

January 23, 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 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, 2011."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Ricciardo, seconded by Deputy Mayor Diglio and carried, the minutes of January 9, 2012 (Regular & Executive) 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

There were no reports to discuss at this time.

ORDINANCES

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

ORDINANCE #2012-1

AN ORDINANCE FOR THE APPOINTMENT OF TOWN ENGINEER FOR CALENDAR YEARS 2012, 2013 AND 2014

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

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

January 23, 2012

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

This ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2012-2

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR PAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

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 February 13, 2012.

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

ORDINANCE #2012-3

AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE

The following **ORDINANCE** was offered by Deputy Mayor Diglio, 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 February 13, 2012.

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

RESOLUTION #14-2012*

AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROAD SALT FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON

WHEREAS, the County of Sussex advertised and received bids for road salt; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System; and

WHEREAS, the following vendor was awarded a contract for road salt and has extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

International Salt Co., Inc.
655 Northern Blvd.
Clark Summit, PA 18411

WHEREAS, the manufacturer has been awarded the County contract at the price of \$54.48 per tonnage of road salt, with such price good through May 2012; 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 does hereby award a contract for the purchase of road salt from International Salt Co., Inc., at the Sussex County price of \$54.48 per ton through May 2012.

RESOLUTION #15-2012*

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:

Utility Board Recommends credit for minimum charges while the meter was stuck:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
22124	40 Carriage Lane	\$675.00

Penalty Charged Erroneously:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6108	113 High Street	\$24.16

January 23, 2012

RESOLUTION #16-2012*

AUTHORIZE HAROLD E. PELLOW & ASSOCIATES, INC., TO CREATE A PLAN FOR THE RAILROAD DISTRICT

WHEREAS, the Town of Newton has a need to create a plan for the Railroad District; and

WHEREAS, Jessica Caldwell, P.P., of Harold E. Pellow & Associates, Inc., has provided a proposal to complete the Plan for the Railroad District for a cost of an amount not to exceed \$9,000; 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 authorizes Harold E. Pellow & Associates, Inc., to create a Plan for the Railroad District on the Town's behalf and that the cost for said services and the plan shall not exceed \$9,000.

RESOLUTION #17-2012*

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

139.05	Dominick's Pizza	29740
250.00	Treasurer, Petty Cash Fund	29741
129.99	Quill Corporation	29742
1,543.42	Montague Tool & Supply	29743
120.00	ABCCode Security	29744
2,908.39	NUI Corporation	29745
62.56	G & G Diesel Service, Inc.	29746
2,100.19	SCMUA	29747
390.00	B & G Elevator, Inc.	29748
229.23	Centurylink Communications, Inc.	29749
10.93	Centurylink Communications, Inc.	29750
6,352.00	Hollander, Strelzik, Pasculli, Hinkes	29751
1,128.32	Rowe & Company, Inc.	29752
360.50	Fire Fighters Equipment Co.	29753
12.25	Lock & Key World	29754
2,845.94	Timmerman Company	29755
78.00	R. S. Phillips Steel Company	29756
2,850.00	Ferraioli, Cerullo & Cuva	29757
100.00	Scott Holzhauer	29758
36.00	Newton Citgo	29759
50.00	Sussex County League of	29760
10.00	Newton Trophy	29761
44.49	Sebring Auto Parts	29762
639.21	Dempsey Uniform & Supply, Inc.	29763
6.98	Airgas East	29764
1,703.28	Verizon Wireless	29765
34.88	State Chemical	29766
395.00	Accurate Door, Inc.	29767
75.42	Mr. John	29768
1,218.35	Cooper Electric Supply Co.	29769
412.50	Vogel, Chait, Collins, Schneider, PC	29770

January 23, 2012

187.50	Moore-Wallace North America	29771
16.00	International Code Council, Inc.	29772
160.29	Excelsior Lumber Company	29773
138.00	Poster Compliance Center	29774
286.00	Seely Brothers	29775
24.35	Dong Meng	29776
874.73	Staples Business Advantage	29777
399.81	Lowe's	29778
29.26	Katherine Citterbart	29779
43.23	Dominick's Pizza	29780
950.00	National Fire Codes Subscription	29781
60.00	Magarino Ford	29782
2,465.09	Rachles/Michele's Oil Company	29783
8,823.89	Taylor Oil Co.	29784
36.00	Firefighter One	29785
2,250.00	Laddey, Clark & Ryan, LLP	29786
1,550.00	Weather Works	29787
4,548.87	Atlantic Tactical	29788
853.28	Direct Energy Business	29789
3,597.64	Woodruff Energy US, LLC	29790
395.00	New Jersey Conference of Mayors	29791
1,930.00	AG Choice, LLC.	29792
326.99	Action Data Services, Inc.	29793
20.60	Eas by Ads	29794
1,214.00	A-T Solutions	29795
10,022.43	J & R Developers, Inc.	29796
197,692.99	Payroll Account	121001
194,844.02	Payroll Account	121002
920,408.00	Newton Board of Education	121003
9,745.45	Treasurer, State NJ/727 Fund	121004
127,350.79	US Bank Oper. Ctr/Trust Mgmt.	121005

CAPITAL

6,169.25	Harold Pellow & Assoc., Inc.	7844
945.00	Hollander, Strelzik, Pasculli, Hinkes	7845
1,594.32	McManimon & Scotland	7846
1,252.50	Vogel, Chait, Collins, Schneider, PC	7847
13,362.84	Pinnacle Wireless FBO Unitek Global	7848
480.00	Firefighter One	7849
4,012.48	Excel Environmental Resources, Inc.	7850
1,200.00	Reiner Group, Inc.	7851

Total TOWN BILLS \$1,546,497.48

WATER AND SEWER ACCOUNT

50.00	Water & Sewer Petty Cash Fund	12637
11,255.48	Schmidt's Wholesale, Inc.	12638
2,588.50	Harold Pellow & Assoc., Inc.	12639
1,160.00	Municipal Software, Inc.	12640
794.69	Hach Company	12641
865.34	NUI Corporation	12642
14.00	Paul M. Havens	12643
11,675.64	Coyne Chemical Corp., Inc.	12644
909.00	Hollander, Strelzik, Pasculli, Hinkes	12645
3,101.00	Garden State Laboratories, Inc.	12646
3,150.00	Ferraioli, Cerullo & Cuva	12647
13,728.33	Sparta Township Tax Collector	12648
7.62	Sebring Auto Parts	12649
302.45	Dempsey Uniform & Supply Inc.	12650
114.01	Jet Vac, Inc.	12651
500.00	Frank Semeraro Construction, Inc.	12652
174.85	Airgas East	12653

January 23, 2012

21.00	Ervin Lasso	12654
169.04	Verizon Wireless	12655
4,240.19	Passaic Valley Sewerage Comm.	12656
141.41	Dell Marketing L.P.	12657
1,250.00	John Smalley	12658
577.96	Walmart	12659
1,429.11	Suburban Energy Services	12660
138.00	Poster Compliance Center	12661
2,517.00	Scottsdale Insurance Company	12662
267.35	Staples Business Advantage	12663
35.00	Eric Tompkins	12664
8,267.86	Direct Energy Business	12665
1,134.93	Woodruff energy US, LLC	12666
32,981.62	Payroll Account	126001
33,023.48	Payroll Account	126002

CAPITAL

6,541.00	Harold Pellow & Assoc., Inc.	2195
90.00	Hollander, Strelzik, Pasculli, Hinkes	2196
11,511.30	Weldon Asphalt Company	2197

Total WATER & SEWER BILLS \$154,700.16

TRUST ACCOUNT

525.00	Harold Pellow & Assoc., Inc.	2968
864.00	Hollander, Strelzik, Pasculli, Hinkes	2969
1,333.33	James P. Sloan, P.C.	2970
3,102.00	Payroll Account	127101
1,320.00	Payroll Account	127102

Total TRUST ACCOUNT BILLS \$7,144.33

FEDERAL STATE GRANT ACCOUNT

340.00	Minisink Press, Inc.	340.00
--------	----------------------	--------

Total FEDERAL STATE GRANT ACCOUNT BILLS \$340.00

RESOLUTION #18-2012*

APPOINTMENT OF ROBERT CAFFREY AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD

WHEREAS, there is currently a vacancy on the Town of Newton Planning Board due to the resignation of Margaret McCabe; and

WHEREAS, Robert Caffrey, currently Alternate No.1 on the Planning Board has expressed interest in serving as a Regular Member on the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Robert Caffrey is hereby appointed to an unexpired four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to May 31, 2014.

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

January 23, 2012

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

HEARING ON THE MILL STREET WATERLINE PROJECT ASSESSMENT

Andrea Kahn, Esq., of McManimon & Scotland, Bond Counsel addressed the Town Council and gave an overview of the Mill Street Waterline Project which began in 2008. Mrs. Kahn noted that this project was a local improvement which requires special assessments to the properties who benefited by this improvement. Mr. Michael Holenstein, of Holzhauer & Holenstein, LLC, prepared a report which assisted the Town with the determination that there would be special assessments levied against two properties who benefited from the local improvement. The report determined that 75 Mill Street, Block 405, Lot 20 (the Newton Industrial Park) and 33 Mill Street, Block 405 Lot 30 (the Brookside Apartments) shall be assessed as outlined in the report dated November 15, 2011.

At this time, upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and carried, the hearing was open to the public.

Mayor Le Frois noted that the Town Council did receive written correspondence, dated January 19, 2012, from Kenneth B. Falk, Esq. of Falk & Associates, LLC, who represents the owner of 75 Mill Street, Newton.

There being no one from the public to be heard on the hearing for the Mill Street Waterline Project Assessment, upon motion of Mrs. Becker, seconded by Mr. Ricciardo and carried, the hearing was closed.

After a brief deliberation of the Town Council, the consensus of the Governing Body was to move forward and accept the report as prepared by Holzhauer & Holenstein, LLC.

RESOLUTION #19-2012

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY APPROVING THE MILL STREET WATERLINE PROJECT ASSESSMENT REPORT AND DETERMINING TO ASSESS A PORTION OF THE COST OF THE PROJECT ON PROPERTIES BENEFITTED THEREBY OVER A PERIOD OF 20 YEARS

The following **RESOLUTION** was offered by Mrs. Becker, who moved its introduction, seconded by Mr. Ricciardo and roll call resulted as follows:

January 23, 2012

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

There were no Council or Manager comments.

EXECUTIVE SESSION

Mr. Russo read Resolution #20-2012 and Council entered into Executive Session at 7:39 p.m.

Council returned from Executive Session at 8:32 p.m.

COUNCIL & MANAGER COMMENTS

Councilman Elvidge questioned whether the Newton Senior Shuttle could expand their bus route to include additional stops at stores outside of Newton (i.e. Stop and Shop and/or Rockaway Mall) at least once a month. Mr. Russo thought it was a good idea and will address this request and advise Council.

Councilman Elvidge also asked if the monthly parking pass issued by the Finance Department could be prorated. Mr. Russo will review this request with the Newton Parking Authority and will advise Council.

Councilman Ricciardo requested an update on the property maintenance issue at 219 Woodside Avenue, Newton. It was noted that the house on this property has been under re-construction due to a fire which occurred in February 2011. Mr. Russo will request a written update from Kathy Citterbart, Planning & Zoning Administrator.

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 8:39 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk