.	33327
6.80	Language Line Services, Inc.	33328
170.95	Spectrum Communications, Inc.	33329
48.00	CSS Test Inc.	33330
221.35	Pinnacle Wireless FBO Unitek Global	33331
4,355.59	Rachles/ Michele's Oil Company, Inc.	33332
9,467.09	Taylor Oil Co., Inc.	33333
2,250.00	Laddey, Clark & Ryan, LLP	33334
2,538.89	General Code, LLC	33335
1,737.00	Tire King, Inc.	33336
847.15	Jersey Central Power & Light, Inc.	33337
1,595.00	Code 96 LLC	33338
564.75	Penteledata	33339
4,515.32	Woodruff Energy Us, Inc.	33340
775.00	AG Choice, LLC.	33341
254.55	NJ Div. Pension & Benefit	33342
595.95	Thyssenkrupp Elevator Corp.	33343
121.50	Kerry Deckert	33344
115.00	J. Caldwell & Associates, LLC.	33345
850.00	Grant Writing USA	33346
89.00	Ceunion	33347
2,500.00	Community Resource Partners, LLC.	33348
73.42	Tape-Tel Electronics Inc.	33349

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154.18	Sunlight General	33350
615.00	USA Hoistco., Inc.	33351
800.00	Laboratory for Scientific Interroga	33352
85.60	Floral Gallery	33353
96.00	Andover Exxon	33354
15.00	Trinity Lounge	33355
285,030.00	Chase Bank	141018
981,859.17	Newton Board of Education	141017
80,000.00	Capital Account	141016
2,946.82	Sussex Bank	33280
3,750.00	Reed Fleishman	33279
189,754.04	Payroll Account	141015
83.21	Elavon (merchant svc)	141014

**CAPITAL**

2,918.00	Pellow, Harold & Assoc., Inc.	8247
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**Total TOWN BILLS \$1,676,998.49**

**WATER AND SEWER ACCOUNT**

1,046.50	Pellow, Harold & Assoc., Inc.	14103
2,053.43	Andres & Mooney Electric Inc.	14104
1,894.92	Elizabethtown Gas	14105
6,680.49	JCP&L	14106
381.27	SCMUA	14107
3,215.26	Coyne Chemical Corp., Inc.	14108
36.31	Centurylink Communications, Inc.	14109
1,251.21	Centurylink Communications, Inc.	14110
850.00	Garden State Laboratories Inc.	14111
58.03	Federal Express	14112
164.28	Hamburg Plumbing Supply Co. Inc.	14113
350.00	Willco, Inc.	14114
45.00	Minisink Press Inc.	14115
63.52	Sebring Auto Parts, Inc.	14116
339.04	Dempsey Uniform & Supply Inc.	14117
3,296.00	R&D Trucking Inc.	14118
52.93	Airgas East	14119
200.00	Treasurer, State of New Jersey	14120
413.00	Treasurer, State of New Jersey	14121
48,915.15	Statewide Insurance Fund	14122
154.00	Verizon Wireless, Inc.	14123
6,720.00	Passaic Valley Sewerage Comm.	14124
1,280.00	Smalley, John	14125
3,158.40	Main Pool & Chemical Company, Inc.	14126
1,335.00	Alternate Power Inc.	14127
85.00	Wildflowers with Tami	14128
25.65	Advance Auto Parts	14129
184.63	Home Depot, Inc.	14130
4,533.28	Suburban Propane, LP.	14131
877.60	Kistler O'Brien Fire Protection, Inc.	14132
6,959.77	Pall Corporation	14133
10.00	Sussex County Community College	14134
368.00	Accurate Waste Removal Inc.	14135
119.90	Penteledata	14136
42.82	One Call Concepts, Inc.	14137
1,942.83	Woodruff Energy US, Inc.	14138
472.08	Toyota Motor Credit Corp.	14139
273.77	Sunlight General	14140
2,281.64	Cintas Fire Protection, Corp.	14141
15.45	Trinity Lounge	14142
33,043.76	Bank of New York	146008
3,750.00	Reed Fleishman	14102

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33,087.24	Payroll Account	146007
<b>CAPITAL</b>		
4,904.00	Pellow, Harold & Assoc., Inc.	2334
2,830.02	Tilcon New Jersey, Inc.	2335
80.00	Hatch Mott Macdonald	2336

**Total WATER & SEWER BILLS \$179,841.18**

**TRUST**

384.00	Pellow, Harold & Assoc., Inc.	3222
216.00	Hollander, Strelzik, Pasculli, Hinkes	3223
1,300.00	Sloan, James P, P.C., Inc.	3224
60.50	Vogel, Chait, Collins, Schneider, PC,	3225
788.00	Statewide Striping Corporation	3226
230.00	J. Caldwell & Associates, LLC.	3227
838.38	M. Sky Construction Corp.	3228
3.00	Penta Communications	3229
3.00	High Point Utilities	3230
175.63	Payroll Account	147106
702.52	Payroll Account	702.52

**Total TRUST ACCOUNT BILLS \$4,701.03**

**DEVELOPERS ESCROW ACCOUNT**

327.50	Dolan & Dolan, Inc.	1170
63.75	Ferriero Engineering Inc.	1171
1,650.00	Edward J Buzak	1172

**Total DEV. ESCROW BILLS \$2,041.25**

**DOG RESERVE**

4,010.00	Township of Wantage	8541
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**Total DEV. ESCROW BILLS \$4,010.00**

**RESOLUTION #61-2014\***

**APPOINTMENT OF JAMES CIARAVOLO TO THE NEWTON PARKING AUTHORITY**

**WHEREAS**, there currently is a vacancy on the Newton Parking Authority as a result of Ms. M. Christine Ochrym desire to not be reappointed; and

**WHEREAS**, James Ciaravolo has expressed interest in serving as a member of the Newton Parking Authority;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that James Ciaravolo is hereby appointed to a five (5) year term on the Newton Parking Authority, effective immediately with said term continuing to December 31, 2018.

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, April 6, 2014 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.

Councilman Flynn recused himself from check #1171 on the bill list.

A motion was made by Mrs. Becker to approve, as amended, the **COMBINED ACTION RESOLUTIONS**, 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	

**INTERMISSION – NONE**

**DISCUSSION**

Councilwoman Diglio noted that the Memorial Day parade will be held on Monday, May 26, 2014 and invited the Council to march for this event.

**OPEN TO THE PUBLIC**

Michael Malone, 59 Trinity Street, read from the prepared speech:

“As one of the many over-taxed taxpayers and, living in the Town of Newton and, the fact that this SID, as things stand right now, will affect me and every other taxpayer in Newton, I have a few comments to make at this time. It is a fallacy to believe that this SID will only affect the Tier 1 and Tier 2 commercial properties. It is now and will continue to affect all Newton taxpayers. Read: Ref PG. 37, Paragraph 2 (Discussion).

Before I continue, I want to commend, as others have done, North Branch Associates, Millennium Strategies, the Town Council, the Town Attorney, all those persons in City Hall, and any and all others, including volunteers who have assisted in the preparation of this comprehensive, detailed, and definitely “up-beat” report. Even though there are “negatives” mentioned, it’s entire outlook, presentation, evaluations, suggestions and remedies are all presented in a “can do,” positive point of view.

Without elaborating on the various negative aspects, and there are many, I call this approach: Pie-in-the-Sky, Heads-in-the-Clouds thinking and I believe this Council has been caught up in this “can do,” “must do” whirlwind. Usually there are two sides to any proposal. This SID emphasizes one side only. I am here tonight to present more of the other side because I believe an in-depth study, which obviously has not been done, is required on any multi-million dollar project of this magnitude as well as a massive public input. Four-hundred twenty responses, which represent only 5¼% of Newton’s population, does not meet that criteria. Council appears to be “gung-ho” in getting this SID into law ASAP by way of an ordinance that is presently before them. That can be

done with a 3 to 2 majority vote. I want to point out that even with a unanimous five vote, you five represent only .63% of the population of Newton and that is something all of you should keep in mind whenever you delve into that bottomless pot of taxpayer's money.

So far, this study has cost all taxpayers about \$25,000. Add to that figure the many thousands of dollars to the legal firm of Laddey, Clark and Ryan, which will continue to grow, the associated expenses of our municipal employees, the \$4,000.00 budgeted for a consultant, and possibly \$289,428.00 just to get SID underway. PG. 38 "Revenue and Budget"

Until a recent Council Meeting when it was recommended by several members to include all commercial areas of the Town, this report states (Pg. 2, Paragraph 1) it "also examined an expanded area of study." That so-called "expanded area" turns out to be the immediate one or two blocks surrounding Spring Street. Conspicuously missing in this study of the Tier 2 commercial area are: Moran Street, Mill Street, Hicks Avenue, Sparta Avenue, Hampton Street, Diller Avenue, Orchard Street, Paterson Avenue, East Clinton, Clinton, Woodside, Nelson, and several others. But why be concerned with these other areas? SID makes it indelibly clear that this report is about Spring Street and only Spring Street just as it has been for generations. Today, yesterday, last week, last month, last year. Reference PG. 11, Paragraph 4. "Spring Street is the center of Newton's Downtown Retail Uses" and PG. 1, Paragraph 3 "The Central Downtown Business Core of Newton."

Spring Street is the area that seems to be forever benefitting from hundreds of thousands of taxpayer and grant monies through "Main Street Newton" and other BID projects. Have all these merchants responded in a positive manner to improve Spring Street? Not everyone thinks so. It appears that this same thinking persists today and includes this Council that, unless Downtown Spring Street is somehow revitalized into a vibrant, bustling, active area, using taxpayer's money of course, it will be the end of the world. This report presents Downtown Spring Street as though it could become another Vatican City and nothing else in Newton matters, but let's get realistic.

Assume for the moment that Spring Street is a horse and Council is the veterinarian. We have this horse with two broken legs and the vet is pumping thousands of tax dollars for steroids into this horse, dreaming it can with the three races to become

a Triple Crown winner. What are the chances of that happening? Of all the "negatives" I found in this study the #1 item that I believe is insurmountable, and also, is at the top of the list in this report, is safety. This report states that 77% of the business respondents "feel unsafe." And who would have a better understanding of what happens in the Spring Street area than these business persons. However, of the 86 written comments included in this report, 78 or 91% of those had a negative comment on safety/security. Some of the terms used are: "get rid of the people who hang on the streets night and day;" "too many people hanging out in doorways and on the streets;" "no hanging out;" "it's the people hanging out;" "I will not go downtown for anything;" "revitalize will not happen with the environment that walks the streets;" "when you drive down Spring Street and see what is hanging out on the streets;" "too many individuals hanging out in the doorways and on the streets;" "remove drug dealers, riff raff and day laborers who linger;" "some of the people walking along the street or hanging out makes me feel unsafe;" "Spring Street and High Rise on Mill Streets (is not safe);" "lack of Downtown safety is not a perception: murders on Spring Street, muggings, armed robbery, drugs, home invasion." And these remarks come from only three pages of seven. SID continually uses the word "perception" as though it might not exist but continues to graph "safe" and "unsafe." The written responses clearly put "perception" to bed.

This report does make it crystal clear that safety is #1 and unless it is "addressed" (SID's word; my replacement word is solved). The rest of the program hinges on the solutions PG. 28, paragraph 1 and 3 (READ). How does SID "address" this "perception" (Read "phase 1 & 2" and comment). So how do you get rid of these "unsafe" persons? SID has the answer and makes the point numerous times. PG. 24, paragraph 2 (READ). Also PG. 30, 32 (READ). So how do you accomplish this?

The first thing you do is get rid of the low income residents who can't afford "moderate to high income condos OR apartments" or any other upscale unit. If you attempt to eliminate any of these people you're asking for major trouble with LaRaza, Latino Action Network, The ACLU and other minority organizations. You will lose, and we taxpayers will get stuck with their legal costs, court costs, your legal fees and interpreter fees and you will probably be sued by the State and Federal Government. And THIS is the number one top issue that needs to be SOLVED not "addressed," SOLVED. If you had read and understood this report, this SID idea should never have gotten past your

circular file.

So, what is this unsafe perception that is recognized by 77% of the business respondents? Could it be the congregating of persons on street corners and in front of various merchants establishments from very early in the morning waiting to be picked up for a day's work by contractors? Could it possibly be the low income tenants who stand or sit outside their residencies with their children during the day and evening hours? Or could it possibly be that all these persons do not present an upscale appearance and speak a foreign language? If this is the case, then Newton is one more of the many thousands of towns to share this unsafe perception and how does SID eradicate this problem? Once again, by converting these person's low rental units to moderate/high income condos/apartments which they cannot afford. Problem solved! And who will wind up paying for this million dollar renovation when the investor goes bankrupt and the job is half done? The taxpayers, of course. Another "Pie-in-the-Sky" idea is to shift the parking on Spring Street between Main and High Streets from the town green side to the retail store side. Knowledge of traffic movement is missing here. Large tractor trailers and over-size vehicles sometimes have difficulty managing the turn from Main to Spring Street without any cars parked on the merchant's side and sometimes use part of the sidewalk to complete that turn.

Let's move on to "recruitment and retention" PG. 29, Paragraph 1 (READ). How do you retain an "existing business" when that entity either wants to quit, goes bankrupt, or is just fed up with Newton's ever increasing taxes especially this SID idea. For example, there used to be this lovely, ideally situated, inviting Café/Restaurant with protected from the weather outdoor seating, run by a very dedicated Newtonian, interested in revitalizing Spring Street; gone. So much for "retention" of 155 Spring Street. Could this business be "retained" and "strengthened" by developing a "regional marketing plan to reach the lower 15 counties and the New York City market?" PG. 30, Paragraph 1. Perhaps SID's governing body could "acquire" that business (Pg. 5, Paragraph 2; Pg. 2 section 5b Draft Ordinance) (READ).

One respondent offered this advice to SID: response PG. 5 #13 (READ). Now let's look at SID's governing body, but first, it's interesting to note that SID wants no competition (PG. 4 Top READ). SID also believes that the proposed \$289,428.00 budget is not sufficient. SID suggests "at least double." PG. 6, Paragraph 3. The makeup of the

governing body is: Draft, PG. 3 READ. Discussion. Stacked deck.

With this Ordinance, Council is preparing to extract, involuntarily, from the taxpayers of Newton, almost \$300,000 in addition to the already extended funds just to date. (READ PG. 3 Paragraph 3, PG.4, paragraph 3:3, PG. 34: E, Draft PG. 1, Section 1a, PG. 2) There are conclusions on pages 16 and 17 that, I believe, are just not sustainable. READ. Nothing referred to in those two paragraphs can possibly overcome the number one negative: safety. Another negative that was not investigated sufficiently is the on-going parking situation. You asked North Branch Associates for a feasibility study and you received an excellent one that included every square inch of the Downtown Spring Street area. You did not restrict them in any way to a reasonably priced, practical, legal and in-depth analysis, and you should not have because it is the duty of this Council to do exactly that. I believe if you pass this Ordinance, you have failed in your responsibility to the taxpayers of this Town. With the economy being what it is these days, we definitely don't need "Pie-in-the-Sky," million dollar ideas "assessed" and "imposed" on our population and, I further believe, the population will let you know. My recommendation to this Council is to wipe the dust off of the word "no" and start using it.

Thank you for your undivided attention."

Mayor Ricciardo thanked Mr. Malone for his in-depth presentation.

Councilwoman Becker commented the Town Council are members also taxpayers in the Town of Newton. Mrs. Becker further noted Mr. Malone referred to her business in his presentation and stated she does not blame the Town for her going out of business. She noted it was her choice due to life changes and does not view it as a "loss". She would open a business again "in a heartbeat" if possible and would highly recommend opening a business in Newton to anyone.

Mr. Russo noted the budget amount depicted in Mr. Malone's presentation was incorrect, stating \$289,000. The actual budget is \$149,428. He also noted the Town's contribution of \$10,000 will be predominately in-kind office space, therefore the financial contribution will be nominal.

Mayor Ricciardo elaborated that the Town has done many things to improve the business district. Although there has been various different attempts, by the Town as well as the merchants, to support the Town Center not all attempts have been

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successful. Mayor Ricciardo believes the Town Center is the "heartbeat" of the Town and therefore we must continue to try all positive aspects to keep the "heartbeat" alive. Without a "heartbeat" you have a dead Town, Mayor Ricciardo concluded.

Councilwoman Becker strongly believes the Town has been very supportive with the Town Center and agrees all avenues need to be reviewed to have a successful Town.

Deputy Mayor Elvidge also commended Mr. Malone on his thorough review of the SID study. He does not believe we have an "unsafe" Town. Also reiterated that Spring Street is important to be vibrant in order for the Town to be viable and successful.

Mr. Russo stated the "SID is a logical progression of opportunity for the municipality to improve the downtown and work with the business owners" and will be a useful tool for the Town to utilize. The Town is on the cusp of great things with all the current projects and the SID would take it to the next level, Mr. Russo concluded.

Wayne Levante, 5 East Stuart Street, thanked Council for allowing Mr. Malone to make his lengthy presentation.

#### **COUNCIL & MANAGER COMMENTS**

Councilwoman Diglio advised that the Committee for the 150<sup>th</sup> Anniversary of Newton is rapidly moving along with many great activities planned for Newton Day.

#### **EXECUTIVE SESSION**

Mr. Russo read Resolution #60-2014 and Council entered into Executive Session at 8:18 p.m.

Upon motion of Mrs. Becker, seconded by Deputy Mayor Elvidge and carried, Council left Executive Session at 8:43 p.m.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 8:43 p.m.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk