

June 08, 2009

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, Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mayor Ricciardo and Town Manager, Mr. Thomas Russo, Jr.

Mayor Ricciardo 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 22, 2008”.

Father Peter Filipowski of St. Joseph’s Church led the invocation.

Mayor Ricciardo led the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Unhoch seconded by Mrs. Le Frois and carried that the minutes of May 27, 2009 (Regular) was unanimously approved.

PRESENTATION

At this time, Mayor Ricciardo read the following proclamation to Mr. Larry Pryduluk, in recognition for his organization of the 2009 Memorial Day Parade.

PROCLAMATION

2009 Memorial Day Parade & Ceremony

Larry Pryduluk

WHEREAS, Over one hundred years ago, Memorial Day was established to commemorate those men and women that gave their lives in defense of this country’s freedom; and

WHEREAS, On May 24, 2009, a Memorial Day Parade and Ceremony was held in the Town of Newton in honor of all the brave young men and women that gave their life while serving in the United States Armed Forces; and

WHEREAS, Larry Pryduluk gave unselfishly of his time and resources and worked tirelessly to make this year’s commemoration an outstanding success;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to Larry Pryduluk, for his enthusiasm, service and commitment to this nation’s fallen heroes and for all of his success in coordinating the 2009 Newton Memorial Day Parade and Ceremony.

Mayor Ricciardo thanked Mr. Pryduluk for his continued efforts in organizing the Memorial Day Parade, “without your help the parade would have died”.

Mr. Pryduluk thanked the Mayor and Council for the Proclamation and indicated that he “would be honored to continue to run the Memorial Day Parade.”

Mayor Ricciardo declared the meeting open to the public.

PUBLIC

There was no one from the public to be heard.

Council & Manager Reports

Mr. Russo read a request from the Sussex County Chapter of the American Red Cross to hold a coin toss fundraiser on September 12, 2009 on the corner of Sparta Avenue and Diller Avenue. Council unanimously agreed to grant this request.

Mr. Russo read a request from the Newton Fire Department to hold a coin toss fundraiser on July 3, 2009, July 21, 2009 and September 18, 2009 on the corner of Sparta Avenue and Diller Avenue. Council unanimously agreed to grant their request.

In addition, Mr. Russo read a revised request from Newton First Aid Squad for their coin toss fundraiser, to add July 3, 2009, July 4, 2009 and July 5, 2009 as well as relocate to the corner of Diller Avenue and Sussex Street. It was noted that July 3rd was already being utilized by the Newton Fire Department, therefore Council unanimously agreed to grant July 4, 2009 and July 5, 2009 at their revised location.

ORDINANCES

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

ORDINANCE # 2009-16

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2009-9 OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY FINALLY ADOPTED APRIL 27, 2009 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 3(a) of Bond Ordinance numbered 2009-9 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 27, 2009 is hereby amended to read as follows:

(a) Resurfacing of Adams Street, Jefferson Street, Washington Street, Lincoln Place, Sussex Street (from Pine Street to Sparta Avenue), Jefferson Street (from Washington Street to Halsted Street), Hamilton Street, North Park Drive, Lake Avenue (from County Route 622 to Hillside Terrace), Ferndale Avenue and Park Avenue (from Hillside Avenue to cul-de-sac at Park Avenue) and Mill Street Firehouse parking lot and improvements to the sidewalks and aprons at Mill Street Firehouse and sidewalks on Trinity Street (on the west side from Moran Street to the property owned by the County of Sussex), mapping of drainage issue from Liberty Street to Fairview Avenue, stamped concrete sidewalks on Adams Street at Spring Street, on Jefferson Street at Spring Street, on Madison Street at Spring Street and on Sussex Street at Sparta Avenue and milling and paving of Hillside Terrace.

Section Two. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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Section Three. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Ricciardo declared the hearing on Ordinance #2009-16 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the hearing was closed.

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE # 2009-17

AN ORDINANCE TO AMEND CHAPTER XXI, FEES AND COSTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Mrs. Unhoch and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	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 22, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

At the request of Mr. Harold “Chip” Storm, the two resolutions are on the agenda for Council’s reconsideration. Mayor Ricciardo recognized Mr. Storm to address any questions of Council. Mrs. Citterbart, Zoning Officer, was also in attendance. It was noted that Mr. Storm satisfied all zoning requirements as requested by Mrs. Citterbart.

Mayor Ricciardo addressed questions to Mr. Storm regarding the dispatching location of his taxicab business and was advised that he dispatches from 173 Spring Street. If there is after

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hour calls, they are retrieved from his answering machine (voicemail). Mayor Ricciardo questioned whether calls are automatically transferred to his cell phone and Mr. Storm said “no”. Council addressed the concern of taking calls at his residence and not properly dispatching from his office at 173 Spring Street and was advised that he does not take calls at his home for his business. After a brief discussion, Council was satisfied with the answers of Mr. Storm. It was noted that the Municipal Clerk, the Chief of Police and the Zoning Officer have all been satisfied with the paperwork required.

RESOLUTION #97-2009

RECONSIDERATION OF APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER’S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”, and

WHEREAS, the Police Chief has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner’s License application is complete and accurate, and

WHEREAS, in accordance with **9-6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected.....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ 07860, t/a Chip’s Taxi, Limo & Courier, which shall expire May 31, 2010;

BE IT FURTHER RESOLVED that the applicant must be in compliance with all aspects of **Chapter 9**, of the Newton Revised General Ordinances, as well as, the provisions of N.J.R.S. 46:16.

A motion was made by Mrs. Unhoch, seconded by Mr. Elvidge and roll call resulted as follows:

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

RESOLUTION #98-2009

RECONSIDERATION OF APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER’S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under 9-2, License Required. “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Police Chief has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s License application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Taxicab Driver’s License submitted by Harold R. Storm,

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Jr., 173 Spring Street, Newton, N.J., who represents Chips Taxi, Limo and Courier and shall expire on May 31, 2010.

A motion was made by Mrs. Unhoch, seconded by Mrs. Becker and roll call resulted as follows:

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

Mr. Storm thanked the Council for their approval.

CONSENT AGENDA

Mayor Ricciardo 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 #101-2009*

APPROVE CHANGE ORDER NO. 2 FOR THE BEAUTIFICATION OF MAIN STREET PROJECT – PHASE III

WHEREAS, on August 11, 2008 by way of adoption of Resolution #142-2008, the Newton Town Council awarded a contract to Tony’s Concrete Construction Co. in the amount of \$314,968.00, for the Proposed Main Street Beautification Project – Phase III; and

WHEREAS, the Newton Town Council approved Change Order No. 1 reducing the original contract amount by \$7,347.00, by the adoption of Resolution #176-2008 on October 27, 2008 in accordance with the recommendations of the Town Engineer; and

WHEREAS, as part of the final paperwork to close out the project, Harold E. Pellow & Associates, Inc., has recommended approval of Change Order No. 2 which will further reduce the original contract amount by \$17,158.50 to the new contract total of \$290,462.50; and

WHEREAS, since this change order is a reduction to the original contract amount no certification of availability of funds is needed from the Chief Financial Officer.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that approval of Change Order No. 2 to the contract with Tony’s Concrete Construction Co., for the Beautification of Main Street Project - Phase III is hereby affirmed, and that the Mayor is authorized to execute said Change Order No. 2 in quintuplicate to assure that Harold E. Pellow & Associates, Inc., Tony’s Concrete Construction Co., and the Town of Newton each have originals with original signatures, and the New Jersey Department of Transportation be given two (2) originals with signatures.

BE IT FURTHER RESOLVED THAT a copy of Change Order No. 2 be attached to and made part of this Resolution.

RESOLUTION #102-2009*

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SCHUSTER TELECOM AUDITORS, LLC WITH REGARD TO TELEPHONE SERVICES

WHEREAS, the Town of Newton has a need to acquire the services of Shuster Telecom Auditors, LLC to conduct a telephone audit to establish the most cost effective telephone service; and

WHEREAS, Schuster Telecom Auditors, LLC submitted a proposal dated April 30, 2009 outlining the services to be provided; and

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WHEREAS, the Town of Newton is under no obligation to utilize the recommendations of Schuster Telecom;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Town Manager and the Municipal Clerk to execute an agreement with Schuster Telecom Auditors, LLC, for an audit of the Town of Newton's current telephone service.

BE IT FURTHER RESOLVED that a copy of the April 30, 2009 proposal from Schuster Telecom Auditors, LLC be attached to and made part of this resolution.

RESOLUTION #103-2009*

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 or refunds for the reason 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 the reasons stated:

Credit due to reading error (read twice before billing & still wrong) on 2nd quarter (please see attached explanation):

<u>Account</u>	<u>Address</u>	<u>Amount</u>
16441	22-24 Sussex Street	\$4,994.60

Utility Board recommends waiver of portion of sewer charge:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12221	33 Madison Street	\$1,341.64
4453	58 Swartswood Road (\$550.00 to be refunded)	\$ 625.00

RESOLUTION #104-2009*

AUTHORIZE EXTENDING AND AMENDING AGREEMENT WITH A. NELESSEN ASSOCIATES, INC., FOR PLANNING SERVICES RELATED TO NEWTON'S REDEVELOPMENT

WHEREAS, the Town of Newton adopted Resolution #15-2007 on February 1, 2007 authorizing the Town Manager to execute an Agreement with A. Nelessen Associates, Inc. (ANA) for planning services relative to the Newton Redevelopment Plan based on their Proposal for Scope of Services submitted January 23, 2007; and

WHEREAS, planning service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Section 4 of said Agreement stipulated that the scope of the planning services could be extended by resolution of the Town Council for future tasks as they became necessary; and

WHEREAS, based on recommendations of the Redevelopment Team, ANA has subsequently submitted revised Scopes of Services dated April, 2009 for the Merriam Gateway Redevelopment Plan which will necessitate extending and amending said Agreement; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support extending said Agreement with ANA for the creation of the Merriam Gateway Redevelopment Plan in a total amount not to exceed \$39,975.00;

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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Town Manager to extend the original Agreement with ANA by issuing a purchase order to A. Nelessen Associates, Inc., for creation of the Merriam Gateway Redevelopment Plan.

RESOLUTION #105-2009*

**TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JULY 1, 2009 TO
DECEMBER 31, 2009**

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$5,323,764.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton.

Amount of Tax Voted (Exclusive of Debt Service)	\$10,647,528.00
Amount Received to Date	0.00
Amount of This Request	<u>5,323,764.00</u>
Balance Due Board of Education	5,323,764.00

RESOLUTION #106-2009*

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE RESURFACING OF NORTH PARK DRIVE**

WHEREAS, the Town of Newton is applying for funding in the amount of \$150,000.00 to resurface North Park Drive under the NJDOT Local Aid Program;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton formally approves the grant application for the above stated project, and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Newton Town-00159 to the New Jersey Department of Transportation on behalf of the Town of Newton.

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of same.

RESOLUTION #107-2009*

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE PARK PLACE AND HIGH STREET BEAUTIFICATION PROJECT**

WHEREAS, the Town of Newton is applying for funding in the amount of \$283,980.00 to complete the Park Place and High Street Beautification Project under the NJDOT Centers of Place Program; and

WHEREAS, this project will enhance and beautify the Town, and will also help to promote a pedestrian friendly environment; and

WHEREAS, the Town of Newton will assume the responsibility for maintenance of the proposed sidewalks, pavers and lights associated with this beautification project except for the removal of ice and snow from the sidewalks, due to the fact that local Ordinances place that responsibility with each individual property owner;

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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton formally approves the grant application for the above stated project.

BE IT FUTHER RESOLVED that the Mayor, Town Manager, and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-NewtonTown-00013 to the New Jersey Department of Transportation on behalf of the Town of Newton.

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of same.

RESOLUTION #108-2009*

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 2008 and 2009 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

264.04	Quill Corporation	25408
307.26	Staples Credit Plan	25409
865.04	Harold Pellow & Assoc., Inc.	25410
4,686.00	Municipal Software, Inc.	25411
250.00	Airmark Pools	25412
18.00	Alpine Spring Water Company	25413
65.00	Brian & Bill's Automotive Inc.	25414
143.75	Sussex Car Wash, Inc.	25415
3,225.36	NUI Corporation	25416
54.91	G & G Diesel Service, Inc.	25417
83.75	G & H Service, Inc.	25418
5,280.82	Jersey Central Power & Light	25419
77.70	New Jersey Herald	25420
510.05	New Jersey Herald	25421
905.55	SCMUA	25422
350.00	B & G Elevator, Inc.	25423
426.79	EMBARQ	25424
2,797.87	EMBARQ	25425
70.96	EMBARQ	25426
5,850.00	Hollander,Hontz,Hinkes&Pasculli, LLC	25427
92.76	Campbell's Small Engine	25428
725.00	Firefighters Equipment Co.	25429
11,700.00	Neopost Leasing	25430
150.00	Peter J. Kays	25431
150.00	James Sisco	25432
150.00	Richard A. Straway, Jr.	25433
150.00	Thomas Straway	25434
519.40	Willco, Inc.	25435
20.00	Sussex County League of	25436
150.00	William F. Smith	25437
150.00	Brock Kithcart	25438
1,725.00	T.A. Mountford Company	25439
150.00	William Hagaman	25440
283.80	Ann M. Rosellen	25441
40.21	Sebring Auto Parts	25442
131.00	Skylands Press	25443
2,482.60	Stamp Fulfillment	25444
725.35	Dempsey Uniform & Supply Inc.	25445

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9,000.00	Greater Newton Chamber of Commerce	25446
406.89	Airgas	25447
2,500.00	Kevin E. Elvidge	25448
130.00	Grinnell Recycle	25449
1,414.57	Verizon Wireless	25450
146.88	Logical Source, Inc.	25451
72.45	Mr. John	25452
150.00	Kenneth Jaekel	25453
93.50	Linda Roth	25454
1,064.28	The Phillips Companies	25455
1,261.24	Fire & Safety Services, LTD.	25456
1,599.08	Guardline Fire & Safety Co., Inc.	25457
105.00	Scarinci & Hollenbeck, LLC	25458
1,127.78	Sussex County Mailing Service	25459
285.31	Weldon, Williams & Lick, Inc.	25460
281.35	Matthew Bender & Co.	25461
99.42	Staples Business Advantage	25462
10.48	Lowe's	25463
48.00	CSS Test	25464
150.00	Steve Estler	25465
150.00	Roy Leyman	25466
243.75	Pinnacle Wireless Inc.	25467
1,192.26	Rachles/Michele's Oil Company	25468
1,615.45	Taylor Oil Co.	25469
290.68	Action Office Supplies	25470
22.00	Dawn Babcock	25471
2,000.00	Laddey, Clark & Ryan, LLP	25472
150.00	Adam Vough	25473
150.00	Joseph White	25474
119.67	County of Sussex	25475
150.00	William Oswin, III	25476
208.00	Back Thru the Future	25477
3,100.00	Rullo & Juillet Associates, Inc.	25478
180,932.04	Payroll Account	910046
2.00	NJ Motor Vehicle Services	25479
28,216.82	NJSHBP	910047
57,876.22	NJSHBP	910048
853,927.00	Newton Board of Education	910049
584.20	Quill Corporation	25480
66.69	Staples Credit Plan	25481
91.54	Montague Tool & Supply	25482
90.00	S K Office Supply	25483
693.13	CCP Industries	25484
581.36	Freedom Business Machines	25485
259.77	Airmark Pools	25486
24.00	Alpine Spring Water Company	25487
54.77	Aurora Electrical Supply	25488
59.89	G & G Diesel Service Inc.	25489
16,478.45	Jersey Central Power & Light	25490
2,752.80	SCMUA	25491
120.10	EMBARQ	25492
2,434.57	Delta Dental	25493
2,629.28	Delta Dental	25494
28.25	Campbell's Small Engine	25495
396.00	Neopost Leasing	25496
37.60	Lock & Key World	25497
73.55	Federal Express	25498
114.00	R.S. Phillips Steel Company	25499
5,450.00	Ferraioli, Cerullo & Cuva	25500
15,000.00	Dog Reserve Account	25501
1,229.02	Willco, Inc.	25502
390.00	Minisink Press, Inc.	25503

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42,000.00	Trust Account, Town of Newton	25504
100.00	Sussex County Assessors Assoc.	25505
21.49	Weis Markets	25506
82.00	Treasurer, State of NJ DCA	25507
11,500.00	SUI Account	25508
836.13	Boonton Tire Supply	25509
32.00	Weiner Lesniak	25510
777.84	Vision Service Plan	25511
183.78	Verizon Wireless	25512
150.00	Accurate Door, Inc.	25513
37.95	Robert Bittle	25514
95.00	North Jersey Portable Toilets	25515
6,300.00	Gold Type Business Machines	25516
2,275.00	Mitchell Humphrey	25517
582.00	Alternate Power, Inc.	25518
1,390.85	Cooper Electric Supply Co.	25519
285.00	Wildflowers with Tami	25520
112.00	NJ Municipalities	25521
385.00	Alva Plastic Printing co.	25522
795.00	Vogel, Chait, Collins, Schneider, PC	25523
399.48	Moore Wallace North America	25524
376.00	Guardline Fire & Safety Co., Inc.	25525
9.76	Excelsior Lumber Company	25526
560.00	Thomas West	25527
538.17	Staples Business Advantage	25528
303.11	Lowe's	25529
84.15	Spectrum Communications	25530
53.40	Lawmen Supply Co. of NJ	25531
70.00	Dominick's Pizza	25532
4.82	Nestle Waters	25533
67.95	New Jersey Law Journal	25534
1,696.40	Pinnacle Wireless, Inc.	25535
3,646.07	Rachles/Michele's Oil Company	25536
100.30	Action Office Supplies	25537
205.31	4Imprint	25538
495.00	Andy Matt, Inc.	25539
142.75	Northern Rain	25540
2,609.60	Sign-A-Rama	25541
911.40	Business Environments	25542
121.00	Outskirts Outdoors, LLC	25543
27.30	Construction Book Express	25544
575.00	Military Transport Associates	25545
1,165.00	State Line Fire & Safety, Inc.	25546
99.00	Bernies Builders	25547

CAPITAL

15,657.87	Harold Pellow & Assoc., Inc.	7318
168.00	New Jersey Herald	7319
1,512.00	Hollander, Hontz, Hinkes & Pasculli LLC	7320
280.51	Limecrest Quarry (CEMEX)	7321
8,789.88	A. Nelessen & Associates, Inc.	7322
66.30	Lowe's	7323
2,200.00	Northeast Fire Protection, Inc.	7324
1,367.86	Payroll Account	930004
3,827.27	Harold Pellow & Assoc., Inc.	7325
10,795.49	Tony's Concrete Constr. Co., Inc.	7326
216.20	Excelsior Lumber Company	7327
3,000.00	Cutting Edge Landscape Equip.	7328
1,296.00	Sign-A-Rama	7329

Total TOWN BILLS \$1,377,038.45

WATER AND SEWER ACCOUNT

819.60	Harold Pellow & Assoc., Inc.	10750
2,931.00	Municipal Software, Inc.	10751
11,228.46	Montgomery Watson Harza	10752
486.80	Lee Company	10753
914.84	NUI Corporation	10754
12,322.33	Jersey Central Power & Light	10755
150.00	John Madden	10756
76.95	New Jersey Herald	10757
15,628.05	Pumping Services	10758
162.00	Paul Baldwin	10759
162.00	Paul M. Havens	10760
27.71	EMBARQ	10761
1,337.22	EMBARQ	10762
630.00	Hollander, Hontz, Hinkes & Pasculli LLC	10763
3,300.00	Neopost Leasing	10764
1,679.00	Garden State Laboratories, Inc.	10765
1,193.72	Weldon Asphalt Company	10766
150.00	William Grennille	10767
150.00	Joseph Carr	10768
2,482.60	Stamp Fulfillment	10769
269.20	Dempsey Uniform & Supply Inc.	10770
165.40	One Call Systems	10771
6,250.00	R&D Trucking Inc.	10772
98.64	Airgas	10773
162.00	Ervin Lasso	10774
196.65	Limecrest Quarry (CEMEX)	10775
273.42	McGuire	10776
2,268.00	Passaic Valley Sewerage Comm.	10777
1,250.00	John Smalley	10778
175.00	Scarinci & Hollenbeck, LLC	10779
73.27	Staples Business Advantage	10780
150.00	Eric Tompkins	10781
962.50	Andy Matt, Inc.	10782
3,600.00	William Grennille, LLC	10783
572.46	Newton Postmaster	10784
29,285.75	Payroll Account	960020
24,363.00	U.S.D.A./FHA	960021
24,113.00	Flemington Car & Truck Company	10785
1,635.88	Schmidt's Wholesale, Inc.	10786
26.95	Fisher Scientific	10787
968.72	Lee Company	10788
19,373.78	Jersey Central Power & Light	10789
1,859.00	Pumping Services	10790
317.30	SCMUA	10791
11.16	Sussex County Plumbing	10792
12.00	Paul Baldwin	10793
12.00	Paul M. Havens	10794
18,149.60	Coyne Chemical Corp., Inc.	10795
125.85	EMBARQ	10796
873.52	Delta Dental	10797
21.94	Campbell's Small Engine	10798
9,700.00	Ferraioli, Cerullo & Cuva	10799
3,964.00	Current Account	10800
12.00	Ervin Lasso	10801
213.25	Treasurer, State of New Jersey	10802
164.79	Vision Service Plan	10803
84,247.92	Statewide Insurance Fund	10804
945.00	Main Pool & Chemical Company	10805
40.36	Advance Commercial	10806
30.00	Eric Tompkins	10807

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962.50	Andy Matt, Inc.	10808
1,936.40	Basic Chemical Solutions	10809
209.30	Accurate Waste Removal	10810
3,600.00	William Grennille, LLC	10811

Total WATER & SEWER BILLS \$299,473.79

TRUST ACCOUNT

150.00	Daniel Colfax, Esq.	2646
1,125.00	Colleen Cunningham, Esq.	2647
1,250.00	Enforsys Fire System, Inc.	2648
4,730.68	JMC Environmental Consultants, Inc.	2649
1,218.30	Payroll Account	971012
9,121.62	Harold Pellow & Associates, Inc.	2650
414.00	Hollander, Hontz, Hinkes & Pasculli LLC	2651
1,536.00	Weiner Lesniak	2652
2,055.00	Vogel, Chait, Collins, Schneider, PC	2653
1,125.00	Colleen Cunningham, Esq.	2654
709.93	Foremost Promotions	2655
2,180.00	Antonio Poccia	2656

Total TRUST BILLS \$25,615.53

RESOLUTION #109-2009*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Ralph Drake, 57 Schultz Avenue, Phillipsburg, New Jersey who represents D.A.D.S. Taxi & Limo, and shall expire on June 8, 2010.

RESOLUTION #110-2009*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Doragail Spicer, 382 State Highway 94, Newton, New Jersey who represents D.A.D.S. Taxi & Limo, and shall expire on June 8, 2010.

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RESOLUTION #111-2009*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER'S LICENSE FOR DORA GAIL SPICER T/A D.A.D.S. TAXI & LIMO

WHEREAS, the Newton General Revised Ordinances require that under **Section 9-2** that no person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed, and all licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police; and

WHEREAS, in accordance Section 9-6 of the Revised General Ordinances of Newton, before a vehicle is used as a taxicab within the town it shall be inspected to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law; and

WHEREAS, the Newton Police Chief has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 382 State Hwy 94, Newton, NJ 07860, t/a D.A.D.S. Taxi & Limo: which will expire on June 12, 2009 and conditioned upon:

The applicant remaining in compliance with all aspects of **Section 9**, of the Newton Revised General Ordinances, as well as, the provisions of N.J.R.S. 46:16. Failure to comply with said regulations will result in the issuance of a summons and be subject to a fine not to exceed five hundred dollars (\$500.00).

The Clerk presented an application for an off-premise raffle from the Sussex County Chapter of the American Red Cross, 93 Spring Street, Newton to be held on December 1, 2009 at 10:00 a.m. at 93 Spring Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

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

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

Intermission (10 minutes)

DISCUSSION (WORK SESSION)

A. ARCHITECTURAL FIRM INTERVIEWS

Mr. Sergio Chavarria, AIA, Principal with HQW Architects, LLC., made a presentation for the renovation of the Council Chambers. Mr. Chavarria outlined the qualifications of his firm and provided schematics of projects completed by his firm, HQW. Mr. Chavarria outlined his conceptual proposal for the renovation. In keeping with the same space allotted, Mr. Chavarria reviewed the areas to be included with the renovation. The main Council Chambers;

the Council Conference Room, the Prosecutor's Office, and consideration for a new Public Defender's Office were outlined in the proposal. The time for study and design is eight (8) weeks. It is the understanding of HQW that all of the designs and upgrades should consider energy efficiency as well as environmentally friendly solutions. Mr. Chavarria provided a brief description of the breakdown of phases as well as a description of deliverables in each phase for Newton's project.

The submitted proposal cost for the Council Chamber renovations came in at \$28,500.00, which included design cost, bid cost, and project management cost. The governing body had questions, which were addressed by Mr. Chavarria.

Mr. Thomas J. Kosten, President, AIA, and Michael Bieri, AIA, Vice President of Feitlowitz & Kosten Architects, (FKA) made a presentation for the renovation of the Council Chambers. Mr. Kosten and Mr. Bieri outlined their portfolio of work on public and municipal projects. Mr. Kosten outlined the design proposed and indicated that "skylights" would be an avenue to utilize for natural daylight, in lieu of windows. This would be an additional cost of \$5,000.00. It was noted that the seating is currently at 60 seat capacity and their plan would allow for approximately 75-100 seat capacity. Mr. Kosten outlined the areas in need of renovation which would accommodate the use of Court needs as well as the use of Council meeting space.

The submitted proposal cost presented was \$34,100.00, which includes design cost, bid cost, project management/construction administration. As noted, there were additional costs for skylights at \$5,000.00. The governing body had questions which were addressed by Mr. Kosten.

Mr. Edward Arcari, AIA, Principal and Mr. Joseph Frangiosa, AIA, Project Manager, of Arcari & Iovino Architects, PC, made a presentation for the Council Chambers renovation. Mr. Arcari outlined the firm's qualifications and experience and noted that their primary experience is in municipal work, including Municipal Buildings, Fire Stations, Court Room renovations and Police Stations. Mr. Arcari outlined several projects they have been completed by their firm as well as current projects being worked on. He did not submit a conceptual plan for the renovation of the Council Chambers.

The submitted proposal cost was \$31,750.00, which includes design cost, bid cost, project management. The governing body had questions, which were addressed by Mr. Arcari.

Mr. Benjamin Horten, AIA, Principal of Ben Horten Architecture and Design, made a

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presentation for the Council Chambers renovations. Mr. Horten outlined his various work experiences throughout the State and Country. Mr. Horten reviewed the scope of the project renovations and addressed the area of the existing court room as well as the adjacent lobby area. It is the understanding of Mr. Horten that all the designs and upgrades should consider energy efficiency as well as environmentally friendly solutions. The total time for design will be 8 weeks. He did not submit a conceptual plan for this renovation. Mr. Horten also provided a separate proposal from Mr. Kevin Johnson, President of KP Johnson & Associates, for the implementation of audio visual, security and IT Data Systems at a cost of \$16,000.00. In addition, Mr. Horten provided a proposal for the mechanical and electrical design services of this project with an additional cost of \$7,500.00.

Mr. Russo and the governing body asked questions, which were addressed by Mr. Horten. The submitted proposal cost for the Council Chamber renovations came in at \$28,500.00, which included design cost, bid cost and project management cost.

B. REORGANIZATION MEETING ON JULY 1, 2009

In preparation of the July 1st agenda, Mr. Russo requested a consensus of the Council on the next rotation of Mayor and Deputy Mayor, effective July 1, 2009. Mayor Ricciardo suggested that Councilman Elvidge be nominated as “Mayor” and Councilwoman Becker as “Deputy Mayor”. After much discussion, there was no consensus of the governing body and further discussion will be necessary.

C. LEAK DETECTION UPDATE

Mrs. Millikin, Deputy Town Manager, updated Council on the water leak detection project. “Good news, we are down to 21% of unaccounted for water”, Mrs. Millikin advised. Mrs. Millikin outlined the four-page report submitted and the chart for Town of Newton Unaccounted-For-Water Analysis, which was created by Harold E. Pellow & Associates, Inc. It was noted that the percentage of unaccounted-for-water has decreased from 34.1% to 21% as of June, 2009. Council thanked Mrs. Millikin for her diligent work with this water leak detection project.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Councilwoman Le Frois reported on attending several of the Main Street Newton

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meetings last week, which were also attended by State representatives. Mrs. Le Frois reported that the State representatives shared their strong recommendations, which will be well served by the action plan to be created. Mrs. Le Frois expressed her excitement about the report to be generated by the State which should be completed within the next 6-8 weeks.

Mayor Ricciardo advised that he has not yet met with Newton Memorial Hospital regarding their involvement with Main Street Newton.

Mayor Ricciardo indicated that he is not available for the redevelopment team meeting scheduled for Friday afternoon. Mr. Russo will reschedule the meeting.

Mayor Ricciardo read the following Resolution prior to entering into Executive Session.

RESOLUTION #112-2009

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Contract Negotiations

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on Monday, June 8, 2009, that an Executive Session closed to the public shall be held on June 8, 2009, at 10:14 PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

Upon motion of Mrs. Becker, seconded by Mrs. Le Frois and unanimously carried the Town Council entered into Executive Session at 10:14 p.m.

Council came out of Executive Session at 10:38 p.m.

EXECUTIVE SESSION

Upon motion of Councilwoman Le Frois, seconded by Mrs. Becker and carried, that Resolution #113-2009, "Authorize the Execution of an Agreement for the Town Council Chambers Redesign," be tabled and roll call resulted as follows:

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

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As per the consensus of the Town Council, Mr. Russo advised that the questionnaire will be forwarded to two firms: Feitlowitz & Kosten Architects (FKA) and Ben Horten Architecture and Design. Council would be satisfied with a written response through the questionnaire and did not require another interview.

Mr. Russo indicated that the questionnaire would be reviewed by Mr. Hinkes, Esq., prior to mailing.

Mr. Russo confirmed that the Redevelopment Team meeting will be rescheduled and Council will be notified.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, the meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk