

November 24, 2008

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 Mr. Elvidge, Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois Mayor Ricciardo and Town Manager, Tom Russo.

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 26, 2007”.

Mayor Ricciardo led all present in the Lord’s Prayer and the Pledge of Allegiance to the flag. The Clerk called the roll.

Mayor Ricciardo declared the meeting open to the public.

There was no one from the public to be heard at this time.

### **Council & Manager Reports**

#### **November 26<sup>th</sup> Early Closing**

Mr. Russo requested permission to close the Municipal Building on November 26<sup>th</sup> at 3:30 p.m. in celebration of the Thanksgiving Holiday. The Governing Body had no objection to the closing of the Municipal Building on November 26, 2008 at 3:30 p.m.

#### **December 1<sup>st</sup> Council Meeting Cancellation**

Mr. Russo requested permission to cancel the December 1<sup>st</sup> Council meeting. Mr. Russo indicated the meetings on December 8<sup>th</sup> and December 22<sup>nd</sup> will suffice for conducting all of the necessary town business for the remainder of this calendar year.

The Governing Body had no objection to the cancellation of the December 1, 2008 Town Council meeting. The necessary advertisements will be made by the Municipal Clerk.

#### **2009 Town Council Meeting Schedule**

November 24, 2008

Mr. Russo indicated that the 2009 Town Council Meeting Schedule has been distributed for Council's review. Any comments/changes should be forwarded to Mr. Russo.

**Christmas Tree Lighting & House Decoration Contest**

Mr. Russo reviewed the schedule for the Annual Christmas Tree Lighting ceremony scheduled for Monday, December 8<sup>th</sup> at 6:00 p.m. at Town Hall. Santa will be attendance as well as Christmas carolers from our local public schools.

Mrs. Milliken advised Council that after the Tree Lighting ceremony, the Newton Seniors will be transported by the Senior Shuttle in order to select a contest winner for the "House Decorating Contest" in Newton.

Mr. Russo reminded Council of the Holiday Parade on Saturday, November 29<sup>th</sup> which will assemble at 9:30 a.m. on Lower Spring Street.

**ORDINANCES**

None.

**OLD BUSINESS**

**ORDINANCE #2008-20**

**AN ORDINANCE AMENDING CHAPTER 18A, LAND USE PROCEDURES OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON, REGARDING DEVELOPMENT FEES.**

Ordinance #2008-20 will remain TABLED pending attorney review.

**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."*

**RESOLUTION #189-2008**

November 24, 2008

**FINAL ACCEPTANCE OF THE TRAFFIC STRIPING PORTION OF THE PAVING OF VARIOUS STREETS PROJECT (RYERSON AVENUE PORTION).**

**WHEREAS**, on June 9, 2008 by adoption of Resolution #85-2008, the Newton Town Council awarded a contract to Denville Line painting for the traffic striping portion of the Paving Various Streets Project (Ryerson Avenue Portion) in the Town of Newton through the Morris County Co-operative Pricing Council, and

**WHEREAS**, the Newton Town Council approved Change Order No. 1 for the traffic striping portion of said project by adoption of Resolution #177-2008 on October 27, 2008 in accordance with the recommendation of the town Engineer, and

**WHEREAS**, the Town Council accepted the paving portion of said project as final and complete based on the recommendation of the town engineer by the adoption of Resolution #179-2008 on October 27, 2008, and

**WHEREAS**, in his memo dated November 17, 2008, the Town Engineer recommended that the traffic striping portion of said project be accepted as final and complete;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the traffic striping portion of the Paving of Various Street Project (Ryerson Avenue Portion) as final and complete;

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to NJDOT, Denville Line Painting, and the Town Engineer.

**RESOLUTON #190-2008**

**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 2007 and 2008 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**

1,200,000.00	Sussex Bank	24598
230,000.00	Lakeland Bank	810091
166,129.00	Payroll Account	810092
2,310.00	Resorts Atlantic City	24599
209.11	Joseph Ricciardo	24644
1,030,890.00	Newton Board of Education	810093
33,736.00	U.S.D.A. / FHA	810094

November 24, 2008

188.66	Quill Corporation	24600
90.00	S K Office Supply	24601
137.25	M G L Printing	24602
18.00	Alpine Spring Water Company	24603
143.75	Sussex Car Wash, Inc.	24604
59.35	G & H Service Inc.	24605
350.00	B & G Elevator	24606
316.82	EMBARQ	24607
170.11	Beaver Run Farms	24608
59.56	Federal Express	24609
694.77	Ray's Sport Shop	24610
1,150.00	T. A. Mountford Company	24611
24,772.34	Weldon Asphalt Company	24612
50.58	John Tomasula	24613
75.00	Minisink Press Inc.	24614
90.54	Diamond Sand & Gravel, Inc.	24615
16.00	Sussex County Clerk	24616
175.00	Skylands Press	24617
614.22	Dempsey Uniform & Supply Inc.	24618
165.00	Airgas East	24619
650.00	L-3 Comm Mobile-Vision	24620
1,547.22	Boonton Tire Supply	24621
208.00	Weiner Lesniak	24622
1,481.13	Verizon Wireless	24623
45.17	Walmart	24624
75.95	Mr. John	24625
385.97	Cooper Electric Supply Co.	24626
55.00	Wildflowers with Tami	24627
337.28	Nextel Communications	24628
1,941.49	The Home Depot	24629
1,865.08	The Home Depot	24630
224.95	Draeger Safety Diagnostics Inc.	24631
1,369.99	Staples Business Advantage	24632
77.35	Gerber Landscaping Services, LLC	24633
96.00	CSS Test	24634
105.26	Dominick's Pizza	24635
30.00	Schwaab, Inc.	24636
1,396.68	Rachles/Michele's Oil Company	24637
1,351.75	Taylor Oil Co.	24638
1,550.00	Laddey, Clark & Ryan, LLP	24639
2,400.00	Total Control Maint. & Cleaning Corp.	24640
503.41	W. B. Mason	24641
717.00	Signal Control Products Inc.	24642
49.95	B & M Aquatic Gardens & Koi Center	24643
450,000.00	Lakeland Bank	810097
<b>CAPITAL</b>		
300,000.00	Water & Sewer Capital Account	830006
1,100,000.00	Lakeland Bank	830007
1,225.00	Tri-State Rentals Inc.	7258

November 24, 2008

6,481.00	Current Account	7259
109,368.00	Tony's Concrete Constr. Co., Inc.	7260
297.60	The Home Depot	7261
316.64	Carquest	7262
102,664.80	Statewide Striping Corporation	7263

**Total TOWN BILLS** \$6,851,428.93

**WATER AND SEWER ACCOUNT**

150,000.00	Lakeland Bank	860054
35,556.88	Payroll Account	860055
7.49	Staples Credit Plan	10434
22.05	Montague Tool & Supply	10435
103.50	M G L Printing Solutions	10436
372.80	Keller Welding Company	10437
27.71	EMBARQ	10438
1,584.00	Garden State Laboratories Inc.	10439
14.00	Peter J. Kays	10440
10,150.26	Current Account	10441
263.85	Dempsey Uniform & Supply Inc.	10442
228.79	One Call Systems	10443
8,670.00	R & D Trucking Inc.	10444
248.23	Airgas East	10445
14.00	Ervin Lasso	10446
285.20	State Chemical	10447
1,250.00	John Smalley	10448
84.20	The Home Depot	10449

**CAPITAL**

250,000.00	Lakeland Bank	861004
122.50	Hollander,Hontz,Hinkes&Pasculli, LLC	2120

**Total WATER & SEWER BILLS** \$459,005.46

**TRUST**

14,165.17	Payroll Account	871023
591.89	Harold Pellow & Assoc., Inc.	2577
150.00	James P. Sloan, P.C.	2578
128.00	Weiner Lesniak	2579
600.00	Daniel Colfax, Esq.	2580
1,305.00	Vogel, Chait, Collins, Schneider, PC	2581
382.76	Town of Newton	2582
1,050.00	Colleen Cunningham, Esq.	2583
649.00	Main Street Newton, Inc.	2584
130.00	JMC environmental Consultants, Inc.	2585
80.00	S K Office Supply	1022

**Total TRUST BILLS** \$19,231.82

November 24, 2008

A motion was made by Mrs. Unhoch to approve the **COMBINED ACTION RESOLUTIONS**, which was seconded by Mrs. LeFrois and carried and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

**Intermission (10 minutes)**

**DISCUSSION**

**Presentation on Hicks Avenue Redevelopment**

Mr. Ross Sheasley, Project Manager, of A. Nelessen Associates, made a lengthy presentation regarding the Hicks Avenue Redevelopment Plan.

Mr. Sheasley outlined the several changes and updates made to the Hicks Avenue Redevelopment Plan.

Mayor Ricciardo opened the meeting to the public, to address questions regarding the Hicks Avenue Redevelopment Plan only.

Mrs. Connie Sutton-Falk, 9 Oak Tree Road, Newton, questioned the acreage for the redevelopment area and was advised that it was amended. Mayor Ricciardo and Mr. Sheasley advised that after removing the twenty-two (22) single- family homes from the plan, the redevelopment area is 13.65 acres. Mrs. Sutton-Falk addressed additional questions which were addressed by Mr. Sheasley.

Mr. Neil Flaherty, 154 Sparta Avenue, Newton, commented that the acreage and the calculations originally proposed at the start of this plan do not “add up” to the amended calculations. “I think this is a seriously flawed plan and should be taken back” for further review with the professionals, Mr. Flaherty concluded.

November 24, 2008

The Council reiterated with Mr. Sheasley that the Plan is approximately 90 units which is 13.65 acres. Mr. Sheasley advised that the purpose of this “conceptual” Plan is to set forth the terms and conditions under which the Hicks Avenue Redevelopment area may be redeveloped. This Plan will allow for the area to be constructed according to high standards of quality and character, and will have a long term positive impact on the Town of Newton.

After comments from the Town Council members and approving the Plan as presented, Mr. Russo advised that at the next Town Council, on December 8<sup>th</sup>, the first reading will be presented for adoption.

Mr. Russo directed Mr. Sheasley to eliminate the red lines in the draft copies and forward to the Governing Body. The Council thanked Mr. Sheasley for his presentation.

Mr. Sean McGuire, President of Main Street Newton, addressed the Council to request the Council to “release the balance of funds” which is already budgeted in the 2008 Municipal budget. Mr. McGuire advised he believes the balance is \$22,065.00. Main Street Newton (MSN) needs the money prior to obtaining the solicited private funds, in order to have uninterrupted services for Main Street Newton. MSN has hired a new Executive Director, who has brought new enthusiasm and focus to Main Street Newton. MSN has formed a committee who has formulated a plan to raise the money to operate MSN.

Mayor Ricciardo outlined the terms and agreements set forth to Main Street Newton when the Town committed funding for MSN. Council reviewed the 2008 list of donors which outlined the pledge status as of 11-20-2008.

Mr. Russo confirmed that the Main Street Newton is important and the Town nor the Town Council does not want this program (MSN) to default. Mr.

November 24, 2008

Russo advised that he has his check, this evening, in the amount of \$125.00 for MSN.

After much Council discussion, Council agreed to release 50% of the funding committed to MSN from the Municipal budget, which would come to \$10,832.50 and MSN is required to proceed with their private fund raising and update Council for their funding status by 12-22-2008. Mr. McGuire thanked Council for their commitment. Mayor Ricciardo advised Mr. McGuire to come back with any additional help that the Town can do.

Mayor Ricciardo opened the meeting to the public.

Mr. Thomas Lawler, 41 Condit Street, Newton, commended the Council on their support of Main Street Newton. Mr. Lawler made some suggestions regarding rent space for the MSN.

There being no one else from the public to be heard, Mayor Ricciardo closed the public portion of the meeting.

### **COUNCIL & MANAGER COMMENTS**

Mayor Ricciardo addressed his concerns with PSE&G project. Mayor Ricciardo advised that this project will not have the wires and cables underground, which can be done. Mayor Ricciardo would like his concerns addressed at the PE&G community presentation on December 9<sup>th</sup> at 5:00 p.m.

Mayor Ricciardo noted that as of November 23<sup>rd</sup>, Newton Memorial Hospital will no longer have an in-network agreement with Horizon blue Cross / Blue Shield. Mayor Ricciardo noted that he and Mr. Russo have verbally and in written correspondence addressed their concern for the lack of compromise in this situation.

Mayor Ricciardo outlined his findings while attending the League of Municipalities last week. He found a lot of new technology which could have a

November 24, 2008

great savings for Newton. Mayor Ricciardo commended Mrs. Millikin on a tremendous job during her presentation at the League of Municipalities.

Councilwomen Unhoch addressed some sign issues sited around the Town and was advised that Mrs. Millikin would address same.

Mayor Ricciardo questioned the status on the Plaza Restaurant sign on Spring Street. Mrs. Millikin advised Council that she obtained legal advise and stands by her decision to allow the sign to stay, due to the owner providing a food handlers permit as well as a county inspection permit. After a brief discussion, Council requested that our Town Attorney, William Hinkes, Esq., provide his legal opinion in writing, on the sign and canopy, and forward to the governing body.

Mrs. Millikin updated Council on the COAH obligations for the Town of Newton which Debra and Jessica Caldwell, Town Planner, are working on.

There being no further business to be conducted among the Town Council, upon motion of Mrs. LeFrois, seconded by Mrs. Unhoch and carried, the meeting was adjourned at 8:58 p.m..

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk