

September 26, 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 Mark Hontz, 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 and the Clerk called the roll. Mayor Le Frois addressed two corrections to the minutes presented and upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio, the minutes of September 14, 2011(Regular) meeting were approved, as amended.

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."

Mr. Neil Flaherty, 154 Sparta Avenue, Newton, addressed a few questions pertaining to Ordinance 2011-19 and Ordinance 2011-20, which were addressed by Mr. Russo.

COUNCIL & MANAGER REPORTS

Mr. Russo presented the following Proclamation to the Governing Body. It was noted that the Proclamation was presented at a celebration on Saturday, September 24, 2011 by Deputy Mayor Diglio and Councilwoman Becker.

PROCLAMATION

Newton Fire Department

175 Years of Dedicated Service

WHEREAS, the Newton Fire Department was established on December 8, 1835, and under the direction of their first Fire Chief, General Lyman Edwards, they acquired their first firefighting apparatus, a crank engine called Phoenix I; and

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

WHEREAS, through the years, the Newton Fire Department has come to the aid of many of the Town's residents and businesses, as well as provided mutual aid to neighboring municipalities, which has served as a source of comfort and security for our community;

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NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our **Congratulations** to the **Newton Fire Department** for their **"175 years of Dedicated Service"** to the Town of Newton and thank each and every one of them for their endless hours of volunteer commitment and support.

In witness whereof I have hereunto set my Hand and caused this seal to be affixed.

Attest: _____

Date: September 24, 2011

Mr. Russo also presented another Proclamation in honor of the Greater Newton Chamber of Commerce. Mayor Le Frois read the Proclamation to Nancy Woods, Executive Director of the Greater Newton Chamber of Commerce.

PROCLAMATION

Greater Newton Chamber of Commerce

***Taste of Newton
2002-2011***

WHEREAS, the Greater Newton Chamber of Commerce is to be commended for its outstanding efforts in organizing and planning the 10th Annual *Taste of Newton*, which was held Monday, September 12, 2011; and

WHEREAS, it all started in 2002, with Tracey DeWaal, Peg Woods, Nancy Woods, and Jan McGovern organizing an evening in with local food vendors preparing sample signature dishes for an evening of good food and good cheer; and

WHEREAS, the first year started out with an effort to raise money to improve the decorating of the downtown shopping area with about 18 vendors and 250 attendees; and

WHEREAS, each year the event has grown with about 28 vendors this year and 425 attendees, this bringing together the community along with local restaurant owners for a festive evening with proceeds now benefiting local scholarship recipients;

NOW THEREFORE, We the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Greater Newton Chamber of Commerce, its Board of Directors, Officers, Staff, Members, and this year's Chairpersons, Nancy Woods and Kristen Becker, for their enthusiasm, service and commitment to the Newton Community and for their success for the past 10 years of the ***Taste of Newton***.

In witness whereof I have hereunto set my Hand and caused this seal to be affixed.

Attest: _____

Date: September 26, 2011

Nancy Woods, Executive Director, thanked the Town Council for the proclamation and advised that the benefits of this event are returned to the community through local scholarships as well as improvements to the decorations on Spring Street.

ORDINANCES

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

ORDINANCE 2011-19

AN ORDINANCE AMENDING CHAPTER 17, TREES AND SHRUBS, AT SECTION 17-7.1

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, 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		

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 October 12, 2011.

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

ORDINANCE 2011-20

AN ORDINANCE TO AMEND CHAPTER 10 "TRAFFIC" OF NEWTON'S REVISED GENERAL ORDINANCES

The following **ORDINANCE** was offered by Deputy Mayor Diglio, who moved its introduction, 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		

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 October 12, 2011.

OLD BUSINESS

There was no Old Business for discussion.

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. Ricciardo requested Resolution #203-2011 and Resolution #204-2011 be

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removed from consent agenda for further discussion.

Mr. Russo provided an overview of the resolutions on the Consent Agenda. Mr. Hontz advised of a language modification to Resolution #207-2011; the words "to those that have not already paid" be added to the body of the second to last paragraph.

RESOLUTION #199-2011*

AMEND AGREEMENT WITH FRED M. KNAPP, ESQ., AS LABOR RELATIONS LEGAL COUNSEL

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, the Town Council appointed Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC as Labor Relations Attorney for calendar year 2011 by the adoption of Resolution #249-2010 at their meeting on December 29, 2010; and

WHEREAS, said contract stipulated that the amount expended during the term of the contract is not to exceed \$17,500.00; and

WHEREAS, due to circumstances beyond the Town's control the costs for labor relations legal counsel will exceed the \$17,500.00 allocated; and

WHEREAS, both parties have agreed to increase the amount of the original contract to be increased by \$12,500.00 to a new amount not to exceed \$30,000.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to amend the agreement with Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC as the Town of Newton's Labor Relations Attorney for the remainder of calendar year 2011 for an amount not to exceed \$30,000.00;

BE IT FURTHER RESOLVED that a fully executed copy of said amended agreement be provided to Fredric M. Knapp, Esq. and filed in the Office of the Municipal Clerk.

RESOLUTION #200-2011*

APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM

WHEREAS, a Resolution of the local 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, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 19, 2011 as part of the annual "Festival of Lights"; and

WHEREAS, the Sussex County Fire Marshall, 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 Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 19, 2011 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

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

RESOLUTION #201-2011*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LOWER SPRING STREET STREETScape

WHEREAS, the Town of Newton is applying for funding in the amount of \$246,655.00 to complete the Lower Spring Streetscape under the NJDOT Municipal Aid 2012; and

WHEREAS, this project will beautify the Town, and will also help to promote a pedestrian friendly environment through quality of life enhancement; 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;

NOW, THEREFORE, BE IT RESOLVED 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 Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-NewtonTown-00191 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Municipal 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.

The Mayor, Town Manager and Municipal Clerk's and signatures serve to acknowledge that this resolution constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by this resolution.

Helen R. Le Frois
Mayor

Thomas S. Russo, Jr.
Town Manager

Lorraine A. Read
Municipal Clerk

RESOLUTION #202-2011*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SPRING STREET FROM ROUTE 206 TO LOWER SPRING STREET

WHEREAS, the Town of Newton is applying for funding in the amount of \$223,166.00 to resurface Spring Street from Route 206 to Lower Spring Street under NJDOT Municipal Aid 2012;

NOW, THEREFORE, BE IT RESOLVED 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 Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-NewtonTown-00307 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Municipal 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.

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The Mayor, Town Manager and Municipal Clerk's and signatures serve to acknowledge that this resolution constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by this resolution.

Helen R. Le Frois
Mayor

Thomas S. Russo, Jr.
Town Manager

Lorraine A. Read
Municipal Clerk

RESOLUTION #205-2011

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 710, LOT 12.01

WHEREAS, at the Municipal Tax Sale held on October 29, 2008 a lien was sold on Block 710, Lot 12.01, also known as 32 Halsted St., for 2007 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1262, was sold to ALMAR for 0% redemption fee with a premium of \$ 3,600.00; and

WHEREAS, Sussex Bank, the mortgage holder on said property has effected the redemption of Certificate #1262 in the amount of \$51,344.69.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that ALMAR is entitled to the redemption in the amount of \$51,344.69 as well as the premium of \$3,600.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue checks in the amount of \$51,344.69 for the redemption of Certificate #1262 along with the premium of \$3,600.00 to ALMAR, 2 Kiel Avenue #202, Kinnelon, NJ 07405.

RESOLUTION #206-2011*

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:

Accounts should have been inactive and not charged:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25414	7-10 Hillside Terrace	\$75.00

RESOLUTION #207-2011*

EXTENDING TIME FOR PAYMENT OF 3RD QUARTER 2011 WATER AND SEWER BILLS

WHEREAS, Section 15-4.3 of the Revised General Ordinances of the Town of Newton requires that the Water and Sewer Department of the Town of Newton prepare bills setting forth water, sewer and other department charges and send them to its customers through the U.S. Postal System. Bills that are not delivered by the U.S. Postal System shall, nevertheless, remain due and owed. The amount of such non-delivered bills shall, upon request, be made available to customers either in person, in writing or by telephone; and

WHEREAS, on August 31, 2011, the Water and Sewer Department of the Town of Newton delivered to the United States Postal Service at its Sparta, New Jersey office,

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2,109, 3rd Quarter 2011 water and sewer bills for delivery to its water and sewer customers, and paid the Sparta Postmaster \$548.34 for said delivery; and

WHEREAS, the vast majority of said water and sewer bills were not delivered by the United States Postal Service and, upon diligent inquiry, it has been determined that the United States Postal Service has lost said bills; and

WHEREAS, Section 15-4.3(d) states that water and sewer bills not paid within thirty (30) days after September 1, 2011 are subject to a ten percent (10%) penalty; and

WHEREAS, it would be unjust to assess a penalty for failure to pay the September 1, 2011 water and sewer bills as a result of an error and failing to deliver said bills by the United States Postal Service;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that the Water and Sewer Department of the Town of Newton shall prepare and remail by first-class mail the bills to those who have not already paid their 3rd Quarter 2011 water, sewer and other departmental charges, which bills shall be due no later than the due date set forth on said remailed bills which shall be no less than thirty (30) days after the date of said remailing. All bills not paid on or before 4:30pm on Friday, October 28, 2011 to the Newton Finance Office are subject to a ten percent (10%) penalty which shall be added to the amount of the bill and collected as other charges.

BE IT FURTHER RESOLVED by the Town Council of the Town of Newton that all other provisions of Section 15-4.3 of the Revised Ordinances of the Town of Newton shall remain in full force and effect.

RESOLUTION #208-2011*

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

486.03	Staples Credit Plan	29261
120.00	ABCCode	29262
701.17	NUI Corporation	29263
1,792.37	G & G Diesel Service, Inc.	29264
240.55	New Jersey Herald	29265
42.09	Centurylink Communications, Inc.	29266
3,273.94	Centurylink Communications, Inc.	29267
7,855.00	Hollander, Strelzik, Pasculli, Hinkes	29268
313.73	Campbell's Small Engine	29269
354.00	D & E Service Center	29270
28.18	Federal Express	29271
5,675.00	Newton First Aid Squad	29272
139.50	Thomas Trudgeon	29273
153.00	Scott Holzhauser	29274
75.00	NJLM	29275
253.40	J & D Sales & Service	29276
37.50	Brock Kithcart	29277
2,375.00	T. A. Mountford Company	29278
54.84	Galls Incorporated	29279
825.40	Weldon Asphalt Company	29280
35.51	Sherwin-Williams	29281
75.00	Kenneth A. Teets	29282
2,200.00	Solar Tire	29283
190.50	Debra Millikin	29284

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37.76	Airgas East	29285
103.21	Sirchie Finger Print Labs	29286
1,440.46	Boonton Tire Supply	29287
102.00	Jason Miller	29288
1,524.20	Verizon Wireless	29289
705.00	Accurate Door, Inc.	29290
150.00	Medtronic Physio-Control Corp.	29291
633.49	Petro-Mechanics, Inc.	29292
76.13	Mr. John	29293
110.00	Wildflowers With Tami	29294
70.00	Morris County Police Academy	29295
35.00	S/NJ Toxicology Laboratory	29296
102.00	Brian Fox	29297
315.00	Vogel,Chait,Collins,Schneider,PC	29298
638.06	The Home Depot	29299
245.00	Scarinci & Hollenbeck, LLC	29300
1,577.54	Staples Business Advantage	29301
45.21	Surefire LLC	29302
766.00	Franklin Precast Tanks	29303
3,000.00	Pinnacle Wireless, Inc.	29304
3,819.17	Rachles/Michele's Oil Company	29305
1,718.12	Taylor Oil Co.	29306
812.00	Firefighter One	29307
2,250.00	Laddey, Clark & Ryan, LLP	29308
2,710.00	General Code, LLC	29309
979.00	Ricciardi Brothers, Inc.	29310
29.96	Franklin Sussex Auto Mall, Inc.	29311
392.00	Sparctech Solutions, LLC	29312
1,675.00	Knapp, Trimboli & Prusinowski, LLC	29313
469.80	Penteledata	29314
345.00	Chelbus Cleaning Co., Inc.	29315
750.80	Custom Products Corp.	29316
10,045.56	Direct Energy Business	29317
359.09	Woodruff Energy	29318
513.42	Triple Crown Products	29319
75.84	Button Sling Inc.	29320
250.00	FBINAA-NJ Chapter	29321
7.49	New Jersey Monthly	29322
178,261.45	Payroll Account	111048

CAPITAL

141.08	Montague Tool & Supply	7778
260.20	New Jersey Herald	7779
180.00	Hollander, Strelzik, Pasculli, Hinkes	7780
1,305.58	McManimon & Scotland	7781
225.00	Houghton, Quarty, Warr	7782
1,200.00	New Jersey Fence & Guardrail	7783
4,140.00	Vogel, Cchait, Collins, Schneider, PC	7784
263.74	The Home Depot	7785
183.70	Lowe's	7786
4,934.83	BARCO Products	7787
510.00	Kieffer Electric Inc.	7788
1,662.91	FKA Architects	7789
1,678.94	Custom Products Corp.	7790
1,800.00	John A. Van Deusen & Assoc's, Inc.	7791
1,500.00	Current Account	113005

Total TOWN BILLS \$264,423.25

WATER AND SEWER ACCOUNT

810.00	Harold Pellow & Assoc., Inc.	12415
171.89	Hach Company	12416

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3,366.17	Delta Chemical Corporation	12417
265.10	NUI Corporation	12418
14.00	Paul M. Havens	12419
1,469.00	Coyne Chemical Corp., Inc.	12420
31.60	Centurylink Communications, Inc.	12421
1,412.10	Centurylink Communications, Inc.	12422
1,242.00	Hollander, Strelzik, Pasculli, Hinkes	12423
60.00	Rectifier Auto Electric	12424
392.50	Campbell's Small Engine	12425
879.00	Garden State Laboratories Inc.	12426
215.93	Sebring Auto Parts	12427
135.45	Airgas East	12428
23.00	Ervin Lasso	12429
1,069.86	Limecrest Quarry Developers	12430
1,432.90	Treasurer, State of New Jersey	12431
173.57	Verizon Wireless	12432
1,250.00	John Smalley	12433
11.48	Advance Auto Parts	12434
451.74	The Home Depot	12435
51.86	Carquest	12436
240.93	Staples Business Advantage	12437
37.98	Lowe's	12438
130.00	Sussex County Rental Center	12439
149.05	Penteledata	12440
13,621.33	Direct Energy Business	12441
151.20	One Call Concepts	12442
166.75	Woodruff Energy	12443
6,946.42	Capitol Supply Const. Products, Inc.	12444
8,840.00	Harter Equipment Inc.	12445
35,772.58	Payroll Account	116029
470.86	State of New Jersey – PWT	116030
33,001.80	Payroll Account	116031

CAPITAL

33.60	New Jersey Herald	2189
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Total WATER & SEWER BILLS \$114,491.65

TRUST ACCOUNT

162.00	Hollander, Strelzik, Pasculli, Hinkes	2928
1,333.33	James P. Sloan, P.C.	2929
160.00	Art Frisbie's Airworx	2930
138.72	Sussex Co. Community College	2931
375.00	Vogel, Chait, Collins, Schneider, PC	2932
1,846.49	Dillonchem.com	2933
3,465.00	Payroll Account	2934

Total TRUST ACCOUNT BILLS \$7,480.54

The Clerk presented a membership application (transfer) from Charles W. Weber, Jr., 21 Jersey Place, Newton, New Jersey. It was noted the application was in order and signed by the Chief of Fire Department.

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

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

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Mayor Le Frois Yes
Mr. Ricciardo questioned the validity of Chip’s Taxi running out of the office at 173 Spring Street, Newton. After a brief discussion, it was noted that all of the requirements have been met and approvals have been granted by the Newton Police Department.

RESOLUTION #203-2011

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER’S LICENSE SUBMITTED BY HAROLD R. STORM, JR.

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; and

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 Harold R. Storm, Jr., 173 Spring Street, Newton, NJ, 07860, driving for Chip’s Taxi, Limo & Courier, which expires on May 31, 2012.

Upon motion Mrs. Becker, seconded by Deputy Mayor Diglio and carried, that Resolution #203-2011 be approved and roll call resulted as follows:

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

RESOLUTION #204-2011

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER’S LICENSE SUBMITTED BY HAROLD R. STORM, JR., T/A CHIPS TAXI, LIMO & COURIER

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, 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”; and

WHEREAS, the Police Department 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 Harold R. Storm, Jr., 173 Spring Street, Newton, NJ, 07860, t/a Chip’s Taxi, Limo & Courier, which shall expire May 31, 2012; and

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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.

Upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and carried, that Resolution #204-2011 be approved and roll call resulted as follows:

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

The Clerk presented an application for Special Permit for a Social Affair from Katie's House, Inc., P.O. Box 96, Newton, NJ to be held on October 23, 2011 from 4:00 p.m. to 9:00 p.m. at Andre's Restaurant, 188 Spring Street, Newton. It was noted that the application was in order and signed by the Chief of Police.

Upon motion of Mrs. Becker, seconded by Mr. Ricciardo and carried, that an application for Special Permit for Social Affair from Katie's House, Inc. be approved for October 23, 2011 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

a. Draft Ordinance

Mark Hontz, Esq. submitted and reviewed a draft Ordinance with the Governing Body. This Ordinance shall amend Chapter 20, Zoning, at Section 20-4 and add Section 20-5.22, entitled "Outdoor Furnaces". Mr. Hontz addressed questions of the Town Council and noted that this Ordinance would prohibit the use of outdoor furnaces, but an applicant could potentially obtain a variance, if proof is provided by the applicant. Councilman Ricciardo asked for statistics on the air pollution generated, as well as, the safety issues. After a brief discussion, Mr. Russo will obtain more information from Zoning and Legal Counsel for Council's review.

b. Personnel Guide

Mr. Russo and Debra Carter, Human Resource Coordinator, outlined all the revisions to the personnel manual and addressed questions of the Town Council. Mr. Russo asked for guidance on Section 5.3, Sick Leave, as well as 8.6, Employee Training.

After a lengthy discussion, Council unanimously agreed to the recommendations

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of Mr. Russo as set forth in Section 5.3 and Section 8.6. Mr. Russo will finalize the draft personnel guide and present to the Town Council at a regular Council meeting in October.

OPEN TO THE PUBLIC

Mrs. Thea Unhoch, 17 Condit Street, Newton, advised that many of the senior citizens of Newton utilize and rely on Chip's Taxi for transportation and hoped the Council would consider that for his renewal of his taxi license.

Mr. Ralph Porter, 12 Pine Street, Newton, addressed a concern with regard to no storm drains on Lawnwood Avenue or Mason Avenue. He advised that he lives on the corner of Pine Street and Mason Avenue and on every rain storm his gravel driveway gets washed away. Mr. Porter has addressed his concern with Harold Pellow, Town Engineer, to no avail. Mr. Porter advised that he spoke to Mr. Russo on Friday who advised that he will look into this issue.

COUNCIL & MANAGER COMMENTS

Mr. Russo commended Chief Richards and the Newton Police Department for the nice ceremony this evening for the Newton Police monument dedication.

Mr. Russo also commended Ptl. Dan Finkle and all those who coordinated the Newton Fire Department 175th Anniversary celebration at the Fire Museum held on Saturday, September 24, 2011.

Mayor Le Frois also commended the Newton Police Department on a great ceremony this evening and also thanked Mr. Robert McCracken for his donation of the monument.

Mayor Le Frois also thanked the New Jersey Herald for all the well-deserved positive publicity for the Town of Newton. The Town is moving in a positive direction, Mayor Le Frois concluded.

Mr. Russo noted that the next Council meeting is scheduled for Wednesday, October 12, 2011.

Mr. Russo also noted that the Plaza Restaurant, under new ownership, is scheduled to open on October 17, 2011. Mr. Russo Informed Council that Meadowbrook Inventions has leased the building at the EJ Brooks site. Mr. Russo also advised that the construction at Thorlabs is looking great and is still scheduled to open January, 2012.

September 26, 2011

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 8:37 pm.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk