

October 24, 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 Mr. Ricciardo, Mrs. Becker, Deputy Mayor Diglio, Mayor Le Frois, Mr. Thomas S. Russo, Jr., Town Manager, and Mark Hontz, Esq., Town Attorney. Mr. Elvidge was excused.

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 and upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio, the minutes of October 12, 2011 (Regular) meeting were approved. Mr. Ricciardo abstained from voting on the minutes of October 12, 2011.

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."

Dr. Kevin Shaw, 94 High Street, addressed the Council and expressed his disappointment with the escrow fees requested of the Town, as well as with the delay of the new Zoning Ordinances proposed by the Town of Newton. Dr. Shaw has prepared plans to build a new facility on High Street and feels that the escrow fees are excessive. It was noted that Dr. Shaw's facility requires a use variance and is located in the Historic District, both of which require certain escrow fees.

Mr. Russo noted that the Town has scheduled a Special Meeting with the Planning Board on November 30, 2011 in order to review the proposed Zoning Ordinances but does not estimate completion until early 2012.

COUNCIL & MANAGER REPORTS

There was no Council & Manager Reports.

ORDINANCES

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

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ORDINANCE 2011-21

AN ORDINANCE FOR ADOPTION OF REVISED TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

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	Absent
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 November 14, 2011.

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

ORDINANCE 2011-22

ORDINANCE REAPPROPRIATING \$95,744.02 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF A PICK-UP TRUCK WITH APPURTENANCES FOR THE DEPARTMENT OF PUBLIC WORKS, THE PREPARATION OF A ZONING ORDINANCE MASTER PLAN, DIGITIZED TAX MAPS AND CODIFICATION OF ORDINANCES, THE ACQUISITION OF AN AERATOR FOR ALL PARKS AND THE REPLACEMENT OF BLEACHERS AT MEMORY PARK BASEBALL FIELD FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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

Mrs. Becker	Yes	Mr. Elvidge	Absent
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 November 14, 2011.

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

ORDINANCE 2011-23

AN ORDINANCE AMENDING CHAPTER 20, ZONING, AT SECTION 20-4 AND ADDING SECTION 20-5.22

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

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

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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 November 14, 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."*

Mayor Le Frois noted that there was an amended application, submitted prior to the Council meeting, from Karen Ann Quinlan Hospice for a Special Permit for Social Affair. The amendment changed the date to Sunday, November 13, 2011 (instead of August 7, 2012).

RESOLUTION #216-2011*

REPEAL OF RESOLUTION #189-2007 AND RESOLUTION #177-2009

WHEREAS, the Town of Newton adopted Resolution #189-2007 on November 12, 2007 which stipulates that any non-union employee hired after November 12, 2007 be responsible for **50% (fifty percent)** of the cost of their dependant's health care premiums; and

WHEREAS, the Town of Newton adopted Resolution #177-2009 on September 16, 2009 stipulating that any employee hired prior to November 12, 2007 be required to pay **7.5% (seven and one half percent)** of the cost of their dependant's health care premiums; and

WHEREAS, effective June 28, 2011, Chapter 78, P.L. 2011 requires all employees not covered by an existing collective bargaining agreement to contribute a percentage of their health care premium or **1.5% (one and one half percent)** of their pensionable earnings, whichever is greater, beginning on October 1, 2011. The percentage will be based on the employee's base salary on a sliding scale, phased in over a four year period. Employees covered by an existing collective bargaining agreement will begin paying when their contract expires; and

WHEREAS, with the State of New Jersey mandated employee contributions to health care premiums now in effect, there no longer exists a need for the Town of Newton to mandate different non-union employee contributions for health care premiums;

NOW, THEREFORE, BE IT RESOLVED, that the Newton Governing Body wishes to repeal Resolution #189-2007 and Resolution #189-2009 regulating non-union employee contributions to health care premiums effective January 1, 2012; and

BE IT FURTHER RESOLVED, that Newton employee contributions shall conform to the requirements of Chapter 78, P.L. 2011 unless and until the State of New Jersey requires by law a different level of employee health care premium contributions.

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RESOLUTION #217-2011*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS

WHEREAS, New Jersey Statute 40A:9-154.1 states *"The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding 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 individuals as School Crossing Guards for the remainder of the 2011-2012 school year:

Lori Teets

Donna VanNieuwland

RESOLUTION #218-2011*

ACCEPT THE SIDEWALK REPLACEMENT ON VARIOUS STREETS PROJECT AS FINAL AND COMPLETE

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Sidewalk Replacement on Various Streets to Tony's Concrete Construction Co., Inc. in the amount of \$51,713.74 by Resolution #174-2011, which was adopted on August 8, 2011; and

WHEREAS, the Town Council, based on the recommendation of the Town Engineer, Harold E. Pellow & Associates, Inc., approved Change Order No. 1 for said project by adopting Resolution #196-2011 at their meeting on September 14, 2011; and

WHEREAS, Mr. Pellow, in his letter dated October 17, 2011, states the project has been completed, and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that we hereby accept the Proposed Sidewalk Replacement on Various Streets Project as final and complete based on the recommendation of Harold E. Pellow and Associates, Inc.; and

BE IT FURTHER RESOLVED, based on this acceptance, that the final paperwork can be processed and that Tony's Concrete shall secure a one (1) year Maintenance Bond.

RESOLUTION #219-2011*

REFUND AN ERRONEOUS TAX PAYMENT ON BLOCK 102, LOT 8

WHEREAS, property taxes for the third quarter of 2011 were paid for Block 102, Lot 8, also known as 34 Hillside Avenue and owned by Harry S. Kaplan on August 19, 2011 by Wells Fargo Home Mortgage; and

WHEREAS, Wells Fargo Home Mortgage states that they have no interest in said property in the Town of Newton and that the payment was made in error and should have been paid to a property in Jefferson Township; and

WHEREAS, Wells Fargo Home Mortgage is requesting a refund of the third quarter 2011 real estate tax payment in the amount of \$1,716.06 which was erroneously made on said property;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that Wells Fargo Home Mortgage is entitled to a refund in the amount of \$1,716.06; and

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BE IT FURTHER RESOLVED that the Treasurer is hereby authorized to process a refund to Wells Fargo Home Mortgage, MAC X2302-04D, Tax Department, 1 Home Campus, Des Moines, IA 50328 in the amount of \$1,716.06 for this erroneous tax payment made on Block 102, Lot 8.

RESOLUTION #220-2011*

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 credit the following accounts for amounts billed incorrectly due to the reasons(s) stated:

Utility Board Recommends Credit for Sewer Charges Dueto a Water Leak:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9525	51-53 Ryerson Avenue	\$133.17

Utility Board Recommends Credit for Minimum Charges While Meter was Stuck:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18470	9A Diller Avenue	\$183.99

RESOLUTION #221-2011*

SPECIAL EMERGENCY APPROPRIATION - EXTRAORDINARY EXPENSE IN THE TOWN OF NEWTON 2011 WATER SEWER UTILITY BUDGET

WHEREAS, it has been found necessary to make an emergency appropriation of \$350,000.00 to meet certain extraordinary expenses to be incurred, by reason of damage caused by Hurricane Irene; and

WHEREAS, N.J.S.A. 40A:4-54 et seq. provides that it shall be lawful to make such appropriations, which appropriation and/or the "special emergency notes" issued to finance same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), that in accordance with N.J.S.A. 40A:4-55:

- 1) An emergency appropriation in the Water Sewer Utility Budget be and the same is hereby made for extraordinary expenses for the repair and reconstruction of the water transmission main and associated items caused by Hurricane Irene in the amount of \$350,000.00.
- 2) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 3) That said emergency appropriation shall be provided for by the inclusion of not less than \$70,000 (1/5 total amount) in each of the next succeeding annual budgets.
- 4) That a "Special Emergency Note" not in excess of the above amount be authorized pursuant to law.
- 5) That said Special Emergency Notes shall be provided for by the inclusion of not less than \$70,000 in each of the next seceding annual budgets.
- 6) That a Special Emergency Note shall be executed by the Chief Financial Officer and by the Town Clerk.

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- 7) That said note be dated after October 24, 2011, and may be renewed from time to time, and such note and any renewals thereof shall be paid in the amount of not less than 1/5 of the total amount appropriated by this resolution in each year after authorization thereof.
- 8) That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION #222-2011*

PROVIDE EMERGENCY APPROPRIATION IN THE TOWN OF NEWTON 2011 BUDGET

WHEREAS, an emergency has arisen with respect to Hurricane Irene and no adequate provision was made in the 2011 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$103,200.00 (\$38,200.00 previously incurred + \$65,000.00 for Hurricane Irene) and three percent (3%) of the total operations in the budget for the year is \$267,143.96;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-48 that:

- 1) An emergency appropriation be and the same is hereby made for in the amount of \$65,000.00.
- 2) Said emergency appropriation shall be provided in full in the 2012 budget.
- 3) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 4) That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of NJSA 40A:4-51.
- 5) That such note shall be executed by the Chief Financial Officer and by the Town Clerk
- 6) That said note be dated after October 24, 2011, and may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 2012.
- 7) A certified copy of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION #223-2011*

APPROVE CHANGE ORDER NO. 2 FOR THE PAVING OF VARIOUS STREETS PROJECT

WHEREAS, the Town Council of the Town of Newton authorized a contract for the Paving of Various Streets Project to Tilcon New York, Inc., in the amount of \$271,398.55 by Resolution #179-2011, which was adopted on August 22, 2011; and

WHEREAS, the Town Council, based on the recommendation of the Engineer for the project, Harold E. Pellow & Associates, Inc., approved Change Order No. 1 for said project by the adoption of Resolution #198-2011 which was adopted at their meeting on September 14, 2011, resulting in a new reduced contract amount of \$259,911.37

WHEREAS, Harold Pellow & Associates, Inc., the Engineer for the project has prepared Change Order No. 2 for said project, and recommends approval of the following:

<u>Change Order No. 2</u>	<u>Amount</u>
<u>Reduction</u>	
Construction Signs	(\$1,120.00)
HMA 12.5 M64 Surface Course, 2" Thick	(\$1,766.40)
8" Inlet Heads, Type "N"	(\$650.00)
Total Change	(\$3,536.40)

WHEREAS, the adjusted contract amount will be decreased by \$3,536.40 by Change Order No. 2 to the new contract total of \$256,374.97;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves Change Order No. 2 for Paving of Various Streets Project based on the recommendation of the Town Engineer, and that the Mayor or Deputy Mayor is authorized to execute Change Order No. 2 resulting in a new contract total of \$256,374.97; and

BE IT FURTHER RESOLVED that a copy of the Change Order prepared by the Engineer detailing the change order be attached and made part of this resolution.

RESOLUTION #224-2011*

CAPITAL BUDGET AMENDMENT – TRUCK, ZONING ORDINANCE MASTER PLAN, AERATOR & BLEACHERS

Whereas , the local capital budget for the year 2011 has been adopted; and						
Whereas , it is desired to amend said adopted capital budget section;						
Now , Therefore Be It Resolved , by the Governing Body of the Town of Newton, County of Sussex that the following capital budget amendment of 2011 be made:						
RECORDED VOTE:	AYES	(NAYS	(
(Insert last name)		((
ABSTAIN		((
ABSENT		((
				Funding as Amended		
Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Capital Improvement Fund	Prior Year Reserves	Grants in Aid
General Capital						
Roof Replacement and Renovations to Municipal Properties	2007-22 as amended by #2010-11	\$ 350,000.00	\$ 319,000.00	\$ 15,950.00		
Acquisition of Pick-up Truck	2011-22	\$ -	\$ 31,000.00	\$ 1,550.00		
Various Capital Improvements - Resurfacing of Roads	#2009-9 as amended by #2009-16	\$ 1,262,000.00	\$ 1,222,000.00	\$ 111,700.00		\$ 120,000
Preparation of Zoning Ordinance Master Plan, Digitized Tax Maps, and Codification of Ordinances	#2011-22		\$ 40,000.00	\$ 2,000.00		
Various Capital Improvements - Park Improvements	#2010-7	\$ 2,356,000.00	\$ 2,331,255.98	\$ 96,563.00	\$ 28,100	\$ 183,000
Acquisition of Aerator for Parks	#2011-22		\$ 7,000	\$ 350		
Replacement Bleachers at Memory Park	#2011-22		\$ 17,744.02	\$ 887		
Total - All Projects		\$ 3,968,000.00	\$ 3,968,000.00	\$229,000.00	\$ 28,100	\$ 303,000
Be It Further Resolved , that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.						
It is hereby certified that this is a true copy of a resolution adopted by the Town Council at a regular meeting of said Governing Body on the 24th day of October 2011.						
Date	Lorraine A. Read, RMC					

RESOLUTION #225-2011*

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

600.00	Sussex County Economic	29369
74.95	B & R Uniform	29370
107.78	Quill Corporation	29371
314.58	Montague Tool & Supply	29372
3,346.25	Harold Pellow & Assoc., Inc.	29373
100.00	Municipal Software	29374
2,485.77	Partac Peat Corporation	29375
367.00	ABCCode Security	29376
1,688.84	Airmark Pools	29377
106.25	Sussex Car Wash, Inc.	29378
832.92	NUI Corporation	29379
57.96	G & G Diesel Service Inc.	29380
390.00	B & G Elevator Inc.	29381
180.02	Centurylink Communications, Inc.	29382
887.50	Centurylink Communications, Inc.	29383
3,026.39	Centurylink Communications, Inc.	29384
6,462.00	Hollander, Strelzik, Pasculli, Hinkes	29385
394.83	Campbell's Small Engine	29386
65.00	Lock & Key World	29387
50.00	Newton First Aid Squad	29388
194.87	J & D Sales & Service	29389
16.00	William F. Smith	29390
550.00	Treasurer, State of New Jersey	29391
45.00	Galls Incorporated	29392
154.59	Sherwin-Williams	29393
199.00	Skylands Press	29394
274.18	Zee Medical	29395
37.50	Kenneth A. Teets	29396
1,109.12	Dempsey Uniform & Supply, Inc.	29397
4,745.00	Greater Newton Chamber of Commerce	29398
37.10	Airgas East	29399
570.66	McGuire	29400
1,491.36	Verizon Wireless	29401
76.13	Mr. John	29402
312.50	Alternate Power Inc.	29403
157.50	Scarinci & Hollenbeck, LLC	29404
979.45	Staples Business Advantage	29405
166.52	Lowe's	29406
810.19	Sussex County Engineering Division	29407
146.00	CSS Test	29408
2,300.00	Hampton Body Works	29409
3,606.95	Rachles/Michele's Oil Company	29410
1,310.91	Taylor Oil Co.	29411
1,857.25	Structural Metal Fabricators	29412
2,257.20	Innovative Data Solutions	29413
5,406.76	Firefighter One	29414
2,250.00	Laddey, Clark & Ryan LLP	29415
85.00	Northern Rain	29416
9,800.00	Enforsys Police System, Inc.	29417
469.80	Penteledata	29418
1,250.00	MCP Consulting Group, LLC	29419
9,329.99	Direct Energy Business	29420
540.90	Woodruff Energy	29421
288.00	Mulch Concepts	29422
58.76	Carolyn Pampanin	29423
13.35	Rockwood Corp./Speedwell	29424
75.92	Caldwell Flowerland	29425
1,716.06	Wells Fargo Home Mortgage	29426
179,033.07	Payroll Account	111055
920,408.00	Newton Board of Educations	111056

CAPITAL

85.00	VOID	7800
60.00	NJ Motor Vehicle Services	7801
8,035.99	Harold Pellow & Assoc., Inc.	7802
1,152.00	Hollander, Strelzik, Pasculli, Hinkes	7803
3,756.66	Sherwin-Williams	7804
16,980.00	Tony's Concrete Constr. Co. Inc.	7805
1,155.92	Walmart	7806
48,871.23	Tilcon New Jersey	7807
975.00	FKA Architects	7808
8,044.43	Manor II Electric	7809
670.00	John A. Van Deusen & Assoc's Inc.	7810

Total TOWN BILLS \$1,265,369.86

WATER AND SEWER ACCOUNT

8,097.50	Harold Pellow & Assoc., Inc.	12470
100.00	Municipal Software, Inc.	12471
5,066.33	MWH Americas, Inc.	12472
22.34	Hach Company	12473
280.29	NUI Corporation	12474
5,395.00	Sussex County Plumbing	12475
37.00	Paul M. Havens	12476
7,740.64	Coyne Chemical Corp., Inc.	12477
31.66	Centurylink Communications, Inc.	12478
1,318.72	Centurylink Communications, Inc.	12479
594.00	Hollander, Strelzik, Pasculli Hinkes	12480
15.00	Campbell's Small Engine	12481
3,260.00	Garden State Laboratories, Inc.	12482
17,154.06	Weldon Asphalt Company	12483
174.73	Sherwin-Williams	12484
297.07	Dempsey Uniform & Supply, Inc.	12485
131.54	Airgas East	12486
74.00	Ervin Lasso	12487
963.20	Limecrest Quarry Developers, C	12488
169.28	Verizon Wireless	12489
1,250.00	John Smalley	12490
1,896.80	Main Pool & Chemical Company	12491
1,335.00	Alternate Power Inc.	12492
165.56	Advance Auto Parts	12493
712.50	Kistler O'Brien Fire Protection	12494
10.36	Staples Business Advantage	12495
104.00	Eric Tompkins	12496
962.00	Andy Matt, Inc.	12497
80.00	Civic Plus	12498
6,359.80	Accurate Waste Removal	12499
139.90	Penteledata	12500
74.00	Dustin McGarry	12501
8,589.46	Direct Energy Business	12502
175.84	One Call Concepts	12503
169.98	Woodruff Energy	12504
559.96	Safe-T	12505

CAPITAL

6,024.00	Harold Pellow & Assoc., Inc.	2191
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Total WATER & SEWER BILLS \$79,531.52

TRUST ACCOUNT

3,860.25	Harold Pellow & Assoc., Inc.	2936
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5,503.50	Harold Pellow & Assoc., Inc.	2937
126.00	Hollander, Strelzik, Pasculli, Hinkes	2938
1,333.33	James P. Sloan, P.C.	2939
500.00	Hundley CPAS Corporation	2940
0.05	Ray Nazzaro	2941

Total TRUST ACCOUNT BILLS \$11,323.13

The Clerk presented an application for a Special Permit for a Social Affair from Karen Ann Quinlan Hospice, 99 Sparta Avenue, Newton to be held on Sunday, November 13, 2011 (amended date) from 6:00 p.m. to 10:00 p.m. at Krave Café & Caters, 102 Sparta Avenue, Newton. It was noted that the application was in order and signed by the Chief of Police.

The Clerk presented an application for an on-premise raffle for a Bingo and 50-50 from the Pride Foundation, Inc. 44 Ryerson Avenue, Newton to be held on Friday, December 9, 2011 from 6:00 p.m. – 11:00 pm at Newton High School, 44 Ryerson Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an off-premise raffle (50-50) from Pride Foundation, 44 Ryerson Avenue, Newton to be held on Friday, December 16, 2011 at 2:30 pm at Halsted Middle School, 59 Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an off-premise raffle from Saint Joseph RC Church, 17 Elm Street, Newton to be held on December 9, 2011 at 4:00 p.m. at St. Joseph's Rectory, 17 Elm Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

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

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

APPLICATION

Mayor Le Frois addressed an application for membership to the Newton Fire Department from Louis Ratti, 26 Stillwater Road, Newton, New Jersey.

At this time, Deputy Mayor Diglio recused herself from the dais because she is a member of the Newton First Aid Squad, which Mr. Ratti was terminated from.

Councilman Ricciardo noted that upon review of the membership application by legal counsel, several deficiencies were revealed for improper behavior as well as motor vehicle violations.

After a brief discussion, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, the application be denied based on advice from legal counsel and roll call resulted as follows:

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

INTERMISSION (15 minutes)

Upon returning from Intermission, Mayor Le Frois noted that Mr. Ratti verbally threatened litigation on the Town due to the denial of his membership application into the Newton Fire Department. Mr. Hontz, Esq. noted that no discussion, regarding his application, should take place if Town employees or volunteers are approached by Mr. Ratti.

DISCUSSION

a. Parking Agreement Draft – Sussex County Red Cross

Mr. Russo advised Council of a request from Sussex County Chapter of the American Red Cross, having offices at 93 Spring Street, Newton, to utilize parking spaces at the Newton Municipal Building parking lot.

After a brief discussion, Council unanimously agreed to allow the parking of a maximum of 2 to 3 vehicles at the Newton Municipal Building parking lot. It was noted that the vehicles must be registered, insured and inspected and will be for the use of Red Cross emergency response vehicles only. Mr. Russo noted that along with the agreement, a hold harmless will be requested as well.

b. Newton Armory – Excel Environmental and McManimon & Scotland

Mr. Brian Lettini, Project Manager of Excel Environmental Resources, Inc., made a presentation to the Town Council on the Newton Armory property. Excel Environmental Resources, Inc. conducted a Preliminary Assessment (PA) on August 18, 2009 and 12 areas of concern were identified. Based on the results of the PA, no further investigation is warranted or proposed. Excel then proceeded to conduct a Site Investigation (SI) in August and October, 2010 and identified 6 areas for further review.

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Based on the 6 areas of concern, 3 areas require no further action. Mr. Lettini outlined the recommendations for the 3 other areas which require further investigation. Mr. Lettini also noted that the groundwater quality was addressed and three recommendations were outlined in their study.

Mr. Lettini indicated that there is currently no grant money available for remediation and outlined a remedial action cost estimate for the completion of this project.

Mr. Russo invited members of McManimon and Scotland team this evening to discuss a financial strategy for the Newton Armory project. Ms. Jen Credidio, Esq., Redevelopment Counsel and Ms. Wanda Monahan, Esq. who specializes in environmental matters. At this time, Ms. Credidio outlined the schedule of events as it relates to the building and property. Ms. Monahan outlined the next steps as it relates to buying of the property from the State of New Jersey. Ms. Monahan feels the remediation study completed should be viewed by the State as a true benefit.

After a brief discussion, Mr. Russo noted that he and Ms. Credidio will work together to negotiate a price with the State of New Jersey for purchase of the property and keep Council informed.

OPEN TO THE PUBLIC

There was no discussion by the public.

COUNCIL & MANAGER COMMENTS

Mr. Russo advised Council of the Greater Newton Chamber of Commerce Annual Awards dinner to be held on Wednesday, November 2, 2011 and asked Council who is attending. Council responded accordingly. Mr. Ricciardo will advise Mr. Russo after checking his work schedule.

Mr. Russo asked Council if they were interested in requesting proposals on the professionals in the Town of Newton for calendar year 2012. After a brief discussion, Council agreed to consider a review of professional contracts for the upcoming year. Mr. Russo will provide a list of all professionals to the governing body. It was noted that, due to time constraints, a decision would have to be made at the next Council meeting.

Mr. Russo and Mrs. Millikin advised Council of the new color coding of the bonnets on fire hydrants due to the newly installed 12" water main upgrade on Merriam

October 24, 2011

Avenue. Mrs. Millikin explained that many of the fire hydrants will require new colors based on the increased flow to the fire hydrants. Mr. Russo noted that the updated fire hydrants maps will be provided to the Fire Department and the Water and Sewer Department upon completion. Mayor Le Frois commended the Water and Sewer Department, as well as the Department of Public Works, for completing this project themselves. The Town did not hire a contractor for this project which has saved the Town and taxpayers an enormous amount of money, Mayor Le Frois concluded.

Mayor Le Frois noted that the Town of Newton newsletter was mailed and received by many residents of the Town this past week.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 8:25 pm.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk