

April 11, 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. Le Frois, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager and Mark Hontz, Esq., Town Attorney. Mrs. Diglio was excused.

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 Pledge of Allegiance to the flag. The Deputy Clerk called the roll. The Deputy Clerk indicated there were two corrections to the March 28, 2011 Regular meeting minutes; Page 4, the omission of *Mrs. Diglio* under roll call and Page 21 the addition of the word *decided* in the first paragraph second sentence. Upon motion of Mr. Ricciardo, seconded by Mr. Elvidge, the minutes of March 28, 2011 (Regular and Executive) meetings were approved as corrected.

#### **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 expressing gratitude and appreciation to the Newton Fire Department for their support and service to the Town of Newton.

#### **PROCLAMATION**

#### **NEWTON FIRE DEPARTMENT**

**WHEREAS**, the Newton Fire Department was established in December 1835, and is currently comprised of a dedicated group of volunteers who sacrifice their time to help those in need; and

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**WHEREAS**, since its inception, the dedicated volunteers of the Newton Fire Department have prepared themselves to best protect and ensure the safety of the community by educating each and every member in fire safety; and

**WHEREAS**, in 2010 under the direction of Chief Derek Wechtler, the Newton Fire Department responded to 393 calls and performed over 40 training drills expending over 2,741 man hours while operating 3 Engines, 1 Ladder Truck, 1 Rescue and 1 Brush Truck; and

**WHEREAS**, the caring and loyalty of these dedicated volunteers has been evident throughout the years and continues to serve as a sense of comfort and security to the Town's residents and businesses. The Newton Fire Department also works closely with the Newton First Aid & Rescue Squad and Newton Police Department, as well as providing mutual aid to neighboring municipalities;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the **Newton Fire Department** for their endless hours of support and service to the Town of Newton and its residents and thank each and every one of their members for their dedication and service.

### **Shade Tree Commission**

Mr. Russo indicated the 2010 New Jersey Shade Tree Community Forestry Assistance Act Annual Accomplishment Report is ready for submission to the State pending approval by the Council. The Governing Body unanimously approved the report and directed Mr. Russo to submit the report to the State.

### **ORDINANCES**

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

#### **ORDINANCE #2011-5**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,360,000 THEREFOR, INCLUDING \$10,000 RECEIVED AS A RECYCLING TONNAGE GRANT, AND AUTHORIZING THE ISSUANCE OF \$1,282,000 BOND OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

Mr. Russo indicated there were two corrections to Ordinance #2011-5, the omission of the word *Town*, under sections 9 and 10.

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

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|             |              |               |     |
|-------------|--------------|---------------|-----|
| Mr. Elvidge | Yes          | Mr. Ricciardo | Yes |
| Mrs. Diglio | Absent       | 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 April 25, 2011.

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

**ORDINANCE #2011-6**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$196,878.91 FOR VARIOUS WATER SEWER CAPITAL IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

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

|             |              |               |     |
|-------------|--------------|---------------|-----|
| Mr. Elvidge | Yes          | Mr. Ricciardo | Yes |
| Mrs. Diglio | Absent       | 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 April 25, 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."*

**RESOLUTION #64-2011\***

**PREMIUM PAYMENT TO BE TURNED OVER TO TREASURER FOR TAX SALE CERTIFICATE #1232**

**WHEREAS**, Tax Sale Certificate #1232 was issued at the Tax Sale held on October 27, 2005 with a zero percent redemption and a premium of \$9,300.00; and

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**WHEREAS**, N.J.S.A. 54:5-33 states that if redemption is not made within five years from the date of the sale the premium payment shall be turned over to the Treasurer of the municipality; and

**WHEREAS**, Tax Sale Certificate #1232 was five years from the date of Tax Sale on October 27, 2010, therefore the premium in the amount of \$9,300.00 is to be turned over to the Treasurer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Newton that this Governing Body acknowledges that the premium for Tax Sale Certificate #1232 is to be turned over to the Treasurer; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$9,300.00 for said premium to the Treasurer of the Town of Newton.

**RESOLUTION #65-2011\***

**AWARD PURCHASE CONTRACT FOR SLUDGE AND CHEMICAL WASTE TRUCKING**

**WHEREAS**, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services; and

**WHEREAS**, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton Wastewater Treatment Plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year; and

**WHEREAS**, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened and read on Thursday, March 31, 2011 as follows:

|   | <u>Sludge Trucking</u> | <u>Chemical Trucking</u> |
|---|------------------------|--------------------------|
| Russell Reid<br>200 Smith Street<br>PO Box 130<br>Keasbey, NJ 08832-0130                              | \$0.0587               | \$0.0587                 |
| Earth Care<br>Resource Management Corp.<br>99 Maple Grange Road<br>Vernon, NJ 07462                   | \$0.057                | \$0.04                   |
| R & D Trucking, Inc.<br>1874 Route 23 North<br>West Milford, NJ 07480                                 | \$0.035                | \$0.029                  |
| <b>Accurate Waste Removal Services, Inc.<br/>226 Prospect Point Road<br/>Lake Hopatcong, NJ 07849</b> | <b>\$0.0324</b>        | <b>\$0.023</b>           |

**WHEREAS**, Accurate Waste Removal Services, Inc., was the lowest bidder for sludge trucking and chemical trucking; and

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**WHEREAS**, the Qualified Purchasing Agent recommends the award for sludge trucking and chemical waste trucking to Accurate Waste Removal Services, Inc.;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking and chemical trucking to Accurate Waste Removal Services, Inc., and that a certified copy of this resolution be forwarded to the low bidder.

**RESOLUTION #66-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 1006, LOT 19**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1006, Lot 19, also known as 211 Main Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1338, was sold to US Bank as Cust for Pro Capital I, LLC for 0% redemption fee with a \$100.00 premium; and

**WHEREAS**, McGovern and Roseman, P.A., the attorney for the owner on said property has effected redemption of Certificate #1338 in the amount of \$783.43;

**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 \$783.43; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$783.43 for the redemption of Certificate #1338 payable to US Bank as Cust for Pro Capital I, LLC, 50 So. 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #67-2011\***

**AWARD PURCHASE CONTRACTS FOR THE ACQUISITION OF CHEMICALS**

**WHEREAS**, specifications were prepared for the purchase of various chemicals needed to operate the Newton Wastewater Treatment Plant and the Newton Water Filtration Plant, bids were subsequently solicited and publicly opened and read on Thursday, March 31, 2011 as follows:

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|   | Liquid Sodium Carbonate                        | Liquid Sulfate Aluminum  | Liquid/gas Sulfur Dioxide                        | Liquid Chlorine/gas                            | CES PACI 2500                                  | Liquid Sodium Hydroxide                        | Liquid Hydrofluosilic Acid                     | Sodium Hypochlorite                            |
|---|--|--|--|--|--|--|--|--|
| Delta Chemical Corp<br>2601 Cannery Ave<br>Baltimore, MD 21226      | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <b>1.03</b> 3,000 per gal<br>\$ <b>.975</b> 5,000 per gal<br>\$ <b>3,090</b> total (3,000)<br>\$ <b>4.875</b> total (5,000) | \$ <u>No Bid</u> lb<br>\$ <u>No Bid</u> total    | \$ <u>No Bid</u> lb<br>\$ <u>No Bid</u> total  | \$ 3.36 gal<br>\$ 53,760 total                 | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total |
| Univar<br>532 E. Emmaus Street<br>Middletown, Pa 18641              | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total   | \$ <b>.729</b> lb<br>\$ <b>7,982.55</b><br>total | \$ <b>.744</b> lb<br>\$ <b>8,146.80</b> total  | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ 1.96 gal<br>\$ 10,780 total                 | \$ 5.039 gal<br>\$ 6,298.75<br>total           | \$ 1.89 gal<br>\$ 14,175 total                 |
| Coyne Chemical Co.<br>3015 State Rd<br>Croydon, Pa 19021            | \$ <b>0.84</b> gal<br>\$ <b>75,600</b> total   | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total   | \$ <u>No Bid</u> lb<br>\$ <u>No Bid</u> total    | \$ <u>No Bid</u> lb<br>\$ <u>No Bid</u> total  | \$ <b>4.04</b> gal<br>\$ <b>64,640</b> total   | \$ <u>No bid</u> gal<br>\$ <u>No bid</u> total | \$ 9.69 gal<br>\$ 12,112.50<br>total           | \$ <u>No Bid</u><br>\$ <u>No Bid</u> total     |
| Main Pool & Chemical<br>501 Main Street<br>Avoca, Pa 18641          | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total   | \$ 1.09 lb<br>\$ 11,935.50<br>total              | \$ .79 lb<br>\$ 8,650.50<br>total              | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <b>1.44</b> gal<br>\$ <b>7,920</b> total    | \$ <b>4.89</b> gal<br>\$ <b>6,112.50</b> total | \$ <b>1.39</b> gal<br>\$ <b>10,425</b> total   |
| JCI – Jones Chemical, Inc.<br>103 River Street<br>Warwick, NY 10990 | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total   | \$ .75 lb<br>\$ 8,212.50<br>total                | \$ <u>No Bid</u> gal<br>\$ <u>No Bid</u> total |

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**WHEREAS**, the bid for CES PACI 2500 by Delta Chemical is the low price; however, the product proposed is an alternative to CES PACI 2500 and the bidder did not meet the requirement for proven performance of the alternative product "demonstrated during a full plant trial in warm and cold temperatures prior to the bid" as specified under section 1.06 of the specifications and thus this bid for this product is rejected; and

**WHEREAS**, the bids for chemicals listed above were reviewed by the Purchasing Agent and she has recommended the awards for the following purchase of chemicals based on submission of the lowest qualified bids (in bold print above) which are in the best interest of the Town of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby awards bids for the purchase of chemicals as follows:

Chemical

Liquid Sodium Carbonate  
Liquid Aluminum Sulfate  
Liquid/Gas Sulfur Dioxide  
Liquid Chlorine/Gas  
CES PACI 2500  
Liquid Sodium Hydroxide  
Liquid Hydrofluosilic Acid  
Sodium Hypochlorite

Bidder Receiving Award

Coyne Chemical Co.  
Delta Chemical Corp.  
Univar  
Univar  
Coyne Chemical Co.  
Main Pool & Chemical  
Main Pool & Chemical  
Main Pool & Chemical

**BE IT FURTHER RESOLVED**, that the Water and Sewer Supervisor is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

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**RESOLUTION #68-2011\***

**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 meter malfunction:**

| <u>Account</u> | <u>Address</u>     | <u>Amount</u> |
|----------------|--------------------|---------------|
| 25090          | 156 Merriam Avenue | \$187.00      |

**Credit penalty due to payment being applied to incorrect account:**

| <u>Account</u> | <u>Address</u>      | <u>Amount</u> |
|----------------|---------------------|---------------|
| 16427          | 18-20 Sussex Street | \$60.52       |

**RESOLUTION #69-2011\***

**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**

|            |                                  |       |
|------------|----------------------------------|-------|
| 102,746.56 | NJMEBF                           | 28570 |
| 2.00       | NJ Motor Vehicle Services        | 28571 |
| 1,045.66   | Staples Credit Plan              | 28572 |
| 159.65     | Montague Tool & Supply           | 28573 |
| 2,529.50   | Harold Pellow & Assoc., Inc.     | 28574 |
| 3,809.32   | JCP&L                            | 28575 |
| 116.70     | Sussex County Plumbing           | 28576 |
| 3,929.88   | Centurylink Communications, Inc. | 28577 |
| 35.00      | Centurylink Communications, Inc. | 28578 |
| 124.64     | Centurylink Communications, Inc. | 28579 |
| 167.97     | Centurylink Communications, Inc. | 28580 |
| 227.86     | Rowe & Company, Inc.             | 28581 |
| 256.22     | Campbell's Small Engine          | 28582 |
| 120.00     | Lock & Key World                 | 28583 |
| 1,326.02   | Hayek's Market, Inc.             | 28584 |
| 25.00      | JRF Tire Inc.                    | 28585 |
| 198.75     | Willco, Inc.                     | 28586 |
| 113.83     | Newton Citgo                     | 28587 |
| 561.00     | Miami Systems                    | 28588 |
| 30.00      | Brock Kithcart                   | 28589 |
| 70.00      | Minisink Press Inc.              | 28590 |
| 113.00     | Ann M. Rosellen                  | 28591 |
| 90.00      | Rutgers Contin. Ed. Cook College | 28592 |

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|            |                                      |       |
|------------|--------------------------------------|-------|
| 160.00     | Sussex County Fire Academy           | 28593 |
| 108.47     | Weis Markets                         | 28594 |
| 5,370.00   | Newton Junior Athletic League        | 28595 |
| 232.59     | Zee Medical                          | 28596 |
| 14.00      | Ervin Lasso                          | 28597 |
| 60.15      | Boonton Tire Supply                  | 28598 |
| 2,000.00   | Treasurer, State of New Jersey       | 28599 |
| 36.00      | Treasurer, State of New Jersey       | 28600 |
| 25.00      | Sussex & Warren Tax Col. Assoc.      | 28601 |
| 190.57     | Verizon Wireless                     | 28602 |
| 55.50      | Medtronic Physio-Contrl Corp.        | 28603 |
| 312.50     | Alternate Power Inc.                 | 28604 |
| 405.06     | Cooper Electric Supply Co.           | 28605 |
| 17,500.00  | Holzauer & Hostenstein, LLC          | 28606 |
| 1,182.76   | Danforth's Trailer & Auto, Inc.      | 28607 |
| 2,565.00   | Vogel, Chait, Collins, Schneider, PC | 28608 |
| 251.06     | Advance Auto Parts                   | 28609 |
| 2,304.93   | Fire & Safety Services, Inc.         | 28610 |
| 240.00     | National Entertainment Tech.         | 28611 |
| 126.88     | Excelsior Lumber Company             | 28612 |
| 600.00     | McClullough Tree Experts, LLC        | 28613 |
| 142.00     | Draeger Safety Diagnostics, Inc.     | 28614 |
| 1,088.70   | Staples Business Advantage           | 28615 |
| 43.99      | Nestle Waters                        | 28616 |
| 28.58      | Sussex County Rental Center          | 28617 |
| 1,443.91   | Hampton Body Works                   | 28618 |
| 7,074.11   | Rachles/Michele's Oil Company        | 28619 |
| 28.00      | Eric Tompkins                        | 28620 |
| 52.49      | Firefighter One                      | 28621 |
| 100.00     | Sussex County Chamber of Commerce    | 28622 |
| 2,625.36   | JMC Environmental Consultants, Inc.  | 28623 |
| 6,075.81   | W.B. Mason                           | 28624 |
| 118.90     | BLI International                    | 28625 |
| 177.70     | Back Thru The Future                 | 28626 |
| 168.00     | Jersey Central Power & Light         | 28627 |
| 2,775.00   | Knapp, Trimboli & Prusinowski, LLC   | 28628 |
| 1,760.00   | Chelbus Cleaning Co., Inc.           | 28629 |
| 51.00      | Dustin McGarry                       | 28630 |
| 25.00      | Photographs                          | 28631 |
| 260.00     | NYSATSB Conference                   | 28632 |
| 192,998.95 | Payroll Account                      | 28633 |
| 16,500.00  | Trust Account, Town of Newton        | 28634 |
| 247,530.00 | Depository Trust Company             | 28635 |
| 600.00     | Bank of New York                     | 28636 |
| 57.50      | Town of Newton Electronic Fees       | 28637 |

**CAPITAL**

|           |                              |      |
|-----------|------------------------------|------|
| 19,368.75 | Harold Pellow & Assoc., Inc. | 7676 |
| 1,300.00  | Key-Tech                     | 7677 |
| 1,308.75  | W.B. Mason                   | 7678 |
| 275.62    | Custom Products Corporation  | 7679 |
| 2,640.13  | Top Line Construction Corp.  | 7680 |

**Total TOWN BILLS \$658,157.18**

**WATER AND SEWER ACCOUNT**

|           |                                  |       |
|-----------|----------------------------------|-------|
| 15,042.94 | NJMEBF                           | 12065 |
| 92.70     | Montague Tool & Supply           | 12066 |
| 12,744.00 | Harold Pellow & Assoc., Inc.     | 12067 |
| 135.05    | Hach Company                     | 12068 |
| 5,275.28  | JCP&L                            | 12069 |
| 14.00     | Paul M. Havens                   | 12070 |
| 13,597.09 | Coyne Chemical Corp., Inc.       | 12071 |
| 125.85    | Centurylink Communications, Inc. | 12072 |
| 14.00     | Ervin Lasso                      | 12073 |
| 6,079.26  | Treasurer, State of New Jersey   | 12074 |
| 13,489.93 | Treasurer, State of New Jersey   | 12075 |
| 5,760.00  | Passaic Valley Sewerage Comm.    | 12076 |
| 89.95     | Advance Auto Parts               | 12077 |
| 1,520.01  | Process Tech Sales & Service     | 12078 |
| 36.06     | Staples Business Advantage       | 12079 |
| 14.00     | Eric Tompkins                    | 12080 |
| 520.00    | Siemens Water Technologies Corp. | 12081 |
| 36,993.75 | Bank of New York                 | 12082 |
| 32,839.40 | Payroll Account                  | 12083 |

**CAPITAL**

|       |                              |      |
|-------|------------------------------|------|
| 90.00 | Harold Pellow & Assoc., Inc. | 2170 |
|-------|------------------------------|------|

**Total WATER & SEWER BILLS \$144,473.27**

**TRUST ACCOUNT**

|          |                              |        |
|----------|------------------------------|--------|
| 2,918.50 | Harold Pellow & Assoc., Inc. | 2878   |
| 773.21   | Payroll Account              | 117107 |

**Total TRUST ACCOUNT BILLS \$3,691.71**

The Deputy Clerk presented an Application for a Special Permit for a Social Affair from the Greater Newton Chamber of Commerce, P.O. Box 386, Newton, to be held on June 11, 2011 from 4:00 p.m. to 10:00 p.m. at Memory Park, Moran Street, Newton. It was noted that the Application was in order and signed by the Chief of Police.

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

|             |              |               |     |
|-------------|--------------|---------------|-----|
| Mr. Elvidge | Yes          | Mr. Ricciardo | Yes |
| Mrs. Diglio | Absent       | Mrs. Le Frois | Yes |
|             | Mayor Becker | Yes           |     |

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**RESOLUTION #70-2011**

**APPOINTMENT OF JAMES SHEEHAN TO THE ADVISORY SHADE TREE COMMISSION**

**WHEREAS**, there is currently a vacancy on the Town of Newton Advisory Shade Tree Commission; and

**WHEREAS**, James Sheehan has expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that James Sheehan is hereby appointed to an unexpired five-year term as a member of the Advisory Shade Tree Commission, effective immediately with said term continuing to May 31, 2013.

A motion was made by Mr. Elvidge to **APPROVE RESOLUTION #70-2011** seconded by Mrs. Le Frois and roll call resulted as follows:

|             |              |               |     |
|-------------|--------------|---------------|-----|
| Mr. Elvidge | Yes          | Mr. Ricciardo | Yes |
| Mrs. Diglio | Absent       | Mrs. Le Frois | Yes |
|             | Mayor Becker | Yes           |     |

**INTERMISSION – (5 Minutes)**

**DISCUSSION**

**a. Tax Exemption Ordinance**

Jenn Credidio, Esq., McManimon & Scotland, presented the Governing Body with an overview of a draft ordinance authorizing the Town of Newton to implement the five-year exemption and abatement law. Ms. Credidio explained that this ordinance, according to State Statute, enables municipalities, which contain an area that has been designated as an area in need of rehabilitation, to provide for a short term exemption or abatement of local property taxes. Ms. Credidio explained the Historic District falls within the area of rehabilitation and will serve as a “pilot” to see how the implementation of this program will work.

Ms. Credidio further reviewed the Ordinance outlining the criteria for a property qualifying for the tax exemption. After a lengthy discussion, the Governing Body made revisions to the criteria and recommended Counsel to move forward with the Ordinance with the revisions.

**b. Health Benefit Waiver Resolution**

Mark Hontz, Esq., Town Attorney, reviewed the draft Resolution regarding the waiver of health benefits by employee. Mr. Hontz explained the statutory retroactive date for the draft resolution is in question due the passage of Resolution #71-2010, dated May 24, 2010 coinciding with the State Statutory changes for health waivers. Mr. Hontz then reviewed the remainder of the draft resolution, and after a lengthy discussion, the Governing Body directed Mr. Hontz to remove the first sentence in paragraph four due to redundancy, make other changes as necessary, and reach out to the State for agreement on the retroactive date.

Mr. Russo stated he received correspondence from the Newton Fire Museum requesting funding to help support the reopening of the Museum to visitors on Fridays and Saturdays, May through October. After a brief discussion the Governing Body unanimously agreed to donate \$250 as seed money in support of the Newton Fire Museum.

Mr. Russo indicated he had an on-site meeting with the County, Town Engineer, Mayor Becker, Police Department and Mrs. Milliken to discuss the new location of the County Bus Stop on Trinity Street. Mr. Russo explained that the consensus was to move the bus stop away from the Moran Street intersection and closer to Central Plaza and will be effective June 1, 2011.

**OPEN TO THE PUBLIC**

Mr. Anwar Qarmout, 45 Woodside Avenue, had several questions and comments regarding the Tax Exemption Ordinance which were addressed by the Governing Body. Mr. Qarmout questioned the feasibility of requiring elevators in buildings with three floors, which was addressed by the Governing Body. Mr. Qarmout also questioned the manner in which the Town was going to publicize this Ordinance, which was addressed by Mr. Russo.

Mrs. Thea Unhoch, 17 Condit Street, agreed with Mr. Qarmout regarding elevators.

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**COUNCIL & MANAGER COMMENTS**

There were no further Council and Manager comments.

There being no further business to be conducted, upon motion by Mrs. Le Frois seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 8:24 pm.

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk