

February 13, 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 Deputy Mayor Diglio, seconded by Mr. Ricciardo and carried, the minutes of January 23, 2012 (Special, Regular & Executive) meetings 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."

Mr. Jonathan Andrews, of Springboard Shoppe, 145 Spring Street, Newton, read from a prepared statement.

"Good Evening. This is regarding the Summer Farmers Market. I am Jonathan Andrews of the SpringBoard Shoppes. Since we opened in November 2008, 5 of our stores have "graduated", to larger spaces on Spring Street, several making significant investments in improvements.

Some have said that I appear "self-serving." That is true. If downtown Newton thrives it is good for me.

I've also been called unprofessional. That comes from having little patience for delaying action when quick action is needed.

We need quick action from the Town Council to make the Foodshed Alliance warmly welcome in our community. They add a great deal to it.

Three quotes about local economies:

1) Time Magazine, June 2009 (www.time.com/time/o.8816,1903632.00.html)
"researchers are taking a closer look at how money flows, and what they are finding shows the profound economic impact of keeping money in town-and how the fate of many communities around the nation and the world increasingly depend on it" –
"Many local economies are languishing not because too little money comes in, but as a result of what happens to that money. "Money is like blood. It needs to keep moving around to keep the economy going. – when it is spent elsewhere – at big supermarkets, non-locally owned utilities and other services such as on-line retailers – it flows out, like a wound. By shopping at the corner store – consumers keep their communities from what

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the New Economics Foundation calls 'ghosts towns' (full of empty stores) – or clone towns (with the same chain stores as other towns.)”

2) Science Daily, February, 2012 (www.livingeconomies.org/node/757)

“Counties – with a greater concentration of small, locally owned businesses have healthier populations – with lower rates of mortality, obesity and diabetes – than do those that rely on large companies with absentee owners, according to sociologists at LSU and Baylor. – This study highlights not only the economic benefits of small business, but its contribution to health and wellbeing.”

3) From a Why Buy Local poster of the American Independent Business Alliance (www.Amiba.net)

“The casual encounters you enjoy at neighborhood businesses and the public spaces around them build relationships and local cohesiveness. They're the ultimate social networking sites.”

I can read you correspondence indicating Newton will put the Summer Market (beginning mid-May) behind the Municipal Building unless I provide a detailed plan before month end – impossible as times, days and participants are not yet set.

I can present questionnaire results showing strong support from merchants, farmers and attendees for having it on our sidewalks (and perhaps part on the central square in town – which would be great advertising).

Personal observations – the farmers buy from our local merchants, the merchants buy from our local farmers, and attendees buy from both. 200 plus shoppers are on Spring Street for these Saturday markets. These are not parades, where people watch and then go home. These are shoppers learning what Newton has to offer.

To put the market behind the Municipal Building will greatly diminish activity on the street, and also diminish attendance at the Market. Putting it on the sidewalks of Newton (and maybe the square) will help the Newton downtown thrive.

The Foodshed Alliance almost walked away from Newton because of the difficulties getting permission and venue here in town. Please send them a strong message that you really want them as an integral part of our downtown”.

Jonathan Andrews
973-383-3193

Mr. Russo noted that he recently had a conversation with the Director, Kendrya Close, of the Foodshed Alliance, who was pleased with the Town's assistance and discussion ensued on a Summer Farmer's Market. After a brief discussion, Mr. Russo made the suggestion of Parking Lot #5 (across from the Newton Theater) and outlined details in order to proceed. Ms. Close is in the discussion stages with the current vendors and will submit a written proposal to Mr. Russo by the end of February.

Mrs. Thea Unhoch, 17 Condit Street, Newton, noting that she and Mrs. Millikin, Deputy Town Manager, were recently invited to speak to the Montague Seniors group on the various services and improvements in the Town of Newton. Mrs. Unhoch noted that Mrs. Millikin made a wonderful presentation and commended her on her wealth of knowledge she provided to the group.

Mr. Wayne McCabe, 125 High Street, Newton, made some suggestions

regarding the newly amended Land Use Ordinance Chapter 20, to be discussed later this evening. Mayor Le Frois thanked Mr. McCabe for his suggestions and invited him to stay for the discussion to be held with Jessica Caldwell, Town Planner.

COUNCIL & MANAGER REPORTS

a. Utility Board Appeal – 19 Diller Avenue

Ms. Gillian Columbus, owner of 19 Diller Avenue, addressed the Council to appeal her high fourth quarter water and sewer utility bill. Ms. Columbus noted that she had appealed to the Utility Advisory Board and was denied. Ms. Columbus outlined her reasons for appealing the utility bill and explained that the property is currently vacant.

After a brief discussion, Council suggested that Ms. Columbus get her water meter tested, at her own expense. Mr. Hontz suggested that the Governing Body dismiss the appeal at this time. Upon receipt of the results of the meter testing, Ms. Columbus could again request the Town Council to revisit her appeal.

Mr. Russo addressed a request from the Greater Newton Chamber of Commerce for permission to close Spring Street on Saturday, June 9, 2012 for the celebration of Newton Day. Newton Day festivities will be held on Spring Street during the day and will move to Memory Park in the evening. Council had no objections to this request.

Mr. Russo addressed another request from the Greater Newton Chamber of Commerce to close Spring Street on Saturday, April 14, 2012 for the Chamber Fest Event. The event will be held from 11:00 a.m. to 3:00 p.m. and will close the street at 9:00 a.m. for set up. Mr. Russo noted that because this was a new event last year, the Chamber is responsible for the overtime costs associated with the Department of Public Works as well as the Police Department. Council had no objections to this request.

Mr. Russo noted that the Newton Municipal Building will be closed on Monday, February 20th, in observation of Presidents Day.

Mr. Russo congratulated all Town Staff members for receiving the 2011 Loss Control Award recently presented from Statewide Insurance Fund. This is the third year receiving an Award and he congratulated and thanked everyone for their efforts.

Mr. Ricciardo requested, on behalf of the St. Patrick's Day Committee, if a green line can be painted on the center line of the roadway the day of the St. Patrick's Day parade. Mr. Russo would prefer that tape be placed on the center line and not painted.

ORDINANCES

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

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 TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

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 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.

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

ORDINANCE #2012-3

AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE – BLOCK 1301, LOT 1.07

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

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its adoption, 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		

This ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2012-4

AN ORDINANCE TO EXCEED THE 2012 MUNICIPAL BUDGET APPROPRIATION LIMITS TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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	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 27, 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. Mr. Ricciardo requested Resolution #22-2012 be removed from the Consent Agenda for further discussion.

RESOLUTION #21-2012*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE SUBMITTED BY BARBARA FITZMAURICE

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's License application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Barbara Fitzmaurice, 220 Route 519, Sussex, New Jersey, representing D.A.D.S. Taxi and Limo, with said license set to expire on October 13, 2012.

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RESOLUTION #23-2012*

AWARD BID FOR PROPOSED RETAINING WALL RENOVATION PROJECT

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Retaining Wall Renovation Project on Tuesday, January 24, 2012 at 10:00am as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
SZ Construction, LLC 38 Grove Avenue Rochelle Park, NJ 07662	\$68,300.00
Covino & Sons Construction Co., Inc. 39 North Drive Rochelle Park, NJ 07662	\$68,500.00
Tony's Concrete Construction, Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$88,300.00
P.A. Contractors, Inc. 105 Davis Avenue Kearny, NJ 07032	\$89,500.00
Zinno Construction, LLC P.O. Box 333 Vernon, NJ 07462	\$91,099.00
Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$96,200.00
T.M. Brennan Contractors, Inc. 3505 Route 94 Hamburg, NJ 07419	\$98,000.00
JAK Construction Corp. T/A Diamond Construction 35 Beaverson Boulevard Brick, NJ 08723	\$130,750.00

WHEREAS, the Qualified Purchasing Agent and the Town's Engineer, Harold E. Pellow and Associates, Inc., have reviewed the bids and recommend the contract for Proposed Retaining Wall Renovation Project be awarded to SZ Construction, LLC, of Rochelle Park, New Jersey whose low bid was \$68,300.00; 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 the bid submitted for the Proposed Retaining Wall Renovation Project be awarded to SZ Construction, LLC, of Rochelle Park, New Jersey in the amount of \$68,300.00.

RESOLUTION #24-2012*

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:

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<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Court SW 1059101A	Legal OE 1058201A	\$7,000.00
Court SW 1059101A	Fire OE 1070260A	\$1,700.00
Court SW 1059101A	Planning Board OE 1062216A	\$1,350.00
TOTAL CURRENT TRANSFERS		<u>\$10,050.00</u>

RESOLUTION #25-2012*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER'S LICENSE FOR GEORGE'S SALVAGE COMPANY

WHEREAS, the Newton Revised General Ordinances, **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Town Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as George's Salvage Company at 10 South Park Drive, Newton, N.J.; and

WHEREAS, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

WHEREAS, George's Salvage Company has been inspected and approved as required in Section 6-5.8; and

WHEREAS, George's Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, of George's Salvage Company, 10 South Park Drive, Newton, N.J., with said license expiring on December 31, 2012.

RESOLUTION #26-2012*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER'S LICENSE FOR NEWTON AUTO SALVAGE, LLC

WHEREAS, the Newton Revised General Ordinances, **Section 6-5** require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Town Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, N.J.; and

WHEREAS, Section 6.5-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 6; and

WHEREAS, Newton Auto Salvage, LLC has been inspected and approved as required in Section 6-5.8; and

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WHEREAS, Newton Auto Salvage, LLC has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of junk dealer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Mike Sesera, of Newton Auto Salvage, 79 Mt. View Street, Newton, N.J., with said license expiring on December 31, 2012.

RESOLUTION #27-2012*

RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2011 LOSAP PARTICIPANTS

WHEREAS, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

WHEREAS, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2011 as per the 2011 LOSAP LIST attached; and

WHEREAS, the total number of qualifying volunteers for the Fire Department is 38 for a total contribution of \$33,522.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2011 to cover the cost of this contract;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby accept the certified list from the Fire Department dated January 3, 2012.

RESOLUTION #28-2012*

AUTHORIZING WAIVING OF WATER AND SEWER UTILITY CHARGES FOR THE NEWTON FIRST AID SQUAD

WHEREAS, the Newton First Aid Squad, "NFAS", is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

WHEREAS, the "NFAS" owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

WHEREAS, the "NFAS" operating expenses are funded through donations and fundraising efforts; and

WHEREAS, the "NFAS" Captain, in a letter dated January 30, 2012, has requested the Town of Newton Governing Body assist the squad with payment of their 2012 water and sewer utility bills; and

WHEREAS, the Newton Town Council supports the efforts of the "NFAS" and would like to assist, so they may continue to provide this valuable emergency service to the people of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2012.

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RESOLUTION #29-2012*

ACCEPTANCE OF THE PAVING OF VARIOUS STREETS, PARKING LOTS & ALLEYWAYS PROJECT AS COMPLETE

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

WHEREAS, the Town Council approved Changer Order No. 1 for the Tilcon portion of the project reducing their portion of the project by \$11,487.18; and

WHEREAS, the Town Council approved Change Order No. 1 for the Denville Line Striping portion of the project increasing their portion by \$108.30; and

WHEREAS, Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated February 7, 2012 that the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Paving of Various Streets, Parking Lots & Alleyways Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

RESOLUTION #30-2012*

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:

Payment Applied to Incorrect Account

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12990	17 Lawnwood Avenue	(\$292.60)
13000	17-2 Lawnwood Avenue	\$292.60

Late Payment Erroneously Applied

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13000	17-2 Lawnwood Avenue	(\$29.26)

Penalty Charged to Incorrect Account

<u>Account</u>	<u>Address</u>	<u>Amount</u>
11683	22 Halsted Street	(\$7.50)
11669	20 Jefferson Street	\$7.50

RESOLUITON #31-2012*

SUPPORT SUBMISSION OF AN APPLICATION FOR 2012 RECREATIONAL TRAILS PROGRAM THROUGH NJDEP GREEN ACRES

WHEREAS, the Town of Newton is applying for funding in the amount of \$50,000 to conduct non-motorized improvements to the Sussex Branch Trail within the Town of Newton; and

WHEREAS, this project will help promote use of the trails and allow for further economic growth; and

WHEREAS, the Town of Newton will meet the requirement to provide a 20% match of in-kind services; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby supports the submission of a grant application for the 2012 Recreational Trails Program through the State of New Jersey Department of Environmental Protection Green Acres and authorizes the Mayor, Town Manager, and Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application.

RESOLUTION #32-2012*

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

677.42	Quill Corporation	29797
26.24	Montague Tool & Supply	29798
5,264.00	Harold Pellow & Assoc., Inc.	29799
450.00	Municipal Software, Inc.	29800
1,361.00	Decker's Fire & Safety	29801
117.00	ABCCode Security	29802
197.20	Aurora Electrical Supply	29803
200.00	Sussex Car Wash, Inc.	29804
898.41	G & G Diesel Service, Inc.	29805
4,606.64	JCP&L	29806
2,614.91	Centurylink Communications, Inc.	29807
4,482.00	Hollander, Strelzik, Pasculli, Hinkes	29808
320.01	Rowe & Company, Inc.	29809
722,248.22	County of Sussex	29810
19,339.00	County of Sussex	29811
52,506.84	County of Sussex	29812
291.80	Campbell's Small Engine	29813
74.39	Federal Express	29814
106.00	R.S. Phillips Steel Company	29815
329.00	JRF Tire Inc.	29816
35.00	James Sisco	29817
35.00	Richard A. Straway, Jr.	29818
35.00	Thomas Straway	29819
395.00	Willco, Inc.	29820
607.00	NJLM	29821
100.00	NJLM	29822
582.98	J & D Sales & Service	29823
21.00	William F. Smith	29824
35.00	Brock Kithcart	29825
382.00	Galls Incorporated	29826
35.00	William Hagaman	29827
100.00	Sussex County Detectives Assoc.	29828
200.00	NJ State Assoc. of Chief Police	29829
49.99	Sebring Auto Parts	29830
1,710.00	Rutgers Contin Ed Cook College	29831
30.00	Greater Newton Chamber of Comm.	29832
580.00	West Chester Machinery	29833
60.00	Sussex County Clerk's Association	29834

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1,678.42	Boonton Tire Supply	29835
611.27	McGuire	29836
2,000.00	Treasurer, State of New Jersey	29837
1,690.32	Vision Service Plan	29838
600.00	Sussex Co. Assoc.-Chiefs-Police	29839
75.00	TCTANJ	29840
194.37	Verizon Wireless	29841
434.40	Munidex	29842
120.00	IACP-Membership	29843
6,196.51	County of Sussex	29844
251.85	Universal Supply Group Inc.	29845
47.49	Dell Marketing L.P.	29846
1,298.50	Gold Type Business Machines	29847
807.50	Alternate Power Inc.	29848
1,008.60	Cooper Electric Supply Co.	29849
60.00	Wildflowers with Tami	29850
45.00	Vogel Chait, Collins, Schneider, PC	29851
73.44	Advance Auto Parts	29852
665.32	Fire & Safety Services, LTD.	29853
79.72	Carquest	29854
108.05	Town of Newton	29855
101.00	Seely Brothers	29856
120.34	Universal Uniform	29857
168.50	Tritec Office Equipment, Inc.	29858
1,061.65	Staples Business Advantage	29859
151.25	Spectrum Communications	29860
101.55	Dominick's Pizza	29861
41.05	Nestle Waters	29862
35.00	Steve Estler	29863
3,384.00	Pinnacle Wireless FBO Unitek Global	29864
63.00	Magarino Ford	29865
8,261.99	Rachles/Michele's Oil Company	29866
550.00	Morris County Coop	29867
675.50	Firefighter One	29868
35.00	Adam Vough	29869
50.00	Sussex County Chamber of Commerce	29870
2,015.00	Kieffer Electric, Inc.	29871
10.95	W.B. Mason	29872
373.92	County of Sussex	29873
45.00	NJAPA	29874
49.95	BLI International	29875
244.85	BLI International	29876
430.18	B & H	29877
168.00	Jersey Central Power & Light	29878
13,680.00	Sparctech Solutions, LLC	29879
6,565.47	Knapp,Trimboli&Prusinowski,LLC	29880
480.63	Penteledata	29881
251,978.24	NJMEBF	29882
4,095.00	Chelbus Cleaning Co., Inc.	29883
35.00	Roy Leyman	29884
4,499.15	Direct Energy Business	29885
800.00	AG Choice, LLC	29886
429.59	Harter Equipment Inc.	29887
67.16	Ludmilla Mecaj	29888
52.83	Shop Rite	29889
70.00	Sonia Barria	29890
200.00	Marwan Adel0-Rahman	29891
415.65	Helen Le Frois	29892
920,408.00	Newton Board of Education	121003
190,120.53	Payroll Account	121006
627.26	Water & Sewer Operating Acct.	121007
97,731.25	Chase Bank	121008

CAPITAL

5,150.50	Harold Pellow & Assoc., Inc.	7852
7,995.70	Carpet Gallery	7853
600.00	Lou's Glass	7854
12,647.50	Firefighter One	7855
223.67	FKA Architects	7856
3,057.84	Custom Products Corp.	7857
210.94	Glenco Supply Inc.	7858
15,926.96	Donnelly Energy Solutions	7859
878.85	Everything Displays, Inc.	7860

Total TOWN BILLS \$2,396,234.21

WATER AND SEWER ACCOUNT

29.30	Montague Tool & Supply	12667
110.70	Schmidt's Wholesale, Inc.	12668
6,541.75	Harold Pellow & Assoc., Inc.	12669
403.67	Hach Company	12670
413.00	Decker's Fire & Safety	12671
3,742.86	JCP&L	12672
30,706.57	Pumping Services	12673
609.00	Sussex County Plumbing	12674
2,181.28	Coyne Chemical Corp., Inc.	12675
31.82	Centurylink Communications, Inc.	12676
1,170.52	Centurylink Communications, Inc.	12677
90.00	Hollander, Strelzik, Pasculli, Hinkes	12678
168.66	Hamburg Plumbing Supply Co., Inc.	12679
324.00	Willco, Inc.	12680
456.33	Joseph Carr	12681
279.73	Jet Vac, Inc.	12682
19,900.49	Treasurer, State of New Jersey	12683
323.42	Vision Service Plan	12684
84.90	Orr's	12685
3,708.00	Passaic Valley Sewerage Comm.	12686
40.57	John Smalley	12687
2,491.60	Main Pool & Chemical Company	12688
1,335.00	Alternate Power Inc.	12689
645.00	E & I Corp. Div of McNish Corp.	12690
388.97	Staples Business Advantage	12691
413.17	Infilco Degremont	12692
550.00	Morris County Coop	12693
72.16	County of Sussex	12694
9,572.94	Accurate Waste Removal	12695
27,678.00	Flemington Care & Truck Country	12696
130.48	Penteledata	12697
22,393.76	NJMEBF	12698
13,518.91	Direct Energy Business	12699
202.72	One Call Concepts	12700
415.03	R & S Garage Doors	12701
405.20	Capitol Supply Const. Products, Inc.	12702
250,000.00	Eagle Equipment, Inc.	12703
33,111.35	Payroll Account	12704

CAPITAL

6,266.75	Harold Pellow & Assoc., Inc.	2198
324.00	Hollander, Strelzik, Pasculli, Hinkes	2199
7,442.43	Weldon Asphalt Company	2200
9,582.28	Grinnell Recycle	2201
1,607.34	Capitol Supply Const. Products, Inc.	2202
1,247.07	T.R. Weniger, Inc.	2203
95,919.00	Eagle Equipment, Inc.	2204

Total WATER & SEWER BILLS \$557,029.73

TRUST ACCOUNT

6,189.00	Harold Pellow & Assoc., Inc.	2971
306.00	Hollander, Strelzik, Pasculli, Hinkes	2972
600.00	Vogel, Chait, Collins, Schneider, PC	2973
1,131.33	Ferriero Engineering Inc.	2974
300.00	Shepard Kays, Esq.	2975
1,192.11	Christ Community Church	2976
4,755.00	Jenny Lutz	2977
140.00	Marie Nardino	2978
261.71	Harold R. Storm, Jr.	2979
1,083.58	Srinivas Maddali	2980
1,248.80	Daniel & Dana Weber	2981
440.00	Zing Lin	2982
1,687.89	Valley View Care Center	2983
2,904.00	Payroll Account	2984

Total TRUST ACCOUNT BILLS \$22,239.42

DOG RESERVE ACCOUNT

316.00	Munidex	316.00
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Total DOG RESERVE ACCOUNT BILLS \$316.00

The Clerk presented an application for an off premise raffle from the K of C, State Council Columbiettes, 958 Route 619, Newton, New Jersey to be held on May 8, 2012 from 7:30 p.m. to 8:30 p.m. at St. Joseph's Parish House, 22 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 The Pride Foundation, Inc., 44 Ryerson Avenue, Newton, to be held on March 24, 2012 at 4:30 p.m. 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 a Special Permit for a Social Affair from the Sussex County Arts & Heritage Council, 133 Spring Street, Newton to be held on Saturday, April 28, 2012 from 4:00 p.m. to 7:00 p.m. at 133 Spring Street, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

The Clerk presented a transfer application for membership to the Newton Fire Department from Barbara A. Lozier, 31 Paterson Avenue, Apt. 14, Newton. It was noted that the application was in order and signed by the Chief of the Newton Fire Department.

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

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

Mr. Ricciardo asked several questions regarding the Martorana Developer's Agreement which were addressed by Mr. Hontz, Esq.

RESOLUTION #22-2012

AUTHORIZE THE MAYOR TO EXECUTE A DEVELOPER'S AGREEMENT WITH MARTORANA ENTERPRISES, LLC FOR BLOCK 1202, LOTS 5 & 5.03, MARTORANA VILLAGE, PHASE I

WHEREAS, at a regular meeting of the Newton Planning Board on March 1, 2010, the application from Developer, Martorana Enterprises, LLC, received preliminary site plan approval, with said approval being memorialized in a Resolution of the Planning Board on April 21, 2010 to construct a retail space to be known as Martorana Village, Phase I on the property known as Block 1201, Lots 5 & 5.03 on the Tax Map of the Town of Newton located at 104 Sparta Avenue, Newton, and

WHEREAS, one of the conditions of approval was that the Developer enter into an appropriate Developer's Agreement with the Town of Newton for the purpose of mutual acceptance of requirements, safeguards, and limitations under which on-site construction will proceed, and

WHEREAS, at a regular meeting of the Newton Utility Advisory Board conducted on March 15, 2011, representatives of Martorana Enterprises, LLC appeared to request an allotment of water and sewer gallonage for the proposed Martorana Village, Phase I, retail space, and

WHEREAS, the Governing Body concurred with the recommendation of the Utility Advisory Board and approved a 3,550 gallons per day gallonage allotment of water and sewer by the adoption of Resolution #61-2011 adopted on March 28, 2011; and

WHEREAS, the Town Attorney and Town Engineer have reviewed said Developer's Agreement on behalf of the Town;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes and directs the Mayor and Municipal Clerk to execute a Developer's Agreement with Martorana Enterprises, LLC for the construction of a retail space known as Martorana Village, Phase I to be located at Block 1201, Lots 5 & 5.03, at 104 Sparta Avenue, Newton, New Jersey, a copy of which is attached hereto and made part of this resolution.

The following **RESOLUTION** was offered by Mrs. Becker, to approve **RESOLUTION #22-2012**, seconded by Deputy Mayor Diglio and roll call resulted as follows:

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

Mayor Le Frois advised of an additional Resolution on the agenda this evening.

RESOLUTION #34-2012

TO ESTABLISH PRELIMINARY ARCHITECTURAL AND STRUCTURAL ENGINEERING COSTS FOR FIRE MUSEUM IMPROVEMENTS

WHEREAS, the Town Council of the Town of Newton hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for architectural and structural engineering costs and any permit fees and/or agency inspection fees related to Improvements to the Fire Museum located on Spring Street, including field investigation, recommendations, and construction estimates; environmental testing for asbestos and lead paint; and sampling costs; and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that the amount appropriated for preliminary costs shall not exceed \$6,500.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the General Capital Fund. The effective date of this resolution is the date of passage.

The following **RESOLUTION** was offered by Mr. Ricciardo, to approve **RESOLUTION #34-2012**, 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	

DISCUSSION

a. Land Use Ordinance / Tree Protection Ordinance – Jessica Caldwell

Jessica Caldwell, Town Planner, reviewed and outlined the draft of the Newton Land Use Ordinances. (Chapter 19, Chapter 20, and Chapter 20A) Mayor Le Frois noted the many changes and edits made to this document and thanked all involved for the hard work provided by all the staff, administration, Planning Board members as well as our Town Planner.

After a lengthy discussion, Council asked for a few additional revisions to the draft and Mrs. Caldwell will make the changes as requested and resubmit to the Governing Body for their review.

b. Municipal Building Hours of Operation

Mayor Le Frois outlined the process and results of a recent survey, which was taken to address the Municipal Building Hours of Operation. Mayor Le Frois noted the survey inquired whether there was interest in the Municipal Offices staying open late one night a week to accommodate the public. The survey was completed by employees within the Municipal Building as well as by the residents of Newton via the website. Both the employee poll and the public poll showed a majority interested in

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having a late night. After a brief discussion, Council concurred with a trial run of having one late night a week. The survey showed that Thursday night was the preferred night. The Municipal Building offices would stay open two (2) extra hours (till 6:30 p.m.) and the offices would close at 2:30 p.m. on Friday. Council agreed to have a trial run for June, July, and August. Mr. Russo will prepare a Resolution for Council's review.

INTERMISSION - None

OPEN TO THE PUBLIC

Mr. Wayne McCabe, 125 High Street, Newton, addressed questions regarding the new block and lot numbers to be provided for all properties within the Town of Newton. Mayor Le Frois noted that this is a mandate of the State of New Jersey and the Tax Assessor has been working on this project for some time. Mr. McCabe questioned how to obtain a current tax map and was advised by Mr. Russo that he will address same with the Tax Assessor.

Mr. McCabe addressed additional questions regarding Chapter 20A "Historic Preservation" of the Newton Land Use Ordinances which were addressed by the Town Council.

COUNCIL & MANAGER COMMENTS

There were no Council or Manager comments.

EXECUTIVE SESSION

Mr. Russo read Resolution #33-2012 and Council entered into Executive Session at 9:03 p.m.

Council returned from Executive Session at 9:06 p.m.

There being no further business to be conducted, upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk