

September 16, 2009

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:25 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”.

Rev. Taylor of Western Hills Church in Tranquility, 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. Becker and carried that the minutes of August 24, 2009 (Regular) and August 24, 2009 (Executive Session) were unanimously approved.

Mayor Elvidge declared the meeting open to the public.

### **PUBLIC**

Mr. Neil Flaherty, 154 Sparta Avenue, noted that the public Circulation Plan workshop is scheduled for Thursday, September 17<sup>th</sup> and suggested that the Town hold another public workshop on a Saturday morning in order to attract those residents who could not attend due to their work schedule. Mr. Flaherty also suggested that a better synopsis of the Town Council Agendas be placed on the Town website, to include the full copy of the Ordinances and Resolutions.

### **Council & Manager Reports**

Mr. Russo read correspondence from Project Self Sufficiency, in conjunction with Sussex County Cancer Coalition, requesting permission to hold a “Tie-A-Ribbon Campaign” in October as part of the Breast Cancer Awareness month. Council had no objection to allow permission for the “Tie-A-Ribbon Campaign” in October.

Mr. Russo read correspondence from Mr. Dennis Harrington, St. Patrick’s Day Committee, requesting permission to host the annual St. Patrick’s Day Parade on Saturday, March 20, 2010 in Newton. The Town Council unanimously agreed to allow the St. Patrick’s Day Parade in Newton on Saturday, March 20, 2010.

Mr. Russo read a communication from Ms. AnnMarie Sciascia, the new owner of 19 Clinton St. requesting permission to open the street in order to upgrade the gas service at the residence. Mr. Russo indicated that Ms. Sciascia would be required to post a \$2,000 cash bond

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for paving as well as a \$240 deposit for engineering costs. Council had no objection to the street opening, with the required stipulations.

Mr. Russo congratulated Newton Chamber of Commerce for a successful event with the Taste of Newton. "A great time was had by all," Mr. Russo concluded.

Mr. Russo advised that the new Town Website is up and running. The New Jersey Herald will be publishing an article regarding the transition of the old website to the new one.

Mr. Russo noted that he would bring the suggestion, of Mr. Flaherty, holding another public hearing on the Circulation Plan to our Town Planner to see if that may be a possibility. Mr. Russo also noted that down the line, he plans on including a full copy of the Ordinances on the new website, but not at this time. Eventually, the goal is to go "paperless" and be able to do more Town business via the website.

Mr. Russo noted correspondence from Dawn Babcock, noting that refinancing the Town's debt through the Morris County Improvement Authority, resulted in a net savings of \$340,661 for the Town. Mr. Russo congratulated Ms. Babcock and Bond Counsel for their efforts.

Mr. Russo outlined the schedule for the Circulation Plan meeting on Thursday, September 17<sup>th</sup> from 6:00 pm - 9:00 pm. The meeting is open to the public with a review of the Circulation Plan as well as a question and answer session.

Deputy Mayor Becker reiterated Mr. Russo's statement thanking everyone for their help and support in making the Taste of Newton a successful event.

Councilman Ricciardo suggested that in following the same procedures as we did for the Vision Plan, that a Saturday morning meeting would encourage more public participation for the Circulation Plan also. Mr. Russo will review this option with the Town Planner and Town Engineer.

## **ORDINANCES**

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

### **ORDINANCE # 2009-21**

#### **AN ORDINANCE AMENDING CHAPTER 3, OF THE REVISED GENERAL ORDINANCES**

**WHEREAS**, the Town of Newton has negotiated certain terms and conditions of employment with the bargaining units representing the Patrolmen and Superior Officers of the

Police Department of the Town of Newton thereby superceding related provisions of Chapter 3-11 and 3-13 of the Town Code; and

**WHEREAS**, specifically, the hours of employment of the officers are as set forth in a written directive and the Rules and Regulations of the Department established by the Chief of Police after negotiations with local bargaining units and approved by the Town Manager, thereby nullifying the provision of Chapter 3-11 regarding an eight-hour work day; and

**WHEREAS**, specifically, the contractual provision for an annual payment to each officer as a "clothing allowance" was superseded by several collective bargaining agreements between the Town of Newton and the PBA and was by negotiation between the parties terminated as of January 1, 2007, in exchange for increased base pay for each officer, thereby nullifying the provision of Chapter 3-13 that had obliged the Town to provide uniforms to each officer.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton as follows:

1. The provisions of Chapter 3-11 of the Newton Revised General Ordinances are hereby deleted and replaced with the following language:

The hours of employment of uniformed members of the police department shall be as set forth in a written directive and Rules and Regulations established by the Chief of Police and approved by the Town Manager in conformance with the employment contract negotiated between the Town and its officers.

2. The provisions of Chapter 3-13 of the Newton Revised General Ordinances are hereby deleted and replaced with the following language:

The members of the police department shall, when on duty, wear uniforms and equipment as prescribed from time to time by the Chief of Police and shall at all times present a neat, clean, and respectable appearance. The expense of obtaining such uniforms and equipment shall be borne by each officer unless the Town expressly assumes responsibility for the acquisition of specific items. Reimbursement of an officer by the Town for items damaged in the course of duty shall be as set forth in the employment agreement between the parties.

3. This Ordinance shall take effect upon its passage and publication, as provided for by law.

Mayor Elvidge declared the hearing on Ordinance #2009-21 open to the public.

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

The following **ORDINANCE** was offered by Mrs. Unhoch, who moved its adoption, seconded by Mrs. Becker 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.

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**ORDINANCE # 2009-23**

**AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-11 OF THE MUNICIPAL CODE OF THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton desires to further encourage public patronage of the downtown Newton commercial area by permitting the advertisement of Main Street Newton, Inc., and the events it sponsors, by means of a changeable banner to be hung across Spring Street at a specific point; and

**WHEREAS**, Main Street Newton, Inc. has advised it will secure permission for attaching the bases for the hanging of such banners from the owners of buildings located at 1 Main Street and at 83 Spring Street, which location is not within the "Location Restrictions" set forth Chapter 6, Section 6-11.7 of the Town Code, addressing "Erection of Display Banners, Signs or Other Devices Over the Public Streets."

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton as follows:

1. Chapter 6, Section 6-11 of the Newton Revised General Ordinances is hereby amended as follows:

a. There shall be a new Section 6-11.2(c), as follows: "Main Street Newton, Inc., to encourage public patronage of the downtown Newton commercial area or to advertise events related to that goal."

b. Section 6-11.6 shall be deleted and replaced with the following:

"6-11.6 License Conditions.

a. A license pursuant to subparts 6-11.2(a) and (b) shall be valid for ten (10) days from the date specified therein and may be renewed for an additional ten (10) day period, at the discretion of the Clerk, provided no other license has been issued for the same location to any other organization. The license shall indicate the location where such sign, banner or device may be placed or erected, and the period of time for which the license is valid.

b. A license pursuant to subparts 6-11.2(c) shall be valid for up to forty-five (45) days from the date specified therein and may be renewed for an additional forty-five (45) day period, at the discretion of the Clerk. The license shall be permitted for Zone 3 only, and shall indicate the period of time for which the license is valid."

c. There shall be a new Section 6-11.7(c), as follows: "Zone 3 – on Spring Street, to be hung between the buildings at 1 Main Street and 83 Spring Street, to be used only by Main Street Newton, Inc."

d. The text of Section 6-11.8, "Approval by Engineer," shall be replaced with the following: "Before any license is issued by the Clerk, it shall first be reviewed by the Town Engineer. The applicant shall provide to the Town Engineer such additional information as the Engineer may require, including the means by which a cable will be attached to structures. If the Engineer shall determine the means of cable attachment is not reasonably safe, or the proposed sign, banner or device will not be reasonably safe when hung or erected, the license shall not be granted."

2. This Ordinance shall take effect upon its passage and publication, as provided for by law.

Upon motion by Councilman Ricciardo, second by Deputy Mayor Becker, and unanimously approved, Mayor Elvidge declared the hearing on Ordinance #2009-23 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.

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The following **ORDINANCE** was offered by Mr. Ricciardo, 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 introduction of same.

**ORDINANCE # 2009-24**

**AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE REVISED GENERAL ORDINANCES.**

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 September 28, 2009.

The Clerk will advertise the above Ordinance according to law.

**ORDINANCE # 2009-25**

**AN ORDINANCE ADOPTION OF A REVISED TOWN PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK.**

The following **ORDINANCE** was offered by Mrs. Becker, 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	Abstain
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 September 28, 2009.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

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**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. Becker and carried, that Resolution #141-2009 be DENIED, and roll call resulted as follows:

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

**CONSENT AGENDA**

Mayor Elvidge 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.”

It was requested that Resolution #181-2009 be removed from the Consent Agenda for separate discussion.

**RESOLUTION #176-2009\***

**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 reasons stated.

**Account should have been “0” usage (manual adjustment not accepted by computer):**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19322	29 ½ Mt. View Street	\$846.40

**Utility Board recommends reduction in water charges:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
23424	7 Great Oak Road	\$452.39
201	118 Spring Street	\$225.00

**Account should not have received a bill – water was shut-off:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19226	116 Merriam Avenue	\$75.00

**RESOLUTION #177-2009\***

**AUTHORIZE A CHANGE IN THE PERCENTAGE OF DEPENDENT COVERAGE  
UNDER STATE HEALTH BENEFITS TO BE PAID BY THE TOWN OF NEWTON**

**BE IT RESOLVED** by the Town Council of the Town of Newton:

1. The Town of Newton, in the County of Sussex, participating employer # 0144-00 under the New Jersey State Health Benefits Program, elects to authorize a change in the percent of dependent coverage to be paid by the employer and hereby authorizes **ninety-two point five percent (92.5%)** of dependent coverage to be paid by the Town for full-time non-union employees as well as elected officials hired before November 12, 2007.
2. As per Resolution #189-2007, the Town will pay **fifty percent (50%)** of dependent coverage for all newly hired, full time non-union employees employed after November 12, 2007.
3. In accordance with N.J.S.A. 52:14-17.38, the Town shall remit to the State Treasury all contributions to premiums on account of employee and dependent coverage.
4. The Town Treasurer shall re-solicit all eligible employees for completion of health benefit enrollment applications to be submitted to the New Jersey Health Benefits Bureau within the prescribed time limit.
5. This resolution shall take effect immediately and the change in percent of dependent premium to **92.5%** paid by the employer shall be effective as of January 1, 2010, or as soon thereafter as it may be effectuated pursuant to the statutes and regulations of the State of New Jersey.

**RESOLUTION #178-2009\***

**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**

226.22	Treasurer, State of New Jersey	25871
72.51	Treasurer, State of New Jersey	25872
181,565.68	Payroll Account	910066
30,559.14	NJSHBP	910067
58,345.95	NJSHBP	910068
50.00	COSTCO	25937
2,426.00	Zipp & Tannenbaum, LLC	25938
122.04	Quill Corporation	25873
397.24	E.A.Morse & Company	25874
398.16	Airmark Pools	25875
100.00	Sussex Car Wash, Inc.	25876
5,978.85	G & G Diesel Service, Inc.	25877
66.34	G & H Service, Inc.	25878
22,074.06	Jersey Central Power & Light	25879
37.20	New Jersey Herald	25880
524.45	SCMUA	25881
390.00	B & G Elevator, Inc.	25882
35.00	EMBARQ	25883
121.83	EMBARQ	25884
8,064.00	Hollander, Hontz, Hinkes & Pasculli, LLC	25885
985.37	Rowe & Company, Inc.	25886
2,434.57	Delta Dental	25887
2,690.08	Delta Dental	25888
526.53	Campbell's Small Engine	25889
396.00	Neopost Leasing	25890
351.69	Timmerman Company	25891
350.00	NJDEP	25892
14.00	Peter J. Kays	25893

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210.00	Willco, Inc.	25894
737.10	Newton Citgo	25895
4,034.00	Mitchell Agency	25896
6.00	William F. Smith	25897
59.99	Sebring Auto Parts	25898
500.00	Sherwin-williams	25899
445.84	Zee Medical	25900
809.18	Dempsey Uniform & Supply Inc.	25901
44.74	Airgas	25902
99.85	Mobile-Vision, Inc. (L-3Comm)	25903
1,018.44	Boonton Tire Supply	25904
692.48	Vision Service Plan	25905
1,425.00	Rutgers Center for Gov't Serv.	25906
30.00	Sussex & Warren Tax Col. Assoc.	25907
186.13	Verizon Wireless	25908
22.00	North Jersey Portable Toilets	25909
4.40	Cooper Electric Supply Co.	25910
134.23	Kay Printing	25911
6,944.00	Vogel, Chait, Collins, Schneider, PC	25912
97.92	Advance Commercial	25913
8,628.21	Guardoine Fire & Safety Co., Inc.	25914
7.75	Excelsior Lumber Company	25915
125.00	Thomson West	25916
306.96	Signs, Etc.	25917
823.40	Buckman's Inc.	25918
420.00	Creative Networking Concepts, Inc.	25919
142.00	Draeger Safety Diagnostics	25920
2,251.98	Lowe's	25921
420.00	Screen Creation Plus	25922
50.32	Nestle Waters	25923
1,491.67	Andrews & Company, LLC	25924
220.00	ACS Firehouse Solutions	25925
35.27	Reliable Office Supplies	25926
2,635.53	Rachles/Michele's Oil Company	25927
1,202.01	Taylor Oil Company	25928
80.00	Safe Kids	25929
128.55	Action Office Supplies	25930
661.97	Firefighter One	25931
52.83	W.B. Mason	25932
1,317.60	Ricciardi Brother, Inc.	25933
175.00	Gramco Business Communications	25934
2,720.00	Garden State Highway Products	25935
168.00	Jersey Central Power & Light	25936
192,074.44	Payroll Account	25937

**CAPITAL**

4,542.73	Payroll Account	930013
8,327.61	Payroll Account	930015
15,000.00	Federal & State Grant	930016
11,706.21	Montague Tool & Supply	7388
1,530.00	Hollander, Hontz, Hinkes & Pasculli, LLC	7389
12,129.72	McManimon & Scotland	7390
6,560.71	J & D Sales & Service	7391
285.00	Diamond Sand & Gravel, Inc.	7392
9,320.00	Tony's Concrete Constr Co., Inc.	7393
228.78	Grinnell Recycle	7394
69,982.60	Petro-Mechanics, Inc.	7395
109.98	Excelsior Lumber Company	7396
1,595.00	A. Nelessen & Associates, Inc.	7397
3,089.50	Atlantic Tactical	7398

**Total TOWN BILLS \$697,350.54**

**WATER AND SEWER ACCOUNT**

143,471.00	U.S.D.A. / FHA	960029
567.17	Newton Postmaster	10963
26,915.63	Payroll Account	960032
2,966.00	ESC enterprises	10964
310.21	Montague Tool & Supply	10965
2,456.37	Schmidt's Wholesale, Inc.	10966
3,351.41	Montgomery Watson Harza	10967
1,439.86	Lee Company	10968
21,053.31	Jersey Central Power & Light	10969
358.15	SCMUA	10970
1,363.02	Sussex County Plumbing	10971
24.00	Paul Baldwin	10972
30.00	Paul M. Havens	10973
9,465.76	Coyne Chemical Corp., Inc.	10974
936.00	Hollander, Hontz, Hinkes & Pasculli, LLC	10975
781.36	Delta Dental	10976
199.00	Tri-State Rentals, Inc.	10977
2,082.85	Hamburg Plumbing Supply Co., Inc.	10978
700.00	NJDEP	10979
24.00	Joseph Carr	10980
15.51	Weis Markets	10981
303.07	Dempsey Uniform & Supply Inc.	10982
136.50	One Call Systems	10983
2,880.00	R & D Trucking Inc.	10984
105.35	Airgas	10985
30.00	Ervin Lasso	10986
1,100.00	Instrumentation Tech Systems, Inc.	10987
1,901.20	McGuire	10988
720.00	Treasurer, State of New Jersey	10989
144.67	Vision Service Plan	10990
1,440.00	Passaic Valley Sewerage Comm.	10991
1,416.00	Kistler O'Brien Fire Protection	10992
1,389.25	Process Tech Sale & Service	10993
36.00	Eric Tompkins	10994
962.50	Andy Matt, Inc.	10995
4,875.33	Civic Plus	10996
1,457.06	Basic Chemical Solutions	10997

**CAPITAL**

336.74	Harold Pellow & Assoc., Inc.	2139
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**Total WATER & SEWER BILLS \$237,744.28**

**TRUST ACCOUNT**

15,332.60	Payroll Account	971019
3,602.41	Harold Pellow & Assoc., Inc.	2683
360.00	Hollander, Hontz, Hinkes & Pasculli LLC	2684
675.00	Vogel, Chait, Collins, Schneider, PC	2685
62.46	Reliable Office Supplies	2686
140.00	JMC Environmental Consultants, Inc.	2687
437.80	A & M Wholesale Hardware Co.	2688
6,623.25	Payroll Account	971020

**Total WATER & SEWER BILLS \$27,233.52**

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**RESOLUTION #179-2009\***

**APPOINTMENT OF WALLACE SMITH TO THE ADVISORY RECREATION COMMISSION**

**WHEREAS**, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

**WHEREAS**, Wallace R. Smith has expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Wallace R. Smith is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2010.

**RESOLUTION #180-2009\***

**APPOINTMENT OF FRANK SEBASTIANO TO THE ADVISORY RECREATION COMMISSION**

**WHEREAS**, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

**WHEREAS**, Frank Sebastiano has expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Frank Sebastiano is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2010.

**RESOLUTION #182-2009\***

**AUTHORIZING WAIVER OF PERMIT FEES FOR BLOCK 1102, LOT 2**

**WHEREAS**, on August 19, 2009, the Newton Construction Official issued Sharon and Paul Groover a Notice of Violation for the installation of an above-ground pool without a proper permit on Block 1102, Lot 2; and

**WHEREAS**, Sharon and Paul Groover took title to Block 1102, Lot 2, by deed dated June 26, 2003, following the issuance of a Certificate of Occupancy dated June 17, 2003, issued by the Newton Construction Official which made no note of the existing unpermitted pool; and

**WHEREAS**, Sharon and Paul Groover are willing at this time to apply for the required permits and the Construction Official is willing to dismiss the violations; and

**WHEREAS**, Sharon and Paul Groover have requested that, under the circumstances, permit fees be waived and the Construction Official has no objection thereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby waives all permit fees required for the installation of an above-ground pool on Block 1102, Lot 2.

**BE IT FURTHER RESOLVED** that a fully executed copy of this Resolution be provided to Sharon and Paul Groover.

**BE IT FURTHER RESOLVED** that a fully executed copy of this Resolution be kept on file and available for public inspection in the Municipal Clerk's office.

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

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

**RESOLUTION 181-2009**

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

Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, Resolution #181-2009 was TABLED until the September 28, 2009 Council meeting 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)**

No additional topics were discussed.

**OPEN TO THE PUBLIC**

Mr. Neil Flaherty, 154 Sparta Avenue, questioned the recent activity on the vacant land on Sparta Avenue and was advised that the property owner is cleaning up due to a violation notice.

Ms. Claudia Demler, 73 Ryerson Avenue, requested the street sweeper to sweep early in the morning before the High School is in session. Ms. Demler questioned the procedure to change Ryerson Avenue to single side of the road parking and was advised by Mr. Russo that the Police, DPW, and Town Engineer are looking into this issue.

**COUNCIL & MANAGER COMMENTS**

Mr. Ricciardo commended everyone involved for the success of the Taste of Newton event.

Mrs. Unhoch updated Council on several items of interest she obtained at the recent League of Municipalities meeting. Mrs. Unhoch also advised of an upcoming Government Records meeting to be held on September 25, 2009 in conjunction with the Municipal Clerk's meeting.

Mrs. Unhoch questioned the lack of recycling receptacles at Memory Park, which was addressed by Mr. Russo.

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Mr. Russo advised Council that the Wind and Solar Ordinance will come before the Planning Board on September 23, 2009 and will then be on the agenda for the September 28, 2009 Council meeting. Mr. Russo advised he has invited Mr. Jim Hofmann as well as the students involved to attend both meetings.

Mr. Russo outlined items to be on the agenda for the next Council meeting on Monday, September 28, 2009. In addition, Mr. Jim Sheldon, Executive Director, will attend the October 14, 2009 meeting to update the fundraising status for Main Street Newton, as well as Mr. Tom Kosten of FKA to review the draft of the Council Chamber Renovations.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Unhoch and unanimously carried, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk