

February 14, 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 Mark Hontz, 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 Deputy Clerk called the roll and upon completion of same, upon motion of Mr. Ricciardo, seconded by Mrs. Le Frois, and abstention by Mrs. Diglio, the minutes of January 24, 2011 (Regular) meeting was 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

Mr. Russo read the following Proclamation declaring gratitude and appreciation to all members of the Newton First Aid and Rescue Squad.

P R O C L A M A T I O N

NEWTON FIRST AID & RESCUE SQUAD

WHEREAS, the Newton First Aid and Rescue Squad was established in 1957 and over the years, these dedicated volunteers have sacrificed their time to help those in need; and

WHEREAS, the Squad responded to approximately 1,400 calls for help in 2010, proving that this organization is vital to the health, safety and welfare of our community; and

WHEREAS, the Squad works along side the Newton Police Department and Fire Department to provide emergency medical care in times of crisis. Their dedication and care throughout the years continues to serve as a sense of comfort and security to the residents, business owners and visitors to the Town of

Newton;

NOW THEREFORE WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to all members of the Newton First Aid and Rescue Squad for their endless hours of support and service to the Newton Community.

Mr. Russo advised Council that the Hot Box was delivered to the Department of Public Works last week and training to DPW personnel has been completed. Mr. Russo also advised that, to date, 112 potholes have been filled on various streets throughout Town as well as repairs to the crosswalks.

Mr. Russo reminded Council that the Municipal Building will be closed on February 21, 2011 in observance of Presidents' Day.

ORDINANCES

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

ORDINANCE #2011-1

ORDINANCE REAPPROPRIATING \$98,809.59 PROCEEDS OF OBLIGATIONS AND UNSPENT DOWN PAYMENT FUNDS NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR SIDEWALK REPLACEMENT ON SPRING STREET AND UNDERGROUND STORAGE TANK REMOVAL AT THE DEPARTMENT OF PUBLIC WORKS SITE IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$98,809.59 of the proceeds of obligations and unspent down payment funds originally made available pursuant to Section 3(g) of bond ordinance #2008-7 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 28, 2008 is no longer necessary for the purpose of Central Business District alleyway improvements including paving and lighting for which the obligations and other funds previously were authorized.

Section 2. The \$98,809.59 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the following improvements of purposes:

<u>Improvement or Purpose</u>	<u>Amount</u>
Sidewalk replacement on Spring Street	\$33,000.00
Underground storage tank removal at the Department of Public Works site	\$65,809.59

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Section 3. 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, 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		

This ordinance will take effect after publication and adoption according to law. The Deputy Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2011-2

AN ORDINANCE TO EXCEED THE 2011 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

The Governing Body had several questions which were addressed by Mrs. Dawn Babcock, Chief Financial Officer and Mark Hontz, Esq., Town Attorney.

The following **ORDINANCE** was offered by Mrs. Diglio, who moved its introduction, seconded by Mrs. Le Frois and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Becker	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 February 28, 2011.

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The Deputy Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2011-3

AN ORDINANCE TO AMEND CHAPTER 10 "TRAFFIC" OF NEWTON'S REVISED GENERAL ORDINANCES

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, 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	

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 February 28, 2011.

The Deputy Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

Mayor Becker advised that there was no update on the Main Street Newton program.

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 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 recommended pulling Resolution #24-2011 from the consent agenda due to unanswered questions regarding the contract.

RESOLUTION #21-2011*

RESOLUTION DECLARING MARCH 2, 2011 AS READ ACROSS AMERICA DAY

WHEREAS, the citizens of the Town of Newton stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Town of Newton has provided significant leadership in the area of community involvement in the education of our youth, grounded in the

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principal that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's *Read Across America*, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 107th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America - NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, and the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton calls on the citizens of Newton to assure that every child is in a safe place reading together with a caring adult on March 2, 2011; and

BE IT FURTHER RESOLVED, that this Governing Body enthusiastically endorses **NEA'S *Read Across America* and *Read Across America - NJ***, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

RESOLUTION #22-2011*

APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE REFUND OF OVERPAYMENT FOR BLOCK 201, LOT 1.20

WHEREAS, Newton West, Ltd., the owner of property identified as Block 201, Lot 1.20, on the official Tax Map for the Town of Newton, located at 100 Swartswood Road in the Town of Newton (a.k.a. Landmark West Apartments), filed State Tax Court appeals of the assessment on said block and lot for tax years 2008, 2009, and 2010; and

WHEREAS, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and Newton West, Ltd.'s professionals; and

WHEREAS, as a result of said negotiations, the property owner is willing to accept a settlement as follows:

2008: \$300,000 reduction (against \$9,300,000) resulting in a refund liability of \$7,278.

2009: \$600,000 reduction (against \$9,300,000) resulting in a refund liability of \$15,342.

2010: \$900,000 reduction (against \$9,300,000) resulting in a refund liability of \$24,381.

WHEREAS, all assessment adjustments are made against the base assessment for the years as appealed and are not cumulative, with the total refund of property taxes for all three years being \$47,001; and

WHEREAS, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzhauer concurs with this recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that the settlement negotiated by its professionals for a reduction of the tax assessment for Block 201, Lot 1.20, for tax years 2008 through 2010 as aforesaid is approved, and that the issuance of a payment to the property

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owner, Newton West, Ltd., in the amount of \$47,001 to refund property taxes per the settlement is authorized.

RESOLUTION #23-2011*

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, as follows:

1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.

a) The sale will be conducted online and the address of the auction site is govdeals.com.

2) The sale is being conducted pursuant to Local Finance Notice 2008-9.

3) A list of the surplus property to be sold is as follows:

1. Executive Leather Chairs
Condition: Good
Quantity: 7
2. 1994 Ford E350 Ambulance
Vin#: 1FDHE30M0PHB35100
Odometer Reading: 40,000 MILES
Condition: Poor

4) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

5) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #25-2011*

APPROVE CHANGE ORDER NO. 2 FOR THE NORTH PARK DRIVE SUBPROJECT OF THE PAVING OF VARIOUS STREETS PROJECT

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Paving of Various Streets Project to Top Line Construction Corp., in the amount of \$441,283.76 by Resolution #141-2010, which was adopted on August 23, 2010; and

WHEREAS, within the project was a subproject for the Paving of North Park Drive which is a State Aid Project from the New Jersey Department of Transportation; and

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WHEREAS, the Town Council approved Change Order No. 1 for the project by the adoption of Resolution #189-2010 at their meeting on October 25, 2010, adjusting the overall contract amount of to \$442,729.67 with the North Park Drive portion of the project totaling \$131,120.23; and

WHEREAS, Harold Pellow & Associates, Inc. has prepared Change Order No. 2 for the North Park Drive portion, and recommends approval of the following:

Change Order No. 2 – Subproject (North Park Drive)
Amount

<i>Traffic Stripes, Long Life, Epoxy Resin;</i>	\$280.90
<i>GORE Striping, 12" Wide, Long Life, Thermoplastic;</i>	\$469.20
<i>Traffic Stripes, 8" Wide, Long Life Epoxy Resin</i>	<u>\$136.24</u>
Total	\$886.34 Increase

WHEREAS, the adjusted contract amount will be increased by \$886.34 by Change Order No. 2 to the new North Park Drive subproject contract total of \$132,006.57;

WHEREAS, the Chief Financial Officer has certified the availability of funds to support the above change order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves both Change Order No. 2 for the North Park Drive subproject based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute Change Order No. 2 resulting in a new subcontract total of \$132,006.57; and

BE IT FURTHER RESOLVED that a copy of the Engineer's certification detailing the change order be attached and made part of this resolution.

RESOLUTION #26-2011*

AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL SAX APPEALS

WHEREAS, various tax appeals have been filed with the State of New Jersey related to several real properties within the Town of Newton; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

WHEREAS, appraisal 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, the Chief Financial Officer has certified that funds are available to support an agreement with Holzhauer & Holenstein, LLC, for appraisal services in an amount not exceed \$17,500;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated February 7, 2011; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be

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forwarded to Holzhauer & Hostenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

RESOLUTION #27-2011*

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 reason(s) stated:

Account overestimated 4th Quarter:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
593	234 Spring Street	\$88.80

Utility Board recommends credit of minimum charges paid while meter was stuck:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10312	15 Ridgewood Avenue	\$150.00

RESOLUTION #28-2011*

TAKE YOUR DAUGHTERS AND SONS TO WORK DAY – APRIL 28, 2011

WHEREAS, the Take Our Daughters and Sons to Work® Foundation operates the Take Our Daughters and Sons to Work® Day to help our nation's daughters and sons reach their full potential in school, in family life, in the community, and in their future work lives; and

WHEREAS, take Our Daughters and Sons to Work® Day is making a positive difference in the lives of our youth through creating a wide range of experiences to instill the confidence necessary to acquire the skills and attitudes to enter and compete in today's workplace; and

WHEREAS, this program for 18 years has designed and promoted activities that encourage girls and boys to think about how their dreams for the future – both for their work and family lives – can be realized; and

WHEREAS, through this educational experience, girls and boys begin to see the connection between studied subjects like math, English and science and how they are applied to the "real" world. As a result, girls and boys are given an opportunity to explore the workplace and apply the experience to their everyday studies; and

WHEREAS, this program is a public education campaign that amplifies the voices of girls and boys, shares the vision of our nation's daughters and sons for a better future, and works through the program to help girls and boys make their vision of today their reality of tomorrow;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton do hereby extend greetings and best wishes to all observing April 28, 2011 as "*Take Our Daughters and Sons to Work® Day*" in the Town of Newton,

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and we urge all business and organizations to join the Town of Newton in supporting this program and its participants, enabling students to realize their full potential and reach their dreams.

RESOLUTION #29-2011*

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>
<u>CURRENT</u>		
Liquidation of TTL OE 1057200A	Police SW 1074113A	\$800.00
Finance OE 1054268A	Assessment of Taxes OE 1055216A	\$900.00
Legal OE 1058201A	Assessment of Taxes OE 1055216A	\$1,000.00
Utilities OE 1089245A	Assessment of Taxes OE 1055216A	\$2,300.00
TOTAL CURRENT TRANSFERS		\$5,000.00

RESOLUTION #30-2011*

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 2010 and 2011 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

165.95	VOID	28140
99,462.92	NJMEBF	28154
110.00	Wildflowers With Tami	28155
190.00	D & E Service Center	28156
192.48	Quill Corporation	28157
2,328.02	E.A. Morse & Company	28158
730.42	Montague Tool & Supply	28159
149.00	M G L Printing Solutions	28160
1,753.50	Harold Pellow & Assoc., Inc.	28161
62.00	Decker's Fire & Safety	28162
117.00	ABCCode Security	28163
156.00	Sussex Car Wash, Inc.	28164
1,346.14	G & G Diesel Service Inc.	28165
14,471.93	JCP&L	28166
282.80	New Jersey Herald	28167
2,489.00	Pumping Services	28168
487.92	SCMUA	28169
780.00	B & G Elevator	28170
35.00	Centurylink Communications, Inc.	28280

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124.64	Centurylink Communications, Inc.	28281
195.31	Centurylink Communications, Inc.	28282
250.00	Centurylink Communications, Inc.	28283
29.02	Centurylink Communications, Inc.	28284
6,156.00	Hollander, Strelzik, Pasculli, Hinkes	28285
2,170.00	Newton Memorial Hospital	28286
75.83	Rowe & Company, Inc.	28287
752,409.64	County of Sussex	28288
20,331.96	County of Sussex	28289
54,998.59	County of Sussex	28290
35.00	Campbell's Small Engine	28291
258.60	Lock & Key World	28292
209.70	Tri-State Rentals, Inc.	28293
45.43	Hayek's Market, Inc.	28294
39.00	JRF Tire, Inc.	28295
53.00	James Sisco	28296
53.00	Richard A. Straway, Jr.	28297
53.00	Thomas Straway	28298
35.00	NJ Police Traffic Officers	28299
634.00	NJLM	28300
3,160.00	Mitchell Agency	28301
50.00	Sussex County League of	28302
121.16	Newton Trophy	28303
67.00	William F. Smith	28304
74.00	Brock Kithcart	28305
67.00	William Hagaman	28306
196.00	Minisink Press Inc.	28307
38.88	Microsystems-NJ Com, LLC	28308
2,257.15	Diamond Sand & Gravel, Inc.	28309
69.97	Sebring Auto Parts	28310
327.92	Sherwin-Williams	28311
320.00	Skylands Press	28312
139.74	Zee Medical	28313
1,705.35	Dempsey Uniform & Supply Inc.	28314
30.00	Greater Newton Chamber of Comm.	28315
535.44	Airgas East	28316
32.00	Ervin Lasso	28317
60.00	Sussex County Clerk's Association	28318
1,260.48	Boonton Tire Supply	28319
415.37	McGuire	28320
839.62	Vision Service Plan	28321
70,718.00	Statewide Insurance Fund	28322
550.00	Sussex Co. Assoc. Chiefs Police	28323
60.00	Public Works Assn. of NJ	28324
190.41	Verizon Wireless	28325
425.60	Munidex	28326
135.00	Accurate Door, Inc.	28327
45.00	MCAA of New Jersey	28328
270.00	Medtronic Physio-Contrl Corp.	28329
591.81	Petro-Mechanics, Inc.	28330
13,572.36	County of Sussex	28331
10.00	Walmart	28332
130.00	NENA	28333
1,079.96	Danforth's Trailer & Auto Inc.	28334
100.00	NJSACOP	28335
2,781.60	Vogel, Chait, Collins, Schneider, PC	28336
273.29	Advance Auto Parts	28337
1,410.34	The Home Depot	28338
121.58	Carquest	28339

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1,929.56	Rogo Fastener Co., Inc.	28340
17,788.65	Access Control Technology	28341
34,385.00	Lincoln Financial Group	28342
55.95	Ward's Flowers and Gifts	28343
100.00	Newton Fire Department	28344
1,200.00	Underwriters Laboratories Inc.	28345
88.25	Tritec Office Equipment Inc.	28346
865.67	Staples Business Advantage	28347
140.84	Lowe's	28348
33,300.00	Appraisal Services, Inc.	28349
46.73	Nestle Waters	28350
67.00	Steve Estler	28351
4,487.99	Magarino Ford	28352
9,485.12	Rachles/Michelle's Oil Company	28353
2,665.28	Taylor Oil Co.	28354
550.00	Morris County Coop	28355
60.00	Eric Tompkins	28356
67.00	Adam Vough	28357
53.00	Joseph White	28358
2,371.88	JMC Environmental Consultants, Inc.	28359
320.00	Sign-A-Rama	28360
360.00	Garden State Highway Products	28361
336.00	Jersey Central Power & Light	28362
958.00	Sparctech Solutions, LLC	28363
2,250.00	Knapp, Trimboli & Prusinowski, LLC	28364
469.80	Penteldata	28365
128.70	Dash Medical Gloves	28366
96,957.56	NJMEBF	28367
1,985.00	Chelbus Cleaning Co., Inc.	28368
67.00	Roy Leyman	28369
7,679.57	Direct Energy Business	28370
24.99	Tractor Supply Co.	28371
7,083.33	The Station Inc.	28372
74.34	Lightning Powder Company Inc.	28373
2,390.60	National Business Furniture	28374
100,225.00	Depository Trust Company	28375
203,8987.41	Payroll Account	111006
188.85	Authorize.net Corporation	111007

CAPITAL

4,994.00	Harold Pellow & Assoc., Inc.	7657
720.00	Hollander, Strelzik, Pasculli Hinkes	7658
1,300.00	Key-Tech	7659
13,720.00	Garden State Highway Products	7660
137.50	Metro Energy Solutions	7661
31,008.70	Top Line Construction Corp.	7662
23,602.94	Manor II Electric	7663
7,475.00	Resdesign, LLC	7664

Total TOWN BILLS \$1,685,419.14

WATER AND SEWER ACCOUNT

15,545.08	NJMEBF	11941
1,526.75	E S C Enterprises	11942
117.42	Schmidt's Wholesale, Inc.	11943
420.00	Harold Pellow & Associates	11944
2,204.73	MWH Americas, Inc.	11945

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161.40	Hach Company	11946
725.26	CCP Industries	11947
3,426.50	Andres & Mooney Electric Inc.	11948
10,293.71	JCP&L	11949
16.80	New Jersey Herald	11950
7,305.50	Pumping Services	11951
515.31	SCMUA	11952
118.49	Sussex County Plumbing	11953
10,019.07	Coyne Chemical Corp., Inc.	11954
125.85	Centurylink Communications, Inc.	11955
414.00	Hollander, Strelzik, Pasculli, Hinkes	11956
630.00	Garden State Laboratories, Inc.	11957
2.75	Lock & Key World	11958
176.30	Hamburg Plumbing Supply Co., Inc.	11959
950.00	Bank of New York	11960
862.00	Joseph Carr	11961
636.98	Dempsey Uniform & Supply Inc.	11962
4,904.00	R & D Trucking Inc.	11963
312.89	Airgas East	11964
5,010.00	Instrumentation Tech Systems, Inc.	11965
163.92	Vision Service Plan	11966
23,000.00	Statewide Insurance Fund	11967
521.70	Orr's	11968
2,496.60	Main Pool & Chemical Company	11969
370.00	New Jersey Water Association	11970
949.98	The Home Depot	11971
7,449.56	Suburban Energy Services	11972
2,104.50	Airmatic Compressor Systems, Inc.	11973
731.00	Process Tech Sales & Service	11974
407.95	Staples Business Advantage	11975
550.00	Morris County Coop	11976
10,212.50	Metro Energy Solutions	11977
139.90	Penteledata	11978
106.20	Treasurer State of NJ	11979
15,515.44	NJMEBF	11980
10,223.31	Direct Energy Business	11981
204.37	One Call Concepts	11982
22.47	Skylands Sport Shop	11983
29,730.55	Payroll Account	11984

CAPITAL

5,297.75	Harold Pellow & Assoc., Inc.	2167
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Total WATER & SEWER BILLS \$176,618.49

TRUST ACCOUNT

1,692.00	Harold Pellow & Assoc., Inc.	2858
270.00	Hollander, Strelzik, Pasculli, Hinkes	2859
660.00	Vogel,Chait,Collins,Schneider,PC	2860
320.00	Ferriero Engineering Inc.	2861
495.00	The Buzak Law Group, LLC	2862
892.96	Payroll Account	117103

Total TRUST ACCOUNT BILLS \$4,329.96

The Deputy Clerk presented an Application for an off-premise raffle from

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St. Joseph's School, 20 Jefferson Street, Newton to be held on May 25, 2011 at 8:00 p.m. at 20 Jefferson Street, Newton.

A motion was made by Mrs. Le Frois to approve the **COMBINED ACTION RESOLUTIONS WITH THE ELIMINATION OF RESOLUTION #24-2011**, seconded by Mr. Ricciardo and roll call resulted as follows:

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

Mayor Becker requested a motion to approve **RESOLUTION #24-2011**. There was no motion made. Resolution is deleted.

DISCUSSION

a. Utility Board Appeal

Mr. Russo addressed a Utility Board Decision Appeal for 27 Linwood Avenue, Newton which disputed a large second quarter 2010 water and sewer bill. It was noted that the homeowners were noticed of this meeting and were not present. After a brief discussion, Council was satisfied with the Utility Board's decision to deny the request.

A motion was made by Mr. Ricciardo to deny the Utility Board Decision Appeal, seconded by Mr. Elvidge and roll call resulted as follows:

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

b. County Bus Stop

Mr. Russo reviewed the new proposed location for the County Bus Stop. Mr. Russo further explained that the proposed bus stop would be located on Trinity Street and would eliminate one parking space. The proposed relocation was reviewed by the Town Engineer, Police Department and Director of Public Works. After a brief discussion, the Governing Body agreed with the proposed relocation of the County Bus Stop and directed Mr. Russo to send correspondence informing the County that the relocation would take place

effective June 1, 2011.

c. Circulation Plan

Mr. Russo updated the Governing Body on the status of the Circulation Plan.

d. Diller Avenue

Mr. Russo reviewed a traffic study which addressed the issue of speeding on Diller Avenue. Mr. Russo advised that the study was reviewed by the Town Engineer and several recommendations were made in order to control the speeding on Diller Avenue. After a brief discussion, the consensus of the Governing Body was to choose to perform the following: new yellow striping, new side striping, rumble strips, and larger speed limit signs.

e. Railroad Right-Of-Way

Mr. Russo advised that ThorLabs has approached the Town expressing an interest in purchasing a portion of the railroad right-of-way, Block 1301, Lot 1.02. Mr. Russo reviewed a memorandum from Scott J. Holzhauer, Tax Assessor, outlining the specifics of the property as well as the potential market value of \$24,000. Mr. Russo requested direction from the Governing Body as to how to proceed. After a lengthy discussion, it was the consensus of the Governing Body to have Mr. Russo contact ThorLabs and obtain additional information as to the specific use of the property as well schedule an on-site meeting for Mrs. Diglio to view the property.

INTERMISSION-(10 minutes)

f. Health Plan Waiver

Mr. Russo updated the Governing Body regarding two issues brought before the Town Council by his predecessor at the January 24th meeting.

Mr. Russo indicated the first issue was concerning a restatement of retiree health benefits. Mr. Russo advised a resolution for review will be presented at the next council meeting on February 28, 2011.

Mr. Russo explained the second issue was regarding the Waiver of Health Benefits. Mr. Russo indicated that Resolution #71-2010 adjusted the waiver

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amount to 25% of coverage, up to \$5,000, with a provision that the waiver be based on the lowest cost single plan. The question is whether or not the Town should instead offer the waiver based on whatever plan was applicable for a particular employee. Another question was whether or not the town was in a position to have a renewal of the waiver request and finally, if there was grandfathering in under the previous amount of compensation or if the Town was in a position to adjust the amount of compensation.

Mr. Russo advised he consulted legal counsel for advice on the above concerns and reviewed legal counsel's findings with Council. Mr. Russo advised the only issue for discussion tonight would be whether the waiver should be based on the lowest cost single plan or whether to adjust that amount to a percentage of the lowest plan applicable to the individual employees' circumstances.

After a lengthy discussion it was the consensus of the Governing Body to direct Mr. Russo to prepare a new resolution for the next Council meeting to change the waiver amount to 12.5% of coverage on the cost to the Town, with a provision that the waiver be based on the individual employees' circumstances.

OPEN TO THE PUBLIC

Mrs. Eileen Kithcart, 14 Parson Road, thanked the Governing Body for addressing her concerns regarding retiree benefits and renewal of the Health Benefits Waiver. Mrs. Kithcart expressed her disappointment with the Council's decision to offset increased health benefit costs by burdening a handful of employees. Mrs. Kithcart stated she wanted to dispel a rumor that she was contacted by the police department to speak on their behalf regarding the health benefits waiver.

Mr. Anwar Qarmout, 45 Woodside Avenue, addressed Council regarding the Utility Board Appeal process which was addressed by the Governing Body.

Mr. Qarmout suggested the Town look into obtaining corporate sponsors or organizations to offset the cost of new bike racks.

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Mr. Qarmout suggested cameras be installed on Diller Avenue to help deter speeders.

Mr. Qarmout suggested the Town consider "going green" by purchasing Hybrid vehicles for the Newton Police Department.

COUNCIL & MANAGER COMMENTS

Mr. Russo expressed his disappointment with the comments made by Mrs. Kithcart.

EXECUTIVE SESSION- None.

There being no further business to be conducted, upon motion by Mrs. Le Frois seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Irene M. O'Connor
Deputy Municipal Clerk