

July 11, 2011

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Deputy Mayor Diglio, Mayor Le Frois, Mr. Thomas S. Russo, Jr., Town Manager and Sanford L. Hollander, Esq., Town Attorney.

Mayor Le Frois 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 Le Frois led the Pledge of Allegiance to the flag. The Clerk called the roll and upon motion of Mrs. Becker, seconded by Mr. Elvidge, the minutes of June 27, 2011 (Regular) meeting were approved.

#### **OPEN TO THE PUBLIC**

Mayor Le Frois read the following statement:

*"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."*

There was no one from the public to be heard.

#### **SWEARING-IN CEREMONY**

##### **a. Swearing-in of Class II Special Police Officer – Kyle J. Phlegar**

Mr. Russo read the following bio of Kyle Phlegar:

"Kyle is a 20 year old resident of Hampton Township where he resides with his parents, Jay and Lynn. His father, Jay Phlegar, is an active member of the Newton Fire Department and also serves as its Chief Engineer. Jay owns and operates Boonton Tire on Sparta Avenue. Kyle comes from a good family and they should be especially proud of him this evening.

Kyle has lived here all of his life. He earned an Associate's Degree in Criminal Justice from the Sussex County Community College and is currently pursuing his Bachelor's Degree from Centenary College.

Kyle began working for the Newton Police Department as a Public Safety Telecommunicator in August 2009. Since then, he has developed a reputation amongst friends and co-workers alike as an honest, hard-working young man.

With his appointment as a Special Law Enforcement Officer Class II, he will be attending the John H. Stamler Police Academy in Union County beginning July 19<sup>th</sup> with an expected graduation on December 20, 2011. The training will take place on several nights each week and every Saturday which will enable

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him to still attend college and continue to his work here as a part-time Newton dispatcher.

Upon graduation and a period of field training, Special Officer Kyle Phlegar will be assigned to the Spring Street area business district to bolster our law enforcement presence and help to maintain public safety in this important area of Town.

I am very pleased and honored to appoint Kyle to his new position and am sure that you all join me in welcoming Kyle to the police force as our newest Special Officer."

Newton Police Chief Richards read from the following prepared statement:

"I want to thank everyone for coming tonight in support of Kyle and the Police Department. I know that there are some that couldn't be here due to their vacation plans but I know they would have been here otherwise.

A lot of the news we hear about lately talks about difficult budgets and funding shortages. However, there is no shortage of men and women in NJ right now that want to become a Police Officer; many of them are already trained—a lot have been laid off from jobs in NJ's urban areas.

In Newton, I've been looking to add staff that will be the right fit. We need to bolster our presence in the business district. And more than presence, I want to improve our law enforcement services. So despite the many who have expressed interest, I knew that I wanted someone that wouldn't be passing through and I didn't want someone who doesn't understand the community oriented approach . . . the victim oriented approach to policing that we follow at Newton PD.

The Officer assigned to Spring Street foot patrol; the assignment where I started my career as a police officer is oftentimes the face of the Police Department to motorists passing through. They may be the only officer a visitor to one of the stores on Spring Street may have contact with. I can't emphasize enough how important this assignment is.

Towards the end of May, Kyle approached me to let me know his interests. He wasn't pursuing his bachelor's degree in criminal justice to become a policeman someday, somewhere. Kyle wanted to be a policeman in Newton. He has roots in Newton—I believe he feels as if he were a stakeholder in the success of the Police Department and in the Town of Newton.

The prospect of his hiring was a perfect opportunity to bring him on when he can be mentored by two of our existing specials, Don Donofrio and John Tomasula, two police officers who bring with them nearly 60 years of combined police experience and leadership.

Thanks to the support of our Town Manager, Tom Russo and our Council, we are able to bring him on quickly and get him enrolled in the next available training class. His training will begin next Tuesday.

I look forward to seeing Kyle undergo this training and begin his career as a Special Officer. I believe in time, he'll prove himself and at first opportunity we'll be able to make him a Patrolman. Once again, I thank the members of the Council and our Town Manager for your continued support."

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At this time, Sanford L. Hollander, Esq. swore in Kyle J. Phlegar as a Special Officer Class II for the Town of Newton, while his Mom held the bible. Kyle was also accompanied by his Dad and his Sister, as well as Mayor Le Frois.

### **COUNCIL & MANAGER REPORTS**

a. **Proposed Flood Damage Control Ordinance – J. Caldwell**

Jessica Caldwell, Town Planner, made a brief presentation on the proposed Flood Damage Control Ordinance. This Ordinance would repeal and replace Chapter 14 'Flood Damage Prevention'. After a brief discussion, Mr. Russo advised that this Ordinance shall be introduced at the next regular Council meeting on Monday, July 25, 2011.

Mr. Russo read communication from the Greater Newton Chamber of Commerce requesting permission to hold their 10<sup>th</sup> Annual Taste of Newton event on Monday, September 12, 2011 from 7:00 p.m. to 10:00 p.m. The Town Council had no objection to this event.

### **ORDINANCES**

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

#### **ORDINANCE #2011-11**

**ORDINANCE REAPPROPRIATING \$78,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE MILLING, PAVING, SIDEWALK IMPROVEMENTS AND INSTALLATION OF LIGHTING IN THE ALLEY IN BETWEEN BRENDA'S DINER AND PB&J, IN THE ALLEY ADJACENT TO SPRINGBOARD SHOPPES AND ON SPRING STREET AND ADJACENT HISTORIC DISTRICT, AND THE REMOVAL AND INSTALLATION OF SHADE TREES ON ROUTE 206 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

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 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$78,000 of the proceeds of obligations and unspent down payment funds originally made available pursuant to Section 3(d) of bond ordinance #2008-7 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 28, 2008 is no longer necessary for the purpose of paving of various

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streets (in accordance with road master plan) for which the obligations previously were authorized.

Section 2. The \$78,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for milling, paving, sidewalk improvements and installation of lighting in the alley in between Brenda's Diner and PB&J, in the alley adjacent to SpringBoard Shops and on Spring Street and the adjacent Historic District, and the removal and installation of shade trees on Route 206.

Section 3. 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.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

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

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

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

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**ORDINANCE #2011-12**

**REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE TOWN, DATED AUGUST 1, 2002, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,900,000, APPROPRIATING \$4,370,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,370,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF**

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 1. The Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding bonds of the Town originally issued in the principal amount of \$4,900,000 dated August 1, 2002 (the "2002 Bonds"). The 2002 Bonds maturing on or after August 1, 2012 (the "Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$4,370,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the \$4,370,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an

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amount representing the \$4,005,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to affect an interest cost savings for the Town.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Town as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the 2002 Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption and endorsement of the consent of the Local Finance Board upon a certified copy of this ordinance as finally adopted.

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

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

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

This ordinance will take effect after publication and adoption according to

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

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

**ORDINANCE #2011-13**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$13,500 FOR ACQUISITION AND INSTALLATION OF A CAMERA ON THE DEPARTMENT OF PUBLIC WORKS BUILDING FOR THE TOWN OF NEWTON**

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

Section 1. \$13,500 is hereby appropriated from the General Capital – Fund Balance for the following improvement in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Acquisition of a Camera** – It has been determined that a camera should be installed at the Department of Public Works Garage area to safeguard the municipal assets and deter vandalism. **\$13,500.00.**

Section 2. The General 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 Le Frois opened the hearing to the public. There being no one from the public to be heard, upon motion by Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, the hearing was closed.

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

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

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

**OLD BUSINESS**

There was no old business to be discussed.

**CONSENT AGENDA**

Mayor Le Frois 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 the resolutions on the Consent Agenda.

**RESOLUTION # 147-2011\***

**REFER PROPOSED REVISED LAND DEVELOPMENT ORDINANCES TO TOWN PLANNING BOARD FOR REVIEW AND COMMENT**

**WHEREAS**, the Town Council of the Town of Newton has determined it to be in the best interest of the community for a re-examination of its Land Development regulations, which include those affecting land subdivision and site plan (Chapter 19), zoning (Chapter 20), and historic preservation (Chapter 20A); and

**WHEREAS**, the Town Planner has submitted to the Town Council draft revised Land Development Ordinances addressing Chapters 19, 20, and 20A of the Newton Municipal Code, which draft was the subject of initial review by the Council at its regular meeting held on June 27, 2011, following which the Town Planner has issued a draft entitled "Newton Land Development Ordinances" dated July 11, 2011; and

**WHEREAS**, the Town Council desires that, prior to introduction of the proposed revised Land Development Ordinances at first reading, the Town Planning Board consider the proposed Ordinances and provide the Council with its comments and recommendations;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby refers to the Town Planning Board a draft of the "Newton Land Development Ordinances" dated July 11, 2011, and requests that the proposed Ordinances be considered by the Board at its earliest convenience and that the Board provide the Council with such comments and recommendations as the Board deems appropriate.

**RESOLUTION # 148-2011\***

**TO CANCEL RECEIVABLE AND APPROPRIATED RESERVE BALANCES IN THE FEDERAL AND STATE GRANT FUND**

**WHEREAS**, the Town of Newton received an award in the amount of \$20,000.00 from the State of New Jersey Records Management Paris grant for *Disaster Prevention and Recovery Planning*; and

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**WHEREAS**, the total costs expended and approved by the State of New Jersey total \$17,000.00; and

**WHEREAS**, a receivable balance of \$3,000.00 entitled *Due from State of New Jersey Paris Grant* remains on the Federal and State Grant Fund balance sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balance and its offsetting appropriated reserve balance from the Federal and State Grant Fund balance sheet;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that we hereby cancel the following grant receivable and appropriated reserve balances:

**Federal & State Grant Fund**

Grant Receivable–Paris Grant #110121	\$3,000.00
Appropriated Reserve–Paris Grant #111221	\$3,000.00

**RESOLUTION # 149-2011\***

**APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER’S LICENSE FOR GEORGE’S SALVAGE COMPANY**

**WHEREAS**, the Newton Revised General Ordinances, **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Town Council; and

**WHEREAS**, said renewal application for the Junk Dealer’s License lists the business as George’s Salvage Company at 10 South Park Drive, Newton, New Jersey; and

**WHEREAS**, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

**WHEREAS**, George’s Salvage Company has been inspected and approved as required in Section 6-5.8; and

**WHEREAS**, George’s Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, of George’s Salvage Company, 10 South Park Drive, Newton, N.J, with said license expiring on December 31, 2011.

**RESOLUTION # 150-2011\***

**APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER’S LICENSE FOR NEWTON AUTO SALVAGE, LLC**

**WHEREAS**, the Newton Revised General Ordinances, **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Town

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Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, New Jersey; and

**WHEREAS**, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

**WHEREAS**, Newton Auto Salvage, LLC has been inspected and approved as required in Section 6-5.8; and

**WHEREAS**, Newton Auto Salvage, LLC has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of junk dealer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Mike Sesera, of Newton Auto Salvage, 79 Mt. View Street, Newton, N.J, with said license expiring on December 31, 2011.

**RESOLUTION # 151-2011\***

**APPROVING THE SETTLEMENT OF: KATTERMANN AND REINHART V. TOWN OF NEWTON ZONING BOARD OF ADJUSTMENT, ET AL.; AND NARDINO AND RADZELOVAGE V. TOWN OF NEWTON ZONING BOARD OF ADJUSTMENT, ET AL.**

**WHEREAS**, there is litigation pending in the Superior Court of New Jersey, Sussex County, under the captions: *Nardino and Radzelovage v. Town of Newton Zoning Board of Adjustment, et al.*, bearing Docket Nos. SSX-L-803-10, and SSX-L-1086-10; and *Kattermann and Reinhart v. Town of Newton Zoning Board of Adjustment, et al.*, bearing Docket No. SSX-L-936-10; and

**WHEREAS**, terms of settlement for said litigation have been mediated as more particularly set forth on **Schedule A** attached hereto.

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

1. The Settlement on the terms set forth in the April 6, 2011 Mediation Settlement Terms attached hereto, paragraphs 5 through 10 are hereby approved and accepted.
2. The Mayor and the Clerk are hereby authorized to execute and accept Releases in the form attached hereto as **Schedule B**, to be delivered and exchanged by Newton counsel for reciprocal Releases in favor of the Town of Newton.
3. The counsel for the Town of Newton is authorized to take such other actions as may be reasonably required to consummate the settlement on behalf of the Town of Newton, including execution of Stipulations of Dismissal with Prejudice in each of the three above-referred to lawsuits being settled.

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**RESOLUTION # 152-2011\***

**APPOINTMENT OF A CLASS II – SPECIAL POLICE OFFICER – KYLE J. PHLEGAR**

**WHEREAS**, Section 3-10 within Chapter III, Police Department, of the Revised General Ordinances of the Town of Newton indicates that the Town Manager may appoint Special Police Officers for a term not to exceed one year;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individual as a Class II - Special Police Officer for calendar year 2011:

Kyle J. Phlegar

**RESOLUTION # 153-2011\***

**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:

**Penalty Charged Erroneously**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
15039	17 Linmor Avenue	\$7.50

**RESOLUTION # 155-2011\***

**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**

1,200.00	George's Wine & Gourmet Gallery	28964
85.76	Quill Corporation	28965
302.43	Montague Tool & Supply	28966
1,500.00	Inst. For Forensic Psychology	28967
120.00	ABCCode Security	28968
4,411.79	JCP&L	28969
958.66	SCMUA	28970
374.17	Sussex County Plumbing	28971
35.00	Centurylink Communications, Inc.	28972
123.99	Centurylink Communications, Inc.	28973
191.77	Centurylink Communications, Inc.	28974
73.99	Lorraine Read	28975
123.00	Campbell's Small Engine	28976
177.00	D & E Service Center	28977

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369.50	Lock & Key World	28978
109.50	West Group	28979
102.97	Federal Express	28980
235.19	Hayek's Market, Inc.	28981
605.30	Carpet Gallery	28982
190.00	Willco, Inc.	28983
290.14	Newton Citgo	28984
20.00	Newton Trophy	28985
1,150.00	T.A. Mountford Company	28986
330.00	Marypaul Laboratories, Inc.	28987
455.00	Minisink Press, Inc.	28988
18.26	Sebring Auto Parts	28989
36.31	Weis Markets	28990
116.23	Zee Medical	28991
453.12	Airgas East	28992
75.00	G.F.O.A. of N.J.	28993
687.35	Boonton Tire Supply	28994
22.08	McGuire	28995
839.62	Vision Service Plan	28996
840.00	North Jersey Portable Toilets	28997
100.00	Bergen County Police Academy	28998
312.50	Alternate Power Inc.	28999
64.20	Cooper Electric Supply Co.	29000
25.00	Morris County Police Academy	29001
2,130.00	Vogel, Chait, Collins, Schneider, PC	29002
17.97	Advance Auto Parts	29003
371.64	Softouch t/a Action Screen	29004
436.00	Treasurer, State of New Jersey	29005
167.00	Thomson West	29006
100.00	Tania L. Ell	29007
1,023.26	Buckman's Inc.	29008
873.63	Staples Business Advantage	29009
36.00	Screen Creation Plus	29010
62.70	Nestle Waters	29011
110.00	Federal Licensing Inc.	29012
23.20	Monroe Systems for Business	29013
7,864.01	Rachles/Michele's Oil Company	29014
208.41	Dawn Babcock	29015
168.00	Jersey Central Power & Light	29016
1,215.00	Knapp, Trimboli & Prusinowski, LLC	29017
103,127.96	NJMEBF	29018
1,770.00	Chelbus Cleaning Co., Inc.	29019
87.87	Tractor Supply Co.	29020
450.00	The Buzak Law Group, LLC	29021
25.53	Setina Mfg. Co., Inc.	29022
55.00	Lomurro, Davison, Eastman, Munoz, PA	29023
305.00	C. Jeanette Congdon	29024
104.85	Bassani Power Equipment	29025
21,672.00	Garippa, Lotz & Giannuario	29026
150.00	Town of Newton Electronic Fees	111034
185,361.80	Payroll Account	111035
<b>CAPITAL</b>		
886.00	Peachtree Business Products	7729
2,375.00	FKA Architects	7730
195.50	EM Signs	7731
4,475.00	Turtle Storage, Ltd.	7732
69,942.11	Brent Material Company	7733

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**Total TOWN BILLS \$422,888.27**

**WATER AND SEWER ACCOUNT**

200.00	George's Wine & Gourmet Gallery	12246
178.37	Quill Corporation	12247
671.00	M G L Printing Solutions	12248
244.58	Fisher Scientific	12249
213.76	Aurora Electrical Supply	12250
2,985.47	JCP&L	12251
241.88	SCMUA	12252
348.75	Sussex County Plumbing	12253
3,650.64	Coyne Chemical Corp., Inc.	12254
125.85	Centurylink Communications, Inc.	12255
750.00	Cosper Environmental Services, Inc.	12256
630.00	Marypaul Laboratories, Inc.	12257
655.00	Minisink Press, Inc.	12258
30.00	Joseph Carr	12259
159.69	Treasurer, State of New Jersey	12260
163.92	Vision Service Plan	12261
610.00	Accurate Door, Inc.	12262
6,048.00	Passaic Valley Sewerage Comm.	12263
380.00	North Jersey Portable Toilets	12264
1,245.67	Dell Marketing L.P.	12265
1,488.39	Main Pool & Chemical Company	12266
1,335.00	Alternate Power Inc.	12267
17,040.85	E & I Corp Div of McNish Corp	12268
1,012.35	Sussex County Mailing Service	12269
4,648.28	Kistler O'Brien Fire Protection	12270
1,706.72	Airmatic Compressor Systems, Inc.	12271
957.95	Process Tech Sales and Service	12272
558.51	Dan's Auto	12273
10,398.00	Accurate Waste Removal	12274
1,250.00	HCP Consulting Group, LLC	12275
14,007.04	NJMEBF	12276
1,286.27	Capitol Supply Const. Products, Inc.	12277
50.00	Villa Capri	12278
34,639.88	Payroll Account	12279

**CAPITAL**

532.50	Harold Pellow & Assoc., Inc.	2179
78.08	Hamburg Plumbing Supply Co., Inc.	2180
1,691.70	Diamond Sand & Gravel, Inc.	2181
1,003.47	Limecrest Quarry Developers, C	2182
56.85	Walmart	2183
1,645.50	Payroll Account	116102
209.66	Payroll Account	116102

**Total WATER & SEWER BILLS \$117,870.29**

**TRUST ACCOUNT**

3,060.00	Harold Pellow & Assoc., Inc.	2910
5,716.79	Harold Pellow & Assoc., Inc.	2911
252.00	Hollander, Strelzik, Pasculli, Hinkes	2912
150.00	Shepard Kays, Esq.	2913
3,269.21	Payroll Account	117114

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**Total TRUST ACCOUNT BILLS \$12,448.00**

**FED. STATE GRANT**

750.00	Draeger Safety Diagnostics, Inc.	1074
918.40	Payroll Account	111102
70.26	Payroll Account	111102

**Total FED. STATE GRANT BILLS \$1,738.66**

The Clerk presented an application for an on-premise raffle from HSA St. Joseph School, 20 Jefferson Street, Newton to be held on Thursday, December 8, 2011 from at 8:00 p.m. at St. Joseph Regional School, 20 Jefferson Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented a membership application to the Newton Fire Department from Kieran Gill, 7 Kory Road, Newton. It was noted the application was 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 Mrs. Becker and roll call resulted as follows:

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

**INTERMISSION - None**

**DISCUSSION**

There was no additional discussion held by the Newton Town Council.

**OPEN TO THE PUBLIC**

Mrs. Thea Unhoch, 17 Condit Street, informed Council that while she was having lunch at Chun Bo Restaurant she felt the tables shake and inquired whether Thorlabs was doing any blasting. Council indicated that there has been no blasting at Thorlabs but would look into the matter.

There was no one else from the public to be heard.

July 11, 2011

**COUNCIL & MANAGER COMMENTS**

Councilman Ricciardo inquired whether there was an answer yet on what the bearing capacity of the soil is for the pool snack stand and was advised that Mr. Russo is working on obtaining the information.

**EXECUTIVE SESSION**

At this time, Mr. Russo read Resolution #154-2011 and Council entered into Executive Session at 7:23 p.m.

Council returned from Executive Session at 8:11p.m.

Mr. Russo read Resolution #156-2011 and made a slight correction.

**RESOLUTION #156-2011**

**Approving the Execution of an Amended and Restated Waterline Easement and Waterline Relocation Agreement between the Town of Newton, Jersey Investors Growth Co., L.P., 56 Main Street Associates, LLC, and the Township of Sparta**

**WHEREAS**, the Town of Newton has an easement and water transmission mains that cross property in the Township of Sparta shown as Lot 48.02, Block 19.03; Lot 13, Block 19.01; and Lot 48.01, Block 19.03; and property designated as the Connector Road on a certain Final Subdivision Plat prepared by Omland Engineering Associates, Inc., dated January 21, 2011, and filed in the Sussex County Clerk's Office on January 31, 2011 as Map No. 1461 (the "Jersey Property"); and Lots 11 and 12, Block 19.01 on the current Tax Map of the Township of Sparta, New Jersey (the "56 Main Property"); and

**WHEREAS**, Jersey Investors Growth Co., L.P., is in the process of developing the Jersey property, which development will require the crossing of the Newton easement and waterlines; and

**WHEREAS**, Jersey Investors Growth Co., L.P., 56 Main Street Associates, L.L.C., and the Town of Newton, wish to amend and restate the existing Newton Easements and relocate the existing Newton waterlines.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON** as follows:

1. The Mayor and the Clerk are hereby authorized to execute the Amended and Restated Waterline Easement and the Waterline Relocation Agreement in the forms attached hereto as Schedules A and B, which will be delivered and exchanged by the Newton Town Counsel for said Amended and Restated Waterline Easement and Waterline Relocation Agreement executed by Jersey Investors Growth Co., L.P., 56 Main Street Associates, L.L.C., and the Township of Sparta.

2. The Mayor and the Clerk are hereby authorized to execute and deliver such other documentation, and take such further actions as may be reasonably required to consummate the execution of said Agreements on behalf of the Town of Newton.

July 11, 2011

A motion was made by Mrs. Becker to **APPROVE RESOLUTION 156-2011 AS AMENDED**, seconded by Deputy Mayor Diglio and roll call resulted as follows:

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

Mayor Le Frois inquired about the petition submitted by Liberty Towers regarding a dog bite incident. Mrs. Read provided a summary of the incident and the steps which have been taken to date. Mrs. Read advised that the Animal Control Officer, John Abate, was issuing two summonses, for unlicensed dog, which will require a mandatory court appearance on Tuesday, July 26<sup>th</sup>. The Court has the authority to declare the dog potentially dangerous. Mrs. Read advised that she updated Ms. Woodhull, Executive Director of Liberty Towers and will keep Council posted on the outcome.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:26 pm.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk