

June 14, 2010

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, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

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 31, 2009."

Mayor Elvidge led the invocation and Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion of Mrs. Unhoch seconded by Mrs. Becker and unanimously carried, that the minutes of May 24, 2010 (Regular) were approved as presented.

PRESENTATION

Mr. Russo read the following proclamation congratulating Joshua J. Couce for having achieved the status of Eagle Scout.

PROCLAMATION

Joshua J. Couce

Eagle Scout

WHEREAS, Joshua J. Couce, a member of Boy Scout Troop 184, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Joshua J. Couce devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Joshua has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, Joshua J. Couce serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Joshua is a member of our community.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Joshua J. Couce for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

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Mr. Russo read the following proclamation congratulating the Newton Police Department for their 100 Years of Service. Mr. Russo stated the Newton Police Department was established on June 1, 1910.

PROCLAMATION

Newton Police Department

100 Years of Service

WHEREAS, the Newton Police Department was first established on June 1, 1910 with a two man department with offices at 115 Spring Street; and

WHEREAS, during the 1920's and 1930's the department grew to a six member department consisting of three Regular Officers and three Special Officers which patrolled the Town on foot; and

WHEREAS, on January 6, 1931, John D. Kinney was appointed as Newton's first Chief of Police; and

WHEREAS, through the years the department has grown in size and changed location. The current Police Headquarters that was constructed in 2004 has state-of-the-art equipment, providing the best law enforcement services to the community; and

WHEREAS, over the past 100 years the Newton Police Department has had nine Police Chiefs and currently consists of one Chief, three Lieutenants, 4 Sergeants, 16 Patrolmen and three Special Officers;

*NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our **Congratulations** to the **Newton Police Department** for their "**100 Years of Service**" to the Town of Newton and thank each and every one of the officers for their tireless commitment and endless hours of protection, support and service to the community.*

OPEN TO THE PUBLIC

Mayor Elvidge read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

Mr. Neil Flaherty, 154 Sparta Avenue, Newton, congratulated the Town on a very successful Newton Day event and thanked Council for allowing Newton Robotics to take part in Newton Day, which generated a lot of interest in the Newton High School Robotics program.

Mr. Anwar Qarmout, 45 Woodside Avenue, Newton, commended the Town Council on bringing Thorlabs to Newton and asked that the Council

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provide the same services to other businesses coming to Town as they did with Thorlabs. Mr. Qarmout suggested that a brochure be created to distribute to businesses looking to come into Newton and was advised that a brochure is being created. Mr. Qarmout inquired why it is necessary to have the Town Attorney at every Council meeting and was advised by Mr. Russo that the Town Attorney provides legal counsel for the governing body during the meeting. "You will find that towns that are professionally run and managed usually have the Town Attorney present at the governing body meetings", Mr. Russo concluded.

Councilwoman Unhoch questioned why this decision was not made or discussed at a regular Council meeting and was advised that Council was notified via memorandum.

Mr. Wayne Levante, 5 East Stuart Street, Newton, questioned when the town-wide garage sale will be this year and was advised that a date has not been established but it is usually run in early Fall. Mr. Levante questioned the advertisement of the event and was advised by Mrs. Read, Municipal Clerk, the several and various forms of advertisement which are completed by the Clerk's Office for this event.

Mr. Jim Baldini, 10 Barry Lane, Newton, expressed disappointment with the timing of a recent violation letter he received from the code enforcement officer for a property maintenance issue addressing high grass. Mr. Baldini stated that the letter was sent approximately three weeks after the passing of his father who lived at 10 Barry Lane. Mr. Baldini expressed his disapproval with the Property Maintenance Ordinance and suggested that the Town revisit the Ordinance for a clear interpretation. Mr. Baldini then provided photos of Town properties which have violations of high grass. Mayor Elvidge agreed that the timing of the violation letter was inappropriate and apologized for the family having received it but disagreed that the Ordinance addressing Property Maintenance issues should be abandoned as suggested by Mr. Baldini.

COUNCIL AND MANAGER REPORTS

Mr. Russo outlined the events of Newton Day and congratulated the Greater Newton Chamber of Commerce for a successful Newton Day event.

Mr. Russo noted that the Thorlabs Planning Board application will be heard on Wednesday, June 16, 2010 at 7:00 p.m. In addition, Jessica Caldwell, Town Planner, will discuss the COAH update.

Mr. Russo will be attending a Social Media conference on Friday, June 18, 2010 in Somerset County to make a presentation on our Town website. Mr. Russo proudly announced that he will be interviewed on the book coming out on "Social Media".

Mr. Russo reminded Council of the Reorganization meeting to be held on Thursday, July 1st at 6:00 p.m.

Mr. Russo advised Council that the Car Show sponsored by Main Street Newton, which is held every Thursday night, will take place on Spring Street instead of Eastern Plaza parking lot, for more visibility.

ORDINANCES

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

ORDINANCE #2010-07

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,356,000 THEREFOR, INCLUDING \$211,100 AVAILABLE FROM RESERVES, GRANTS AND OTHER FUNDS AND \$97,800 AVAILABLE AS DOWN PAYMENTS, AND AUTHORIZING THE ISSUANCE OF \$2,047,100 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,356,000, including the sum of \$211,100 available as reserves, grants and other funds as described in Section 3 hereof and also including the aggregate sum of \$97,800 as the several down payments

for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, reserves, grants or other funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,047,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road improvements consisting of resurfacing, curbing, sidewalks and drainage improvements along Academy Street, Williams Street, Franklin Street, Thompson Street, Ashford Street, Dunn Place, Clarkson Street and North Park Drive.	\$400,000 (including \$28,100 from "Reserve for Road Improvements" and including \$150,000 Department of Transportation grant received for North Park Drive)	\$221,900	10 years
b) Installation of stormwater pipes and basins in area of Merriam Avenue, Gardner Avenue and Thompson Street.	\$40,000	\$38,000	40 years
c) Acquisition of calcium/brine distribution units	\$50,000	\$47,500	15 years
d) Improvement of Central Plaza lot including paving, curbing and sidewalk improvements and installation of parking machine	\$68,000 (including \$8,000 received from Parking Authority for engineering and inspection)	\$56,600	10 years
e) Acquisition and installation of generator and safety equipment for Department of Public Works	\$85,000	\$80,750	15 years
f) Acquisition of a dump truck with plow and sander for the Department of Public Works	\$72,000	\$68,400	5 years
g) Installation of video surveillance cameras on Spring Street	\$50,000	\$47,500	10 years
h) Upgrade of telephone system in Municipal Building	\$10,000	\$9,500	7 years
i) Acquisition of fire ladder truck and equipment	\$950,000 (including insurance proceeds to extent received)	\$902,500	10 years
j) Improvements to Municipal Building consisting of upgrade of elevator and roof-top air condensing unit, upgrade of heating system in the basement and general renovations	\$135,000	\$128,250	15 years

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
k) Energy savings improvements including installation of lighting, occupancy sensors, water conservation measures, plumbing and fixtures, attic insulation, furnace and HVAC system and similar improvements at all municipal buildings (except for water/sewer) in accordance with energy audit	\$55,000	\$52,250	15 years
l) Conforming of zoning ordinances to master plan	\$110,000	\$104,500	15 years
m) Circulation plan implementation – Phase I, including signage, bike racks, landscaping and improvements	\$80,000	\$76,000	15 years
n) Park improvements consisting of installation of fence to encircle retention pond by Douma Drive and Ryerson Avenue, paving and drainage improvements at Pine Street Park parking lot, installation of South Park Drive practice field and upgrade of Memory Park basketball court	\$165,000	\$156,750	15 years
o) Construction and improvement of trails to connect to trail in Andover Township and to Hicks Avenue and Lower Spring Street	\$50,000 (including \$25,000 grant received from the New Jersey Department of Environmental Protection)	\$22,500	15 years
p) Acquisition of groomer for parks	\$20,000	\$19,000	15 years
q) Acquisition and installation of street signs	<u>\$16,000</u>	<u>\$15,200</u>	10 years
TOTALS	<u>\$2,356,000</u>	<u>\$2,047,100</u>	

All of the improvements include all work and materials necessary therefore or incidental thereto.

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, reserves, grants and other funds incidental thereto, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.05 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,047,100, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$471,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any insurance funds received (other than funds necessary for non-capital loss related expenses) for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the

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Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

At this time, Mayor Elvidge declared the hearing on Ordinance #2010-07 opened to the public.

Mr. Wayne Levante, 5 East Stuart Street, Newton, questioned what the priorities are with Bond Ordinance #2010-7 and if it could be cut by 30 – 40%. Mr. Russo indicated that priorities were set, several items were cut from this original Ordinance and that several of the items approved are necessary for safety reasons. Mr. Levante indicated he did not have the opportunity to review the Ordinance and requested an opinion from each Councilmember regarding Ordinance #2010-7, setting forward their priorities. Mr. Mark Hontz, Esq., Town Attorney, indicated that it is inappropriate and counter-productive to request individual Councilmembers opinions, but would welcome Mr. Levante's opinion or recommendation regarding this Ordinance.

Ms. Jennifer Credidio, Esq., Bond Counsel, advised that this is the second reading of this Bond Ordinance, and it was properly advertised by the Municipal Clerk with copies made available to the public at no cost.

Mr. Anwar Qarmout, 45 Woodside Avenue, Newton, questioned what the total debt of the Town is currently and was advised by Mr. Russo and Ms. Credidio, Esq, that the Town is at approximately 2%, noting that the maximum is

3 ½% of the last three (3) years of ratable base. Mr. Russo outlined some of the capital improvements products which were cut out during the budget hearings held in January and February and advised that next year’s spending will be even tighter.

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

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

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

This ordinance will take effect immediately after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

Mr. Russo advised that upon the recommendation of David Simmons, Jr., Town Engineer, the Town not accept the alley sewer project until the work is completed. Upon motion of Mrs. Becker, seconded by Mrs. Unhoch, that Resolution #52-2010 be **REMOVED FROM THE TABLE** and agenda at this time and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	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.”

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RESOLUTION #73-2010*

APPROVAL OF RENEWAL OF APPLICATION FOR TAXICAB OWNER'S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**, "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate; and

WHEREAS, in accordance with **9-6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected... to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 382 State Hwy 94, Newton, NJ 07860, t/a DADS Taxi & Limo, which shall expire June 12, 2011;

BE IT FURTHER RESOLVED that the applicant must be in compliance with all aspects of **Chapter 9**, of the Newton Revised General Ordinances, as well as, the provisions of N.J.R.S. 46:16.

RESOLUTION #74-2010*

APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Doragail Spicer, 382 State Highway 94, Newton, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2011.

RESOLUTION #75-2010*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

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WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Ralph Drake, 57 Schultz Avenue, Phillipsburg, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2011.

RESOLUTION #76-2010*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 712, Lot 10, also known as 16 Madison Street, for 2009 delinquent water and sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #1330, was sold to US Bank Cust for Pro Capital I, LLC for a 0% redemption fee; and

WHEREAS, Mr. Joseph Paul Ratti, Jr. owner, has effected redemption of Certificate #1330 in the amount of \$ 48.87;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC, is entitled to a refund in the amount of \$ 48.87; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$ 48.87, payable to US Bank Cust for Pro Capital I, LLC, 50 S 16th St Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate # 1330.

RESOLUTION #77-2010*

**PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO.
1915-33-011-007**

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1915-33-011-007, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council does hereby approved, effective Monday, June 14, 2010, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 64 Water Street, Newton, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

RESOLUTION #78-2010*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER LICENSE

WHEREAS, the Newton General Revised Ordinances **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council;

and

WHEREAS, said renewal application for the Junk Dealer’s License lists the business as George’s Salvage Company at 10 South Park Drive, Newton, New Jersey; and

WHEREAS, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

WHEREAS, George’s Salvage Company has been inspected and approved as required in Section 6-5.8; and

WHEREAS, George’s Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, 10 South Park Drive, Newton, NJ which shall expire on December 31, 2010.

RESOLUTION #79-2010*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNT

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 inactive and not charged:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13176	16 Woodside Avenue	\$75.00

Credit due to error in meter reading:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18512	17 Diller Avenue	\$17,000.00

RESOLUTION #80-2010*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER LICENSE

WHEREAS, the Newton General Revised Ordinances **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the council; and

WHEREAS, said renewal application for the Junk Dealer’s License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, New Jersey; and

WHEREAS, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized

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and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

WHEREAS, Newton Auto Salvage has been inspected and approved as required in Section 6-5.8; and

WHEREAS, Newton Auto Salvage has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of junk dealer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Mike Sesera, 79 Mt. View Street, Newton, N.J which shall expire on December 31, 2010.

RESOLUTION #81-2010*

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 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

81.25	VOID	27093
-168.00	Jersey Central Power & Light	26316
9,000.00	Greater Newton Chamber of Commerce	27111
75.00	Adam Todd Restaurant & Catering	27112
81.25	Colleen A. Russell	27113
168.00	Jersey Central Power & Light	27114
245.48	Quill Corporation	27115
43.54	Montague Tool & Supply	27116
876.50	M G L Printing Solutions	27117
2,449.25	Harold Pellow & Assoc., Inc.	27118
1,374.45	Alert-All Corp.	27119
348.00	Decker's Fire & Safety	27120
31.48	Freedom Business Machines	27121
100.00	ABCCode Security	27122
765.13	Airmark Pools	27123
156.25	Sussex Car Wash, Inc.	27124
6.72	G & G Diesel Service, Inc.	27125
156.56	G & H Service, Inc.	27126
9,117.23	JCP&L	27127
2,290.60	SCMUA	27128
132.17	Sussex County Plumbing	27129
390.00	B & G Elevator, Inc.	27130
396.81	Centurylink Communications, Inc.	27131
141.03	Centurylink Communications, Inc.	27132
35.00	Centurylink Communications, Inc.	27133
4,158.00	Hollander Strelzik, Pasculli, Hinkes	27134
185.00	Newton Postmaster	27135
168.70	Campbell's Small Engine	27136
396.00	Neopost Leasing	27137
12,700.00	Neopost Leasing	27138

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236.95	Neopost Leasing	27139
117.75	Tri-State Rentals, Inc.	27140
50.00	Newton First Aid Squad	27141
50.00	First United Methodist Church	27142
15.00	Scott Holzhauer	27143
200.00	Peter J. Kays	27144
200.00	James Sisco	27145
200.00	Richard A. Straway, Jr.	27146
200.00	Thomas Straway	27147
1,135.86	Newton Citgo	27148
60.00	Treasurer, Petty Cash Fund	27149
254.45	Miami Systems	27150
245.00	J & D Sales & Service	27151
185.75	Newton Trophy	27152
200.00	William F. Smith	27153
200.00	Brock Kithcart	27154
200.00	William Hagaman	27155
175.00	Minisink Press Inc.	27156
92.88	Ann M. Rosellen	27157
20.74	Sussex County Clerk	27158
283.32	Sherwin-Williams	27159
188.00	Skylands Press	27160
723.63	Dempsey Uniform & Supply, Inc.	27161
188.60	Airgas East	27162
345.13	Boonton Tire Supply	27163
162.29	McGuire	27164
464.00	Weiner Lesniak	27165
921.14	Vision Service Plan	27166
300.00	Rutgers Center for Government Serv.	27167
53,449.67	Statewide Insurance Fund	27168
427.50	Grinnell Recycle	27169
190.16	Verizon Wireless	27170
850.00	Accurate Door, Inc.	27171
875.00	New Jersey Fence & Guardrail	27172
2,244.33	Medtronic Physio-Contrl Corp.	27173
515.00	North Jersey Portable Toilets	27174
58.82	Walmart	27175
255.00	Gold Type Business Machines	27176
1,175.00	Mitchell Humphrey	27177
39.00	NJ Div. Alcohol Beverage Control	27178
3.88	Cooper Electric Supply Co.	27179
150.00	Wildflowers with Tami	27180
112.00	NJ Municipalities	27181
5.29	Advance Auto Parts	27182
9.00	Excelsior Lumber Company	27183
822.50	Scarinci & Hollenbeck	27184
979.12	Sussex County Mailing Service	27185
453.26	Buckman's Inc.	27186
690.00	Newton Electrical Services, Inc.	27187
10.58	Paint Spot	27188
145.90	Ward's Flowers and Gifts	27189
646.87	Staples Business Advantage	27190
32.56	Staples Business Advantage	27191
99.40	Lowe's	27192
300.00	Northeast Fire Protection, Inc.	27193
183.75	Nestle Waters	27194
200.00	Steve Estler	27195
5,000.00	Pinnacle Wireless, Inc.	27196
3,706.95	Rachles/Michele's Oil Company	27197

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4,011.75	Taylor Oil Co.	27198
120.25	Action Office Supplies	27199
720.00	The Craft Creators	27200
150.00	Firefighter One	27201
200.00	Adam Vough	27202
200.00	Joseph White	27203
50.00	Sussex County Firemen's Association	27204
1,769.20	JMC Environmental Consultants, Inc.	27205
200.00	William Oswin, III	27206
60.00	SC Office of Public Health Nursing	27207
219.17	Penteledata	27208
87,446.00	NJMEBF	27209
1,460.00	Chelbus Cleaning Co., Inc.	27210
200.00	Roy Leyman	27211
25.00	ECGIA	27212
2,277.21	Direct Energy Business	27213
489.26	Fortres Grand Corp.	27214
56.80	International Society Aboriculture	27215
150.00	Bruce Cole	27216
88.22	Minuteman UPS/PAR Systems	27217
214.75	Photographs	27218
300.00	Polowy Stone	27219
189,556.10	Payroll Account	27220
55,000.00	Federal & State Grant	27221
9.54	Payroll Agency Account	27222
194,188.84	Payroll Account	27223

CAPITAL

541.00	Harold Pellow & Assoc., Inc.	7534
1,777.50	Houghton, Quarty, Warr	7535
1,008.87	FKA Architects	7536
81,890.00	Zinno Construction	7537

Total TOWN BILLS \$751,364.39

WATER AND SEWER ACCOUNT

936.30	Newton Postmaster	11503
101.58	Montague Tool & Supply	11504
641.00	M G L Printing Solutions	11505
255.75	Harold Pellow & Assoc., Inc.	11506
5,177.86	JCP&L	11507
10,180.51	Pumping Services	11508
529.62	SCMUA	11509
541.06	Sussex County Plumbing	11510
223.00	Paul M. Havens	11511
13,076.87	Coyne Chemical Corp., Inc.	11512
125.85	Centurylink Communications, Inc.	11513
630.00	Hollander, Strelzik, Pasculli, Hinkes	11514
185.00	Newton Postmaster	11515
3,300.00	Neopost Leasing	11516
2,376.00	Chlorinator & Instrument	11517
1,300.60	Weldon Asphalt Company	11518
3,782.08	Joseph G. Pollard Co., Inc.	11519
214.00	Joseph Carr	11520
349.35	Dempsey Uniform & Supply, Inc.	11521
8,576.00	R&D Trucking Inc.	11522

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111.15	Airgas East	11523
97.00	Service Electric Cable TV	11524
228.00	Ervin Lasso	11525
600.00	Instrumentation Tech Systems, Inc.	11526
146.86	Treasurer, State of New Jersey	11527
157.22	Vision Service Plan	11528
28,977.29	Statewide Insurance Fund	11529
10,116.00	Passaic Valley Sewerage Comm.	11530
1,749.00	Main Pool & Chemical Company	11531
75.00	Wildflowers with Tami	11532
40.95	Water Environment Federation	11533
16.97	Advance Auto Parts	11534
280.00	Scarinci & Hollenbeck, LLC	11535
84.90	Poster Compliance Center	11536
83.56	Staples Business Advantage	11537
242.00	Eric Tompkins	11538
962.50	Andy Matt, Inc.	11539
29,324.00	Flemington Car & Truck Company	11540
13,183.00	NJMEBF	11541
200.00	Dustin McGarry	11542
2,017.29	Direct Energy Business	11543
119.84	One Call Concepts	11544
29,046.91	Payroll Account	106017
24,363.00	2090 U.S.D.A. / FHA	106018
30,754.01	Payroll Account	106019

CAPITAL

1,596.63	Payroll Account	106102
3,918.38	Harold Pellow & Associates Inc.	2152

Total WATER & SEWER BILLS \$230,993.89

TRUST ACCOUNT

6,729.50	Payroll Account	107114
4,837.13	Payroll Account	107115
1,309.50	Harold Pellow & Associates, Inc.	2782
375.00	Harold Pellow & Associates, Inc.	2783
72.00	Hollander, Strelzik, Pasculli, Hinkes	2784
202.42	Ptl. Thomas Muller	2785
448.00	Weiner Lesniak	2786
518.23	Foremost Promotions	2787
450.00	Shepard Kays, Esq.	2788

Total TRUST ACCOUNT BILLS \$14,941.78

The Clerk presented two Applications for membership to the Newton Fire Department from Nicholas P. Olivieri, 55 Halsey Road, Newton, New Jersey and Thomas J. Fox, 25 Route 519, Newton New Jersey. It was noted that the applications were in order and signed by the Chief of the Fire Department.

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

June 14, 2010

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

DISCUSSION

OPEN TO THE PUBLIC

Mr. Anwar Qarmout, 45 Woodside Avenue, Newton, requested an update on Ordinance 2010-2 which addresses fire protection capability in the Town of Newton and was advised by Mr. Russo that he is working of gathering all the data and should be able to present the report at a Council meeting in July or August.

Mr. Qarmout informed the Council that his brother's house, in Newton, burned down in Dec. 2009 and that the house is uninhabitable and questioned if there is an avenue to allow for some relief of taxes until the house is rebuilt? Mr. Russo will look into it and advise.

COUNCIL AND MANAGER COMMENTS

Mr. Ricciardo commended the Greater Newton Chamber of Commerce for their well-organized Newton Day event. It was an exceptional day and well-attended.

Councilwoman Le Frois, on behalf of the Newton Fire Department, thanked the Public Works, Newton Police and Town Council for their support with the Newton Fire Department's First Annual 5K Run held on Newton Day, which was a huge success.

EXECUTIVE SESSION

The Town Council entered into Executive Session via Resolution #82-2010 at 8:16 p.m.

The Town Council returned from Executive Session at 8:56 p.m.

There being no further business to be conducted, upon motion Mrs. Becker, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 8:58 p.m.

June 14, 2010

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk