

January 9, 2012

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 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, 2011."

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 and carried, the minutes of December 28, 2011 (Regular) meeting were approved, as amended. Deputy Mayor Diglio noted that the Town Clerk's office was notified of the amendments and were corrected accordingly.

**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 public to be heard.

**COUNCIL & MANAGER REPORTS**

Mr. Russo read the following Proclamation into the minutes. It was noted that Mayor Le Frois presented the Proclamation at the annual Newton First Aid Squad dinner held on Saturday, January 7, 2012.

**PROCLAMATION**

**Newton First Aid and Rescue Squad**

**WHEREAS**, the Newton First Aid and Rescue Squad was established in 1957 and over the years, these dedicated volunteers have sacrificed their time to help those in need; and

**WHEREAS**, under the leadership of Captain Cassandra Phillips, the Squad, with its twenty-five (25) members, responded to approximately eleven hundred (1,100) calls for help in 2011, proving that this organization is vital to the health, safety and welfare of our community; and

**WHEREAS**, the Squad works along side the Newton Police Department and Fire Department to provide emergency medical care in times of crisis. Their dedication and care throughout the years continues to serve as a sense of comfort and security to the residents, business owners and visitors to the Town of Newton; and

**WHEREAS**, in 2011 the Town of Newton faced numerous emergency situations, such as Hurricane Irene, Tropical Storm Ike and numerous snow storms. Governor Christie

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recognized all the volunteer emergency rescue personnel for their dedication in this very challenging year in a ceremony held in October at the War Memorial in Trenton, that Deb Phillips attended on the Squad's behalf;

**NOW THEREFORE WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Newton First Aid and Rescue Squad for their endless hours of support and service to the Newton Community.

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

Attest: \_\_\_\_\_

Date: January 7, 2012

## **ORDINANCES**

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

### **ORDINANCE 2011-27**

#### **AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2012**

**BE IT ORDAINED** by the Town Council of the Town of Newton as follows:

**WHEREAS**, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2012; and

**WHEREAS**, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

**WHEREAS**, Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., has indicated that all such services will be rendered to the Town of Newton on the basis of a \$180.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection.

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance, which shall act as the authorization and agreement between the Town of Newton and Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., providing their retention as Town Attorney in and on behalf of the Town of Newton for calendar year 2012.

2) The services to be rendered by Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., shall be on an hourly basis, on an "as needed" requirement, as sought by the Town of Newton at a rate of \$180.00 per hour.

3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are

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expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44a-1, *et seq.*

4) Notice of this action shall be published once in the *New Jersey Herald*.

PUBLIC NOTICE is hereby given that the above Ordinance was passed on the first reading by the Town Council of the Town of Newton, Sussex County, New Jersey, at a regular meeting of said Council, held on December 28, 2011, and that a public hearing regarding the above will be held on January 9, 2012 at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00p.m. at which time, all persons interested both for and against said Ordinance shall be given an opportunity to be heard concerning same.

\_\_\_\_\_  
**Lorraine A. Read**

Municipal Clerk/Registrar

IT IS hereby certified that this is a true and accurate copy of an Ordinance adopted by the Town Council of the Town of Newton at a regular meeting held on January 9, 2012.

\_\_\_\_\_  
**Lorraine A. Read**

Municipal Clerk/Registrar

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Sanford L. Hollander, Esq.

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 Deputy Mayor Diglio and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Ricciardo, 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		

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 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."*

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Mr. Russo provided an overview of the resolutions on the Consent Agenda.

**RESOLUTION #1-2012\***

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
  1. Canon Imageclass MF5770, copy/fax/scan machine  
Condition: Good  
Quantity: 1
  2. 2005 Ford Crown Victoria  
Vin#: 2FAHP71W85X136675  
Odometer Reading: 88,153 MILES  
Condition: Fair
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.  
The Town of Newton reserves the right to accept or reject any bids submitted.

**RESOLUTION #2-2012\***

**AUTHORIZE WAIVING PLANNING BOARD APPLICATION FEE FOR THE FOODSHED ALLIANCE**

**WHEREAS**, the Foodshed Alliance, a not-for-profit organization, appeared before the Planning Board at their meeting on December 21, 2011 to request permission to host a farmers' market at the SpringBoard Shoppes at 145 Spring Street; and

**WHEREAS**, the Planning Board approved a waiver of site plan for the Foodshed Alliance to be located at the Spring Board Shoppes at 145 Spring Street; and

**WHEREAS**, as part of the application before the Planning Board, the Foodshed Alliance submitted the required \$100.00 application fee; and

**WHEREAS**, the Planning Board, in a memo to the Town Council dated December 22, 2011, recommends the waiving of the fee that was submitted with the application for the waiver of site plan;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that we hereby waive the application fee for the Foodshed Alliance and they be issued a refund in the amount of \$100.00 based on the recommendation of the Planning Board and due to the inherent social, cultural, community, and economic benefits of having a farmers' market in the Town of Newton.

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**RESOLUTION #3-2012\***

**AUTHORIZE RELEASE OF THE PERFORMANCE GUARANTEE POSTED BY HIGHWAY ENTERPRISES, INC., FOR THE DEVELOPMENT OF BLOCK 803, LOT 3 AND BLOCK 720, LOT 12**

**WHEREAS**, Highway Enterprises, Inc., posted a Performance Guarantee with the Town of Newton in connection with the development of Block 803, Lot 3 and Block 720, Lot 12 located on East Clinton Street and Moran Street in the Town of Newton; and

**WHEREAS**, in a letter dated December 30, 2011, David B. Simmons, Jr., PE of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended that the Performance Guarantee in the amount of \$10,620.00 currently on file with the Town of Newton be released;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$10,620.00 posted with the Town of Newton by Highway Enterprises, Inc., related to the development of Block 803, Lot 3 and Block 720, Lot 12 located on East Clinton Street and Moran Street based on the recommendation of the Town Engineer.

**RESOLUTION #4-2012\***

**AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC**

**WHEREAS**, the Newton Mayor and Council met in Executive Session on certain occasions; and

**WHEREAS**, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

**WHEREAS**, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

1/10/11, 3/28/11, 4/25/11, 5/9/11, 5/23/11, 6/13/11, 7/11/11

**BE IT FURTHER RESOLVED**, that these specified minutes may be released to the public upon request.

**RESOLUTION #5-2012\***

**APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC., AS TOWN ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2012**

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

**WHEREAS**, the Town of Newton advertised a Request for Proposals for the services of a qualified Environmental Engineer and received several responses; and

**WHEREAS**, Excel Environmental Resources, Inc., has submitted a proposal outlining the services to be provided; and

**WHEREAS**, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that Excel Environmental Resources, Inc., is the best firm for the position; and

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**WHEREAS**, the anticipated term of this contract is one (1) year ending December 31, 2012;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Excel Environmental Resources, Inc., for services as Environmental Engineer for calendar year 2012; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Excel Environmental Resources, Inc.; and

**BE IT FURTHER RESOLVED** that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

**RESOLUTION #6-2012\***

**RATIFY AND AFFIRM THE ISSUANCE OF A BOND ANTICIPATION NOTE**

**WHEREAS**, Ordinance No. 2010-23 previously adopted by the Town Council of the Town of Newton authorized a special emergency appropriation for the preparation and implementation of a reassessment of all real property within the Town of Newton and Resolution #203-2010 adopted on October 13, 2010 authorized the issuance of a special emergency note to provide temporary financing for the Current Fund, and as of December 31, 2011 there remains an unfunded amount of \$48,000; and

**WHEREAS**, Ordinance No. 2008-18 adopted on August 18, 2008 authorized a special emergency appropriation for the Codification of Ordinances and as of December 31, 2011 there remains an unfunded amount of \$8,400; and

**WHEREAS**, Resolution No. 222-2011 adopted on October 23, 2011 authorized an emergency appropriation for Hurricane Irene costs and as of December 31, 2011 there remains an unfunded amount of \$32,831; and

**WHEREAS**, the Chief Financial Officer obtained a quote for an \$89,000 Special Emergency Note from Lakeland Bank at a variable interest rate based on the *Wall Street Journal* Prime Rate which is currently 3.25% per annum; and

**WHEREAS**, the appropriate Town Officials executed said Note in the amount of \$89,000.00 dated December 28, 2011 for a term of sixty days (60) due February 28, 2012; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Council meeting, herewith attached is a copy of the Note evidencing the principal amount, interest rate, the maturity date, the price obtained and the name of the purchaser;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby ratify and affirm the issuance of said Special Emergency Note by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

**RESOLUTION #7-2012\***

**AUTHORIZE REFUND OF TAXES PAID ON CERTAIN PROPERTY FOR THE YEAR 2010 AND CANCELLATION OF TAXES FOR 2011**

**WHEREAS**, the Town of Newton was granted ownership of three (3) parcels of land by a deed dated December 23, 2009, and recorded with the Sussex County Clerk on December 29, 2009, in Book 3241, Page 244; and

**WHEREAS**, the three parcels included in said Deed are known as Block 401, Lot 12; Block 401, Lot 13; and Block 401, Lot 30, all of which are vacant lands located on Shady Lane; and

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**WHEREAS**, effective January 1, 2010, the aforesaid three parcels were deemed tax exempt by the Town of Newton's Tax Assessor in a memo dated December 22, 2011; and

**WHEREAS**, notwithstanding the land transfer to the Town, the former owner, J & R Developers, Inc., 17-17 Broadway, Fairlawn, NJ 07410 paid taxes and interest on said parcels for the tax year 2010 in the amount of \$3,099.99 (tax \$3,031.37, interest \$68.62) for Block 401, Lot 12; \$2,616.90 (tax \$2,560.01, interest \$56.89) for Block 401, Lot 13; and \$4,305.54 (tax \$4,066.21, interest \$236.33) for Block 401, Lot 30, for the total amount of \$10,019.43, which amount should be refunded to the former property owner by the Treasurer of the Town; and

**WHEREAS**, notwithstanding the exempt status of the property, taxes were assessed on the property for the tax year 2011 in the amount of \$3,312.16 for Block 401, Lot 12; \$2,744.92 for Block 401 Lot 13; and \$4,560.74 for Block 401, Lot 30, for the total amount of \$10,617.82, which taxes should be cancelled by the Tax Collector of the Town;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the taxes collected for Block 401, Lot 12; Block 401, Lot 13; and Block 401, Lot 30, for the tax year 2010 be refunded to J & R Developers, Inc., in the total amount of \$10,019.43; and that the taxes assessed on said properties for the tax year 2011 be cancelled in the amount of \$10,617.82; and

**BE IT FURTHER RESOLVED**, that the Treasurer is authorized to issue a check in the amount of \$10,019.43 to refund the taxes for the year 2010 to J & R Developers, Inc. 17-17 Broadway, Fairlawn, NJ 07410, and that the Tax Collector is directed to cancel the taxes for the year 2011 in the amount of \$10,617.82.

**RESOLUTION #8-2012\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR CALENDAR YEAR 2012 WITH THE DEPUTY MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2012; and

**WHEREAS**, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender; and

**WHEREAS**, an appropriate agreement for said services has been prepared for execution by both parties; and

**WHEREAS**, legal services are a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2012; and

**BE IT FURTHER RESOLVED** that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and Municipal Judge John E. Mulhern.

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**RESOLUTION #9-2012\***

**APPOINTMENT OF ANDREW A. FRASER, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2012**

**WHEREAS**, Jonathan E. McMeen, Esq., currently serving as the Town of Newton's Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2012; and

**WHEREAS**, Andrew A. Fraser, Esq., an associate in Mr. McMeen's office, has expressed an interest in serving as Newton's Alternate Municipal Prosecutor; and

**WHEREAS**, compensation for said services will be the sole responsibility of Jonathan E. McMeen, Esq.; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby appoint Andrew A. Fraser, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2012; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to Andrew A. Fraser, Esq., Jonathan E. McMeen, Esq., David J. Weaver, Sussex County Prosecutor and the Town of Newton Municipal Judge, the Hon. John E. Mulhern.

**RESOLUTION #10-2012\***

**APPROVE 2011 APPROPRIATION RESERVE TRANSFERS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2011 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Road Repair/Maint OE 1080259	Vehicle Maint OE 1083378	\$2,000.00
Court SW 1059101	Building & Grounds OE 1061255	\$4,000.00
Court SW 1059101	Group Insurance OE 1066201	\$500.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$6,500.00</u></b>

**RESOLUTION #11-2012\***

**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 2011 and 2012 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**

60.00	VOID	29556
111.06	Quill Corporation	29706
4,532.44	JCP&L	29707
124.50	Sussex County Plumbing	29708
35.00	Centurylink Communications	29709

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275.20	Campbell's Small Engine	29710
380.20	Lock & Key World	29711
42.53	Hamburg Plumbing Supply Co., Inc.	29712
915.00	Willco, Inc.	29713
987.81	Miami Systems	29714
225.00	Treasurer, State of New Jersey	29715
36.68	Microsystems-NJ Com, LLC	29716
1,139.20	Diamond Sand & Gravel, Inc.	29717
373.06	Boonton Tire Supply	29718
190.20	Verizon Wireless	29719
2,000.00	ORR's	29720
63.36	North Jersey Portable Toilets	29721
1,237.51	Dell Marketing L.P.	29722
661.22	The Home Depot	29723
1,019.62	The Home Depot	29724
655.47	The Home Depot	29725
4,670.00	Fire & Safety Services, LTD.	29726
904.03	Lowe's	29727
96.00	CSS Test	29728
76.40	Dominick's Pizza	29729
52.25	Nestle Waters	29730
110.00	Stalker Radar	29731
70.00	Magarino Ford	29732
1,054.32	B & H	29733
168.00	Jersey Central Power & Light	29734
419.11	Direct Energy Business	29735
96.30	Extra Tech	29736
712.50	Widmer Time Recorder Co.	29737
140.00	Sonia Barria	29738
60.00	Cheddar Alley	29739
16,440.00	Capital Account	111070
50.52	Federal & State Grant	111071

**CAPITAL**

9,723.80	Campbell's Small Engine	7841
503.66	The Home Depot	7842
109.17	FKA Architects	7843
28,332.56	Current Account	113008
221.41	Current Account	113009

**Total TOWN BILLS \$78,955.09**

**WATER AND SEWER ACCOUNT**

3,876.99	JCP&L	12624
14.42	Sussex County Plumbing	12625
125.85	Centurylink communications, Inc.	12626
69.00	Allied Meter Service, Inc.	12627
800.00	Willco, Inc.	12628
845.00	Joseph Carr	12629
106.20	Treasurer, State of New Jersey	12630
3,238.20	Orr's	12631
781.20	Univar USA Inc.	12632
973.00	Main Pool & Chemical Company	12633
681.88	The Home Depot	12634
4,129.03	Direct Energy Business	12635
5,561.65	Prime Process Equipment, LLC	12636

**Total WATER & SEWER BILLS \$21,202.42**

**TRUST ACCOUNT**

120.00	Harold Pellow & Assoc., Inc.	2966
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960.00	Vogel, Chait, Collins, Schneider, PC	2967
2,372.00	Capital Account	117123
5,170.48	Current Account	117124

**Total TRUST ACCOUNT BILLS \$8,622.48**

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS WITH CORRECTIONS**, 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		

**INTERMISSION (None)**

**DISCUSSION**

There was no discussion.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Russo asked Council to review their schedules in order to schedule the annual budget hearing meetings. Mr. Russo indicated he would like to schedule these Special meetings on Thursday, February 2, 2012 @ 6:00 p.m. and Saturday, February 4, 2012 @ 9:00 a.m. After a brief discussion, the Council unanimously agreed to the meeting dates set forth. The Municipal Clerk will advertise accordingly.

Councilwoman Becker commented that the Farmers' Market held on Spring Street, every Saturday, has brought a lot of foot traffic to the business district. Mrs. Becker has received a lot of compliments regarding the Farmers' Market. Mr. Russo noted that the Farmers' Market has already called to inquire about continuing the market in the summer at an outdoor location.

Councilman Ricciardo noted that Council members have received the new Newton General Code books this evening and questioned the cost of \$150.00 per book if lost. Mr. Russo advised that the \$150.00 is the replacement cost and this fee is also the cost charged if requested by the public.

**EXECUTIVE SESSION**

Mr. Russo read Resolution #12-2012 and Council entered into Executive Session at 7:13 p.m.

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Council returned from Executive Session at 1:06 a.m.

**COUNCIL & MANAGER COMMENTS**

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

**ORDINANCE NO. 2012-1**

**AN ORDINANCE FOR THE APPOINTMENT OF ENGINEER FOR CALENDAR YEARS 2012, 2013 & 2014**

The following **ORDINANCE**, naming Harold E. Pellow and Associates, 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	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 January 23, 2012.

Mayor Le Frois requested a motion for the approval of the appointment of Hatch Mott MacDonald as the newly appointed Sewer Engineer for calendar year 2012.

Upon motion of Mrs. Becker, 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		

**RESOLUTION #13-2012**

**APPOINTMENT OF HATCH MOTT MACDONALD, AS SEWER ENGINEER FOR CALENDAR YEAR 2012**

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

**WHEREAS**, the Town of Newton advertised a Request for Proposals for the services of a qualified Sewer Engineer and received several responses; and

**WHEREAS**, Hatch Mott MacDonald has submitted a proposal outlining the services to be provided; and

**WHEREAS**, after review of all submitted proposals by the RFP Review Committee, and interviews by the Governing Body, the Town Council has determined that Hatch Mott MacDonald is the best firm for the position; and

**WHEREAS**, the anticipated term of this contract is one (1) year ending December 31, 2012;

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**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Hatch Mott MacDonald, for services as Sewer Engineer for calendar year 2012; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Hatch Mott MacDonald; and

**BE IT FURTHER RESOLVED** that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

There being no further business to be conducted, upon motion of Deputy Mayor Diglio, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 1:07 a.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk