

January 10, 2011

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mr. Elvidge, Mr. Ricciardo, Mrs. Diglio, Mrs. Le Frois, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager and William Hinkes, Esq., Town Attorney.

Mayor Becker 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, 2010."

Mayor Becker led the Invocation and Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion of Mr. Elvidge, seconded by Mrs. Diglio, the minutes of December 29, 2010 (Regular) meeting were unanimously approved as presented.

#### **OPEN TO THE PUBLIC**

Mayor Becker 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."

There was no one from the public to be heard.

#### **COUNCIL & MANAGER REPORTS**

There were no Council and Manager reports at this time.

#### **ORDINANCES**

There were no Ordinances.

#### **OLD BUSINESS**

Mr. Russo reported that there was no update on the Main Street Newton program and that we are still awaiting feedback from Main Street New Jersey on the status of the Business Improvement District grant.

#### **CONSENT AGENDA**

Mayor Becker 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*

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*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."*

Mr. Russo provided an overview of all the resolutions on the Consent Agenda.

**RESOLUTION #1-2011\***

**AUTHORIZE AN AGREEMENT WITH MWH AMERICAS, INC. FOR GENERAL CONSULTING SERVICES FOR THE NEWTON WATER AND SEWER UTILITY FOR 2011**

**WHEREAS**, the Town of Newton requires the services of a qualified Engineering Consultant for the Newton Water and Sewer Utility on an annual basis; and

**WHEREAS**, consulting service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, MWH Americas, Inc. has submitted a proposal for their continued engineering support services; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support an agreement with MWH Americas, Inc. for General Consulting services in an amount not exceed \$25,000 for calendar year 2011 through the Water and Sewer Utility Operating Budget;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Municipal Clerk to execute an agreement with MWH Americas, Inc. for General Consulting services as outlined in their proposal; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to MWH Americas, Inc. and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

**RESOLUTION #2-2011\***

**APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2011**

**WHEREAS**, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the anticipated term of this contract is for calendar year 2011; and

**WHEREAS**, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt form public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 20, 2010 indicating they will provide the auditing services for \$24,000.00; and

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**WHEREAS**, Ferraioli, Wielkocz, Cerullo & Cuva, P.A has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkocz, Cerullo & Cuva, P.A has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkocz, Cerullo & Cuva, P.A from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkocz, Cerullo & Cuva, P.A in an amount of \$24,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkocz, Cerullo & Cuva, P.A as described herein; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be attached and filed with this resolution; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #3-2011\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF THE STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR (LOSAP) WITH FERRAIOLI, WIEKOTZ, CERULLO & CUVA**

**WHEREAS**, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2011; and

**WHEREAS**, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkocz, Cerullo & Cuva, PA has furnished an appropriate contract for said services; and

**WHEREAS**, Ferraioli, Wielkocz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

**WHEREAS**, the anticipated term of this contract is for calendar year 2011;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

**BE IT FURTHER RESOLVED**, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

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**RESOLUTION #4-2011\***

**APPROVE 2010 APPROPRIATION RESERVE TRANSFERS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2010 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Occupational Health OE 1085200	Police SW 1074113	\$1,000.00
Community Development OE 1064200	Police SW 1074113	\$3,000.00
Finance OE 1054200	Police SW 1074113	\$1,000.00
Town Manager OE 1050200	Police SW 1074113	\$1,000.00
Road SW. 1080101	Vehicle Maint OE 1083300	\$2,000.00
Road SW 1080101	Snow SW 1081102	\$3,020.00
Machinery Repair/Maint OE 1080300	Vehicle Maint OE 1083300	\$2,000.00
Assessment Taxes SW 1055100	Cencom SW 1094730	\$250.00
Clerk SW 1051100	Cencom SW 1094730	\$200.00
Court SW 1059100	Cencom SW 1094730	\$1,200.00
Community Devel SW 1064100	Cencom SW 194730	\$200.00
Building & Grounds OE 1061200	Cencom SW 194730	\$375.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$15,245.00</u></b>

**RESOLUTION #5-2011\***

**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.

**TOWN BILLS**

12,400.00	VOID	27972
12,400.00	Newton Fire Department	28075
205.80	Montague Tool & Supply	28076
921.00	Harold Pellow & Assoc., Inc.	28077
346.25	ABCODE	28078
14,278.90	JCP&L	28079
332.35	New Jersey Herald	28080
167.58	Centurylink Communications, Inc.	28081

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121.83	Centurylink Communications, Inc.	28082
35.00	Centurylink Communications, Inc.	28083
126.00	Hollander, Strelzik, Pasculli, Hinkes	28084
37.00	James Sisco	28085
37.00	Richard A. Straway, Jr.	28086
37.00	Thomas Straway	28087
37.00	William F. Smith	28088
37.00	Brock Kithcart	28089
100.00	Treasurer, State of New Jersey	28090
37.00	William Hagaman	28091
78.00	Minisink Press, Inc.	28092
30.00	Ervin Lasso	28093
1,069.53	Boonton Tire Supply	28094
272.00	Weiner Lesniak	28095
175.00	IAAO	28096
162.74	Cooper Electric Supply co.	28097
477.41	Danforth's Trailer & Auto, Inc.	28098
80.80	Advance Auto Parts	28099
15.43	Carquest	28100
138.00	Poster Compliance Center	28101
37.00	Steve Estler	28102
1,044.21	Skylands Area Fire Equip. & Training	28103
3,186.59	Rachles/Michele's Oil Company	28104
3,188.54	Taylor Oil Co.	28105
37.00	Adam Vough	28106
37.00	Joseph White	28107
108.00	Back Thru the Future	28108
435.00	Knapp, Trimboli & Prusinowski, LLC	28109
59.95	Jose Morales	28110
1,460.00	Chelbus Cleaning Co., Inc.	28111
37.00	Roy Leyman	28112
8,171.41	Direct Energy Business	28113

**CAPITAL**

15,340.50	Harold Pellow & Assoc., Inc.	7648
14.70	New Jersey Herald	7649
19,850.00	Willco., Inc.	7650
125.00	Danforth's Trailer & Auto, Inc.	7651
12,942.00	Structural Metal Fabricators	7652
1,336.52	Atlantic Tactical	7653
27,015.78	Current Account	7654

**Total TOWN BILLS \$113,825.82**

**WATER AND SEWER ACCOUNT**

1,097.00	Harold Pellow & Assoc., Inc.	11903
7,571.04	JCP&L	11904
8,573.67	Coyne chemical Corp., Inc.	11905
125.85	Centurylink Communications, Inc.	11906
750.00	Cosper Environmental Services, Inc.	11907
760.00	Boonton Tire Supply	11908
6,912.00	Passaic Valley Sewerage Comm.	11909
138.00	Poster Compliance Center	11910
962.00	Andy Matt, Inc.	11911
18,621.57	Direct Energy Business	11912
292.91	Action Data Services, Inc.	11913

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**CAPITAL**

9,027.00	Harold Pellow & Assoc., Inc.	2166
16,227.10	Water & Sewer Operating Account	106103

**Total WATER & SEWER BILLS \$71,058.14**

**TRUST ACCOUNT**

648.75	Harold Pellow & Assoc., Inc.	2852
54.00	Hollander, Strelzik, Pasculli, Hinkes	2853
817.50	Spectrum Communications	2854
2,895.00	Henkels & McCoy, Inc.	2855
318.75	Current Account	107133
1,239.78	Current Account	107134

**Total TRUST ACCOUNT BILLS \$5,973.78**

**DEVELOPERS ESCROW ACCOUNT**

3,497.00	Harold Pellow & Assoc., Inc.	1060
555.00	Vogel, Chait, Collins, Schneider, PC	1061
230.23	Current Account	107201

**Total DEV. ESCROW ACCOUNT BILLS \$4,282.23**

**RESOLUTION #6-2011\***

**APPOINTMENT OF DANIEL A. COLFAX, ESQ. AS CONFLICT PUBLIC DEFENDER**

**WHEREAS**, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2011; and

**WHEREAS**, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender; and

**WHEREAS**, an appropriate agreement for said services has been prepared for execution by both parties; and

**WHEREAS**, legal services are a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2011; and

**BE IT FURTHER RESOLVED** that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and Municipal Judge John E. Mulhern.

The Clerk presented an application for the Newton Fire Department from Jason Vetter, 14 Cherry Street, Newton. It was noted the application was in order and approved by the Chief of the Fire Department.

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

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

**INTERMISSION (None)**

**DISCUSSION**

**a. County Bus Stop**

Mr. Russo indicated that the Spring Street merchants have asked to have the current County bus stop located on Spring Street removed and asked the Governing Body for guidance on this issue. It was suggested that the bus stop be relocated to Trinity Street. After a brief discussion, Mr. Russo will direct Cory Stoner, PE, Town Engineer, to review the potential relocation of the bus stop and advise accordingly.

**b. Dates for Budget Hearings**

Mr. Russo indicated that he would like to review the schedule to hold budget hearings with the Town Council. After a brief discussion, Council agreed to hold budget hearings on Thursday, February 3<sup>rd</sup> @ 6:00 pm and Saturday, February 5<sup>th</sup> @ 9:00 am. Mrs. Read will advertise accordingly.

**c. Tax Abatement Program**

Mr. Russo indicated that he has Jen Credidio, Esq., Redevelopment Counsel, working on a list of options in order to create a plan for a tax abatement program and noted that she will be in attendance at the next Council meeting to present same. Mr. Russo asked Council for guidance on this new program. It was suggested that the Historic District be included in this program and that only the improvements made are eligible for tax relief. Mr. Russo will forward these ideas to Ms. Credidio and further discussion will be take place at the next Council meeting.

**d. Newton Theater Parking Lot**

Mr. Russo outlined the current situation and advised Council that the Town

does not own the parking lot next to the Newton Theater, but is maintained by the Town. Mr. Russo addressed his concern with the Town's liability and suggested that the Town turn the maintenance back over to the property owner and have the Town remove the parking meters from the lot. After a lengthy discussion, the majority of the Council was in agreement to return the lot back to the property owner which would eliminate the Town's liability. Mr. Russo asked Mr. Hinkes, Esq. to review their file on the parking lot.

**e. Wayfinding Signs**

Mr. Russo noted that as per the Circulation Plan, there are funds allocated for the purchase of new Wayfinding signs for our community. Mr. Russo advised that these signs would direct people in and around the Town. Mr. Russo reviewed the potential Wayfinding list of destinations as follows:

1. Community College
2. County Admin. Bldg.
3. County Courthouse / Jail
4. Downtown Shopping District
5. Halsted Middle School
6. Hospital
7. Memory Park / Town Pool
8. Merriam Avenue School
9. NJ Motor Vehicle Agency
10. NJ Motor Vehicle Inspection
11. Newton High School
12. Park 'n' Ride
13. Pine Street Park
14. Summit Avenue Park
15. Town Hall / Police Dept.

After a brief discussion, Mr. Russo indicated that he will obtain a variety of sign samples in order for the Council to choose size and color of signs.

**OPEN TO THE PUBLIC**

Mrs. Thea Unhoch, 17 Condit Street, addressing the bus stop relocation, suggested that the bus stop should be relocated in the vicinity of the Bee Hive on Spring Street. Mrs. Unhoch feels that Trinity Street would not be convenient for seniors or passengers with baby carriages.

Mr. Wayne Levante, 5 East Stuart Street, feels that the current location of the bus stop is the appropriate and convenient spot for passengers.

Mr. Anwar Qarmout, 45 Woodside Avenue, agreed with the tax

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abatement program and looks forward to the progress on this program. Mr. Qarmout suggested that the Newton Theater could be a great community center for the Town. In addition, Mr. Qarmout was in agreement with relocating the bus stop. Finally, Mr. Qarmout commended the Wayfinding signs to be placed in and around the Town.

**COUNCIL & MANAGER COMMENTS**

Councilwoman Diglio informed Council of a mock drill by the Newton First Aid & Rescue Squad and invited the Town Council to attend. The drill will take place at Newton High School on Wednesday, May 11, 2011 at 1 p.m.

Councilman Ricciardo requested that solar panels be investigated for the various municipal facilities for cost savings to the Town. Mr. Ricciardo feels that the Town can save an enormous amount of money each month. Mr. Russo noted that the Town does not have the capital funding for such a large project but that he has Mrs. Millikin working on other avenues for solar energy with the potential of the municipality receiving such a financial benefit.

**EXECUTIVE SESSION**

Mr. Russo read Resolution #7-2011 and Council entered into Executive Session at 8:19 p.m.

Council returned from Executive Session at 9:04 p.m.

There being no further business to be conducted, upon motion by Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Lorraine A. Read, RMC/CMR  
Municipal Clerk