



AGENDA
NEWTON TOWN COUNCIL
JUNE 28, 2010
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JUNE 14, 2010 SPECIAL MEETING
- JUNE 14, 2010 REGULAR MEETING
- JUNE 14, 2010 EXECUTIVE MEETING

V. PRESENTATIONS

- a. NEWTON ROOKIE PHILLIES
- b. COUNCILWOMAN THEA UNHOCH

VI. OPEN TO THE PUBLIC

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.

VII. COUNCIL & MANAGER REPORTS

VIII. ORDINANCES

IX. OLD BUSINESS

X. CONSENT AGENDA

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. RESOLUTION #83-2010* APPOINTMENTS TO THE HISTORIC PRESERVATION ADVISORY COMMISSION
- b. RESOLUTION #84-2010* APPOINTMENT OF JAMES SCHMITT TO THE ADVISORY RECREATION COMMISSION

- c. RESOLUTION #85-2010* AUTHORIZE ENTERING INTO AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HARDYSTON FOR CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT SERVICES
- d. RESOLUTION #86-2010* TO ESTABLISH PRELIMINARY ENGINEERING COSTS FOR MERRIAM AVENUE WATERMAIN IMPROVEMENTS
- e. RESOLUTION #87-2010* TRANSFER OF SCHOOL MONIES FOR THE PERIOD JULY 1, 2010 TO DECEMBER 31, 2010
- f. RESOLUTION #88-2010* RESOLUTION RE-PETITIONING THE COUNCIL ON AFFORDABLE HOUSING WITH AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN
- g. RESOLUTION #89-2010* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES
- h. RESOLUTION #90-2010* RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE
- i. RESOLUTION #91-2010* RENEWAL OF CLUB LICENSES
- j. RESOLUTION #92-2010* CREDIT OF MONIES FOR TAXES DUE TO A STATE TAX COURT JUDGMENT
- k. RESOLUTION #93-2010* CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN ALLOCATING WATER AND SEWER GALLONAGE FOR THORLABS
- l. RESOLUTION #94-2010* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- m. RESOLUTION #95-2010* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- n. APPLICATIONS* THREE APPLICATIONS FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE NEWTON VFW POST 5360, 85 MILL STREET, NEWTON, NJ TO BE HELD ON JULY 17, 2010 AT 4:00 P.M. TO 8:00 P.M. TO SUPPORT THE NEWTON VFW MEN'S AUXILIARY; JULY 18, 2010 FROM 8:00 A.M. TO 7:00 P.M. TO SUPPORT LIBERTY TOWERS HOUSING DEVELOPMENT, AND JULY 31, 2010 FROM 6:00 P.M. TO 10:00 P.M. TO SUPPORT THE SARAH DECKER MEDICAL FUND

APPLICATIONS FOR MEMBERSHIP TO THE NEWTON FIRE DEPARTMENT FROM STEVEN VEZOS, 202 FREDON-SPRINGDALE ROAD, NEWTON, NJ. AND RYAN CAPPS, 132 SPARTA AVE, NEWTON, NJ

XI. INTERMISSION

XII. DISCUSSION

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. EXECUTIVE SESSION

a. RESOLUTION #96-2010

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

(1) CONTRACT NEGOTIATIONS

XVI. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Newton Rookie Phillies

12-0 Undefeated Season

WHEREAS, the Newton Junior Athletic League has a Rookie level of baseball which is for players ages 7, 8, and 9 years old. This level continues to develop the child's skills and understanding of the rules and sport itself. The team fields between 8-10 players on the field at one time, usually having an extra outfielder. The team gets to bat every player, whether they were in the field or sitting out an inning. At this level, the coach pitches to the players or a tee will be brought out if needed; and

WHEREAS, the **Newton Rookie Phillies**, went undefeated with a 12-0 record for the 2010 season, playing surrounding area teams from Lafayette, Montague, Sandyston, Hampton and Frankford/Branchville. The team was coached by Randy Campbell, Ed Baldwin with Nicole Beers as the team Mom; and

WHEREAS, the team consisted of 12 great players: Tommy Carson, Justin Heller, Eddie Baldwin, Derek Campbell, Frankie Schomp, Gabriel Tabangin, Brendon Read, Sabastian DeLeon, Brian McKewon, Noah Samuel-Segal, Ben Kiel and Giovanni Frugone;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our **Congratulations** to the **Newton Rookie Phillies** for their outstanding "**12-0**" undefeated 2010 season.

*In witness whereof I have hereunto set my
Hand and caused this seal to be affixed.*

Attest: _____

Date: June 28, 2010



TOWN OF NEWTON

RESOLUTION #83-2010

June 28, 2010

"Appointments to the Historic Preservation Advisory Commission"

WHEREAS, Mr. Dennis Becker currently serves as an Alternate Member of the Historic Preservation Advisory Commission; and

WHEREAS, Mrs. Helen Le Frois has submitted a letter resigning her position as a Class C member of the Historic Preservation Advisory Commission; and

WHEREAS, Ms. Amanda Best has expressed an interest in serving on the Historic Preservation Advisory Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Dennis Becker be appointed to fill Mrs. Le Frois' term as a Class C Regular Member of the Historic Preservation Advisory Commission effective immediately, with said term continuing to December 31, 2013; and

BE IT FURTHER RESOLVED, that Ms. Amanda Best be appointed as Alternate No. 2 of the Historic Preservation Advisory Commission effective immediately, with said term continuing to December 31, 2010.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 28, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #84-2010

June 28, 2010

**"Appointment of James Schmitt to
the Advisory Recreation Commission"**

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

WHEREAS, Mr. James Schmitt has expressed interest in serving on the Commission;

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

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #85-2010

June 28, 2010

"Authorize Entering into a Interlocal Shared Services Agreement with the Township of Hardyston for Construction Code Administration and Enforcement Services"

WHEREAS, the Town of Newton desires to enter into a shared services agreement with the Township of Hardyston to furnish to the Town of Newton with Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its subcodes; and

WHEREAS, the parties desire to enter into an Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, et seq., for the furnishing of such services;

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

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Township of Hardyston for the provision of Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its subcodes.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.
3. This Resolution shall take effect immediately.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #86-2010

June 28, 2010

"To Establish Preliminary Engineering Costs for Merriam Avenue Watermain Improvements"

WHEREAS, the Town Council of the Town of Newton hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for engineering costs and the various permit fees and agency inspection fees related to construction of a new 12" ductile iron watermain on Merriam Avenue from its intersection with Paterson Avenue to the existing 10" watermain on the northeast side of Sparta Avenue, and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the amount appropriated for preliminary costs shall not exceed \$91,000.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the Water Sewer Capital Fund. The effective date of this resolution is the date of passage.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #87-2010

June 28, 2010

"Transfer of School Monies for the
Period July 1, 2010 to December 31,
2010"

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$5,536,715.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton.

Amount of Tax Voted (Exclusive of Debt Service)	\$11,073,429.00
Amount Received to Date	0.00
Amount of This Request	<u>5,536,715.00</u>
Balance Due Board of Education	5,536,714.00

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #88-2010

June 28, 2010

"Resolution Re-petitioning the Council on Affordable Housing With An Amended Housing Element and Fair Share Plan"

WHEREAS, the Planning Board of Town of Newton, State of New Jersey, adopted an amended Housing Element and Fair Share Plan on June 16, 2010; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Town of Newton, County of Sussex, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Town of Newton Planning Board; and

BE IT FURTHER RESOLVED, that the Governing Body of the Town of Newton, Sussex County, State of New Jersey, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.4, submits this re-petition for substantive certification of the amended Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED, that all objectors and owners of sites in the Housing Element and Fair Share Plan have received notice of the re-petition; and

BE IT FURTHER RESOLVED, that notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Town of Newton's Municipal Clerk's office located at 39 Trinity Street, Newton, N.J. 07860, during the hours of 8:30 a.m. – 4:30 p.m., Monday through Friday, for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #89-2010

June 28, 2010

"Renewal of Plenary Retail
Consumption Licenses"

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Consumption License No. 1915-33-001-005 be issued to Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-002-008 be issued to Bader George Qarmout, t/a O'Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-003-007 be issued to Big Tadew, LLC t/a Andre's Restaurant, 188-190 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License w/Broad Package Privilege No. 1915-32-005-011 be issued to Newton Bar & Liquors, Inc., t/a Shop Rite Liquors of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-006-011 be issued to Thordon Inc., t/a Tuscany Bistro, 216 Woodside Avenue, (Rt. 206 S.), Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-007-005 be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-008-004 be issued to F. Roger Pierson Enterprises, Inc., t/a Barristers, 173 Spring Street, Newton, New Jersey; that the renewal Plenary Retail Consumption License No. 1915-33-009-002 be issued to J C'S Grill House LLC, t/a JC'S Grill House, 144 Spring Street, Newton, New Jersey; and that the renewal Plenary Retail Consumption License No. 1915-33-011-007 be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining & Catering, 64 Water Street, Newton, New Jersey, for the licensing year 2010-2011, effective July 1, 2010.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #90-2010

June 28, 2010

"Renewal of Plenary Retail
Distribution License"

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Distribution License No. 1915-44-010-003 be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; that the renewal Plenary Retail Distribution License No. 1915-44-004-012 be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey for the licensing year 2010-2011, effective July 1, 2010.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #91-2010

June 28, 2010

"Renewal of Club Licenses"

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Club License No. 1915-31-014-001 be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey; and that the renewal Club License No. 1915-31-013-002 be issued to Loyal Order of Moose Newton Lodge #432, t/a Loyal Order of Moose Newton Lodge #432, 4 Diller Avenue, Newton, New Jersey for the licensing year 2010-2011, effective July 1, 2010.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #92-2010

June 28, 2010

"Credit of Monies for Taxes Due to a State Tax Court Judgment"

WHEREAS, Applebee's/Doherty Enterprises, Block 303.01, Lot 4.01, Qualification: CBLD1 also known as 6 North Park Drive filed a State Tax Court Appeal to lower the 2008 assessment on said block and lot; and

WHEREAS, on May 27, 2010, the Tax Office received the Judgment issued by the State Tax Court ordering a reduction in the assessment for the tax year 2008 for Block 303.01, Lot 4.01, Qual: CBLD1. This order has resulted in a credit of monies in the total amount of \$10,063.05 for the tax year 2008; and

WHEREAS, the Judgment states that a credit be applied to the 4th quarter 2010 taxes due on said block and lot;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment and that Applebee's/Doherty Enterprises is entitled to a credit in the amount of \$10,063.05; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process a credit to Applebee's/Doherty Enterprises 4th quarter taxes for 2010 in the amount of \$10,063.05 in accordance with said Tax Court Judgment.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #93-2010

June 28, 2010

"Concur with the Recommendation of the Utility Advisory Board in Allocating Water and Sewer Gallonage for Thorlabs"

WHEREAS, at the regular meeting of the Newton Utility Advisory Board conducted on June 15, 2010, Mr. Robert Byra, Engineer of Langan Engineering and Environmental Services and Mr. Matt Waddell, of J.G. Petrucci & Co., representing Thorlabs, appeared before the Board to request an allotment of water and sewer gallonage for a proposed facility on 56 Sparta Avenue known as Block 1104, Lot 21; and

WHEREAS, Mr. Byra presented estimates on water and sewer usage for the facility, the Utility Advisory Board reviewed the estimates and recommend to the Governing Body that 6,540 gallons of water per day and 5,290 gallons of sewer per day be approved; and

WHEREAS, Mrs. Debra Milikin, Deputy Town Manager, presented the water hook-up cost for 6,540 gallons at \$18.00 per gallon, totaling \$117,720; the sewer hook-up cost for 5,290 gallons at \$19.00 per gallon, totaling \$100,510; tap fee of \$600, for a total hook-up fee of \$218,830;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and approves the allocation of 6,540 gallons of water per day and 5,290 gallons of sewer per day for the proposed Thorlabs facility to be constructed at 56 Sparta Avenue shown as Block 1104, Lots 21 on the Tax Map of the Town of Newton, at a total cost of \$218,830.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #94-2010

June 28, 2010

"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:

.....

Utility Board recommends waiver of penalty:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9130	6 Ryerson Avenue	\$76.86

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #95-2010

June 28, 2010

"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 2009 and 2010 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.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #96-2010

June 28, 2010

"A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12"

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

(1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on June 28, 2010, that an Executive Session closed to the public shall be held on June 28, 2010, at ____PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

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Lorraine A. Read, RMC
Municipal Clerk