

March 28, 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. Elvidge, seconded by Mr. Ricciardo, the minutes of March 14, 2011 (Special and Regular) meetings 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."*

There was no one from the public to be heard.

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

Mr. Russo read the following Proclamation congratulating Patrick August Thomas for having achieved the status of Eagle Scout.

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

**Patrick August Thomas**

*Eagle Scout*

**WHEREAS**, Patrick August Thomas, a member of Boy Scout Troop 82, has earned the status of Eagle Scout; and

**WHEREAS, WE**, the Town Council of the Town of Newton, recognize the many hours Patrick devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

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**WHEREAS**, Patrick August Thomas has served the Boy Scouts for the past eleven years in an exemplary manner and is deserving of the honor bestowed upon him; and

**WHEREAS**, for Patrick's Eagle Scout Leadership Project he designed and built a Meditation Garden at the Project Self Sufficiency Campus in Newton, New Jersey; and

**WHEREAS**, Patrick August Thomas serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Patrick 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 Patrick August Thomas 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.

Mr. Russo read the following Proclamation proclaiming Saturday, April 2, 2011 as **Autism Awareness Day** in Newton.

### **PROCLAMATION**

#### **Autism Awareness Day - April 2, 2011**

**WHEREAS**, autism is a pervasive development disorder affecting the social, learning and behavioral skills of those affected by it; and

**WHEREAS**, one in 110 children are affected by autism, with autism four times more likely to occur in boys than girls, with one in 70 boys being diagnosed with this disorder; and

**WHEREAS**, more children will be diagnosed with autism this year than with cancer, AIDS and diabetes combined; and

**WHEREAS**, autism presents serious challenges to the families and caregivers as well as those involved with the affected person's education, treatment and employment; and

**WHEREAS**, while there is no known cause or cure for autism, if individuals receive early diagnosis and effective treatments and other support and services, it is possible for many children and adults with autism to look forward to more fulfilling and productive lives; and

**WHEREAS**, autism is a lifelong and complex disability that requires increased research to one day find a cure and prevention and through annual walk events and fundraisers, autism research has received thousands of dollars locally and throughout New Jersey;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim Saturday, April 2, 2011 as **Autism Awareness Day** in Newton. We encourage all citizens to join with us to unite against the effects of autism by participating in events to benefit those affected by autism throughout New Jersey.

#### **UTILITY BOARD APPEAL – Anthony Mautone**

At this time, Mark Hontz, Esq. swore-in Mr. Anthony Mautone. Mr. Anthony

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Mautone, property owner 108-110 Spring Street, requested a Utility Board Appeal for relief of large third and fourth quarter 2010 water and sewer bills. Mr. Mautone presented an overview of the discrepancy. The Governing Body had several questions which were addressed by Mrs. Dawn Babcock, Chief Financial Officer and Mr. Paul Baldwin, Water and Sewer Supervisor. After a lengthy discussion, it was consensus of the Council to extend the appeal until the water meter in question is tested for accuracy and Mr. Mautone agreed to pay a portion of the third and fourth quarter 2010 water and sewer bills.

**HEARING ON THE INTRODUCED 2011 BUDGET**

Mayor Becker opened the hearing on the 2011 Municipal and Water and Sewer Utility Budget to the public. There being no one from the public to be heard, upon motion by Deputy Mayor Le Frois, seconded by Mr. Ricciardo and unanimously carried, the hearing was closed.

**RESOLUTION #47-2011**

**AMENDMENT TO THE 2011 BUDGET**

**WHEREAS**, the Local Municipal Budget for the Year 2011 was approved on the 28<sup>th</sup> day of February, 2011; and

**WHEREAS**, the public hearing on said Budget was held as advertised; and

**WHEREAS**, it is desired to amend said approved Budget;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, that the following amendments to the approved Budget of 2011 be authorized:

	FCOA	FROM	TO
<b>2011 CURRENT FUND REVENUES</b>			
6a. Amount to be Raised for Taxes - Local Tax Munic. Purpose	07-190	\$7,861,906.31	\$7,860,281.31
7. Total General Revenues	13-299	\$10,904,985.00	\$10,903,360.00
<b>2011 CURRENT FUND APPROPRIATIONS</b>			
<b>(A) Operations - Within "Caps"</b>			
Group Insurance for Employees	23-220-2	\$1,008,837.00	\$947,276.00
Health Benefit Waiver	23-221-2	\$0.00	\$16,038.00
Parks & Playgrounds - Salaries and Wages	28-375-1	\$90,505.00	\$81,720.00
<b>Total Operations Within "CAPS"</b>	<b>34-199</b>	<b>\$6,477,612.00</b>	<b>\$6,423,304.00</b>

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Detail: Salaries and Wages	34-201-1	\$3,953,239.00	\$3,944,454.00
Detail: Other Expenses	34-201-2	\$2,524,373.00	\$2,478,850.00
<b>(H-1) Total General Approp. for Munic. Purposes within "CAPS"</b>	<b>34-299</b>	<b>\$7,542,436.00</b>	<b>\$7,488,128.00</b>
<b>(A) Operations - Excluded From "Caps"</b>			
Group Health Insurance	36-475-2	\$61,903.00	\$107,426.00
<b>Total Other Operations - Excluded from Caps</b>	<b>34-300</b>	<b>\$141,853.00</b>	<b>\$187,376.00</b>
<b>Total Operations - Excluded from "CAPS"</b>	<b>34-305</b>	<b>\$1,362,362.54</b>	<b>\$1,407,885.54</b>
Detail:			
Salaries and Wages	34-305-1	\$830,621.55	\$830,621.55
Other Expenses	34-305-2	\$531,740.99	\$577,263.99
<b>(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"</b>	<b>34-309</b>	<b>\$2,872,063.20</b>	<b>\$2,917,586.20</b>
<b>(O) Total General Appropriations - Excluded from "Caps"</b>	<b>34-399</b>	<b>\$2,872,063.20</b>	<b>\$2,917,586.20</b>
<b>(L) Subtotal General Appropriations - Items (H-1) &amp; (O)</b>	<b>34-400</b>	<b>\$10,414,499.20</b>	<b>\$10,405,714.20</b>
Reserve for Uncollected Taxes	50-899	\$490,485.80	\$497,645.80
<b>9. Total General Appropriations</b>	<b>34-499</b>	<b>\$10,904,985.00</b>	<b>\$10,903,360.00</b>

**BE IT FURTHER RESOLVED** that two certified copies of this Resolution be filed forthwith in the office of the Director of Local Government Services for certification of the Local Municipal Budget so amended; and

A motion was made by Mrs. Le Frois to **AMEND THE 2011 INTRODUCED BUDGET**, seconded by Mayor Becker and roll call resulted as follows:

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

**HEARING ON THE 2011 AMENDED BUDGET**

Mr. Russo presented a Powerpoint presentation on the 2011 Amended Budget highlighting three core areas, cost effectiveness, protecting core services and revenue enhancement.

Mayor Becker opened the hearing on the 2011 amended Budget to the public. There being no one from the public to be heard, upon motion by Mayor

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Becker, seconded by Deputy Mayor Le Frois and unanimously carried, the hearing was closed.

Mayor Becker expressed her thanks to all the Department Heads and Mr. Russo for all their hard work. Mayor Becker also stated that "this 2011 Budget is the clearest, most concise budget we have seen in a long time and we should be very proud of the effort put into it."

Mr. Elvidge stated the presentation of the tax increases for the past 10 years is a tremendous showing. Mr. Elvidge also stated that "not only were we able to hold down tax rates, but to have a substantial rate reduction without cutting services to the Town is fantastic."

Deputy Mayor Le Frois commended the 2011 Budget and stated that "despite what the economy has been in the past couple of years and reduction of State aid, the 2011 Budget has kept increases to a minimum and still provides resources to taxpayers." Deputy Mayor Le Frois stated that "this speaks highly in regard to Newton being fiscally conservative and commended the Council, Mr. Russo, and all the Department Heads for their work on the 2011 Budget."

Mr. Russo read the following Resolution.

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**Section 2 – Upon Adoption for Year 2011**

(Only to be included in the Budget as Finally Adopted)

**RESOLUTION**

Be it Resolved by the Mayor and Town Council of the Town  
of Newton, County of Sussex that the budget herein before set forth is hereby  
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the  
amount of:

- (a) \$ 7,860,281.31 (item 2 below) for municipal purposes ,and
- (b) \$ 0 (item 3 below) for school purposes in Type 1 School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ 0 (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in  
Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of  
the following summary of general revenues and appropriations.
- (d) \$ \_\_\_\_\_ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ \_\_\_\_\_ (Sheet 38) Minimum Library Levy

<b>Recorded Vote</b>	(	(	Abstained (
<b>(insert last name)</b>	Ayes (	Nays (	(
	(	(	(
	(	(	Absent (
	(	(	(

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1. General Revenues		
Surplus Anticipated	08-100	550,000.00
Miscellaneous Revenues Anticipated	13-099	2,103,078.69
Receipts from Delinquent Taxes	15-499	390,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet11)	07-190	7,860,281.31
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE 1 SCHOOL DISTRICTS ONLY		
Item 6, Sheet 42	07-195	
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)	07-191	0
Total Amount to be raised by Taxation for Schools in Type 1 School Districts Only		0.00
4. To Be Added to The Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:		
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)	07-191	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	07-192	
<b>Total Revenues</b>	13-299	10,903,360.00

Sheet 41

Summary of Appropriations

6. GENERAL APPROPRIATIONS:	XXXXXXXX	XXXXXXXX
Within "Caps"	XXXXXXXX	XXXXXXXX
(a&b) Operations Including Contingent	34-201	6,423,304.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	1,064,824.00
(g) Cash Deficit	46-885	0.00
Excluded from "CAPS"	XXXXXXXX	XXXXXXXX
(a) Operations - Total Operations Excluded from " CAPS"	34-305	1,407,885.54
(c) Capital Improvements	44-999	124,000.00
(d) Municipal Debt Service	45-999	1,296,122.00

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(e) Deferred Charges - Municipal	46-999	89,578.66
(f) Judgments	37-480	0.00
(n) Transfer to Board of Education for Use of Local Schools (N.J.S.40:48-17.1 & 17.3)	29-405	0.00
(g) Cash Deficit	46-885	0.00
(k) For Local District School Purposes	29-410	0.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	497,645.80
7. SCHOOL APPROPRIATIONS - Type 1 School Districts only (N.J.S. 40A:4-13)	07-195	
<b>Total Appropriations</b>	34-499	10,903,360.00

It is hereby certified that the within budget is a true copy budget finally adopted by resolution of the Governing Body on the \_\_\_\_\_ th day of \_\_\_\_\_, 2011  
 It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2011 approved budget and all amendments thereto, to if any, which have been previously approved by the Director of Local Government Services.

Certified by me this \_\_\_\_\_ th day of \_\_\_\_\_, 2011

\_\_\_\_\_, Clerk  
*Signature*

Sheet 42

A motion was made by Deputy Mayor Le Frois to **ADOPT THE 2011 TOWN OF NEWTON MUNICIPAL AND WATER AND SEWER UTILITY AMENDED BUDGET**, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	No	Mrs. Le Frois	Yes
	Mayor Becker	Yes	

**ORDINANCES**

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

**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**

**WHEREAS**, Section 19-7.12 of the Chapter 19, Land Subdivision, of the Newton Revised General Ordinances provides for a fee to be paid by a subdivision applicant for the cost of updates and modifications to the tax maps of the Town of Newton as a result of an application approved by the Newton Planning Board; and

**WHEREAS**, Chapter 21, Fees and Costs, does not include provision for such a fee; and

**WHEREAS**, after consultation with municipal officials and professionals on the cost of work to update and modify the municipal tax maps as a result of a subdivision application, a reasonable fee to be charged for such work depends on the nature of the application, with such fees determined to be:

- Minor subdivision/lot line adjustment: \$250.00;
- Major subdivision: \$250.00 plus \$25.00 for each lot with a new property line;
- Subdivision including condominiums: \$250.00 plus \$25.00 per unit.

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

I. Chapter 21, Fees and Costs, of the Newton Revised General Ordinances, shall be amended to include a new section as follows:

**21-1.13 Land Subdivision (Relating to Chapter XIX).**

h. Tax Map Maintenance Fee.

The fee for the cost of updates and modifications to the tax maps of the Town of Newton as a result of a subdivision application as authorized by Section 19-7.12 shall be as follows:

- 1. Minor subdivision/lot line adjustment: \$250.00;

- 2. Major subdivision: \$250.00 plus \$25.00 for each lot with a new property line;
- 3. Subdivision including condominiums: \$250.00 plus \$25.00 per unit.

The appropriate fee shall be paid to the Town of Newton prior to final subdivision approval.

II. All ordinances or parts of ordinances heretofore adopted that are inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

III. If a court of competent jurisdiction shall act to void any part of this Ordinance, such act shall not affect the remainder of the Ordinance.

IV. This Ordinance shall take effect upon its passage and publication as required by law.

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

The following **ORDINANCE** was offered by Mrs. Diglio, who moved its adoption, 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		

This ordinance will take effect after publication and adoption according to law. 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. Ricciardo had a question regarding Resolution #48-2011 which was addressed by Mrs. Babock, Chief Financial Officer.

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**RESOLUTION #48-2011\***

**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>		
Liquidation of TTL OE 1057200A	Accumulated Absence SW 1094400A	\$200.00
Engineering OE 1060200A	Accumulated Absence SW 1094400A	\$1,495.00
Building & Grounds OE 1061200A	Accumulated Absence SW 1094400A	\$9,000.00
Community Devel. OE 1064200A	Accumulated Absence SW 1094400A	\$1,000.00
Road Repair & Maint OE 1080200A	Accumulated Absence SW 1094400A	\$3,305.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$15,000.00</u></b>

**RESOLUTION #49-2011\***

**APPROVE 2010 APPROPRIATION RESERVE BE LAPSED TO TRUST-SNOW REMOVAL RESERVE**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2010 appropriation reserve balance be lapsed to Trust – Snow Removal Reserve pursuant to NJSA 40A: 4-62.1. This resolution is being adopted in accordance with the provisions of NJSA 40A:4-59.

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Snow Removal OE 1081200A	<b><u>TRUST</u></b> Snow Removal Reserve 711202	\$20,000.00
<b>TOTAL</b>		<b><u>\$20,000.00</u></b>

**RESOLUTION #50-2011\***

**AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF AN EXTERIOR MASONRY WALL REPAIR/REPLACEMENT AT THE MUNICIPAL BUILDING**

**WHEREAS**, the Town of Newton has a need to acquire the services of FKA Architects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for architectural services for the design of an exterior masonry wall repair/replacement at the municipal building; and

**WHEREAS**, FKA Architects submitted a proposal dated February 25, 2011 outlining the services to be provided for an amount not to exceed \$4,900 which is less than the threshold established by the Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

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**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with FKA Architects, for the design of an exterior masonry wall repair/replacement at the municipal building, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

**RESOLUTION #51-2011\***

**FINAL ACCEPTANCE OF THE INSTALLATION OF A STANDBY GENERATOR FOR THE PUBLIC WORKS FACILITY**

**WHEREAS**, on September 27, 2010 by way of adoption of Resolution #163-2010, the Newton Town Council awarded a contract to Manor II Electric, for the Installation of a Standby Generator for the Public Works Facility; and

**WHEREAS**, the Newton Town Council approved Change Order No. 1 by adoption of Resolution #40-2011 on March 14, 2011 in accordance with the recommendations of the Town Engineer; and

**WHEREAS**, in a memo to the Town Manager dated March 3, 2011, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and Installation of a Standby Generator for the Public Works Facility as final and complete; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to Manor II Electric and the Town Engineer.

**RESOLUTION #52-2011\***

**APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC. AS ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2011**

**WHEREAS**, the Town of Newton has a need for a qualified Environmental Engineer to provide consulting and engineering services throughout the year as matters arise; and

**WHEREAS**, engineering services is a professional service as defined by the Local Public Contracts Laws and is, therefore, exempt from public bidding requirements in accordance with for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

**WHEREAS**, the Newton Town Council appointed Excel Environmental Resources, Inc., in 2010 to provide environmental engineering on some specific parcels in the Town of Newton, and said professional services will be needed by the Town of Newton during calendar year 2011; and

**WHEREAS**, Excel Environmental Resources, Inc., has submitted an agreement for environmental engineering services; and

**WHEREAS**, the anticipated term of this contract is one (1) year ending December 31, 2011; and

**WHEREAS**, this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local

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Public Contracts law, because Excel Environmental Resources, Inc., is a licensed Environmental Engineering Firm in the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with Excel Environmental Resources Inc.; and

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

**RESOLUITON #53-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 502, LOT 5.06**

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 502, Lot 5.06, also known as 6 Barry Lane, for 2008 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1295, was sold to Park Finance, LLC for an 18% redemption fee; and

**WHEREAS**, GMAC Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1295 in the amount of \$655.41;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Park Finance, LLC is entitled to a redemption in the amount of \$655.41; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$655.41 for the redemption of Certificate #1295 payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927.

**RESOLUTION #54-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1201.04, LOT 13**

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 1201.04, Lot 13, also known as 7 Paterson Place, for 2008 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1316, was sold to Plymouth Park Tax Service, LLC for a 4% redemption fee; and

**WHEREAS**, American Home Mortgage Servicing, Inc., the mortgage holder on said property, has effected redemption of Certificate #1316 in the amount of \$1,559.33;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Plymouth Park Tax Service, LLC., is entitled to the redemption in the amount of \$1,559.33; and

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**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,559.33 for the redemption of Certificate #1316 payable to Plymouth Park Tax Service, LLC., PO Box 2288, Morristown, NJ 07960.

**RESOLUTION #55-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 502, LOT 5.06**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 502, Lot 5.06, also known as 6 Barry Lane, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1325, was sold to US Bank as Cust for Pro Capital I, LLC for a 0% redemption fee with a premium of \$100.00; and

**WHEREAS**, GMAC Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1325 in the amount of \$365.30;

**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 a redemption in the amount of \$365.30 as well as \$100.00 for the premium; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$365.30 for the redemption of Certificate #1325 and \$100.00 for the premium payable to US Bank as Cust for Pro Capital I, LLC, 50 S 16<sup>th</sup> St., Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #56-2011\***

**AUTHORIZE AN AMENDED AGREEMENT WITH THE OWNER OF THE PROPERTY LOCATED AT 93-95 SPRING STREET FOR THE PLACEMENT OF OUTDOOR SURVEILLANCE CAMERAS**

**WHEREAS**, the Town of Newton is in need of and desires to locate and operate outdoor video surveillance cameras on the exterior portions of the building located at 93-95 Spring Street in the interest of public safety; and

**WHEREAS**, the Town of Newton authorized executing an agreement with the property owner of 93-95 Spring Street for the placement of outdoor video surveillance cameras at their meeting on February 28, 2011 by the adoption of Resolution #31-2011; and

**WHEREAS**, the terms of said agreement have been amended to mutual approval of both parties, and said agreement is attached to and made part of this resolution;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute the attached agreement with the property owner of 93-95 Spring Street for the placement of outdoor video surveillance cameras.

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**RESOLUTION #57-2011\***

**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:

**Accounts should have been inactive and not charged:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26538	2-10 East Clinton Street	\$75.00
26545	2-10 East Clinton Street	\$75.00

**Credit due to incorrect meter reading:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
14451	56 Dogwood Drive	\$363.40
5898	18 Academy Street	\$13,961.42
18248	18 Smith Street	\$7,589.51

**Credit erroneous charges due to attorney requesting final billing for incorrect address:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
811	277 Spring Street	\$1,873.00

**RESOLUTION #58-2011\***

**APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE REFUND OF OVERPAYMENT ON BLOCK 201, LOTS 1.17, 1.18 AND 1.19 AND BLOCK 1208, LOT 26**

**WHEREAS**, Hillside Terrace Associates, the owner of two separate residential apartment properties, the first identified on the official Tax Map for the Town of Newton as Block 201, Lots 1.17, 1.18, and 1.19 (Hillside Terrace), and the second identified as Block 1208.1, Lot 26 (1 Orchard Street) filed State Tax Court appeals of the assessment on the Hillside Terrace property for tax years 2008, 2009, and 2010, and of the assessment of the Orchard Street property for tax years 2009 and 2010; and

**WHEREAS**, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the professionals representing Hillside Terrace Associates; and

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

2008: Withdraw complaint.

2009: Withdraw complaints.

2010: \$1,000,000 reduction (against \$4,637,700 total assessment on both properties) resulting in a refund liability of \$27,090.

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**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, Lots 1.17, 1.18, and 1.19, and Block 1208.1, Lot 26, for tax year 2010 as aforesaid is approved, and that the issuance of a payment to the property owner and its attorneys in the amount of \$27,090 to refund property taxes per the settlement is authorized.

**RESOLUTION #59-2011\***

**APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE CREDIT FOR OVERPAYMENT ON BLOCK 720, LOT 14**

**WHEREAS**, 26-30 Moran Street, LLC, the owner of commercial property identified on the official Tax Map for the Town of Newton as Block 720, Lot 14, 26-30 Moran Street, filed State Tax Court appeals of the assessment on its property for tax years 2009 and 2010; and

**WHEREAS**, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the professionals representing the property owner; and

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

2009: Withdraw complaint.

2010: \$348,800 reduction (against \$1,744,500 assessment) resulting in an overpayment of \$9,449 in property taxes, which amount the property owner is willing to accept in the form of a credit against future tax liability.

**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 720, Lot 14 for tax year 2010 as aforesaid is approved, and that the Tax Collector is authorized to process a tax credit to the property owner for any taxes due in the amount of \$9,449.

**RESOLUTION #60-2011\***

**APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE REFUND OF OVERPAYMENT ON BLOCK 303, LOT 26.05**

**WHEREAS**, Kohls#1257/Route 519 & North Park Drive, LLC, the owner of commercial property identified on the official Tax Map for the Town of Newton as Block 303, Lot 26.05, 11 North Park Drive, filed State Tax Court appeals of the assessment on its property for tax years 2009 and 2010; and

**WHEREAS**, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the professionals representing the property owner; and

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

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2009: Withdraw complaint.

2010: \$800,000 reduction (against \$13,300,000 assessment) resulting in a refund liability of \$21,672.

**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 303, Lot 26.05 for tax year 2010 as aforesaid is approved, and that the issuance of a payment to the property owner and its attorneys in the amount of \$21,672 to refund property taxes per the settlement is authorized.

#### **RESOLUTION #61-2011\***

#### **CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN ALLOCATING WATER AND SEWER GALLONAGE FOR MARTORANA VILLAGE PHASE I**

**WHEREAS**, at the regular meeting of the Newton Utility Advisory Board conducted on March 15, 2011, Mr. Greg Martorana, a principal of Martorana Enterprises, LLC., appeared before the Board to request an allotment of water and sewer gallonage for Martorana Village Phase I, 104 Sparta Avenue, Block 1201, Lots 5 & 5.03, for the purpose of retail space; and

**WHEREAS**, Mr. Donohue, P.E. submitted a written report dated February 22, 2011 regarding estimation of water and sewer usage for the proposed Phase I project; and

**WHEREAS**, the Utility Advisory Board reviewed the estimates and recommend to the Governing Body that an additional 3,550 gallons per day of water and sewer gallonage be approved contingent upon the following:

- 1) Completing all items recommended in the written report of David B. Simmons, Jr., P.E., of Harold E. Pellow & Associates, dated March 10, 2011; and
- 2) Compliance with all recommendations and conditions arising from the Fire Official's review and comments; and
- 3) Satisfaction of all Planning Board conditions and approvals.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and conditionally approves the allocation of 3,550 gallons per day for the Martorana Village Phase I project shown as Block 1201, Lots 5 & 5.03 on the Tax Map of the Town of Newton, provided that the applicant satisfies all of the above-stated conditions of the Utility Advisory Board, Fire Official, and Planning Board, including, but not limited to, the payment of all necessary fees and the execution of a developer's agreement with the Town of Newton.

#### **RESOLUTION #62-2011\***

#### **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**

396.74	Quill Corporation	28519
374.00	MGL Printing Solutions	28520
120.00	ABCCode Security	28521
2,874.10	NUI Corporation	28522
223.11	G & G Diesel Service Inc.	28523
2,944.29	Centurylink Communications, Inc.	28524
10.00	Lorraine Read	28525
160.43	Campbell's Small Engine	28526
73.11	Federal Express	28527
6.57	Hayek's Market Inc.	28528
6,175.00	Newton First Aid Squad	28529
37.50	Joseph Inga	28530
159.50	Thomas Trudgeon	28531
153.00	Scott Holzhauer	28532
1,110.00	Willco, Inc.	28533
5,814.46	KML Technology Inc.	28534
37.50	Brock Kithcart	28535
54.00	T. A. Mountford Company	28536
500.00	Minisink Press Inc.	28537
104.85	Sherwin-Williams	28538
5.49	Sherwin-Williams	28539
63.08	Sherwin-Williams	28540
68.55	Sherwin-Williams	28541
58.50	Sherwin-Williams	28542
75.00	Kenneth A. Teets	28543
37.50	Debra Millikin	28544
20.00	Sussex County Clerk's Assn.	28545
2,695.79	Boonton Tire Supply	28546
839.62	Vision Service Plan	28547
790.00	Rutgers Center for Gov't Serv.	28548
46,859.00	Statewide Insurance Fund	28549
75.00	TCTANJ	28550
102.00	Jason Miller	28551
139.50	Medtronic Physio-Contrl Corp.	28552
102.00	Brian Fox	28553
703.65	International Code Council, Inc.	28554
695.25	Staples Business Advantage	28555
182.19	Lowe's	28556
35.35	Dominick's Pizza	28557
400.00	Black Lagoon	28558
61.20	Dawn Babcock	28559
536.00	Firefighter One	28560
2,250.00	Laddey, Clark & Ryan, LLP	28561
300.00	NJ Public Safety Accreditation	25862
47.95	BLI International	28563
4,020.00	Knapp, Trimboli & Prusinowski, LLC	28564
469.80	Penteledata	28565
4,952.67	Woodruff Energy	28566
460.00	Jesco Inc.	28567
530.99	Harter Equipment Inc.	28568
178.54	NJ Div. Pension & Benefit	28569
102,746.56	NJMEBF	28570
176,170.06	Payroll Account	111012
922,786.00	Newton Board of Education	111013
49,219.00	U.S.D.A. / FHA	111014
192,998.95	Payroll Account	111015
16,500.00	Trust Account, Town of Newton	111016

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247,530.00	Depository Trust Company	111017
600.00	Bank of New York	111018

**CAPITAL**

171.32	Grinnell Recycle	7674
9,267.53	Manor II Electric	7675

**Total TOWN BILLS \$1,807,072.20**

**WATER AND SEWER ACCOUNT**

28,965.35	Payroll	116007
438.03	State of New Jersey-PWT	116008
5,206.05	MWH Americas, Inc.	12044
135.05	Hach Company	12045
1,040.88	NUI Corporation	12046
8,077.60	Coyne Chemical Corp., Inc.	12047
28.17	Centurylink Communications, Inc.	12048
1,352.88	Centurylink Communications, Inc.	12049
620.00	Garden State Laboratories Inc.	12050
29.00	Allied Meter Service Inc.	12051
500.00	Minisink Press Inc.	12052
163.92	Vision Service Plan	12053
46,859.00	Statewide Insurance Fund	12054
903.96	JCI Jones Chemicals, Inc.	12055
2,734.80	Passaic Valley Sewerage Comm.	12056
1,250.00	John Smalley	12057
1,907.40	Main Pool & Chemical Company	12058
139.90	Penteledata	12059
275.10	Ryan Herco Flow Solutions	12060
182.70	NASCO	12061
74.90	One Call Concepts	12062
1,512.03	Woodruff Energy	12063
201.03	Capitol Supply Const. Products, Inc.	12064
15,042.94	NJMEBF	12065
32,839.40	Payroll Account	12066
36,993.75	Bank of New York	12067

**Total WATER & SEWER BILLS \$187,473.84**

**TRUST ACCOUNT**

832.33	Payroll Account	117106
450.00	Harold Pellow & Assoc., Inc.	2872
1,333.33	James P. Sloan, P.C.	2873
450.00	Daniel Colfax, Esq.	2874
735.00	Vogel, Chait, Collins, Schneider, PC	2875
210.00	Ferriero Engineering Inc.	2876
300.00	Shepard Kays, Esq.	2877
773.21	Payroll Account	117107

**Total TRUST ACCOUNT BILLS \$5,083.87**

The Deputy Clerk presented a Bingo License Application from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton to be held on Friday, May 20, 2011 from 6:00 p.m. to 11:00 p.m. at 44 Ryerson Avenue, Newton. It was noted that

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the application was In order and accompanied by the prescribed fee.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, 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	

**INTERMISSION-(10 minutes)**

**DISCUSSION**

**a. North Park Drive – Speed Limit**

Mr. Russo read the following correspondence received from Harold E. Pellow, Town Engineer, dated March 15, 2011, addressing the speed limit on North Park Drive.

Dear Tom,

*Recently, I received the accident report for North Park Drive for the years 2009 and 2010. In 2009, there were four (4) accidents at the intersection of North Park Drive and the access road into the mall in Hampton on the north and the access drive into Home Depot and Kohl's on the south. In 2009, there were nine (9) accidents at this intersection.*

*During 2009,three (3) of the accidents were due to vehicles exiting the mall access road and striking vehicles proceeding east or west on North Park Drive. The other accident in 2009 at this intersection was from a vehicle exiting the Home Depot access drive and striking a vehicle proceeding eastbound on North Park Drive.*

*During 2010, four (4) of the accidents were due to vehicles exiting the mall access road and striking vehicles proceeding east or west on North Park Drive. The other five (5) accidents in 2010 were due to vehicles exiting the Home Depot access drive and striking vehicles proceeding east or west on North Park Drive.*

*North Park Drive is a very wide road (44 feet) and is difficult to cross with vehicles speeding on North Park Drive. Also, the sight distance to the east from the mall access road is limited due to the intersection being on the inside of the curve.*

*A traffic signal could be installed but is very costly. Therefore, I recommend that the speed limit be reduced to 25 mph and larger speed limit signs installed. The police can then set up their drone and check if the speed is being reduced. If accidents do not decrease, then a signal may have to be installed.*

*North Park Drive is a very busy road with over 8,900 vehicles per day.*

*Very truly yours,  
Harold E. Pellow, P.E., L.S.*

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*Town of Newton Engineer*

Mr. Russo requested guidance from the Governing Body as to how he should proceed. After a brief discussion, Council unanimously decided to have the speed limit reduced to 25 mph and larger speed limit signs installed.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Russo expressed his thanks to the Governing Body for their support of the 2011 Budget.

Mr. Russo updated the Governing Body on the first annual Neighbors Helping Neighbors Event that will be held on Saturday, April 30, 2011 from 8:30 a.m. to 12:30 p.m. commencing at the Town of Newton Municipal Building. Mr. Russo indicated that a Press Release has been issued and there are many groups and organizations that have confirmed their participation. Mr. Russo distributed a sample of the logo that will be imprinted on the t-shirts that will be distributed to all volunteers. Mr. Russo stated this event will be paid for through Clean Communities Grant funding.

Mr. Ricciardo requested an update on 124 Spring Street and the donation of this parcel to the Town of Newton. After a lengthy discussion it was the consensus of the Governing Body that there was not enough information to make a decision and will revisit this issue at a later date.

Deputy Mayor Le Frois advised that she and Councilwoman Diglio attended the Newton Memorial Parade benefit dinner on Saturday night and that everyone is looking forward to the Memorial Day parade.

Deputy Mayor Le Frois reminded Council that Saturday evening is the Fire Department Annual dinner.

Mrs. Le Frois reported that the Town of Newton was one of twelve, out of 44 Municipalities, to get the Annual CLG report due to the State on time.

Deputy Mayor Le Frois indicated that the 2011 CLG Grant Applications are available and due on May 16, 2011.

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**EXECUTIVE SESSION**

Mr. Russo read Resolution #63-2011 and Council entered into Executive Session at 8:52 p.m.

Council returned from Executive Session at 10:42 p.m.

There being no further business to be conducted, upon motion by Mrs. Diglio seconded by Deputy Mayor Le Frois and unanimously carried, the meeting was adjourned at 10:43 pm.

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk