

November 28, 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, Deputy Mayor Diglio, Mayor Le Frois, Mr. Thomas S. Russo, Jr., Town Manager, and Mark Hontz, Esq., Town Attorney. Mr. Ricciardo 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 Deputy Clerk called the roll and upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio, the minutes of November 14, 2011 (Regular and Executive) meetings were approved. Mr. Elvidge abstained.

#### **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."*

Mrs. Thea Unhoch, 17 Condit Street, Newton, stated she was pleased to announce that the Sussex County Department of Human Services, Division of Senior Services, will be presenting a program to the Newton Prime Time Seniors entitled, "Be Wise About Your Medications" on Wednesday, November 30, 2011 at 12 Noon at Newton Fire House, 22 Mill Street, Newton. Mrs. Unhoch advised that the Town of Newton was one of three locations selected to present this program, the other two locations were Green and Andover Townships.

Mr. Neil Flaherty, 154 Sparta Avenue, Newton, congratulated the Town, the organizers and especially Deputy Mayor Diglio for the successful Holiday Parade event that took place this past weekend and stated, "It really was a wonderful event."

Mayor Le Frois stated that Newton was in fine showing on Saturday and congratulated Deputy Mayor Diglio as well as the Greater Newton Chamber of Commerce for a successful event.

#### **COUNCIL & MANAGER REPORTS**

There were no Council & Manager Reports.

**ORDINANCES**

There were no Ordinances for discussion.

**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."*

**RESOLUTION #242-2011\***

**ESTABLISH SALARIES AND WAGES FOR CERTAIN TOWN OF NEWTON EMPLOYEES  
NOT COVERED BY BARGAINING AGREEMENTS**

**WHEREAS**, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2011 by Ordinance #2010-29; and

**WHEREAS**, the Town Manager submitted to the Town Council a recommendation for a TWO PER CENT (2.0%) increase in salary for calendar year 2011 to be paid to certain Town of Newton employees, whose employment is not the subject of any bargaining agreement; and

**WHEREAS**, the Town Council discussed said recommendation from the Town Manager during its regularly scheduled public meetings of November 14 and 28, 2011 and reached the following conclusions:

1. A TWO PER CENT (2.0%) increase in salary for certain full-time Town of Newton employees, whose employment is not the subject of any bargaining agreement for calendar year 2011, is appropriate.
2. The Mayor, Deputy Mayor and Members of the Town Council have refused said salary increase.
3. The Police Chief has already received a TWO PERCENT (2.0%) increase according to his contract.
4. The salary increase of the Town Manager shall be addressed separately by the Town Council.
5. New full-time and part-time non-union employees hired during 2011 are excluded, namely: Jackie Shackleton, Donna Manna, Lucy DeLoreto, Jeff Schiffner, Kyle Phlegar, and John Tomasula.
6. Part-time Crossing Guards are excluded and shall be considered separately in 2012.
7. Former non-union employees who have resigned or retired in 2011 are excluded, namely: Joe Inga, Lou Read, Ann Rosellen, and Tom Trudgeon, Sr.
8. Part-time non-union employees are excluded as having been separately addressed by the Town Manager.
9. The aforementioned raises shall be retroactive to begin with the pay period ending January 2, 2011.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the salaries and wages for the year 2011 for the following Town of Newton employees, whose employment is not covered by bargaining agreements, shall be increased by two (2%) percent, retroactive to begin with the pay period ending January 2, 2011:

1. Babcock, Dawn
2. Baldwin, Paul
3. Chontow, Greg
4. Citterbart, Kathy
5. Cooper, Darlene
6. Cutler, Jim
7. Holzhauer, Scott
8. Jaekel, Kenneth
9. Madden, John
10. McNally, Carol
11. Millikin, Debra
12. Mulhern, Hon. John
13. O'Connor, Irene
14. Oswin, Terri
15. Raftery, Ginny
16. Read, Lorraine
17. Roth, Linda

**RESOLUTION #243-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1217,  
LOT 6**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1217, Lot 6, also known as 5 Kory Road, for 2010 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1367, was sold to US Bank Cust for Pro Capital I, LLC for 2% redemption fee; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage company for the owner of said property, has effected the redemption of Certificate #1367 in the amount of \$561.28;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$561.28; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$561.28 for the redemption of Certificate #1367 to US Bank Cust for Pro Capital I, LLC 50 S. 16<sup>th</sup> Street – Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #244-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1004,  
LOT 5**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1004, Lot 5, also known as 101 Madison Street, for 2010 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1362, was sold to US Bank Cust for Pro Capital I, LLC for 18% redemption fee; and

**WHEREAS**, Wells Fargo Home Mortgage, the mortgage company for the owner of said property, has effected the redemption of Certificate #1362 in the amount of \$250.48;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$250.48; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$250.48 for the redemption of Certificate #1362 to US Bank Cust for Pro Capital I, LLC 50 S. 16<sup>th</sup> Street – Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #245-2011\***

**AMEND RESOLUTION #98-2010 TO ACCURATELY REFLECT THE WATER AND SEWER CONNECTION FEES FOR THORLABS PROJECT**

**WHEREAS**, there is need to amend Resolution #93-2010, dated June 28, 2010 and adopted by the Newton Town Council granting approval of the water and sewer allocation of 6,540 gallons of water and 5,290 gallons of sewer to the Thorlabs Project, with said project being constructed at 56 Sparta Avenue shown as Block 1104, Lot 21 on the Tax Map of the Town of Newton, in order to accurately reflect the water and sewer connection fees due; and

**WHEREAS**, in preparation of the required hook-up fees for the Thorlabs Project, it was determined that said Resolution #93-2010 inaccurately stated that the connection fees were \$117,720 for water and \$100,510 for sewer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby amends Resolution #93-2010 to accurately reflect the connection fees for Thorlabs as \$120,990 for water and \$84,640 for sewer, as established by local ordinance.

**RESOLUTION #246-2011\***

**APPROVE CHANGE ORDER NO. 1 FOR THE PROPOSED IMPROVEMENTS TO THE RIGHT ABUTMENT AREA OF MORRIS LAKE FOR THE TOWN OF NEWTON**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton to T.R. Weniger, Inc. in the amount of \$60,350.00 by Resolution #124-2011, which was adopted on June 27, 2011; and

**WHEREAS**, Harold Pellow & Associates, Inc., the Engineer for the project, has prepared Change Order No. 1 for said project, and recommends approval of the following:

	<u>Amount</u>
<u>Extras</u>	\$ 3,400.00
<u>Reduction</u>	<u>(\$1,396.30)</u>
<b>Total Change Order No. 1</b>	\$2,003.70

**WHEREAS**, the adjusted contract amount will be increased by Change Order No. 1 to the new contract total of \$62,353.70; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton based on the recommendation of the Harold E. Pellow and Associates, Inc., and that the Mayor is authorized to execute said Change Order No. 1 resulting in a new contract total of \$62,353.70.

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**RESOLUTION #247-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1217, LOT 32**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1217, Lot 32, also known as 50 Dogwood Drive, for 2010 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1368, was sold to US Bank Cust for Pro Capital I, LLC for 18% redemption fee; and

**WHEREAS**, BAC Tax Service for Deutsche Bank, mortgage holder on said property, has effected the redemption of Certificate #1368 in the amount of \$134.73;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$134.73; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$134.73 for the redemption of Certificate #1368 to US Bank Cust for Pro Capital I, LLC, 50 So. 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #248-2011\***

**AUTHORIZE CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE FOR BLOCK 1208.01, LOT 29**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011, Tax Sale Certificate #1366 was issued to the Town of Newton, 39 Trinity Street, Newton, NJ 07860, for delinquent water and sewer charges on Block 1208.01, Lot 29 also known as 98 Sparta Avenue and owned by Pezzolla, Franco & Lisa M; and

**WHEREAS**, BAC Tax Service for Deutsche Bank, mortgage holder on said property, has redeemed Tax Sale Certificate #1366 by paying the full amount of the delinquency;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Municipality of the Town of Newton are hereby authorized to endorse Tax Sale Certificate #1366 for cancellation.

**RESOLUTION #249-2011\***

**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**

198.00	VOID	29341
85.00	NJ Motor Vehicle Services	29506
119.70	Quill Corporation	29507
1,634.57	Partac Peat Corporation	29508
1,350.81	NUI Corporation	29509
66.66	G & G Diesel Service, Inc.	29510
1,295.70	New Jersey Herald	29511
3,142.55	SCMUA	29512
199.73	Centurylink Communications, Inc.	29513
17.49	Centurylink Communications, Inc.	29514
2,835.00	Centurylink Communications, Inc.	29515

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280.00	Sussex County Economic	29516
17.50	Newton Trophy	29517
1,875.00	Lou's Glass	29518
60.00	John Tomasula	29519
105.70	Airgas East	29520
19.00	Service Electric Cable TV	29521
2,000.00	McCullough Tree Service	29522
1,269.44	Boonton Tire Supply	29523
109.84	McGuire	29524
3,114.88	Verizon Wireless	29525
1,640.00	Accurate Door	29526
122.50	Medtronic Physio-Control Corp.	29527
75.42	Mr. John	29528
1,020.00	Vogel, Chait, Collins, Schneider, PC	29529
1,463.81	The Home Depot	29530
285.00	International Code Council, Inc.	29531
17,788.65	Access Control Technology	29532
220.00	Town of Newton	29533
100.00	Tania L. Ell	29534
1,741.61	Staples Business Advantage	29535
144.00	CSS Test	29536
201.60	The Emblem Authority	29537
47.25	Pinnacle Wireless FBO Unitek Global	29538
1,539.03	Rachles/Michele's Oil Company	29539
2,250.00	Laddey, Clark & Ryan, LLP	29540
129.60	Condor Creations	29541
440.47	W.B. Mason	29542
1,591.50	Civic Plus	29543
609.30	Atlantic Tactical	29544
469.80	Penteledata	29545
11,845.24	Direct Energy Business	29546
1,272.11	Woodruff Energy	29547
470.00	AG Choice LLC.	29548
65.81	Bucket Supply & Equipment Parts	29549
22.94	Shoprite	29550
100.30	Hanukkah Sale Ltd.	29551
101.33	Sandra Diglio	29552
33,736.00	U.S.D.A. / FHA	111061
920,408.00	Newton Board of Education	111062
176,309.32	Payroll Account	111063

**Total TOWN BILLS \$1,195,809.16**

**WATER AND SEWER ACCOUNT**

34.76	Schmidt's Wholesale, Inc.	12540
332.77	NUI Corporation	12541
410.93	SCMUA	12542
31.66	Centurylink Communications, Inc.	12543
1,256.76	Centurylink Communications, Inc.	12544
1,790.00	Garden State Laboratories, Inc.	12545
1,016.25	Hamburg Plumbing Supply Co., Inc.	12546
126.06	Verizon Wireless	12547
1,250.00	John Smalley	12548
420.54	The Home Depot	12549
25,435.00	RAM Motors & Controls	12550
957.95	Process Tech Sale & Service	12551
44.00	Eric Tompkins	12552
962.00	Andy Matt, Inc.	12553
1,591.50	Civic Plus	12554
5,063.80	Accurate Waste Removal	12555
1,800.00	William Grenville, LLC	12556
139.90	Penteledata	12557
7,085.08	Direct Energy Business	12558

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202.72	One Call Concepts	12559
238.31	Woodruff Energy	12560
42,136.79	T.R. Weniger, Inc.	12561
24,363.00	U.S.D.A. / FHA	116038
30,511.01	Payroll Account	116039

**CAPITAL**

18,969.84	T.R. Weniger, Inc.	2192
195.82	Payroll Account	116112

**Total WATER & SEWER BILLS \$166,366.45**

**TRUST ACCOUNT**

414.00	Hollander,Strelzik,Pasculli,Hinkes	2951
1,333.33	James P. Sloan, P.C.	2952
3,157.50	Current Account	2953
1,005.00	Vogel,Chait,Collins,Schneider,PC	2954
144.40	Condor Creations	2955
2,376.28	Payroll Account	117122

**Total TRUST ACCOUNT BILLS \$8,430.51**

**FEDERAL STATE GRANT ACCOUNT**

721.40	Ray's Sport Shop	1009
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**Total FEDERAL STATE GRANT ACCOUNT BILLS \$721.40**

**DOG RESERVE ACCOUNT**

7,600.00	Township of Wantage	8522
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**Total DOG RESERVE ACCOUNT BILLS \$7,600.00**

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

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

**INTERMISSION (None)**

**DISCUSSION**

**a. Police Ordinance-Draft**

Mr. Russo advised that the Town's ordinances have been going through the codification process and as a result, discrepancies were found in some of the updates which reference the original police department ordinance. Mr. Russo further advised that he combined the original police ordinance with the updates in a logical fashion and created the draft ordinance before Council tonight. Mr. Russo stated the draft ordinance has been reviewed by legal counsel as well as Chief Richards. Mr. Russo

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then requested further direction or comments from the Governing Body.

Mayor Le Frois thanked Mr. Russo for his initiative and stated that the draft ordinance is a clear and concise document. Council then directed Mr. Russo to have the ordinance placed on the agenda for introduction at the December 12, 2011 Council meeting.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mayor le Frois commented that the Newton Theatre saw a good turnout for both of their recent shows.

**EXECUTIVE SESSION**

Mr. Russo read Resolution #250-2011 and Council entered into Executive Session at 7:16 p.m.

Council returned from Executive Session at 8:22 p.m.

**COUNCIL & MANAGER COMMENTS**

Mrs. Russo advised the annual tree lighting ceremony will take place on December 12, 2011 at 6:00 p.m. prior to the next Council meeting.

Mayor Le Frois advised the senior dinner will take place this Sunday, December 4, 2011, at 12:30 p.m. at Newton High School.

Mayor Le Frois advised the Sussex County Economic Development Partnership luncheon is tomorrow and further advised that the Town of Newton has been nominated for two awards.

Mrs. Le Frois advised she was sent a current Directory of Boards and Commissions and noted the various vacancies as well as two recent resignations. Mr. Russo indicated that after the first of the year, the Board and Commission vacancies will be promoted on the Town website to invite new members.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 8:27 pm.

Respectfully submitted,

Irene M. O'Connor, CMR  
Deputy Municipal Clerk