

February 27, 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 Mrs. Becker, seconded by Deputy Mayor Diglio and carried, the minutes of February 2, 2012 (Budget Hearing), February 4, 2012 (Budget Hearing), February 13, 2012 (Special, Regular & Executive) meetings were approved as amended. Deputy Mayor Diglio noted that the Town Clerk's office was notified of one amendment and was 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. Neil Flaherty, 154 Sparta Avenue, advised Council that the Newton Robotics Team is once again attending the World Championship (for the second time) in St. Louis this year. Mr. Flaherty advised that this is an International event and commended the students for their talents and ability to compete on such a high level.

**COUNCIL & MANAGER REPORTS**

Mr. Russo noted that the Town recently received an Honorable Mention Award for the 2011 Municipal Public Information Contest. Mr. Russo advised that the award was received based on the overall public information displayed to the residents and the efforts made to keep the community informed of all activities undertaken by the Town of Newton.

Mr. Russo read correspondence from Dr. Richard C. Lecher, CEO, of SCARC, who requested a letter of support from the Town of Newton which will accompany their loan application to be sent to the United States Department of Agriculture (USDA). Dr. Lecher advised that SCARC is planning on purchasing an apartment building complex

in Newton which will accommodate ten (10) adults with developmental disabilities. After a brief discussion, Council agreed to have Mr. Russo forward a letter of support to SCARC.

**a. Refunding Bonds – Tom Ferry**

Mr. Tom Ferry, Town Auditor, addressed the Council and outlined the history as well as the different scenarios with regard to the refunding bonds for the Town of Newton. After a brief discussion, Mr. Ferry informed Council that the total savings would be \$2,788,184.75 which equates to 9.6%. Mr. Ferry advised that Andrea Kahn, Esq., Bond Counsel, has prepared the documents for the Local Finance Board, which will be presented at their March 14, 2012 Board meeting.

**ORDINANCES**

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

**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)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Newton Town Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$262,084.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$262,084.48, and that the CY 2012 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

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**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED that** a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

The aforementioned **ORDINANCE** was offered by Deputy Mayor Diglio, who moved its adoption, seconded by Mr. Ricciardo 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 introduction of same.

#### **ORDINANCE #2012-5**

#### **AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE BLOCK 22.09 LOT 7**

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

Mrs. Becker	Yes	Mr. Elvidge	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 March 12, 2012.

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

#### **ORDINANCE #2012-6**

**REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED OCTOBER 30, 1997, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,417,000 TO THE UNITED STATES**

DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED NOVEMBER 30, 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$900,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED SEPTEMBER 25, 2003, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,660,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED AUGUST 27, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$5,300,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED MAY 21, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$545,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION ASSESSMENT BONDS OF THE TOWN, DATED OCTOBER 27, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000 TO THE UNITED STATES DEPARTMENT APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

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 Bond Ordinance be introduced for the first reading, with hearing on same to be held on March 12, 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. Russo noted that Resolution #43-2012 has been pulled from the agenda because it is no longer needed.

**RESOLUTION #35-2012\***

**AUTHORIZING THE MAYOR AND THE MUNICIPAL CLERK TO EXECUTE AGREEMENTS WITH THE POLICE SUPERIOR OFFICERS' ASSOCIATION AND POLICEMEN'S BENEVOLENT ASSOCIATION - LOCAL 138**

**WHEREAS**, the Town Manager and representatives of the Police Superior Officers' Association and the Policemen's Benevolent Association - Local No. 138 of the Newton Police Department have negotiated three-year agreements covering calendar years 2012, 2013, and 2014 pursuant to mediation; and

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**WHEREAS**, a copy of the Memorandum of Agreement, dated February 15, 2012, outlining the negotiated terms, is on file in the Municipal Clerk's office of the Town of Newton, and attached to and made part of this resolution; and

**WHEREAS**, said agreements for calendar years 2012, 2013, and 2014 have been ratified by the Police Superior Officers' Association and Policemen's Benevolent Association - Local No. 138;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the above agreements and authorizes the Mayor and the Municipal Clerk to execute said agreements, in duplicate, with the Police Superior Officers' Association and Policemen's Benevolent Association - Local No. 138, based on the terms outlined in the attached Memorandum of Agreement.

**RESOLUTION #36-2012\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 21.03, LOT 18**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 21.03, Lot 18, (formerly Block 1201.03 Lot 3) also known as 62 Paterson Place, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1345, was sold to US Bank Cust for Pro Capital I, LLC for 0% redemption fee with a premium of \$100.00; and

**WHEREAS**, Seterus, Inc., representing the mortgage holder Lereta, LLC of said property, has effected the redemption of Certificate #1345 in the amount of \$5,423.82;

**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 \$5,423.82 as well as the premium of \$100.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two checks, one in the amount of \$5,423.82 for the redemption of Certificate #1345 and one for the premium of \$100.00 to US Bank Cust for Pro Capital, I, LLC, 50 S. 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

**RESOLUTION #37-2012\***

**APPOINTMENT OF MATTHEW SMITH TO THE ADVISORY SHADE TREE COMMISSION**

**WHEREAS**, there is currently a vacancy on the Town of Newton Advisory Shade Tree Commission; and

**WHEREAS**, Matthew Smith has expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Matthew Smith is hereby appointed to an unexpired five-year term as a member of the Advisory Shade Tree Commission, effective immediately with said term continuing to May 31, 2016.

**RESOLUTION #38-2012\***

**ACCEPTANCE OF THE PROPOSED LIGHTING IMPROVEMENT PROJECT AS COMPLETE**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Lighting Improvement Project to Manor II Electric, Inc. of Holmdel, NJ, in the amount of \$30,285.00 by Resolution #181-2011, which was adopted on August 22, 2011; and

**WHEREAS**, Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated February 21, 2012 that the project be accepted as complete by the Town Council so the final paperwork can be started;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Proposed Lighting Improvements Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started and a one (1) year Maintenance bond be secured by Manor II Electric, Inc.

**RESOLUTION #39-2012\***

**MODIFICATION TO THE CALCULATION OF THE TAX COLLECTION RATE BY ALLOWING FULL DEDUCTION OF THE IMPACT OF TAX APPEAL JUDGMENTS ON THE LEVY (THEREFORE AFFECTING THE RESERVE FOR UNCOLLECTED TAXES)**

**WHEREAS**, Chapter 56 of P.L. 2010 made a modification to the calculation of the tax collection rate (and therefore affecting the reserve amount) by allowing full deduction of the impact of tax appeal judgments on the levy; and

**WHEREAS**, according to NJSA 40A:4-41 (c)(2) if tax appeal judgments of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., result in tax reductions for the previous fiscal year, the Governing Body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the Governing Body prior to the introduction of the annual budget pursuant to NJSA 40A:4-5; and

**WHEREAS**, attached to this resolution is a copy of sheet 22 of the 2011 Annual Financial Statement "Current Taxes – 2011 Levy" to support the amounts used to determine the modified tax collection rate as follows:

\$22,734,788.27	2011 Levy (Including Added & Omitted Taxes)
< 28,358.74 >	County Appeals
\$22,706,429.53	2011 Certified levy reduced by county appeals
\$22,234,331.48	Cash collected
22,706,429.53	divided by reduced 2011 levy
97.92%	of cash collections to 'reduced' 2011 levy

**WHEREAS**, for comparative information the tax collection rate was 97.57% for the calendar year 2010, and 97.80% for the calendar year 2011;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, approved by a majority vote of the full membership, that it utilize a tax collection rate of 97.92% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2012 Municipal Budget.

**RESOLUTION #40-2012\***

**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**

250.00	Van Meter & Assoc's Inc.	29893
321.68	Montague Tool & Supply	29894
6,404.10	Municipal Software, Inc.	29895
128.00	Decker's Fire & Safety	29896
275.00	ABCcode Security	29897
2,563.60	NUI Corporation	29898
1,298.03	New Jersey Herald	29899
32.90	Roy Company	29900

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829.92	SCMUA	29901
390.00	B & G Elevator, Inc.	29902
294.49	Centurylink Communications	29903
2,848.43	Centurylink Communications	29904
35.00	Centurylink Communications	29905
160.00	Centurylink Communications	29906
774.00	Hollander, Strelzik, Pasculli, Hinkes	29907
150.99	Rowe & Company, Inc.	29908
112.48	Campbell's Small Engine	29909
98.00	Neopost Leasing	29910
40.00	Lock & Key World	29911
868.50	Timmerman Company	29912
33.11	Federal Express	29913
645.69	Willco, Inc.	29914
465.69	Vital Computer Resources, Inc.	29915
3,081.39	J & D Sales and Services	29916
6,830.20	Weldon Asphalt Company	29917
295.00	Lou's Glass	29918
116.00	Minisink Press Inc.	29919
1,400.00	Microsystems-NJ Com, LLC	29920
3.05	Sebring Auto Parts	29921
916.75	Sherwin-Williams	29922
202.66	Zee Medical	29923
858.78	Dempsey Uniform & Supply Inc.	29924
29.58	Airgas East	29925
602.00	Boonton Tire Supply	29926
463.88	McGuire	29927
75.00	TCTANJ	29928
2,303.50	Verizon Wireless	29929
25.94	Walmart	29930
75.60	Mr. John	29931
130.00	NENA	29932
205.05	Cooper Electric Supply Co.	29933
1,680.00	Vogel, Chait, Collins, Schneider, PC	29934
85.43	Advance Auto Parts	29935
890.52	The Home Depot	29936
997.81	The Home Depot	29937
131.80	Fire & Safety Services, Inc.	29938
240.00	National Entertainment Tech.	29939
14.32	Carquest	29940
390.19	Rogo Fastener Co., Inc.	29941
165.00	Excelsior Lumber Company	29942
18,222.06	Spring City Electrical Mfg. Co.	29943
178.00	Thompson West	29944
120.00	Mid-Atlantic For Safety &	29945
297.50	Scarinci & Hollenbeck, LLC	29946
33,522.50	Lincoln Financial Group	29947
142.00	Draeger Safety Diagnostics Inc.	29948
56.95	Ward's Flowers & Gifts	29949
35.06	Emergency Medical Products	29950
31.73	AW Direct, Inc.	29951
50.00	Sussex County Community College	29952
1,573.37	Staples Business Advantage	29953
296.00	Lowe's	29954
96.00	CSS Test	29955
41.80	Nestle Waters	29956
1,280.67	Skylands Area Fire Equip & Training	29957
50.00	NJ Drug Recognition Experts Assoc.	29958
3,587.75	Rachles/Michele's Oil Company	29959
6,152.34	Taylor Oil Co.	29960
1,008.80	Firefighter One	29961
2,250.00	Laddey, Clark & Ryan, LLP	29962
300.00	NJ Public Safety Accreditation	29963
465.00	Kiefer Electric Inc.	29964

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1,033.00	International City/Cnty Mngmt Assoc.	29965
995.00	General Code, LLC	29966
28.50	Thomas S. Russo, Jr.	29967
2,076.60	Tony Sanchez Ltd	29968
1,299.00	Gramco Business Communications	29969
55.00	NJLM Educational Foundation	29970
3,923.83	Knapp, Trimboli & Prusinowski, LLC	29971
555.83	Penteledata	29972
3,389.42	Woodruff Energy US, LLC	29973
124.69	Dowrite	29974
512.00	Safe-T	29975
2,570.00	NJ Distributor's Inc.	29976
618.72	Safari Telecom	29977
89.18	Office Concepts	29978
179,717.98	Payroll Account	121009
920,408.00	Newton Board of Educations	121010

**CAPITAL**

29.61	New Jersey Herald	7861
195.95	Campbell's Small Engine	7862
840.50	McManimon & Scotland	2863
150.00	Vogel, Chait, Collins, Schneider, PC	2864
19.87	The Home Depot	2865
2,122.85	General Code, LLC	2866
3,119.00	Manor II Electric	2867

**Total TOWN BILLS \$1,234,861.03**

**WATER AND SEWER ACCOUNT**

857.77	Montague Tool & Supply	12704
176.51	Schmidt's Wholesale, Inc.	12705
6,512.10	Municipal Software, Inc.	12706
1,049.05	MWH Americas, Inc.	12707
868.20	NUI Corporation	12708
5.60	New Jersey Herald	12709
14,580.00	Pumping Services	12710
813.05	SCMUA	12711
14.00	Paul M. Havens	12712
3,813.60	Coyne Chemical Corp., Inc.	12713
31.82	Centurylink Communications, Inc.	12714
1,213.28	Centurylink Communications, Inc.	12715
125.85	Centurylink Communications, Inc.	12716
18.99	Campbell's Small Engine	12717
920.00	Garden State Laboratories	12718
83.15	Hamburg Plumbing Supply Co., Inc.	12719
1,250.75	Lou's Glass	12720
213.48	Sebring Auto Parts	12721
475.76	Solar Tire	12722
380.48	Dempsey Uniform & Supply, Inc.	12723
147.85	Airgas East	12724
14.00	Ervin Lasso	12725
169.04	Verizon Wireless	12726
2,356.00	Univar USA Inc.	12727
1,250.00	John Smalley	12728
59.97	Advance Auto Parts	12729
222.58	The Home Depot	12730
119.90	Penteledata	12731
1,052.59	Woodruff Energy US, LLC	12732
595.13	Komline-Sanderson	12733
31,126.84	Payroll Account	126004

**CAPITAL**

3,242.10	McManimon & Scotland	2205
28.32	The Home Depot	2206
139.10	Sussex County Rental Center	2207
600.00	EM Signs	2208

**Total WATER & SEWER BILLS \$74,526.86**

**TRUST ACCOUNT**

162.00	Hollander, Strelzik, Pasculli, Hines	2984
1,333.33	James P. Sloan, P.C.	2985
900.00	Vogel, Chait, Collins, Schneider, PC	2986
1,950.00	NJ Distributor's Inc.	2987
858.00	Payroll Account	127104

**Total TRUST ACCOUNT BILLS \$5,203.33**

**DOG RESERVE ACCOUNT**

249.58	New Jersey Herald	8525
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**Total DOG RESERVE ACCOUNT BILLS \$249.58**

**RESOLUTION #41-2012\***

**AMENDMENT TO 2012 TEMPORARY OPERATING BUDGET**

**WHEREAS**, the Town Council of the Town of Newton adopted the 2012 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #309-2011 dated December 28, 2011; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides that the Governing Body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget and that a copy of this resolution be filed with the Director of Local Government Services;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2012 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON**

**2012 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Group Insurance OE	1066200	\$160,000
Legal OE	1058201	20,000
Contribution to PERS	1098296	285,431
Contribution to PFRS	1092897	<u>283,368</u>
Total Current Temp Amendment		\$748,799
 <u>Water Sewer Utility Account</u>		
Salaries and Wages	6051141	\$100,000
Other Expenses	6051236	71,210
CIF – STP Modification	6089297	25,000
Contribution to PERS	6093296	<u>14,515</u>
Total Water/Sewer Temp Amendment		\$210,725

**2011 TOWN OF NEWTON BUDGET**

<u>CURRENT</u>		<u>WATER/SEWER</u>
\$10,903,360	Total 2011 General Appropriations	\$3,925,000
1,296,122	Less: Debt Service	646,305
124,000	Capital Improvements	750,000
<u>497,646</u>	Reserve for Uncollected Taxes	<u>0</u>
\$8,985,592	Total Amount to calculate upon	\$2,528,695
<u>x 1/12</u>		<u>x 1/12</u>
\$748,799	Allowable 2012 Temporary Budget Amend.	\$210,725

**RESOLUTION #42-2012\***

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

**WHEREAS**, the Town of Newton, in the County of Sussex, New Jersey (the "Town") desires to make an application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 for its review and approval of a refunding bond ordinance authorizing the issuance of not exceeding \$11,000,000 Refunding Bonds in order to provide debt service savings to the Town; and

**WHEREAS**, the Town believes that:

- (a) it is in the public interest to accomplish this purpose; and
- (b) the purpose is for the health, the welfare, the convenience or the betterment of the inhabitants of the Town; and
- (c) the amounts to be expended for the purpose are not unreasonable or exorbitant; and
- (d) the purpose is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AS FOLLOWS:**

**Section 1.** The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel and auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

**Section 2.** The Clerk of the Town is hereby directed to prepare and to file copies of the proposed bond ordinance with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the applicable New Jersey Statute.

	<u>Recorded Vote</u>			
<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	
Mrs. Becker				
Mr. Elvidge				
Mr. Ricciardo				
Mrs. Diglio				
Mayor Le Frois				

**RESOLUTION #43-2012\***

**REMOVED FROM AGENDA**

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The Clerk presented an application for a Special Permit for a Social Affair from the Karen Ann Quinlan Memorial Foundation, 99 Sparta Avenue, Newton, to be held on Sunday, April 15, 2012 from 6:00 pm to 10:00 pm at Krave Café & Caterers, 102 Sparta Avenue, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, 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	

#### **INTRODUCTION OF 2012 BUDGET**

Mr. Russo summarized the revenue and appropriation figures for the 2012 Municipal Budget for the Town of Newton. Mr. Russo advised that notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Town of Newton, County of Sussex, on February 27, 2012. A hearing on the budget and tax resolution will be held at the Municipal Building on March 26, 2012 at 7:00 o'clock p.m. at which time and place objections to the Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons. Copies of the Budget are available in the Office of the Clerk, Lorraine A. Read at the Municipal Building, 39 Trinity Street, Newton, New Jersey (973) 383-3521 during the hours of 8:30 a.m. to 4:30 p.m. and in the Dennis Memorial Library, 101 Main Street, Newton, NJ 07860.

A motion was made by Mrs. Becker to **INTRODUCE THE 2012 TOWN OF NEWTON MUNICIPAL BUDGET and the 2012 WATER AND SEWER BUDGET**, 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	

Mayor Le Frois noted that this budget is "something to be proud of" with an increase of only \$19.00 or five (.05) cents a day, which is the lowest increase since 2000-2001.

#### **INTERMISSION - None**

**DISCUSSION**

**a. Truck Route Signage – Cory Stoner**

Cory Stoner, P.E., Town Engineer, submitted maps with two options for the proposed truck routes through the Town of Newton. Officer VanNieuwland provided some feedback on the truck traffic and truck route signage. After a lengthy discussion, Council requested a few changes to Option #2 prior to approval.

**b. Engine Braking Ordinance – Cory Stoner**

Cory Stoner, P.E., Town Engineer, submitted a draft ordinance and made a brief presentation on the proposed engine braking Ordinance. It was noted that Officer VanNieuwland will work on training certain Newton Police Officers prior to enforcement of this Ordinance. Council approved the draft Ordinance as submitted.

**c. Elizabethtown Gas Request**

Cory Stoner, P.E., Town Engineer, addressed several questions from Councilman Ricciardo with regard to the Elizabethtown Gas request. Councilman Ricciardo feels that the abandoned gas pipes should be removed, not just abandoned. Mr. Stoner advised that the gas line plans will be submitted within the next three weeks and will be reviewed.

Mr. Russo asked Mr. Stoner to notify Elizabethtown Gas accordingly.

**d. Loading Zone Ordinance**

Mr. Russo advised that a request came through the Newton Parking Authority for a loading zone to be placed in the Downtown Business District in Lot #1 – Adams Street Plaza. After a brief discussion, Council agreed to the proposed Loading Zone Ordinance which will be placed on the agenda for introduction at the next Town Council meeting.

**e. Katie's House Request**

Mrs. Millikin, Deputy Town Manager, addressed correspondence from Evelyn Dudzic, Founder and Executive Director of Katie's House, requesting COAH funds in the amount of \$20,000 from the Town. Ms. Dudzic advised that Katie's House is a non-profit 501 C3 organization, who provides supportive housing and services to adults with developmental disabilities. This organization is looking to purchase another home in Newton which requires siding and a new roof. Mrs. Millikin advised Council that the COAH funds are available and need to be utilized prior to year end. Mrs. Millikin

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outlined the benefits to the Town of Newton. Mrs. Millikin advised that the particular property in question is no longer available. After a brief discussion, Council agreed to move forward with the request of Ms. Dudzic when they have selected a new property in Town.

**f. Pool Fees Ordinance Draft**

Mr. Russo and Mrs. Millikin presented Council with a draft Ordinance with the fees and costs associated with the Newton Recreation Department. After a brief discussion, Council agreed with the recommended fee schedule modifications for the Newton Municipal pool. Mrs. Millikin also introduced Joe Mate the new Pool Manager.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Ricciardo questioned the Newton Property Identification System which became effective on February 6, 2012. Mr. Russo advised that the new numbering scheme is the result of conformance with the Municipal Tax Map which was a requirement by the New Jersey Division of Taxation. A complete copy of the Newton Block – Lot Conversion List is available for review at the Newton Tax Assessor's Office, at the Sussex County Board of Taxation, and also online on the Town of Newton's website (newtontownhall.com). After a brief discussion, Mr. Russo will have the Tax Assessor at the next Council meeting for further discussion and explanation of the newly implemented property identification system. Mr. Stoner explained the Tax Maps which were redesigned by his office (Harold Pellow & Associates).

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk