

May 23, 2011

**EXECUTIVE SESSION**

Mr. Russo read Resolution #98-2011 and Council entered into Executive Session at 6:00 p.m.

Council returned from Executive Session at 6:40 p.m.

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

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 Clerk called the roll. Upon motion of Mr. Elvidge, seconded by Deputy Mayor Le Frois, the minutes of May 9, 2011 (Regular and Executive) were approved as presented.

Mayor Becker read the following Proclamation proclaiming the week of May 15-21, 2011 as Public Works Week in the Town of Newton. Employees of the DPW were present as well as Mr. Rick Straway, Foreman, who accepted the Proclamation.

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

**PUBLIC WORKS WEEK**

**MAY 15-21, 2011**

**WHEREAS**, public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of New Jersey; and

**WHEREAS**, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from State and Local government and the private sector, who are responsible for and must plan, design, build, operate and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings and other structures and facilities essential to serving our residents; and

**WHEREAS**, the year 2011 marks the 51<sup>st</sup> annual National Public Works Week sponsored by the American Public Works Association;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton,

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hereby proclaim May 15-21, 2011 as **Public Works Week** in the Town of Newton and thank each and every one of our dedicated public works employees for their dedication and service.

**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. Richard Sarkisian, 39 Beachwood Place, Harrington Park, (Bergen County) addressed Council and encouraged the governing body to pass a resolution in support of HR 1489.

Mr. Scott Mooney, 459 Taylor Street, South Hackensack, appeared before the Town Council and expressed the importance and urgency in supporting the Glass-Steagall Bill as well.

Mr. Neil Flaherty, 154 Sparta Avenue, advised Council that he had attended a meeting earlier this evening, in which the County presented an update on the Sparta Avenue project. Mr. Flaherty briefly outlined the update to Council and expressed his extreme disappointment with the widening of the road and noted that this will have a major impact on several residents of Sparta Avenue. Mr. Flaherty also feels that this will decrease the line of vision; as well as increase residents exposure to noise and air pollution. Mr. Flaherty asked for Council's support in letting the County of Sussex know the concerns with the Sparta Avenue project.

Mr. Flaherty also updated Council on the Newton High School Robotics Team. He also noted that the Robotics Coach, Jim Hofmann, was recently honored with the Woody Flowers Jr. Award. This award recognizes a team mentor who has done an outstanding job of motivating and encouraging students to be problem solvers with strong communication skills.

Mrs. Thea Unhoch, 17 Condit Street, congratulated the Department of

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Public Works on their Proclamation and commended them on the terrific job they did throughout the winter months.

**COUNCIL & MANAGER REPORTS**

a. **MSN Challenge Grant**

Mr. Russo noted that the Main Street Newton Challenge Grant discussion will be carried to the Monday, June 13, 2011 Council meeting.

Mr. Russo reminded Council that the Municipal Building is closed on Monday, May 30, 2011 in observation of Memorial Day. The Memorial Day Parade will begin on Lower Spring Street at 10:00 a.m. immediately followed by a ceremony at Memory Park. Mr. Russo also noted that the Newton Municipal Building will be closing at 3:30 p.m. on Friday, May 27, 2011. In addition, Mr. Russo noted that there will be no Council packets or newsletters on Friday, May 27, 2011.

**ORDINANCES**

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

**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**

**BE IT ORDAINED**, by the Town Council of the Town of Newton, that Chapter 10, Traffic, Chapter 11, Buildings and Housing, Chapter 13, Fire Prevention and Chapter 21, Fees and Costs, be amended as follows:

**10-14.5f Additional Rules and Regulations**

f. An Annual Merchant Pass will be available for Lot # 5 Eastern Plaza, Lot #4 Central Plaza and Lot #3 Western Plaza parking lots only, for business owners on Spring Street who have a ground floor business located on Spring Street from Union Place to Main Street. The cost for such passes is set forth in subsection 21-1.5c. There will be a maximum allotment of 2 passes per business per year. Annual passes will be valid from 1/1 to 12/31; semi-annual passes are valid from 1/1 to 6/30 or 7/1 to 12/31 and all passes will need to be renewed upon expiration. Parking passes are valid from 8:00am-6:00pm, Monday – Saturday.

**11-1.2 Enforcing Agency**

[add to existing text of 11-1.2 in additional paragraph]

In the event the Town of Newton enters into an Interlocal Agreement for services of one or more of said officials and/or inspectors, said services may be provided

by another municipality, county or state agency as set forth in such Interlocal Agreement.

**13-1.6 Enforcement**

[add to existing text of 13-1.6 in additional paragraph]

In the event the Town of Newton enters into an Interlocal Agreement for enforcement of the fire prevention code and/or the Fire Safety Act, said enforcement services may be provided by another municipality, county or state agency as set forth in such Interlocal Agreement.

**21-1.2 Alcoholic Beverage Control (Relating to Chapter 7).**

- a. Plenary retail consumption license  
(7-3.4a) 1,300.00
- b. Plenary retail distribution license  
(7-3.4b) 1,300.00

**21-1.5 Traffic (Relating to Chapter 10).**

- c. Parking lot meter fees (10-14.2):  
Parking Passes may be purchased at the Municipal Building for the above metered lots at the following rates:
  - 1. Lot # 5 Eastern Plaza, Lot #4 Central Plaza and Lot #3 Western Plaza
    - a. Monthly 25.00\* plus tax
    - b. Quarterly 75.00\* plus tax
    - c. Annual 269.00\* plus tax
    - d. Merchant Annual 2 for 269.00\* plus tax
    - e. Merchant Semi-annual 2 for 135.00\* plus tax

**21-1.8 Fire Subcode/Prevention (Relating to Chapters 11 and 13).**

In the event the Town of Newton enters into an Interlocal Agreement for Fire Subcode/Prevention services to be provided by another municipality, county or state agency, the fees charged for specific services under this Section 1.8 shall be as set forth in the Fee Schedule published by the host municipality, county or state agency. The Fee Schedule of said host municipality, county or state agency shall supersede any inconsistent fees set forth in this Section and is adopted by reference.

**21-1.10 Utilities (Relating to Chapter 15).**

- p. Additional Water Meter  
(at Owner's request) 250.00 each

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 aforementioned **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, seconded by Deputy Mayor Le Frois and roll call resulted as follows:

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

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

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

**ORDINANCE #2011-10**

**AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE – WOODSIDE AVENUE**

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

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Absent	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 June 13, 2011.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

**A. Utility Board Appeal – Mautone**

Mr. Mautone addressed the Council to ask for relief on his water/sewer bill for property located at 108-110 Spring Street. Mr. Mautone claims that his water/sewer bill is an exorbitant amount over previous bills and would like to negotiate the bill. Mr. Mautone feels that the business located at that site could not possibly have used that amount of water and he has had a plumber check for leaks.

Mr. Paul Baldwin, Water/Sewer Supervisor was in attendance and advised that the water meter was sent out and certified that it was properly working.

After a lengthy discussion, Mr. Mautone was directed to contact Mr. Russo, Town Manager and Mark Hontz, Esq., Town Attorney, in order to

continue the discussion and negotiate the water/sewer bill in question. Mr. Russo will update Council on the outcome of the negotiations with Mr. Mautone.

**B. Utility Board Appeal – Oricchio**

Mr. Oricchio was not present to address his appeal. Mark Hontz, Esq. recommended that since there is no one present for the appeal presentation that the Town forward Mr. Oricchio a letter denying his appeal.

**C. Utility Board Appeal – Guiliano**

Mr. Jason Guiliano, 14 Liberty Street, appeared before Council to request a waiver of penalty on his water/sewer bill. Mr. Guiliano explained that he never received his original water bill and noted that the day after receiving notice from the Town that he was late, he paid his water bill, excluding the late charge. Mr. Guiliano contends that he has never been late in his three years of residency and since he never received the original bill, did not feel that he should pay the late charge.

After a brief discussion, upon motion of Mr. Ricciardo, seconded by Mr. Elvidge, that Mr. Guiliano’s appeal to waive the late charge on his water/sewer bill be denied and roll call resulted as follows:

Mr. Elvidge	Yes	Mr. Ricciardo	Yes
Mrs. Diglio	Absent	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.

**RESOLUTION #99-2011\***

**APPROVE FIREWORKS DISPLAY AT MEMORY PARK FOR NEWTON DAY 2011**

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**WHEREAS**, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

**WHEREAS**, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 11, 2011 as part of the annual "Newton Day" celebration with a rain-date of June 18, 2011; and

**WHEREAS**, Newton Fire Official Joseph C. Inga has advised that the application for said fireworks display is complete and in order;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Greater Newton Chamber of Commerce is granted permission for a fireworks display during the "Newton Day" celebration to take place on June 11, 2011, with a rain-date of June 18, 2011 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ; and

**BE IT FURTHER RESOLVED**, that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Newton Fire Official Joseph C. Inga.

**RESOLUTION #100-2011\***

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2011 TOWN OF NEWTON BUDGET  
PURSUANT TO NJSA 40A:4-87 (C.159, PL 1948)**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount; and

**WHEREAS**, the Town of Newton received payment in the amount of \$12,451.78 from the State of New Jersey Solid Waste Administration for a FY2011 Clean Community Grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2011 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey Clean Community Grant \$12,451.78

**BE IT FURTHER RESOLVED** that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:

- (A) Operations - Excluded from CAPS
- Public and Private Programs Off-Set by Revenues:
- State of New Jersey Clean Community Grant
- Parks & Playgrounds

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Salaries and Wages

\$12,451.78

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION #101-2011\***

**RESOLUTION URGING SUSSEX COUNTY LEGISLATORS TO DRAFT A BILL TO AMEND  
THE OPEN PUBLIC RECORDS ACT (OPRA)**

**WHEREAS**, the Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et seq.) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying all government records; and

**WHEREAS**, since the adoption of OPRA, there has been an escalating series of requests by private sector firms from all over the nation for voluminous public records, already freely accessible to the general public through government websites, with the intent of selling said information to the general public for a profit; and

**WHEREAS**, said information is already freely available to the public on government websites; and

**WHEREAS**, this information freely obtained for resale to the public involves an extra cost to the general public, once upon its creation by government employees, second upon extraction, copying and frequently, conversion to specific formats by government employees, and thirdly by sale to the same public who have already paid twice for this information; and

**WHEREAS**, this constitutes additional substantial costs to the taxpaying public solely to benefit a private entity; and

**WHEREAS**, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton as follows that the current Open Public Records Act be amended to preserve its original intent and reduce expenses to the public by providing that in situations where the requested documents are already available to the public on a downloadable government website, regardless of format, a referral of the requestor to said website shall fully comply with the OPRA obligation of the governmental unit, with no need to convert the data contained therein to any other format; and

**BE IT FURTHER RESOLVED** that the Newton Town Council requests as follows:

1. That our local legislators draft and introduce such legislation; and
2. That the President of the State Senate and the Speaker of the State Assembly urge adoption of such legislation; and
3. That Governor Chris Christie sign and execute such legislation upon its adoption; and
4. That all Counties in the State and municipalities in the County of Sussex adopt and distribute similar Resolutions; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be sent to Honorable Chris Christie, Governor, State of New Jersey, State House,

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P.O. Box 001, Trenton, NJ 08625; Honorable Stephen M. Sweeney, President, NJ State Senate, 935 Kings Highway, Suite 400, West Deptford, NJ 08086; Honorable Sheila Y. Oliver, Speaker of the NJ State Assembly, 15-33 Halsted Street, Suite 202, East Orange, NJ 07018; Honorable Steven V. Oroho, State Senator, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; Honorable Gary R. Chiusano, State Assemblyman, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; Honorable Alison Littell McHose, State Assemblywoman, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; the Board of Chosen Freeholder in the County of Sussex; and all Municipal Clerks in the County of Sussex.

**RESOLUTION #102-2011\***

**AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SUSSEX FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN NJ STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF NJSA 40A:65-1 ET SEQ.**

**WHEREAS**, the Town of Newton desires to work with various governmental agencies and entities in order to realize mutual cost savings through joint agreements for public services; and

**WHEREAS**, the State of New Jersey has adopted the "Uniform Fire Safety Act" for the purpose of establishing fire safety standards and to safeguard the lives and property of New Jersey's citizens from fire and explosion; and

**WHEREAS**, the "*New Jersey Regulations for Fire Code Enforcement*" permits the County Fire Marshall to be the County Enforcing Agency with the right to inspect all County and autonomous County facilities and in addition, to inspect life hazard uses or enforce the Code fully on behalf of a municipality or fire department or fire district when so designated; and

**WHEREAS**, the Town of Newton and the County of Sussex have arrived at an understanding regarding the provisions of Enforcing Agency services through the Sussex County Fire Marshall for a period of four (4) years, as more fully set forth in a Shared Services Agreement, a copy of which is attached hereto; and

**WHEREAS**, the parties have the authority to enter into this Shared Services Agreement pursuant to N.J.S.A. 40A:65-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton, that the Mayor and Municipal Clerk are hereby authorized to execute the attached Shared Services Agreement between the Town of Newton and the County of Sussex; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to Elaine A. Morgan, Clerk of the Board of Chosen Freeholders, One Spring Street, Newton, NJ 07860; Joseph C. Inga, Sussex County Fire Marshall; Michael F. Strada, Sussex County Sheriff; John H. Eskilson, Sussex County Administrator; Dennis R. McConnell, Esq., Sussex County Counsel; Sanford Hollander, Esq., Town Attorney; and Thomas H. Neff, Director, NJ Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625.

**RESOLUTION #103-2011\***

**APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

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**WHEREAS**, the Town of Newton wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant # P-5202-11); and

**WHEREAS**, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that:

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety;
- 2) The Attorney General will receive funds on behalf of the applicant;
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds;
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized;

**BE IT FURTHER RESOLVED**, that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-5202-11.

#### **RESOLUTION #104-2011\***

#### **RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

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

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

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at **govdeals.com** and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is **govdeals.com**.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is attached and made part of this resolution:
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a

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Hold Harmless and Indemnification Agreement concerning use of said surplus property.

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

7) In the event said items do not receive a minimum bid, they may be destroyed or in accordance with State Statutes.

<b>Quantity</b>	<b>Item</b>	<b>Model</b>
1	Black & Silver Dell Flat Panel Monitor Mount	1703FPT
1	Black & Silver Dell Flat Panel Monitor Mount	1708FPB
1	Black & Silver Dell Flat Panel Monitor Mount	1907FPVt
3	Black & Silver Viewsonic Office Keyboard - New	KP202
1	Black & Silver Viewsonic Office Keyboard - Used	KP202
1	Black & Silver Microsoft Wireless Desktop Elite Keyboard	1011
1	Gray Space Saver TV Wall Mount Up to 21"	XR-1-21
5	Boston Leather Deluxe Adjustable Radio Holder Basket Weave - New	5487-3
1	Boston Leather Deluxe Adjustable Radio Holder Basket Weave - Used	5487-4
4	Black Motorola 7.5 Nickel-Cadmium Battery for Portable 2-way Radio	NTN7144CR
1	Maxon Deluxe Speaker/Microphone for Portable 2-way Radio	SA-1421A
1	Black Dell Docking Port and Monitor Stand	PD01X
1	Vecmar Gray 13" Monitor	Dataserv MC-5
1	Xplore Technologies Tablet Computer Mount for vehicle	MTL22-TS + HAT
1	Xplore Technologies Keyboard Mount for vehicle	Standard + KARM
2	Microsoft System Builder OEM Software	
1	Microsoft Windows 2000 Professional OSKIT Boot Disk	
1	13.8 Volt DC Comm Series Power Supply for mobile radio unit	ICT12012-30A
1	Astron 13.8 Volt DC Power Supply	RS-12A
1	Black Signatureworks Calendar Pad Stand	GG-C-101
1	Black Pro-Gard Shotgun Mount	G505OUT
1	White HP Laserjet Printer	4100N
1	Xplore Technologies Tablet Computer Mount for vehicle	LX702578
1	Quill typewriter font inserts	700-11213
1	Fellowes Standard Glare Filter for 13" to 15" monitors	64453
1	Pro-gard window barrier	
1	HP Laserjet toner cartridge (Cyan) - New	124A
1	Black & Silver Dell Flat Panel Monitor Mount	1704FP
1	Black Dell Flat Panel Monitor Mount	E170Sb
1	Enfora Vehicle Mounted CDPD modem signal booster	Spider B3
5	MPH K-55 Radar Unit	K55X 990266
1	MPH K-55 Radar Unit	K55
9	MPH K-55 Radar Antenna	K55 990097
1	MPH K-55 Radar Antenna	K55
5	X-Band Tuning Forks for K-55 Radar Unit - 35 MPH	
5	X-Band Tuning Forks for K-55 Radar Unit - 80 MPH	
6	MPH K-55 Standby Switch for Radar Unit	
10	Maxxon 2-way radio	SP2550
1	Motorola Radius 2-Way Radio	P50+
10	Maxxon 2-way radio charger	SA-1125
1	Motorola Radius 2-Way Radio Charger	

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**RESOLUTION #105-2011\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS**

**WHEREAS**, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

**Account overestimated 1<sup>st</sup> Quarter:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9780	4 Barry Lane	\$862.84

**Credit penalty due to Utility Board application being postponed:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9211	21 Ryerson Avenue	\$37.08

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

<u>Account</u>	<u>Address</u>	<u>Amount</u>
5898	18 Academy Street	\$600.00

**Utility Board recommends credit of penalty:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10400	11 Main Street	\$45.92

**RESOLUTION #106-2011\***

**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**

25.00	VOID	28700
25.00	Treasurer, State of NJ	28748
250.00	Quill Corporation	28749
236.00	Decker's Fire & Safety	28750
729.33	Airmark Pools	28751
106.25	Sussex Car Wash, Inc.	28752
1,478.78	NUI Corporation	28753
273.85	New Jersey Herald	28754
2,016.56	SCMUA	28755
63.40	Sussex County Plumbing	28756
390.00	B & G Elevator, Inc.	28757
11.59	Centurylink Communications, Inc.	28758
2,905.99	Centurylink communications, Inc.	28759

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5,040.00	Hollander, Strelzik, Pasculli, Hinkes	28760
184.00	Rowe & Company	28761
200.00	Newton Board of Education	28762
130.18	Campbell's Small Engine	28763
385.00	Fire Fighters Equipment Co.	28764
1,260.03	Tri-State Rentals, Inc.	28765
775.00	West Group	28766
28.59	Federal Express	28767
50.00	Newton First Aid Squad	28768
50.00	First United Methodist Church	28769
156.00	McManimon & Scotland	28770
420.00	Willco, Inc.	28771
347.68	Newton Citgo	28772
50.00	NJLM	28773
200.00	NJLM	28774
170.75	Newton Trophy	28775
84.00	Minisink Press, Inc.	28776
209.84	Ann M. Rosellen	28777
340.71	Sebring Auto Parts	28778
1,248.99	Dempsey Uniform & Supply, Inc.	28779
37.10	Airgas East	28780
509.36	Boonton Tire	28781
1,318.22	Verizon Wireless	28782
546.00	Petro-Mechanics, Inc.	28783
215.40	North Jersey Portable Toilets	28784
380.99	Walmart	28785
75.95	Mr. John	28786
35.00	S/NJ Toxicology Laboratory	28787
2,055.00	Vogel, Chait, Collins, Schneider, PC	28788
961.87	Sussex County Mailing Service	28789
38.73	AW Direct, Inc.	28790
450.62	Staples Business Advantage	28791
30.60	Language Line Services	28792
1,547.19	Lowe's	28793
341.00	Liberty SOD Farms, Inc.	28794
4,087.92	Rachles/Michele's Oil Company	28795
5,463.78	Taylor Oil Co.	28796
65.00	Steve Van Nieuwland	28797
80.58	Dawn Babcock	28798
2,250.00	Laddey, Clark & Ryan, LLP	28799
514.75	BSNCP	28800
168.00	Jersey Central Power & Light	28801
15.32	Atlantic Tactical	28802
469.80	Penteledata	28803
3,875.40	Direct Energy Business	28804
2,139.40	Woodruff Energy	28805
1,551.30	Earthcam, Inc.	28806
1,080.00	Mulch Concepts	28807
105.00	Borough of Princeton	28808
1,575.00	Rabner Allcorn Baumgart & Ben Asher	28809
257.72	Donald F. & Ann Carlson	28810
75.00	NJRA	28811
178,325.83	Payroll Account	28812
33,736.00	U.S.D.A. / FHA	111027
922,785.00	Newton Board of Education	111028
182,105.27	Payroll Account	111029

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**CAPITAL**

11,186.00	Harold Pellow & Assoc., Inc.	7693
168.70	New Jersey Herald	7694
1,026.00	Hollander, Strelzik, Pasculli, Hinkes	7695
4,597.80	McManimon & Scotland	7696
2,164.73	Grinnell Recycle	7697
61.44	Lowe's	7698
4,400.00	FKA Architects	7699
5,320.75	Atlantic Tactical	7700
1,121.58	Manor II Electric	7701
3,840.00	John A. Van Deusen & Assoc's, Inc.	7702
2,724.00	Core Environmental Services, LLC	7703
6,135.40	Straight Edge Striping	7704

**Total TOWN BILLS \$141,808.57**

**WATER AND SEWER ACCOUNT**

27.89	Quill Corporation	12137
11.08	Montague Tool & Supply	12138
3,168.00	Harold Pellow & Assoc., Inc.	12139
288.81	NUI Corporation	12140
2,054.00	Keller Welding Company	12141
70.00	John Madden	12142
6,476.05	Pumping Services	12143
539.55	SCMUA	12144
60.44	Sussex County Plumbing	12145
35.00	Paul M. Havens	12146
8,942.43	Coyne Chemical Corp., Inc.	12147
28.14	Centurylink Communications, Inc.	12148
1,351.82	Centurylink Communications, Inc.	12149
216.00	Hollander, Strelzik, Pasculli, Hinkes	12150
130.00	Rectifier Auto Electric	12151
1,340.00	Garden State Laboratories, Inc.	12152
1,625.40	Hamburg Plumbing Supply Co., Inc.	12153
322.50	McManimon & Scotland	12154
750.00	Cosper Environmental Services, Inc.	12155
14.00	Joseph Carr	12156
427.64	Solar Tire	12157
575.96	Dempsey Uniform & Supply Inc.	12158
3,673.75	R & D Trucking Inc.	12159
131.54	Airgas East	12160
35.00	Ervin Lasso	12161
169.90	Verizon Wireless	12162
4,896.00	Passaic Valley Sewerage Comm.	12163
1,250.00	John Smalley	12164
187.56	Walmart	12165
1,714.90	Main Pool & Chemical Company	12166
507.50	Kistler O'Brien Fire Protection	12167
102.37	Staples Business Advantage	12168
84.00	Eric Tompkins	12169
962.00	Andy Matt, Inc.	12170
139.90	Penteledata	12171
8,395.65	Direct Energy Business	12172
161.28	One Call Concepts	12173
514.26	Woodruff Energy	12174
330.00	Lancaster Laboratories	12175
33,861.28	Payroll Account	116016

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28,881.29 Payroll Account 116017

**CAPITAL**

15.75 New Jersey Herald 2173  
387.00 McManimon & Scotland 2174

**Total WATER & SEWER BILLS \$114,855.64**

**TRUST ACCOUNT**

5,232.50 Harold Pellow & Assoc., Inc. 2888  
3,319.00 Hollander, Strelzik, Pasculli, Hinkes 2889  
120.00 VOID 2890  
1,333.33 James P. Sloan, P.C. 2891  
1,279.73 Current Account 2892  
1,500.00 Zion Grove Trout Hatchery 2893  
1,515.00 Vogel, Chait, Collins, Schneider, PC 2894  
1,174.71 Roger Sharp 2895  
120.00 Ferriero Engineering Inc. 2896  
3,656.76 Payroll Account 117110  
474.06 Payroll Account 117111

**Total TRUST ACCOUNT BILLS \$19,605.09**

**FED. STATE GRANT**

454.00 E.A. Morse & Company 1067  
59.96 Sherwin-Williams 1068  
600.00 Screen Creation Plus 1069  
400.00 Safe Shredding, LLC 1070  
5,337.50 The Fibrex Group, Inc. 1071

**Total FED. STATE GRANT BILLS \$6,851.46**

**RESOLUTION #107-2011\***

**RESOLUTION AND AGREEMENT FOR PROFESSIONAL SERVICES FOR MUNICIPAL PROSECUTOR**

**WHEREAS**, Victor R. Jusino, Esq., Municipal Prosecutor for the Town of Newton has tendered his resignation to the Town of Newton; and

**WHEREAS**, there exists a need for special counsel to be appointed to represent the Town of Newton as Municipal Prosecutor with respect to municipal matters for the remainder of calendar year 2011; and

**WHEREAS**, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

**WHEREAS**, Jonathan E. McMeen, Esq., has indicated that all such services will be rendered to the Town of Newton on the basis of an annual salary of \$27,000, pro-rated on a monthly basis for the remainder of calendar year 2011, which the Newton Town Council deems fair and equitable for said professional services; and

**WHEREAS**, the Town of Newton agrees to pay \$500 per session for special sessions above and beyond the normal court appearances including matters

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relating to Alcoholic Beverage Control for a maximum of \$3,000 for the year; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection;

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Jonathan E. McMeen, Esq., providing for his retention as Municipal Prosecutor in and on behalf of the Town of Newton for the remainder of calendar year 2011 effective immediately.

2) The services to be rendered by Jonathan E. McMeen, Esq. shall be at a rate of \$27,000 annually pro-rated on a monthly basis.

3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Jonathan E. McMeen, Esq. is a licensed attorney of 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 and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.

4) Political Contribution Disclosure. This contract has been awarded to Jonathan E. McMeen, Esq. based on the merits and abilities of Mr. McMeen to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 *et seq.* As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) Notice of this action shall be published once in the *New Jersey Herald*.

**ATTEST:**

**TOWN OF NEWTON**

\_\_\_\_\_  
Lorraine A. Read, RMC, Municipal Clerk

\_\_\_\_\_  
Kristen S. Becker, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2011.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jonathan E. McMeen, Esq.

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The Proclamation proclaiming May 15-21, 2011 as "**PUBLIC WORKS WEEK**" in the Town of Newton was also a part of the consent agenda.

The Clerk presented an application for an on-premise raffle (50/50) from Sussex County Community College, One College Hill Road, Newton, to be held on June 30, 2011; July 7, 14, 21 and 28, 2011; and August 4 and 11, 2011 from 6:00 p.m. to 9:00 p.m. at One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for membership to the Newton Fire Department from Mr. Joshua Pruitt, 24 West End Avenue, Newton. It was noted that the application is in order and signed by the Chief of the Fire Department.

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

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

Mr. Russo noted that there needs to be a Resolution added to the agenda in order to award a bid for the Merriam Avenue Watermain Project. Upon motion of Mr. Ricciardo, seconded by Deputy Mayor Le Frois and carried, that permission be granted to add Resolution #108-2011 to the agenda and roll call resulted as follows:

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

Mrs. Debra Millikin, Deputy Town Manager, explained the reason for late submission of the resolution and advised that the resolution would award the bid contract to the second lowest bidder which was recommended by Mrs. Millikin, the Town Engineer and the Town Attorney.

#### **RESOLUTION#108-2011**

#### **RESOLUTION TO AWARD WATERMAIN PIPES & FITTINGS FOR THE MERRIAM AVENUE WATERMAIN PROJECT**

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**WHEREAS**, the Town of Newton publicly accepted bids for the purchase of watermain pipes and fittings for the Merriam Avenue Watermain Project on Tuesday, May 17, 2011 at 11:00 a.m.; and

**WHEREAS**, the Town has received a letter dated May 18, 2011, from Kennedy Culvert and Supply of Mount Laurel, NJ, requesting that it be permitted to withdraw its bid pursuant to N.J.S. 40A:11-23.3 because an error they made regarding the type of pipe bid; and

**WHEREAS**, the Town of Newton Q.P.A. recommends that the Town Council permit withdrawal of the bid from Kennedy Culvert and Supply as permitted by statute due to their mistake and recommends that the award be based on the two remaining bidders that have met the requirement of the Class 54 ductile iron pipe; and

**WHEREAS**, the bid opening results are as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
<b>Brent Material Company 741 Northfield Avenue Suite 203 West Orange, NJ 07052</b>	<b>\$209,301.90</b>
Capitol Supply Hornbeck Road Denville, NJ 07834	\$215,742.52

**WHEREAS**, the Town Engineer and Q.P.A. recommend award of the watermain pipes and fittings contract to Brent Material Company in the amount of \$209,301.90; and

**WHEREAS**, the Chief Financial Officer has certified funds are available based on the attached certification;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that the withdrawal of the bid submitted by Kennedy Culvert and Supply be permitted, and that the bid submitted for the purchase of watermain pipes and fittings for the Merriam Avenue Watermain Project be awarded to Brent Material Company 741 Northfield Avenue, Suite 203, West Orange, NJ 07052 in the amount of \$209,301.90.

A motion was made by Mr. Elvidge, to approve **RESOLUTION #108-2011**, seconded by Mr. Ricciardo and roll call resulted as follows:

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

**INTERMISSION (10 minute)**

**DISCUSSION**

**A. Glass Steagall**

After a brief discussion, the consensus of the Town Council was to support the Glass Steagall Bill and directed the Town Manager to draft a resolution for the next Town Council meeting.

**B. Tax Exemption Ordinance – Draft**

Jennifer Credidio, Esq., Redevelopment Counsel, was in attendance and reviewed the draft ordinance which would allow the Town of Newton to implement a five-year tax exemption program. This Ordinance would grant tax exemptions for certain improvements to and construction of residential dwellings, certain improvements to industrial structures as well as certain improvements to commercial structures within the downtown Historic District.

After a lengthy discussion, the Town Council made some amendments to the draft ordinance and directed Ms. Credidio to revise same and resubmit for final review.

**C. Water Sewer Master Plan – Draft**

In attendance for this discussion was Debra Millikin, Deputy Town Manager, Paul Baldwin, Water & Sewer Supervisor, John Madden, Sewer Operator and Dave Simmons, Engineer. Mr. Russo gave an overview of the updated Water & Sewer Master Plan for the Town of Newton. Mr. Russo commended Mr. Simmons and his team for the creation of the well-prepared Water and Sewer Master Plan. "This Plan is a great tool which allows for the Town to plan for the next five to fifteen years," Mr. Russo concluded.

Mr. Simmons provided a synopsis of the Water & Sewer Master Plan. Mr. Simmons also outlined the Water Distribution System; Hydrant Locations and Color Classifications; and Sanitary Sewer Collection System.

Mr. Simmons then elaborated on the short, medium; and long-term improvements as well as redevelopment project areas as outlined in the Water & Sewer Master Plan.

Short-Term Improvements:

- a. Moran Street – North of Bridge N-2 over Moore's Brook to Newton Public Works Garage;

- b. Sewer Plant; and
- c. Park Place

Medium-Term Improvements:

- a. Merriam Avenue;
- b. Extension of Church Street and Division Street Watermains Across Rt. 94;
- c. West End Avenue;
- d. Halsted Street; and
- e. Route 206;

Long-Term Improvements:

- a. Intersection of Route 206 and East Clinton Street;
- b. Lincoln Place;
- c. Mount View Street;
- d. Emmons Avenue;
- e. Plainfield Avenue;
- f. Swartswood Road; and
- g. Hillside Terrace

Redevelopment Project Areas:

- a. Hicks Avenue; and
- b. Oak Street

Council thanked Mr. Simmons for his hard work and concluded that the Town needs to make these projects a part of the capital expenditures each year.

**OPEN TO THE PUBLIC**

Mr. Dan Hayek, 4 Fredonia Road, Fredon and a business owner in the Town of Newton, addressed the Council and asked if the Council would consider expanding the proposed tax exemption ordinance area. Mr. Hayek noted that the ordinance will only address structures within the Downtown Historic District and his business is just outside this district. Mr. Hayek has future

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plans of expanding his business and would love to take advantage of this program.

Mr. Michael Malone, 59 Trinity Street, Newton, expressed his disappointment with the Council's decision on denying a resident's request to waive the late charge on his water bill.

Mr. Wayne Levante, 5 East Stuart Street, Newton, stated that Council's decision regarding the waiver of a water bill late fee was unreasonable.

**COUNCIL & MANAGER COMMENTS**

Mr. Russo, noting that July 1<sup>st</sup> is the Reorganization meeting, requested a consensus for the appointment of the next Mayor and Deputy Mayor. After a brief discussion, the consensus was to appoint Helen Le Frois as Mayor and Sandra Diglio as Deputy Mayor.

There being no further business to be conducted, upon motion by Mr. Ricciardo seconded by Deputy Mayor Le Frois and unanimously carried, the meeting was adjourned at 9:12 pm.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk