

May 9, 2011

**EXECUTIVE SESSION**

Mr. Russo read Resolution #81-2011 and Council entered into Executive Session at 6:04p.m.

Council returned from Executive Session at 7:20 p.m.

**INTERMISSION – (10 Minutes)**

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:30 p.m. Present were Mr. Elvidge, Mr. Ricciardo, Mrs. Diglio, Deputy Mayor 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 Pledge of Allegiance to the flag. The Deputy Clerk called the roll. The Deputy Clerk indicated there was one correction to the April 25, 2011 Regular meeting minutes which was the dollar amount in the title of Ordinance 2011-8. Upon motion of Mr. Ricciardo, seconded by Mrs. Diglio, the minutes of April 25, 2011 (Regular and Executive) were approved as corrected with an abstention by Mr. Elvidge.

**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. Scott Mooney, 435 Hudson Street, Hackensack, presented the Governing Body with a brief overview and updates on the Glass-Steagall Bill, H.R. 1489, which is before Congress and expressed the urgency and importance for government bodies to support this bill. Mr. Mooney further explained that this bill would end the bail-out of Wall Street and end the subsidizing of trillions of dollars of speculative paper.

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## **COUNCIL & MANAGER REPORTS**

Mr. Russo indicated he received correspondence from John Eskilson regarding the Sussex County MCI Solar Initiative Program. Mr. Russo indicated that based on their criteria, there are six properties in Newton that made the final site visit list. Mr. Russo explained that the Birdsall Services Group will schedule a site visit, take a look at the facilities and make a final determination and recommendation to the Board of Chosen Freeholders as to which facilities will make the final cut. Mr. Russo will keep the Council apprised of the site visit and analysis of same.

Mr. Russo reminded Council that Saturday, May 14, 2011 at 5:00 pm is the Tour of Art on Spring Street and indicated that this is a Main Street Newton event and hopes everyone will attend.

Mr. Russo announced that this morning at 7:02 a.m. there was a significant fire at the Brookside Terrace Apartments which was contained to one apartment on the 9<sup>th</sup> floor. Mr. Russo indicated that the fire was out by 7:51 a.m. and the apartment was not occupied at the time of the fire. Mr. Russo thanked the Newton Fire Department, Newton First Aid and Rescue Squad, Newton Public Works Department and Office of Emergency Services for their participation and efforts along with the five other Fire Departments, six other EMS squads, the Fire Marshall and Red Cross.

Mr. Russo indicated that the rumble strips were placed on Diller Avenue to help motorists be mindful of the 25 MPH speed limit.

Mr. Russo advised that the intersection at Trinity, Water, and Mill Streets has been striped by New Jersey Department of Transportation in order to keep the intersection clear. Mr. Ricciardo suggested the intersection at Moran and Spring Street be observed as well.

## **ORDINANCES**

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

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**ORDINANCE #2011-7**

**AN ORDINANCE REDUCING THE SPEED LIMIT FOR NORTH PARK DRIVE WITHIN THE TOWN OF NEWTON**

**WHEREAS**, the Town Council of the Town of Newton has, in the interest of public safety, investigated the existing speed limit for the entirety of North Park Drive; and

**WHEREAS**, the Town Engineer prepared and submitted a Speed and Sign Survey for North Park Drive dated January 6, 2011 and revised to March 15, 2011, consisting of summarized findings plus Appendices; and

**WHEREAS**, the final recommendation of said revised Speed and Sign Survey is that the speed limit of 35 mph for all of North Park Drive should be reduced to 25 mph and that larger speed limit signs should be installed; and

**WHEREAS**, having evaluated the Town Engineer's report, the Town of Newton finds it in the interest of public safety to reduce the speed limit in both directions on the entire length of North Park Drive from 35 mph to 25 mph, pursuant to the powers vested in the Town of Newton by N.J.S. 39:4-8.b.(1), N.J.S. 39:4-197.(1)a and N.J.S. 39:4-98; and to install larger speed limit signs posting said reduced speed limit;

**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:

1. The speed limits for both directions of traffic along the entire length of North Park Drive in the Town of Newton are reduced to 25 mph.
2. Larger speed limit signs shall be erected and maintained on North Park Drive to post the designated speed limits.
3. Every person convicted of a violation of any provision of this Ordinance or any supplement thereto shall be subject to a penalty or imprisonment as expressly provided by New Jersey Statute.
4. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.
5. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.
6. This ordinance will take effect after publication and passage according to law.
7. Copies of this ordinance shall be supplied to the Commissioner of the New Jersey Department of Transportation and to the Township Clerk of Hampton Township, Sussex County, New Jersey.
8. The Revised General Ordinances of the Town of Newton Chapter 10, Traffic, Schedule XIII shall be amended to reflect a 25 MPH speed limit for both directions of traffic along the entire length of North Park Drive in the Town of Newton.

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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 Mrs. Diglio and unanimously carried, the hearing was closed.

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

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

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

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

**ORDINANCE #2011-8**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$234,000.00 FOR MERRIAM AVENUE WATERMAIN UPGRADES IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$234,000.00 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for Merriam Avenue Watermain Upgrades in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Section 2.** The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

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

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

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

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

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

**ORDINANCE #2011-9**

**AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, CHAPTER 11, BUILDINGS AND HOUSING, CHAPTER 13, FIRE PREVENTION AND CHAPTER 21, FEES AND COSTS, OF THE REVISED GENERAL ORDINANCES FOR THE TOWN OF NEWTON.**

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Yes	Deputy Mayor 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 May 23, 2011.

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

**OLD BUSINESS**

**B. Utility Board Appeal – Mautone**

Mr. Russo indicated that Mr. Mautone requested the Appeal be carried until the May 23, 2011 Council meeting.

A motion was made by Mr. Ricciardo to **APPROVE** Mr. Mautone’s request for postponement until the May 23, 2011 Council meeting, seconded by Deputy Mayor Le Frois and roll call resulted as follows:

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

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**C. Utility Board Appeal – Oricchio**

Mr. Russo indicated that Mr. Oricchio requested the Appeal be carried until the May 23, 2011 Council meeting.

A motion was made by Deputy Mayor Le Frois to **APPROVE** Mr. Oricchio’s request for postponement until the May 23, 2011 Council meeting, seconded by Mrs. Diglio and roll call resulted as follows:

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

**CONSENT AGENDA**

Mayor Becker read the following statement:

*“All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

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

Mr. Ricciardo requested that Resolution #96-2011 be pulled from the Consent Agenda for further discussion.

**RESOLUTION #82-2011\***

**USE OF RECYCLING TONAGE GRANT FUNDS TO BE USED FOR THE FUNDING OF THE ACQUISITION OF A RECYCLING TRUCK**

**WHEREAS**, the Town of Newton files recycling tonnage grant reports to the State of New Jersey annually; and

**WHEREAS**, the balance in the Federal and State Grant Fund account Reserve for Recycling Grant as of December 31, 2010 is \$19,533.60; and

**WHEREAS**, the NJDEP has advised that some of the funds may be utilized for the purchase of a recycling truck which is used for recycling collection;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the Town of Newton will utilize \$10,000 from the Federal and State Grant Fund account Reserve for Recycling Grant as funding towards General Capital Ordinance #2011-5 item (g) Acquisition of Recycling Truck Appropriation \$125,000.

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**RESOLUTION #83-2011\***

**SUPPORT SUBMISSION OF NJ HISTORIC PRESERVATION FUND CERTIFIED LOCAL GOVERNMENT GRANT-IN-AID APPLICATION**

**WHEREAS**, the Town Council of the Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$15,000 to fund the update of the Historic Preservation Ordinance of the Town of Newton and for the publication of a new Historic Ordinance booklet; and

**WHEREAS**, the Chief Financial Officer has certified \$3,000 is available as the required twenty-percent match for this application; and

**THEREFORE, BE IT RESOLVED**, Thomas S. Russo, Jr., or the successor to the title of Town Manager, is authorized to make an application for such a grant, and if awarded, to execute a grant agreement with the State for an amount not less than \$10,000 and not more than \$12,000 and to execute any amendments thereto which do not increase the Grantee's obligations;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it hereby authorizes and agrees to provide a match in the amount of \$3,000 in compliance with the match requirements of the agreement. The Town of Newton agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

**RESOLUTION #84-2011\***

**CANCEL WATER SEWER ACCRUED INTEREST ON NOTES**

**WHEREAS**, there exists a balance in the Water Sewer Utility for Accrued Interest on Notes in the amount of \$23,809.04; and

**WHEREAS**, the Town of Newton no longer has any outstanding notes and desires to cancel this balance to fund balance;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Town of Newton, that the following Water Sewer Utility balance sheet item "Accrued Interest on Notes" in the amount of \$23,809.04 be canceled to the Water Sewer Utility Fund Balance.

**RESOLUTION #85-2011\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH AUTHORIZE.NET TO PROVIDE GATEWAY SERVICES FOR THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton requested proposals for the services of an Internet-based Application Service Provider for the Town of Newton and entered into an agreement with Cit-e-Net, LLC per Resolution #200 -2010 which was adopted on November 22, 2010; and

**WHEREAS**, in order to process credit card transactions in a manner recommended by Cit-e-Net, a designated authorized gateway service provider was needed and Cit-e-Net recommended the use of Authorize.net; and

**WHEREAS**, the Town of Newton's fee ordinance permits the collection of fees for those individuals choosing to use the service for the payment of taxes, interest, penalties and municipal charges or other fees;

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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 Authorize.net, to provide gateway services for the Town of Newton as proposed; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to both Cit-e-Net, LLC and Authorize.net.

**RESOLUTION #86-2011\***

**TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey a order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION #87-2011\***

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**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1216, LOT 6**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1216, Lot 6, also known as 14 Kory Road, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1347, was sold to Another Lien, LLC for 0% redemption fee; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1347 in the amount of \$2,154.01;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien, LLC is entitled to the redemption in the amount of \$2,154.01; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$2,154.01 for the redemption of Certificate #1347 made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

**RESOLUTION #88-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1210, LOT 4**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1210, Lot 4, also known as 25 Sussex Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1346, was sold to US Bank Cust for Pro Capital I, LLC for 0% redemption fee as well as a premium in the amount of \$100.00; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1346 in the amount of \$1,225.36;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to the redemption in the amount of \$1,225.36 as well as the premium in the amount of \$100.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two checks, the first in the amount of \$1,225.36 for the redemption of Certificate #1346 and the second in the amount of \$100.00 for the premium both made payable to US Bank Cust for Pro Capital I, LLC, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #89-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1223, LOT 8**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1223, Lot 8, also known as 49 Linmor Avenue, for 2009 delinquent water and sewer charges; and

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**WHEREAS**, this lien, known as Tax Sale Certificate #1349, was sold to Another Lien, LLC for 0% redemption fee as well as a premium in the amount of \$200.00; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1349 in the amount of \$1,890.25;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien, LLC is entitled to the redemption in the amount of \$1,890.25 as well as the premium in the amount of \$200.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two checks, the first in the amount of \$1,890.25 for the redemption of Certificate #1349 and the second in the amount of \$200.00 for the premium, both made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

**RESOLUTION #90-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 502.01, LOT 5.06**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 502.01, Lot 5.06, also known as 72 Plainfield Avenue, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1326, was sold to US Bank Cust for Pro Capital I, LLC for 0% redemption fee; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1326 in the amount of \$166.30;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to the redemption in the amount of \$166.30; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$166.30 for the redemption of Certificate #1326 payable to US Bank Cust for Pro Capital I, LLC, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #91-2011\***

**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 shut off fee charged due to water account being paid in full before water was shut off:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
7863	58 West End Avenue	\$50.00
12133	17 Maple Avenue	\$50.00

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**RESOLUTION #92-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK  
1303, LOT 29**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1303, Lot 29, also known as 15 New Hampshire Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1350, was sold to Another Lien, LLC for 0% redemption fee; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1350 in the amount of \$1,152.27;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien, LLC is entitled to the redemption in the amount of \$1,152.27; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,152.27 for the redemption of Certificate #1350 made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871.

**RESOLUTION #93-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK  
1303, LOT 32**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1303, Lot 32, also known as 11-13 New Hampshire Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1351, was sold to Another Lien, LLC for 0% redemption fee as well as a premium in the amount of \$ 400.00; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1351 in the amount of \$2,010.61.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Another Lien, LLC is entitled to the redemption in the amount of \$2,010.61 as well as the premium in the amount of \$400.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two checks, the first in the amount of \$2,010.61 for the redemption of Certificate #1351 and the second in the amount of \$400.00 for the premium both made payable to Another Lien, LLC, 1 Vista Drive, Sparta, NJ 07871,

**RESOLUTION #94-2011\***

**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

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Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

**TOWN BILLS**

94.79	Quill Corporation	28678
328.08	Montague Tool & Supply	28679
2,614.50	Harold Pellow & Assoc., Inc.	28680
117.00	ABCcode	28681
134.15	G & G Diesel Service Inc.	28682
3,860.54	JCP&L	28683
1,430.42	SCMUA	28684
35.00	Centurylink Communications, Inc.	28685
123.99	Centurylink Communications, Inc.	28686
206.07	Centurylink Communications, Inc.	28687
1,008.00	Hollander, Strelzik, Pasculli, Hinkes	28688
3,378.66	Capital Account	28689
741,588.13	County of Sussex	28690
20,033.33	County of Sussex	28691
54,192.29	County of Sussex	28692
250.00	Sussex County Economic	28693
6,930.00	Ferraioli, Cerullo & Cuva	28694
50.00	State Treasurer	28695
105.00	Willco Inc.	28696
1,920.00	J & D Sales & Service	28697
17.50	Newton Trophy	28698
75.00	Treasurer, State of New Jersey	28699
25.00	Secretary of State	28700
332.90	Lou's Glass	28701
112.00	Minisink Press Inc.	28702
141.50	Gann Law Books	28703
115.00	Sussex County Assessors Assoc.	28704
150.00	G. F. O. A. of N.J.	28705
138.51	Sirchie Finger Print Labs	28706
314.16	Boonton Tire Supply	28707
218.27	McGuire	28708
839.62	Vision Service Plan	28709
250.00	NJMMA	28710
189.54	Verizon Wireless	28711
512.67	State Chemical	28712
480.00	Cerbo's Hampton Nursery	28713
13,360.06	County of Sussex	28714
2,500.00	Prime Time Seniors	28715
3,640.78	Tilcon New Jersey	28716
64.20	Cooper Electric Supply Co.	28717
245.00	Wildflowers With Tami	28718
222.12	Danforth's Trailer & Auto Inc.	28719
5,370.00	Vogel, Chait, Collins, Schneider, PC	28720
32.99	Advance Auto Parts	28721
923.60	The Home Depot	28722
465.38	Fire & Safety Services, LTD.	28723
547.23	Guardline Fire & Safety Co., Inc.	28724
56.83	Excelsior Lumber Company	28725
368.00	Treasurer, State of NJ	28726
138.00	Poster Compliance Centr	28727
292.69	Weldon, Williams & Lick, Inc.	28728
287.94	Matthew Bender & Co.	28729
38.33	Dominick's Pizza	28730
45.98	Nestle Waters	28731
35.00	NJ Drug Recognition Experts Assoc.	28732

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220.00	Pinnacle Wireless, Inc.	28733
7,200.37	Rachles/Michele's Oil Company	28734
479.57	Firefighter One	28735
998.00	Ricciardi Brothers, Inc.	28736
45.00	NJAPA	28737
19.73	Atlantic Tactical	28738
2,097.40	Sparctech Solutions, LLC	28739
1,815.00	Knapp, Trimboli & Prusinowski, LLC	28740
469.80	Penteledata	28741
104,435.96	NJMEBF	28742
1,780.00	Chelbus cleaning Co., Inc.	28743
375.00	Rutgers, Center for Government Serv.	28744
14,166.66	The Station Inc.	28745
1,707.00	Cardiac Systems, LLC	28746
79.05	Stationers, Inc.	28747
266,548.00	Public Employee Retire System	111021
578,704.00	Police & Fire Retire System	111022
182,022.97	Payroll Account	111023
922,786.00	Newton Board of Education	111024
95.00	Town of Newton Electronic Fees	111025

**CAPITAL**

1,277.75	Montague Tool & Supply	7686
15,097.88	Harold Pellow & Assoc., Inc.	7687
270.00	Hollander, Strelzik, Pasculli, Hinkes	7688
700.00	Ferraiolil, Cerullo & Cuva	7689
67.43	Grinnell Recycle	7690
1,057.94	The Home Depot	7691
1,963.00	Brandon Industries	7692
750,000.00	Current Account	113001

**Total TOWN BILLS \$3,727,424.26**

**WATER AND SEWER ACCOUNT**

3,860.00	Schmidt's Wholesale, Inc.	12114
7,500.38	Harold Pellow & Assoc., Inc.	12115
432.35	Hach Company	12116
601.85	CCP Industries	12117
3,779.92	JCP&L	12118
5,488.95	Pumping Services	12119
560.79	SCMUA	12120
200.00	Paul Baldwin	12121
4,453.01	Coyne Chemical Corp., Inc.	12122
125.85	Centurylink Communications, Inc.	12123
6,295.00	Ferraioli, Cerullo & Cuva	12124
14.00	Ervin Lasso	12125
50.00	Treasurer, State of New Jersey	12126
163.92	vision Service Plan	12127
680.40	Main Pool & Chemical Company	12128
1,335.00	Alternate Power Inc.	12129
138.00	Poster Compliance Center	12130
564.34	Airmatic Compressor Systems, Inc.	12131
135.25	Staples Business Advantage	12132
1,610.00	Siemens Water Technologies Corp.	12133
139.90	Penteledata	12134
14,007.04	NJMEBF	12135
1,699.04	Lafayette Asphalt	12136
13,060.00	Public Employee Retire System	116011

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31,157.26	Payroll Account	116013
26,111.00	U.S.D.A. / FHA	116014
65,429.00	U.S.D.A. / FHA	116015

**CAPITAL**

2,467.50	Harold Pellow & Assoc., Inc.	2172
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**Total WATER & SEWER BILLS \$192,059.75**

**TRUST ACCOUNT**

805.49	Payroll Account	117109
898.75	Harold Pellow & Assoc., Inc.	2884
106.97	Simon Peter Sport	2885
80.00	The Craft Creators	2886
645.00	Vogel, Chait, Collins, Schneider, PC	2887

**Total TRUST ACCOUNT BILLS \$2,536.21**

**FED. STATE GRANT**

239.20	Montague Tool & Supply	1062
10,000.00	Capital Account	1063
58.23	Hayek's Market Inc.	1064
4.99	Treasurer, Petty Cash Fund	1065
218.75	Dominick's Pizza	1066

**Total FED. STATE GRANT BILLS \$10,521.17**

**RESOLUTION #95-2011\***

**RESOLUTION OF CONCURRENCE BY THE TOWN OF NEWTON DESIGNATING A BUS STOP ON RT. 206**

**WHEREAS**, New Jersey Transit has a proposed bus stop located on Rt. 206; and

**WHEREAS**, the Town of Newton has requested this bus stop be made official; and

**WHEREAS**, the New Jersey Department of Transportation requires a Resolution of Concurrence in order to promulgate the required Traffic Regulation Order designating the bus stop from the Town; and

**WHEREAS**, the Town Council and the Town Engineer have reviewed the request and recommends the establishment of the bus stop on Rt. 206;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Newton, Sussex County, State of New Jersey, that the Mayor and Town Council concur with the New Jersey Department of Transportation's recommendation to establish a bus stop along Rt. 206 as follows:

1. Along Route 206, southbound on the westerly side thereof at:
  - a. Hamilton Street – Near Side  
Beginning at the prolongation of the northerly curb line of Hamilton Street and extending 105 feet northerly therefrom. (On shoulder)

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That the Mayor and Council of the Town of Newton will enforce the Traffic Regulation Order governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

**BE IT FURTHER RESOLVED** that this resolution shall take effect upon approval to the Commissioner of Transportation as provided by law.

**RESOLUTION #97-2011\***

**APPROVAL OF LEAVE OF ABSENCE WITHOUT PAY FOR MR. LOUIS READ**

**WHEREAS**, the Town Council of the Town of Newton adopted a Personnel Policies and Procedures Manual and Employee Handbook "Handbook" by the adoption of Ordinance 2009-25 at their meeting on September 28, 2009; and

**WHEREAS**, Section 9.8 of said "Handbook" states that the Town Manager may grant an employee a leave of absence without pay for a period of up to thirty (30) day, and the Town Manager and the Town Council must both approve a leave of absence without pay for a period longer than thirty (30) days; and

**WHEREAS**, Mr. Louis Read, Parking Enforcement Officer and Class I Special Officer for the Town of Newton, has requested a six (6) month leave of absence without pay for the period covering March 1, 2011 through September 1, 2011; and

**WHEREAS**, the Town Manager, Thomas S. Russo, Jr., previously granted Mr. Read an unpaid leave of absence from February 1, 2011 through February 28, 2011;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton does hereby grant a six (6) month leave of absence without pay for Mr. Louis Read for a period covering March 1, 2011 through September 1, 2011.

The Deputy Clerk presented an Application for an on-premise raffle (Tricky-Tray and 50/50) from the Auxiliary of Newton Memorial Hospital, 175 High Street, Newton to be held on June 2, 2011 from 5:30 p.m. to 10:00 p.m. at the Sussex County Community College, One College Hill Road, Newton. It was noted that 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. Diglio and roll call resulted as follows:

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

Mr. Ricciardo had a question regarding Resolution #96-2011 which was addressed by Mr. David B. Simmons, Jr. P.E. of the firm of Harold E. Pellow & Associates, Inc., Town Engineer.

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**RESOLUTION #96-2011**

**AUTHORIZE RELEASE OF THE PERFORMANCE GUARANTEE AND THE MAINTENANCE GUARANTEE POSTED BY JULIE RICHARD, LLC FOR THE DEVELOPMENT OF BLOCK 1301, LOT 1.03**

**WHEREAS**, Julie Richard, LLC posted a Performance Guarantee and Maintenance Guarantee with the Town of Newton in connection with the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue in the Town of Newton, and

**WHEREAS**, in a letter dated February 28, 2011, David B. Simmons, Jr., PE of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended that the Performance Guarantee in the amount of \$25,800.00 and the Maintenance Guarantee in the amount of \$29,744.10 currently on file with the Town of Newton be released; and

**WHEREAS**, Kathy Citterbart, Planning Board Secretary in a memo dated April 28, 2011 states all fees and bills in conjunction with said project have been satisfied;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$25,800.00 and the Maintenance Guarantee in the amount of \$29,744.10 posted with the Town of Newton by Julie Richard, LLC related to the development of Block 1301, Lot 1.03, located at 51 Sparta Avenue based on the recommendation of the Town Engineer.

A motion was made by Mr. Ricciardo to approve **RESOLUTION #96-2011**, seconded by Mrs. Diglio and roll call resulted as follows:

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

**DISCUSSION**

**a. Wayfinding – Level G**

Gerry Giosa, Level G Associates, LLC, presented Council with an overview of the preliminary wayfinding sign system which will direct drivers entering the Town of Newton to the downtown shopping district and public parking. Mr. Giosa distributed a map to the Governing Body indicating sign locations and presented a prototype of the signs to be used. Mr. Giosa indicated that this is a simplified plan that will provide a lot of target value for the incoming motorists, and provide good recognition for getting people into the heart of Town. Mr. Russo thanked Mr. Giosa for his work putting this project together as well as Cory

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Stoner, and provided additional background on this project and requested direction from the Governing Body to move forward on this project.

After a brief discussion, the Governing Body unanimously directed Mr. Russo to move forward with the wayfinding sign system as presented.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mrs. Diglio suggested the Governing Body consider a resolution in support of the Glass-Steagall Bill. The consensus of the Governing Body was to read the Bill in its entirety and discuss at the next Council meeting.

Mr. Russo indicated for the next meeting will be May 23, 2011 and Jessica Caldwell, Town Planner will be in attendance to discuss a plan amendment for the Paterson Avenue Redevelopment Plan and Mr. Dave Simmons, Town Engineer will also be in attendance to discuss the draft of the Water-Sewer Master Plan.

There being no further business to be conducted, upon motion by Deputy Mayor Le Frois seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 8:11 pm.

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk