

March 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 Clerk called the roll and upon completion of same, upon motion of Mrs. Le Frois, seconded by Mrs. Diglio, the minutes of February 28, 2011 meeting were 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."*

Mr. Michael Malone, 59 Trinity Street, Newton, addressed an article regarding a recent Supreme Court decision that indicates that "prayer" is illegal at Council meetings. Councilman Elvidge indicated that the Town changed their format at the beginning of each Council meeting and now the Mayor or a Councilmember will recite a general invocation. Mr. Hontz, Esq. believes that the Town is in compliance with the current requirements.

Ms. Eileen Kithcart, 14 Parsons Road, Newton (Hampton Twsp.) addressed the Council and thanked them for the implementation of Resolution #39-2011, "Restatement of Health Care Benefits Policy Regarding Certain Retirement Benefits." Ms. Kithcart addressed several questions regarding verbiage in the resolution, which were addressed by Mr. Hontz, Esq.

March 14, 2011

**COUNCIL & MANAGER REPORTS**

Mr. Russo advised Council that he received word today that the Town will receive a \$15,000 grant for installation upgrades at the First Aid Squad Building as well as doors and windows at the Wastewater Treatment Plant.

Mr. Russo advised that the Sussex County Prosecutor's Office will be providing the Town with funds for two additional cameras to be placed on Ginny's House Building in the Town Square.

Mr. Russo read correspondence from Kevin Phalon of the Newton Fire Department requesting permission to hold their 2<sup>nd</sup> Annual 5K Fun Run on Saturday, June 11, 2011 as part of Newton Day. Council had no objection to this event.

Mr. Russo advised Council of an additional request from Newton Fire Department to hold a wet down with their new fire apparatus sometime this summer. Mr. Russo addressed his concerns with workers compensation coverage during events where alcohol is being served/consumed and will follow up with the Town Insurance Agent on this matter. Council agreed that permission would only be granted if insurance is provided as well as the stipulation that there be no alcohol served/consumed while the new truck is involved in the wet down.

Mr. Russo also requested on behalf of the Newton Fire Department permission to host the 2017 Sussex County Firemen's Parade in Newton to be held on the first Saturday in October, 2017. Mr. Russo noted that this event would require that the organizing group pay all overtime costs (DPW and Police Department) associated with the parade.

Mr. Russo advised Council of a final request from the Newton Fire Department, for permission to bring a fire truck to three different parades: July 9, 2011; September 3, 2011; and October 1, 2011. It was noted that the workers compensation insurance coverage may not be available after the parades have officially ended. If the volunteers would like to participate in the after-

March 14, 2011

party, they would need to return the Town's fire truck back to Newton prior to attending the after-party.

**ORDINANCES**

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

**ORDINANCE #2011-4**

**AN ORDINANCE AMENDING CHAPTER 21, FEES AND COSTS, OF THE NEWTON REVISED GENERAL ORDINANCES REGARDING TAX MAP MAINTENANCE FEES RELATED TO SUBDIVISION APPLICAITONS**

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

**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 March 28, 2011.

The 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."*

Upon motion of Mr. Ricciardo, seconded by Mrs. Diglio and carried, that Resolution #39-2011 be pulled from the Consent Agenda for further discussion.

**RESOLUTION #40-2011\***

**APPROVE CHANGE ORDER NO. 1 FOR THE INSTALLATION OF A STANDBY GENERATOR FOR THE PUBLIC WORKS FACILITY**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the installation of a Standby Generator for the Public Works Facility to Manor

March 14, 2011

ll Electric, in the amount of \$54,850.00 by Resolution #189-2010, which was adopted on September 27, 2010; and

**WHEREAS**, Harold Pellow & Associates, Inc. has prepared Change Order No. 1 for said project, and recommends approval of the following:

<u>Change Order No. 1</u>	<u>Amount</u>
<i>Supplemental</i>	
Grounding rods and miscellaneous electrical work	\$1,229.16

**WHEREAS**, the adjusted contract amount will be increased by \$1,229.16 by Change Order No. 1 to the new contract total of \$56,079.16;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the installation of a Standby Generator for the Public Works Facility based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute Change Order No. 1 resulting in a new contract total of \$56,079.16; 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 #41-2011\***

**AUTHORIZE REFUND OF REDEMPTION OF MONIES TO OUTSIDE LIEN HOLDER FOR  
BLOCK 401, LOT 7**

**WHEREAS**, at the Municipal Tax Sale held on October 4, 2007 a lien was sold on Block 401, Lot 7, also known as 123 High Street, for 2006 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1235, was sold to Jesse Wolosky for 1% redemption fee; and

**WHEREAS**, Field Asset Services, the representative for AHMSI's the mortgage holder on said property, has affected redemption of Certificate #1235 in the amount of \$5,706.72;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that Jesse Wolosky is entitled to the redemption in the amount of \$5,706.72;

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$5,706.72 for the redemption of Certificate #1235 payable to Jesse Wolosky, 1 Vista Drive, Sparta, NJ 07871.

**RESOLUTION #42-2011\***

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1101, Lot 36, also known as 33 Madison Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1340, was sold to US Bank as Cust for Pro Capital I, LLC for 0% redemption fee; and

**WHEREAS**, Citimortgage, the mortgage holder on said property, has effected redemption of Certificate #1340 in the amount of \$1,965.77;

March 14, 2011

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank as Cust for Pro Capital I, LLC is entitled to the redemption in the amount of \$1,965.77; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,965.77 for the redemption of Certificate #1340 payable to US Bank as Cust for Pro Capital I, LLC, 1913 Greentree Road, Cherry Hill, NJ 08003.

**RESOLUTION #43-2011\***

**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:

**Credit due to incorrect meter reading:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19989	7 Trenton Place	\$778.60
9395	22 Ashford Street	\$54.40
9331	11 Ashford Street	\$702.10
16628	60 Sussex Street	\$6,171.00

**RESOLUTION #44-2011\***

**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**

47,001.00	Berger & Bornstein, P.A.	28438
710.13	Quill Corporation	28439
222.42	Montague Tool & Supply	28440
100.00	M G L Printing Solutions	28441
180.00	Harold Pellow & Assoc., Inc.	28442
5,599.26	Municipal Software, Inc.	28443
475.00	Decker's Fire & Safety	28444
148.75	ABCCode Security	28445
125.00	Sussex Car Wash, Inc.	28446
9,260.64	JCP&L	28447
153.40	New Jersey Herald	28448
54.60	New Jersey Herald	28449
720.56	SCMUA	28450
390.00	B & G Elevator	28451
35.00	Centurylink Communications, Inc.	28452
124.64	Centurylink Communications, Inc.	28453

March 14, 2011

166.63	Centurylink Communications, Inc.	28454
65.92	Centurylink Communications, Inc.	28455
5,922.00	Hollander, Strelzik, Pasculli, Hinkes	28456
618.00	Newton Memorial Hospital	28457
405.89	Rowe & Company, Inc.	28458
200.00	Newton Board of Education	28459
27.90	Campbell's Small Engine	28460
396.00	Neopost Leasing	28461
544.70	Willco, Inc.	28462
275.39	Miami Systems	28463
14.00	William F. Smith	28464
14.00	Brock Kithcart	28465
2,070.00	T.A. Mountford Company	28466
250.00	Lou's Glass	28467
245.00	Minisink Press, Inc.	28468
141.50	Gann Law Books	28469
87.52	Sebring Auto Parts	28470
56.07	Sherwin-Williams	28471
278.44	Zee Medical	28472
75.00	Kenneth A. Teets	28473
632.84	Dempsey Uniform & Supply Inc.	28474
28,995.51	International Salt	28475
43.14	Airgas East	28476
14.00	Ervin Lasso	28477
354.50	Boonton Tire Supply	28478
1,328.28	McGuire	28479
50.00	Sussex Co. Assoc.-Chiefs Police	28480
81.00	Sussex & Warren Tax Col. Assoc.	28481
65.00	Sussex Co. Community College	28482
190.41	Verizon Wireless	28483
1,304.40	Verizon Wireless	28484
120.00	IACP – Membership	28485
218.88	Logical Source, Inc.	28486
74.55	Mr. John	28487
400.00	NJSACOP	28488
989.27	Vogel, Chait, Collins, Schneider, PC	28489
27.06	Advance Auto Parts	28490
6,099.04	Fire & Safety Services, LTD	28491
1,627.50	Scarinci & Hollenbeck, LLC	28492
66.00	Matthew Bender, & Co.	28493
76.74	Staples Business Advantage	28494
1,500.00	Appraisal Services, Inc.	28495
48.00	CSS Test	28496
50.16	Nestle Waters	28497
59.66	Sussex County Rental Center	28498
14.00	Steve Estler	28499
124.00	Federal Licensing Inc.	28500
50.00	NJ Drug Recognition Experts Assoc.	28501
3,384.00	Pinnacle Wireless, Inc.	28502
24.99	Schwaab, Inc.	28503
3,213.22	Rachles/Michele's Oil Company	28504
11,340.67	Taylor Oil Co.	28505
87.49	Firefighter One	28506
1,012.00	International City/Cnty Mngmt Assoc.	28507
1,015.00	JMC Environmental Consultants, Inc.	28508
97.50	Garden State Highway Products	28509
168.00	Jersey Central Power & Light	28510
17,860.00	Spartech Solutions, LLC	28511
1,770.00	Chelbus Cleaning Co., Inc.	28512

March 14, 2011

8,987.39	Direct Energy Business	28513
7,083.33	The Station, Inc.	28514
2,875.00	Cit-E-Net, LLC	28515
116.84	Uline Shipping Supply Specialists	28516
75.00	Drew University	28517
200.00	Whentowork, Inc.	28518
85,700.00	Bank of New York	111010
180,316.38	Payroll Account	111011

**CAPITAL**

2,732.00	Harold Pellow & Assoc., Inc.	7668
31.50	New Jersey Herald	7669
36.00	Hollander, Strelzik, Pasculli, Hinkes	2670
600.00	McManimon & Scotland	2671
1,000.00	Allied Fire & Safety Equipment Co.	2672
3,950.00	Fondelco, Inc.	2673

**Total TOWN BILLS \$455,434.61**

**WATER AND SEWER ACCOUNT**

1,526.75	ESC Enterprises	11942
117.42	Schmidt's Wholesale, Inc.	11943
420.00	Harold Pellow & Assoc., Inc.	11944
2,204.73	MWH Americas, Inc.	11945
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	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	11963
312.89	Airgas East	11964
5,010.00	Instrumentation Tech System, 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

March 14, 2011

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
574.89	Newton Postmaster	11984
1,607.25	E S C Enterprises	11985
1,878.00	Harold Pellow & Assoc., Inc.	11986
889.37	NUI Corporation	11987
49,825.62	Pumping Services	11988
14.00	Paul M. Havens	11989
945.90	Coyne chemical Corp., Inc.	11990
28.17	Centurylink Communications, Inc.	11991
1,349.88	Centurylink Communications, Inc.	11992
3,147.50	Ferraioli, Cerullo & Cuva	11993
2,482.60	Stamp Fulfillment	11994
14.00	Ervin Lasso	11995
200.00	Treasurer, State of New Jersey	11996
163.92	Vision Service Plan	11997
285.78	Grinnell Recycle	11998
167.96	Verizon Wireless	11999
5,184.00	Passaic Valley Sewerage Comm.	12000
1,250.00	John Smalley	12001
884.40	Main Pool & Chemical Company	12002
528.20	Scarinci & Hollenbeck, LLC	12003
14.00	Eric Tompkins	12004
139.90	Penteledata	12005
149.00	EM Electrical Contractors, LLC	12006
15,042.94	NJMEBF	12007
96.00	United States Plastic Corp.	12008
1,694.17	Woodruff Energy	12009
283.95	Bruce Supply Corp.	12010
275.00	Advanced Software Devlp. Corp.	12011
29,730.55	Payroll Account	116003
31,596.06	Payroll Account	116004
143,471.00	U.S.D.A. / FHA	116005

**Total WATER & SEWER BILLS \$419,959.12**

**TRUST ACCOUNT**

1,590.00	Harold Pellow & Assoc., Inc.	2868
738.00	Hollander, Strelzik, Pasculli, Hinkes	2869
1,120.00	T.A. Mountford Company	2870
151.61	The Buzak Law Group LLC	2871
2,083.29	Payroll Account	117105

**Total TRUST ACCOUNT BILLS \$5,682.90**

**CASH-SUI ACCOUNT**

13,962.14	S/NJ Employer Accounts	1070
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**Total TRUST ACCOUNT BILLS \$13,962.14**

The Clerk presented an Application for a Special Permit for a Social Affair from Project Self-Sufficiency, 127 Mill Street, Newton, to be held on Friday, May

March 14, 2011

20, 2011 from 5:00 p.m. to 7:00 p.m. at Building #3-The Community Education Center, Mill Street, Newton. It was noted the Application was in order, signed by the Chief of Police and accompanied by the prescribed fee.

A motion was made by Mrs. Le Frois to approve the **COMBINED ACTION RESOLUTIONS WITH THE REMOVAL OF RESOLUTION 39-2011**, 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	

Councilman Ricciardo advised that he spoke to Mr. Russo today with concerns regarding Resolution #39-2011. Mr. Russo advised that he has prepared a revised Resolution with the modification that the current full-time non-union employees would be "grandfathered in", therefore would not be affected by this Resolution.

**RESOLUTION #39-2011 (REVISED)**

**Restatement of Health Care Benefits Policy Regarding Certain Retirement Benefits**

**WHEREAS**, the Town of Newton desires to restate and amend its policy regarding the payment of certain health care retirement benefits in order to eliminate ambiguities, clarify its policy, conform to statutory requirements and further amend and define said policy; and

**WHEREAS**, the Town of Newton notes that the following resolutions were previously adopted by the Town Council when the Town of Newton was a member of the State Health Benefits Plan ("SHBP"):

- Resolution #111-80, adopted on September 22, 1980, obligated the Town of Newton to pay the health benefit premiums and periodic charges for eligible retired employees and their program-covered dependents and obligated the Town of Newton to pay the premium charges under Part B of the Federal Medicare Program covering the eligible retired employees and their spouses, in accordance with SHBP regulations, but did not provide coverage for survivors of eligible retired employees;
- Resolution #1-2001, bearing an effective date of February 1, 2001, obligated the Town of Newton to pay the premium for certain health benefits of surviving spouses of eligible retired employees, pursuant to a then-recent statutory amendment;
- Resolution #188-2007, adopted on November 12, 2007, obligated the Town of the Newton to pay for certain retirement health benefits for all full-time, non-union employees of the Town of Newton based on a minimum age of 50, 15 years of service with the Town of Newton and a limitation to dependent spouse

March 14, 2011

coverage, conditioned upon the Town of Newton's continued participation in the SHBP and/or other revocation or modification; and

**WHEREAS**, in 2010, the Town of Newton terminated its membership in the SHBP and instead joined the North Jersey Municipal Employee Benefits Fund ("NJMEBF");

**NOW, THEREFORE BE IT RESOLVED** that the Town of Newton hereby restates its obligation to provide the following benefits in conformance with applicable statutory standards:

1. The Town of Newton shall pay health insurance premium or periodic charges for all eligible retired employees of the Town of Newton and their dependents and shall reimburse such retired employees for their premium charges under Part B of the Federal Medicare Program covering the retired employees and their spouses, pursuant to N.J.S. 52:14-17.32, as amended, subject to the following limitations and conditions<sup>1</sup> :

a. Said employee retired from the Town of Newton after the date the Town of Newton adopted the SHBP on a benefit based on 25 years or more of service credited in such retirement system;

b. This benefit is available to a surviving spouse of an eligible retired employee but not to any other survivors of an eligible retired employee.

c. This benefit is not available to an employee who elected deferred retirement.

2. The Town of Newton shall pay for every full-time, non-union retired employee (hereinafter referred to as a "Retiree FTNU") of the Town of Newton post-retirement medical benefits and shall reimburse every Retiree FTNU for its premium charges under Part B of the Federal Medicare Program covering said Retiree FTNU and its spouse, pursuant to N.J.S. 52:14-17.38, as amended, subject to the following limitations and conditions<sup>2</sup>:

a. A Retiree FTNU who retired on a disability pension qualifies for this benefit;

b. This benefit is limited to a Retiree FTNU and its dependent spouse;

c. This benefit is not available to other dependents of a Retiree FTNU;

d. This benefit is not available to survivors of a Retiree FTNU;

e. This benefit is not available to a Retiree FTNU who elected deferred retirement;

f. A retiree FTNU, who was employed by the Town of Newton on or before December 31, 2010, and who is not retired on a disability pension, must meet the following criteria in order to be eligible for this benefit: (i) be at least 50 years of age or older; (ii) have 25 years or more of service credit in a retirement system administered by a New Jersey municipality or by the State of New Jersey; and (iii) have 15 years or more of service with the Town of Newton.

g. A retiree FTNU, who was employed by the Town of Newton on or after January 1, 2011, and who is not retired on a disability pension, must meet

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<sup>1</sup> See Resolutions #111-80 and #1-2001.

<sup>2</sup> See Resolution #188-2007.

the following criteria in order to be eligible for this benefit: (i) be at least 62 years of age or older; (ii) have 25 years or more of service credit in a retirement system administered by a New Jersey municipality or by the State of New Jersey; and (iii) have 15 years or more of service with the Town of Newton.

3. Nothing in this Resolution exempts the Town of Newton from any continuing obligation to pay for post-retirement benefits of eligible retired employees who retired prior to the adoption of this Resolution and pursuant to the terms of prior, applicable Resolutions adopted by the Town of Newton. At this time, the Town of Newton restates its intention to honor its said continuing payment obligations to already-retired eligible employees, subject to any future change in the applicable laws of the State of New Jersey.

4. Nothing in this Resolution applies to the Town of Newton's Chief of Police, whose employment and retirement benefits are governed by a separate employment agreement with the Town of Newton.

Upon motion of Mr. Ricciardo, seconded by Mrs. Le Frois and carried, **Resolution #39-2011** be adopted **as amended**. It was noted that there were revisions as well as two additional changes made to Resolution #39-2011.

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

**RESOLUTION #45-2011**

**APPOINTMENT OF ANTHONY J. TORRE AS ALTERNATE NO. 3 ON THE PLANNING BOARD**

**WHEREAS**, there is currently a vacancy for an Alternate member on the Town of Newton Planning Board; and

**WHEREAS**, Anthony J. Torre has expressed interest in serving on the Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Anthony J. Torre is hereby appointed to an unexpired two-year term as Alternate No. 3 on the Planning Board, effective immediately with said term continuing to December 31, 2012.

A motion was made by Mrs. Le Frois to **APPROVE RESOLUTION 45-2011** 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	

March 14, 2011

**RESOLUTION #46-2011**

**Appointment of Barbara Mattingly as Alternate No. 4 on the Planning Board**

**WHEREAS**, there is currently a vacancy for an Alternate member on the Town of Newton Planning Board; and

**WHEREAS**, Barbara Mattingly has expressed interest in serving on the Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Barbara Mattingly is hereby appointed to an unexpired initial one-year term as Alternate No. 4 on the Planning Board, effective immediately with said term continuing to December 31, 2011.

A motion was made by Mrs. Diglio to **APPROVE RESOLUTION 46-2011** 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	

**INTERMISSION-(10 minutes)**

**DISCUSSION**

**a. Pool Fees**

Mr. Russo made some recommendations with regard to an increase in pool fees, but suggested that the increase hold off until 2012. Mr. Russo advised Council of the plans and schedule to build a snack stand as an additional amenity to the Newton Pool and suggested that marketing take place through the summer for the new amenities as well as the new pool rates for 2012. Council agreed with Mr. Russo's recommendations.

**b. Sussex County Bus Stop**

Mr. Russo updated Council on the County Bus Stop and advised that the Town recently met with the Sussex County Transportation Citizens Advisory Committee regarding the Town's recommendation to relocate the county bus stop to Trinity Street. After a brief discussion, the Council requested that a letter be sent to the County Administrator, advising that the Town will entertain an alternate site by April 1, 2011, otherwise the Town will proceed with its original plan of moving the approved bus stop location from Spring Street to Trinity Street

for June 1, 2011.

**c. Woodside Avenue Properties**

Mr. Russo updated Council on the Woodside Avenue properties which are two municipal properties no longer needed for public use. Mr. Russo noted that these two properties have been up for auction with no bidders. After a brief discussion, Council agreed to rebid the two properties together at \$50,000.00 and if no bids are made, then the alternate plan is to bid the properties individually at \$29,000.00 and \$30,000.00, respectfully. Mr. Hontz, Esq. will work with Mrs. Millikin on this project.

Mr. Russo noted that the County of Sussex is having discussions on shared services with Fire Marshalls in several municipalities and inquired whether the Town would be open to the possibility of discussing same with the County. Council had no objection to discussing shared services opportunities with the County.

Mr. Russo requested Mr. Hontz, Esq. to address issues surrounding the Martorana project. Mr. Hontz advised that he has drafted a developer's agreement for the developer's review. Council had questions regarding the preliminary work done without a developer's agreement and was advised that the engineer has ensured that the project guidelines are being met.

Mr. Russo noted that Dawn Babcock has some updates on the 2011 Municipal Budget which was introduced on February 28, 2011. Ms. Babcock updated Council on the changes made to the Municipal Budget as recommended by the State. Ms. Babcock has drafted a resolution with the budget changes which will be presented at the next scheduled Council meeting. Mr. Russo thanked Ms. Babcock and Town Auditor, Tom Ferry for their diligence on the budget.

**OPEN TO THE PUBLIC**

Mr. Michael Malone, 59 Trinity Street, questioned why the Town is dealing with the County bus issue and was advised by Mr. Russo that this has been a

March 14, 2011

long standing issue and the Town would like all the residents to be safe on the streets of Newton.

Mr. Malone questioned the issue of workers compensation coverage during parades and Mr. Russo clarified the reasons why workers compensation coverage may not be in effect.

**COUNCIL & MANAGER COMMENTS**

Councilman Ricciardo requested an update on the vacant buildings in Town and was advised by Mr. Russo that he would obtain an update for Council's review.

Councilman Ricciardo suggested that Mr. Russo looking into the possibility of merging the Historic Preservation Advisory Commission into the Planning Board, in order to streamline the process for all applicants.

Deputy Mayor Le Frois requested Mr. Russo to check on how eliminating the Historic Commission would affect the Town's Center Designation and grant funding that the Town receives. Mrs. Le Frois requested that all the Historic Commission members be advised of the pending review of the Historic Preservation Advisory Commission. A majority of the Council members were in favor of forwarding this request to Legal Counsel for their review.

Councilmember Ricciardo also requested an update on the Plaza Restaurant sign, which is not in compliance with the Town Ordinance. Mr. Russo advised that the Plaza Restaurant has been vacant for several years, but has been able to keep the sign because he obtains a Food Handler's license every year. A majority of the Council was not in favor of reviewing this issue at this time.

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 8:53 pm.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk