

July 13, 2009

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. Unhoch, Mrs. Becker, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr. Mrs. Le Frois was excused.

Mayor Elvidge 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 22, 2008”.

Pastor Spence of Christ Community Church led the invocation.

Mayor Elvidge led the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mr. Ricciardo seconded by Mrs. Unhoch and carried that the minutes of June 22, 2009 (Regular), June 22, 2009 (Executive), and July 1, 2009 (Reorganization) were unanimously approved.

Mayor Elvidge declared the meeting open to the public.

**PUBLIC**

There was no one from the public to be heard.

**Council & Manager Reports**

**a. Newton Hockey Program**

Mr. Jim Hofmann, 37 Douma Drive, Newton, and President of Newton Hockey Program, addressed the Council and wanted to welcome Mr. Thomas Russo to the community by presenting him with a Newton Hockey jersey which displayed his name on the back. Mr. Russo thanked Mr. Hofmann for the hockey jersey. Mr. Hofmann updated Council on the Newton Hockey program and facility which their group has been housed at for the past ten (10) years. Mr. Hofmann informed Council that the hockey rink is starting to show some wear and the group is currently planning on refurbishing areas in need of repair. Mr. Hofmann advised that there are better materials on the market now which will allow for a much longer lasting facility. After a brief discussion with Council, Mr. Hofmann advised that he would share any repair figures with Mr. Russo.

**b. Metro Energy Audit Recommendations**

Mr. Peter G. Pirrello, VP of Business Development for Metro Energy Solutions, made a presentation regarding the energy audit provided to the Town of Newton. Mr. Pirrello discussed his company Metro Energy, which is an independent energy services and energy consulting company. Metro Energy specializes in assisting public sector clients in designing, installing and

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retrofitting mechanical and electrical equipment, implementing process improvements that use less energy and improve building comfort, while at the same time lowering the facility's operating and maintenance costs.

Mr. Pirrello indicated that his company conducted a detailed site inspection on eighteen (18) Newton sites, which were comprised of the Municipal/Police building, Department of Public Works, Water and Wastewater Treatment facilities, several Fire Houses, a Fire House Museum and several Parks and Parking structures. Each site visit included interviews with operators and staff. Metro Energy conducted a review and audit of all mechanical and electrical equipment and systems in these facilities to understand their condition, age, operating characteristics, and identify potential energy savings or operational improvements. A list of current mechanical and electrical equipment in each facility along with proposed Facility Improvement Measures (FIMs) was generated. Metro Energy also identified and estimated potential rebates for energy projects offered through the New Jersey BPU's SmartStart Buildings program or the Clean Energy Program.

Metro Energy identified thirty-three (33) Facility Improvement Measures (FIMs) at the combined sites. When completing a facility assessment Metro Energy considers not only measures that will generate energy savings but account for equipment that has extended beyond its useful life and critical need projects. Newton's estimated total cost to install all of the measures is \$5,646,839. It was noted that the total savings at each site are based on calculating savings and costs for each FIM on an independent basis and total savings and costs will change based on combining measures.

Mr. Pirrello summarized the savings chart, which outlined each facility identified and a short description of the opportunity; an energy savings calculation; an estimated budget cost and any potential rebate available for each. Mr. Pirrello noted that an Environmental Benefits Summary is outlined in this report. This will allow for not only the improvements to the buildings infrastructure, but reduce costs and energy use. Mr. Pirrello reviewed the Facility Improvement Measures (FIM) Summary and Financial Analysis. The preliminary financing worksheet has assumed a financing rate of 4.5% through a bond issuance for a term of 15 years, which would enable Newton to access low cost tax-exempt financing while significantly improving Newton facility's electrical and mechanical infrastructure. The final analysis worksheet was the lighting retrofit which displayed the energy saving calculations. It was noted

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-that any or all of the energy saving options could be provided, based on the Town's budget.

After a lengthy presentation, the governing body addressed questions of Mr. Pirrello. Mr. Ricciardo requested a proposal on a turbine (wind) power system for the Newton Water Treatment Plant facility, located in Sparta, N.J., to determine the economical and environmental benefits. Mr. Pirrello indicated he would provide a quote for Council.

Mr. Russo advised Council that Mr. Jim Hofmann, Halsted Middle School Teacher of Technology and Alternative Energy Advisor, was instrumental in bringing forth the "Model Wind Energy" Ordinance, which will be discussed this evening. Mr. Russo expressed his thanks to Mr. Hofmann and his students for their efforts and commitment to alternative energy sources.

Mr. Russo reminded the Council of the grand opening of PB & J Stores located on Spring Street, this Wednesday, July 15<sup>th</sup>. Ribbon cutting begins at 6:00 p.m. and Council is invited to attend.

Mr. Russo advised Council of the several vacancies on the various boards and commissions in Newton and asked Council to advise if they know of any interested parties.

Mr. Russo advised Council to let him know if they have any feedback regarding the web questionnaire submitted to them.

Mr. Russo also reminded Council that Mr. Grenille's Retirement party is Friday, July 17, 2009. Any members interested in attending should notify his office as soon as possible.

## **ORDINANCES**

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

### **ORDINANCE # 2009-18**

#### **AN ORDINANCE TO AMEND ORDINANCE #2008-28 ESTABLISHING MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR THE CALENDAR YEAR 2009**

**WHEREAS**, there is a need to amend Schedule "A" and "B" of Ordinance #2008-28;

**THEREFORE BE IT ORDAINED** by the Town Council of the Town of Newton, that Ordinance 2008-28, be amended as follows:

#### **Schedule "A"**

Level 20	Min. Wage	\$7.25/hr	Effective July 24, 2009
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#### **Schedule "B"**

Water/Sewer Superintendent should be removed from Level 11 and placed in Level 13. As a result thereof, Section 5 of said Ordinance, subparts "a" and "b" are amended to add Level 13 as within the scope of said subparts.

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Mayor Elvidge declared the hearing on Ordinance #2009-18 open to the public.

There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mrs. Unhoch and carried, the hearing was closed.

The following **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

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

#### **ORDINANCE # 2009-19**

#### **AN ORDINANCE TO AMEND CHAPTER V, GENERAL POLICE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON**

**BE IT ORDAINED** by the Town Council of the Town of Newton that Chapter V, General Police Regulations of the Revised General Ordinances of the Town of Newton is hereby amended to include fire hydrants as follows:

##### **5-4.1 Duty to Remove.**

The owner, occupant or tenant of premises abutting or bordering upon any street in the Town shall remove all snow and ice from the abutting sidewalks and **fire hydrants** of such street or, in the event of ice which may be so frozen as to make removal impracticable, shall cause the same to be thoroughly covered with sand, ice melting materials or such other suitable grit, within 12 hours of daylight after the same shall fall or be formed thereon.

The owner, occupant or tenant of premises used by the public or business customers shall remove all snow and ice from sidewalks, **fire hydrants**, street, and parking areas used by the public in the transaction of business threat and, in the event of ice which may be so frozen as to make removal impracticable, shall cause the same to be thoroughly covered with sand, ice melting material, or suitable grit, within 12 hours of daylight after the same shall fall or be formed thereon.

In case a building is occupied by more than one family or business unit, the tenant or occupant of the first floor shall be required to remove all snow and ice.

##### **5-5.1 Duties of Owners and Tenants.**

It shall be the duty of the owner, tenant or person in possession of any lands in the Town:

- a. To keep such lands free of brush, weeds, dead and dying trees, stumps roots, obnoxious growths, filth, garbage, trash and debris, where the same are inimical to the preservation of public health, safety or general welfare of the Town, or which may constitute a fire hazard.
- b. Where the lands abut or border upon any public street or fire hydrant in the Town,

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to remove all grass, weeds, brush and other debris from that part of the street and/or fire hydrant boarding on their respective lands.

Mayor Elvidge declared the hearing on Ordinance #2009-19 open to the public.

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

Prior to roll call, Mr. Ricciardo expressed his disapproval with this Ordinance because the burden is placed on the owner, occupant or tenant, to remove all snow/ice from the fire hydrants.

The following **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Absent	Mr. Ricciardo	No
	Mayor Elvidge	Yes	

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

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

**ORDINANCE # 2009-20**

**AN ORDINANCE TO AMEND CHAPTER V, GENERAL POLICE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON**

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, seconded by Mrs. Unhoch and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Absent	Mr. Ricciardo	Yes
	Mayor Elvidge	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 July 27, 2009.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

Mr. Ricciardo inquired on the status of the Abandoned Properties list and was advised that Mrs. Millikin is currently working on it.

**CONSENT AGENDA**

Mayor Elvidge read the following statement:

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“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.”

It was requested that Resolution #141-2009 be removed from the consent agenda for separate discussion.

**RESOLUTION #134-2009\***

**RESOLUTION PROVIDING FOR FINANCIAL SUPPORT TO THE MAIN STREET NEWTON, INC. ORGANIZATION FOR A PORTION OF CALENDAR YEAR 2009**

**WHEREAS**, the Town of Newton continues to recognize the importance of the downtown as it relates to the economic health and quality of life of the entire community; and

**WHEREAS**, the improvement, revitalization and development of the downtown is a critical municipal goal; and

**WHEREAS**, a local Main Street Program organization, known as Main Street Newton, Inc., comprised of private and public community leaders, was formed to stimulate economic development and preservation of the downtown, thereby lessening the burden of municipal government; and

**WHEREAS**, the Town Council of the Town of Newton had originally committed, through Resolution 35-2009, to providing financial support in 2009 municipal budget to the Main Street Newton, Inc. organization, without any matching fund restrictions, in a total amount not to exceed \$40,000; and

**WHEREAS**, partial funding in a lump sum payment of \$20,000 was provided in the spring to the Main Street Newton, Inc. organization after adoption of Resolution #35-2009 for purposes restricted to the payment of salary of the Main Street Newton Executive Director; and

**WHEREAS**, the Town Council discussed continuing its financial support for 2009 at its regularly scheduled meeting of June 22, 2009;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Newton:

1. Agrees to provide immediate financial support for the Main Street Newton, Inc. organization by making a \$10,000 payment towards fulfillment of the Town's 2009 pledge commitment of \$40,000, with these funds to be solely utilized for the purposes of the Executive director's salary.
2. Looks to meet with the leadership of Main Street Newton, Inc. in September 2009 to address the status and apportionment of the remaining 2009 appropriations balance of \$10,000.

**RESOLUTION #135-2009\***

**AFFIRM THE ISSUANCE OF A 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**, four quotations were received for a \$4,915,000 Bond Anticipation Note at 11:30 a.m. on Thursday, June 18, 2009 by the Chief Financial Officer as follows:

Institution

Net Interest

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TD Securities (USA) LLC	1.5348 %
Lakeland Bank	1.75 %
Sun National Bank	2.01 %
Oppenheimer & Co., Inc.	2.87 %

**WHEREAS**, the Chief Financial Officer accepted the quotation of TD Securities (USA) LLC for a Bond Anticipation Note totaling \$4,915,000.00 at a net interest cost of 1.5348%, and a net interest payable of \$18,858.85, upon recommendation of bond counsel, and

**WHEREAS**, the appropriate Town Officials have executed said Note in the amount of \$4,915,000.00 with an interest rate of 1.5348% dated June 25, 2009 for a term of 92 days (90 days for interest calculations) due September 25, 2009;

**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 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 it does hereby affirm the issuance of said Bond Anticipation Note by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

**RESOLUTION #136-2009\***

**TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND**

**WHEREAS**, the Town of Newton received an award in 2006 in the amount of \$90,000.00 from the State of New Jersey Department of Transportation for Resurfacing of East Clinton Street; and

**WHEREAS**, there is an unexpended balance of \$6,383.21 in General Capital Improvement Authorization - Ordinance 2006-15 for Resurfacing of East Clinton Street; and

**WHEREAS**, the Town Engineer has certified that there are no additional costs for this project and the Mayor and Council have accepted this project as final and complete per Resolution #185-2006; and

**WHEREAS**, there is a grant receivable balance of \$5,064.65 Due from State of New Jersey Department of Transportation for the Resurfacing of East Clinton Street on the General Capital balance sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balance and the unexpended improvement authorization balance (debt was not authorized since funding was to be received from the DOT grant);

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following grant receivable and a portion of the General Capital appropriation balances:

General Capital Fund

NJ DOT Grant Receivable – East Clinton Street (Ord #2006-15) #300147	\$5,064.65
Improvement Authorization Ord. #2006-15 East Clinton Street #3090617	\$5,064.65

**RESOLUTION #137-2009\***

**RESOLUTION SUPPORTING THE RELOCATION OF A CROSSWALK LOCATED IN FRONT OF THE COUNTY ADMINISTRATIVE CENTER**

**WHEREAS**, the County of Sussex has identified a crosswalk in the Town of Newton located in front of the County Administrative Center, One Spring Street, as being in need of evaluation and relocation; and

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**WHEREAS**, the crosswalk in question is located such that oncoming northbound traffic is not aware of pedestrians entering the crosswalk, leading to numerous instances where pedestrians properly using the crosswalk are nonetheless in danger; and

**WHEREAS**, the County of Sussex has met with representatives of the New Jersey Department of Transportation, pointing out the inappropriate location of the crosswalk; and

**WHEREAS**, the Department of Transportation has indicated a willingness to relocate the crosswalk to a point farther south in the event the governing body is in favor of the proposal; and

**WHEREAS**, the Town Council of the Town of Newton is ever mindful of the safety of its residents and visitors; and

**WHEREAS**, this alteration of the crosswalk to a point further south of its current location will provide much greater safety with limited expense;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Newton strongly supports the relocation of the subject crosswalk and incidental sidewalk and curb construction by the New Jersey Department of Transportation.

**RESOLUTION #138-2009\***

**RESOLUTION SUPPORTING THE OVER THE LIMIT UNDER ARREST 2009  
STATEWIDE CRACKDOWN**

**WHEREAS**, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

**WHEREAS**, 26% of motor vehicle fatalities in New Jersey are alcohol related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the end of the summer season is traditionally a time of social gathering which often includes alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the Over the Limit Under Arrest 2009 Statewide Crackdown; and

**WHEREAS**, the project will involve increased impaired driving enforcement from August 21 through September 7, 2009; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Newton declares its support for the Over the Limit Under Arrest 2009 Statewide Crackdown from August 21 through September 7, 2009 and pledges to increase awareness of the dangers of drinking and driving.

**RESOLUTION #139-2009\***

**APPOINTMENT OF MR. NEIL FLAHERTY AS AN ALTERNATE MEMBER OF THE  
PLANNING BOARD AS THE SECOND ALTERNATE**

**WHEREAS**, there is currently a vacancy on the Newton Planning Board for a Second Alternate Member due to Kevin Phalon relocating his residence outside the Town of Newton limits; and

**WHEREAS**, Mr. Neil Flaherty has expressed an interest in serving on said Board;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Mr. Neil Flaherty is hereby appointed to an unexpired two-year term on the Newton Planning Board serving as a Second Alternate, effective immediately with said term continuing to December 31, 2009.

**RESOLUTION #140-2009\***

**AWARD CONTRACT FOR THE PAVING OF VARIOUS STREETS**

**WHEREAS**, bids were publicly opened and read on July 9, 2009 at 11:00 a.m., as follows:

<u>Bidder</u>	<u>Bid</u>
Tilcon New York, Inc. 625 Mt. Hope Road Wharton, NJ 07885	\$404,397.14
Owl Contracting 36 Berkshire Valley Road Kenvil, NJ 07847	\$415,416.00

**WHEREAS**, the Town Engineer recommends the award of a contract for the paving of various streets to Tilcon New York, Inc, the low bidder; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the proposed paving of various streets project is hereby awarded to Tilcon New York, Inc. of Wharton, New Jersey in the amount of \$404,397.14 based on submission of the low bid as recommended by the Town Engineer. All contract documents and change orders are authorized to be executed by the Mayor, Town Manager and Municipal Clerk.

**RESOLUTION #142-2009\***

**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 2008 and 2009 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**

511.74	Newton Postmaster	25633
91,228.74	Capital Account	910050
200,175.48	VOID	910051
199,718.68	Payroll Account	910051
100.00	Family Ford, Inc.	25634
96.12	Quill Corporation	25635
46.96	Staples Credit Plan	25636
2,409.79	Harold Pellow & Associates, Inc.	23537
145.00	Municipal Software, Inc.	23538
27.00	Decker's Fire & Safety	23539
60.00	ABCcode Security	23540
14,588.73	Jersey Central Power & Light	23541
831.81	New Jersey Herald	23542
379.95	SCMUA	23543
1,073.95	Township of Sparta	23544

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2,524.71	EMBARQ	23545
120.10	EMBARQ	23546
2,340.00	Hollander, Hontz, Hinkes & Pasculli, LLC	23547
2,434.57	Delta Dental	23548
2,629.28	Delta Dental	23549
1,503.81	Campbell's Small Engine	23550
6.00	Peter J. Kays	23551
1,528.28	Good Year	23552
86.29	Sebring Auto Parts	25653
189.12	Airgas	25654
119.90	Mobile-Vision, Inc. L-3 Comm.	25655
819.09	Boonton Tire Supply	25656
777.84	Vision Service Plan	25657
22.00	Sussex & Warren Tax Coll. Assoc.	25658
183.49	Verizon Wireless	25659
935.00	Accurate Door, Inc.	25660
755.99	Dell Computer Corporation	25661
43.97	Walmart	25662
39.00	NJ Div. Alcohol Beverage Control	25663
2,245.27	Daniel Finkle	25664
105.00	Vogel, Chait, Collins, Schneider, PC	25665
41.50	Bowens Bluelines	25666
350.00	Guardline Fire & Safety Col, Inc.	25667
304.07	Action Plus Screen Printing	25668
712.42	Buckman's Inc.	25669
33.73	AW Direct Inc.	25670
132.00	AW Direct Inc.	25671
116.17	Staples Business Advantage	25672
202.97	Lowe's	25673
6.00	Steve Estler	25674
570.00	The Emblem Authority	25675
1,089.20	Rachles/Michele's Oil Company	25676
56.00	JC Grill House	25677
100.00	Sussex County Firemen's Association	25678
196.80	County of Sussex	25679
175.50	Progeny Software, Inc.	25680
60.00	Patriots' Path Council	25681
186.00	Advantage Flags & Banners	25682
85.00	Law Enforcement Accreditation	25683
260.00	PA AAP	25684
1,097.76	Taylor, Bean & Whitaker Mortgage Co.	25685
1,228.00	Payroll Account	25686
10,988.35	Harold Pellow & Associates, Inc.	25687

**CAPITAL**

6,428.02	Payroll Account	930007
3,740,378.74	Chase Bank	930008
198.08	Montague Tool & Supply	7340
5,450.18	Harold Pellow & Associates, Inc.	7341
220.50	New Jersey Herald	7342
436.00	R.S. Phillips Steel Company	7343
2,800.00	Todd Harris, Co., Inc.	7344
946.00	Sparta Ready Mix	7345
1,397.63	Dell Computer Corporation	7346
119.78	Excelsior Lumber Company	7347
13,500.00	A. Nelessen & Associates, Inc.	7348
190.00	Liberty SOD Farms, Inc.	7349
3,580.18	Kieffer Electric Inc.	7350
753.00	Sign-A-Rama	7351

**Total TOWN BILLS \$348,618.65**

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**WATER AND SEWER ACCOUNT**

22,666.61	Payroll Account	960024
334,365.11	Sussex Bank	10841
100.17	Staples Credit Plan	10842
167.96	Montague Tool & Supply	10843
1,544.85	Harold Pellow & Assoc., Inc.	10844
113.92	Hach Co.	10845
11,655.99	Jersey Central Power & Light	10846
276.45	SCMUA	10847
18.00	Paul Baldwin	10848
12.00	Paul M. Havens	10849
1,256.35	EMBARQ	10850
781.36	Delta Dental	10851
408.03	All Quality Contracting	10852
20.00	Ervin Lasso	10853
350.00	Treasurer, State of New Jersey	10854
144.67	Vision Service Plan	10855
294.00	Grinnell Recycle	10856
500.00	Dell Computer Corporation	10857
1,335.00	Alternate Power Inc.	10858
989.00	Process Tech Sale & Service	10859
24.00	County of Sussex	10860
209.30	Accurate Waste Removal	10861

**CAPITAL**

500.00	Frank Semeraro Construction, Inc.	2138
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**Total WATER & SEWER BILLS \$377,733.37**

**TRUST ACCOUNT**

511.74	VOID	2660
3,329.95	Payroll Account	971014
511.74	Current Account	910052
3,886.68	Harold Pellow & Associates	2661
120.00	Vogel, Chait, Collins, Schneider, PC	2662
40.25	Staples Business Advantage	2663
997.10	Foremost Promotions	2664
1,683.45	Lawmen Supply Co., of NJ	2665
2,030.21	JMC Environmental Consultants, Inc.	2666

**Total TRUST BILLS \$12,599.38**

**RESOLUTION #143-2009\***

**TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND**

**WHEREAS**, the Town of Newton received an award in 2008 in the amount of \$140,000.00 from the State of New Jersey Department of Transportation for Ryerson Avenue; and

**WHEREAS**, there is an unexpended balance of greater than \$21,037.10 in General Capital Improvement Authorization - Ordinance 2008-7 for Ryerson Avenue; and

**WHEREAS**, the Town Engineer has certified that there are no additional costs for this project and the Mayor and Council have accepted this project as complete per Resolution #179-2008; and

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**WHEREAS**, there is a grant receivable balance of \$21,037.10 Due from State of New Jersey Department of Transportation for the Ryerson Avenue on the General Capital balance sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balance and the unexpended improvement authorization balance (debt was not authorized since funding was to be received from the DOT grant);

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following grant receivable and a portion of the General Capital appropriation balances:

**General Capital Fund**

NJ DOT Grant Receivable – Ryerson Avenue (Ord. #2008-7) #300148	\$21,037.10
Improvement Authorization Ord. #2008-7 Ryerson Avenue #3090873	\$21,037.10

The Clerk presented an application for an on-premise raffle from St. Joseph R.C. Church, 17 Elm Street, Newton to be held on October 16, 2009 at 7:30 p.m. at St. Joseph Community Center, Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Ricciardo and roll call resulted as follows:

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

Mr. Ricciardo advised that the person-to-person liquor license transfer had to be pulled off the agenda this afternoon due to the withdrawal of the consent to transfer document. Mrs. Read advised that the transfer application is incomplete and that the prior consent to transfer letter is now revoked, therefore the Town of Newton cannot transfer the license this evening.

**RESOLUTION #141-2009**

**PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1915-33-009-001**

Upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, Resolution #141-2009 was **TABLED** and roll call resulted as follows:

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

**Intermission (10 minutes)**

**DISCUSSION (WORK SESSION)**

**A. Draft Wind and Solar Ordinance – Jessica Caldwell, Town Planner**

Mrs. Jessica Caldwell, Town Planner, reviewed the fourteen (14) page draft ordinance establishing regulations for wind and solar energy systems within the Town of Newton. Mrs. Caldwell also outlined the details of the design requirements. Mr. Ricciardo addressed his concern regarding the guy wires and suggested that no guy wires should be allowed due to appearance. It was noted that these systems are less costly if guy wires are applicable. After a lengthy discussion, Mrs. Caldwell noted that this is a draft version and will provided further information and photos regarding the guy wires for the Wind Energy Systems. Council also suggested a section pertaining to the Historic District. The Council agreed that this is a necessary ordinance and very timely.

**OPEN TO THE PUBLIC**

Mr. Neil Flaherty, 154 Sparta Avenue, suggested that if guy wires were not permitted for wind towers, this ordinance may not be economical and would be very restrictive for the residents. Mr. Flaherty suggested that upon the adoption of this Ordinance, the Council invite the students of Halsted Middle School Technology class based on their submitted model ordinance.

**COUNCIL & MANAGER COMMENTS**

Mrs. Unhoch suggested that upon adoption of the Ordinance, a Proclamation be prepared for the Halsted Middle School students, in recognition of their participation with the Wind and Solar Energy Ordinance.

Mrs. Becker welcomed Mr. Flaherty to the Planning Board as an alternate member.

Mr. Ricciardo suggested that the Town perform a study in order to create a full-time Superintendent of Recreation. Mr. Ricciardo believes that all of the recreation programs and facilities should be run under one person. Mr. Ricciardo recently received complaints regarding the maintenance of several recreation areas and visited the sites which were not maintained properly. Mr. Russo will address this request.

Mr. Ricciardo addressed a concern with regard to the numerous police calls to a particular property in the Town and suggested that a Nuisance Ordinance be in place to alleviate same. This is truly a quality of life issue and needs to be addressed, Mr. Ricciardo concluded. After a brief discussion, Mr. Russo advised that he will review the issue with legal counsel.

There being no further business to be conducted, upon motion of Mayor Elvidge, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 9:20 p.m.

July 13, 2009

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk