

March 12, 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, 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 27, 2012 (Regular) meeting were unanimously approved.

**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."*

Joan Current, representative of the Sussex County Homestead Nursing Home Auxiliary, addressed the Council to inquire whether the Governing Body would consider either sending a letter to the County Freeholders opposing the sale of the Homestead or request that the Freeholders place a question on the November ballot addressing the sale of the Homestead. Ms. Current advised that selling the Homestead will not only displace many senior citizens but will also displace employees. After a brief discussion, Mr. Russo cautioned the members of the Town Council about making a decision this evening without having all the facts and figures in front of them regarding the sale of the Homestead. Mr. Russo noted that Council members could write individual letters of support if so inclined.

**COUNCIL & MANAGER REPORTS**

Mr. Russo read the following correspondence from Ken Teets, Newton Office of Emergency Management:

Tom,

"At 6:51pm on March 11, 2012, a working house fire was reported in a single-family house at 117 Main Street. Upon the Fire Department's arrival, heavy fire and smoke were coming out of the top of the house. All family members and pets exited the house without incident. The Fire Chief determined the fire was caused by a candle that

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tipped over. Newton Fire Department, Andover Fire Department, Lakeland EMS and Newton OEM responded to the scene. No injuries occurred to any Firefighters.

Any further questions or concerns, please contact me."

Ken Teets  
Newton Office of Emergency Management

Mr. Russo read the following correspondence from Ken Teets, member of the Newton Fire Department:

"The Newton Fire Department regrets to announce the passing of Ex-Chief Joe Zukowski Sr. Joe was a long-time member of the Fire Department serving his entire career in the Kittatinny Hose & Ladder Company. He served the ranks of Asst. Foreman, Foreman and Chief of the Department. Joe will be greatly missed and was a very big part of the Newton Fire Department and its history. Mr. Russo noted that the Town will have the flag at half-staff on Friday in honor of Mr. Zukowski."

Mr. Russo read the following correspondence from Debra Millikin, Deputy Town Manager:

Tom,

"The watermain break occurred on Birch Drive on Sunday, March 11, 2012 around 8:30 a.m. The break was  $\frac{3}{4}$  circle crack and was repaired with a repair clamp. Water was shut down for approximately 3 hours. All residents within this area were advised by a reverse 9-1-1 when water was turned off and turned back on. Upon completion of the watermain repair the roadway had to be restored and there was some extra work required to get the road repaired.

Please advise if you need anything further."

Regards,  
Debi

Mr. Russo introduced Kirsti Coghlan, Human Resources Coordinator, who began with the Town on March 5<sup>th</sup>. Ms. Coghlan advised Council that she brings twenty (20) years of experience from the private, public, as well as, non-profit sectors. Ms. Coghlan looks forward to continuing in her position in Newton and noted that "everyone has been fabulous" to work with.

## **ORDINANCES**

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

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

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

**WHEREAS**, the Town of Newton has title to a certain parcel of real property described as Lot 7 in Block 22.09 on the Newton Tax Map, which parcel is not needed for public use; and

**WHEREAS**, the Governing Body has determined that said Block 22.09, Lot 7 (the "Parcel") be sold at public sale to the highest bidder, or, in the alternative, be sold

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separately at public sale to the highest bidder(s), subject to the following terms and conditions hereinafter set forth pursuant to N.J.S. 40A:12-13.

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

1. That the Parcel shall be offered for open public sale to the highest bidder at auction with a minimum bid of SIXTY THOUSAND DOLLARS (\$60,000.00), pursuant to N.J.S. 40A:12-13.

2. The sale shall be conducted in the Municipal Building of the Town of Newton, 39 Trinity Street, Newton, New Jersey, on April 23, 2012 at 10:00 a.m.

3. The Governing Body hereby appoints and designates the Newton Town Manager or such other person as the Town Manager shall designate, to conduct the sale of the Parcel on behalf of the Governing Body.

4. The Parcel placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than SIXTY THOUSAND DOLLARS (\$60,000.00) for the Parcel. The auctioneer shall commence the bidding at the auction at the required minimum required bid, beginning with the auction of the parcel. The Town of Newton reserves the right, in its sole discretion, to either accept or reject any bid it deems in the Town of Newton's best interests. The Town, in its sole discretion, may accept a lower bid for any reason it deems in the Town's best interests. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as set forth in Paragraph 10 hereof.

5. The highest bidder for the Parcel shall execute an Offer to Purchase in the form attached hereto at the conclusion of the bidding and pay a deposit by cash, bank check or cashier's check or attorney's trust account check in an amount equal to ten (10%) percent of the highest bid for the Parcel. The balance of the monies due pursuant to the highest bid and Offer to Purchase shall be paid in cash or certified check on delivery of the Deed, which shall be no later than June 15, 2012 at the offices of the Municipal Attorney, Hollander Strelzik Pasculli Pasculli Hinkes Gacquin Vandenberg & Hontz, LLC, 40 Park Place, Newton, NJ 07860, or at such other location as mutually agreed upon.

6. The municipality expressly disclaims any and all implied warranties of habitability or usability with respect to the Parcel. The highest bidder shall purchase the Parcel in an "as is" condition, having had an ample and sufficient opportunity to inspect said premises, examine its title, and review municipal ordinances and laws affecting the Parcel. No representations regarding the value, character, quality, habitability or condition thereof, including the environmental report conducted by Excel Environmental determining the Parcel to be "clean", have been made to any buyer on behalf of the Town of Newton, prior to making a bid. The highest bidder, after closing, shall be responsible for all present and future defects of any kind in any part of the Parcel. This agreement shall survive the closing of title.

7. The Parcel offered for sale in this auction is the same land and premise which the Town of Newton took title to by virtue of a certain Final Judgment of the Superior Court of New Jersey, dated December 13, 2006, and recorded in the Sussex County Clerk's Office in Book 3102, Page 210-214. A copy of said Judgment is attached hereto as **Schedule A**. The Town of Newton shall use in the deed of conveyance the description set forth in **Schedule A**. The highest bidder for the Parcel shall have the right, at its sole cost and expense, to obtain a new survey of that lot. Provided such survey depicts the Parcel and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

8. The conveyance of the lot shall be by Bargain and Sale Deed, and the Parcel shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Book

3102, Page 210-214, laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bid for the Parcel shall be separately accepted or rejected by a Resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such auction sale. No bid may be withdrawn prior to such Resolution.

10. Notice of the auction sale of the Parcel shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

Public Notice is hereby given that the above Ordinance was passed on the first reading by the Town Council by the Town of Newton, Sussex County, New Jersey, at a Regular Meeting of said Council, held on February 27, 2012, and that it was adopted after a public hearing regarding the above was held on March 12, 2012, at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00 p.m.

\_\_\_\_\_  
Helen R. Le Frois Mayor Lorraine A. Read, RMC Municipal Clerk

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. Elvidge, 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 #2012-6**

**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**

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**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 OF AGRICULTURE RURAL DEVELOPMENT, APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund 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 of Agriculture Rural Development (collectively, the "Prior Bonds" or the "Refunded Bonds"). The Prior Bonds may be redeemed at the option of the Town in whole or in part on any date (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$11,000,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the \$11,000,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$10,323,064.22 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Town as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such

documents, to publish such notices and to take such other actions as are necessary or desirable to enable the Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Prior Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption and endorsement of the consent of the Local Finance Board upon a certified copy of this ordinance as finally adopted.

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 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.

Council noted that this refunding Bond Ordinance has a savings of over 2.7 million dollars to the Town of Newton.

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

**ORDINANCE #2012-7**

**AN ORDINANCE TO AMEND CHAPTER 307, VEHICLES AND TRAFFIC OF THE CODE OF THE TOWN OF NEWTON TO CREATE A LOADING ZONE IN LOT #1 – ADAMS STREET PARKING PLAZA**

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 26, 2012.

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

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**ORDINANCE #2012-8**

**AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON**

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 March 26, 2012.

**ORDINANCE #2012-9**

**AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A DEPARTMENT OF HUMAN RESOURCES**

The following **ORDINANCE** was offered by Deputy Mayor Diglio, who moved its introduction, 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	

**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 26, 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 #43-2012\***

**AUTHORIZE CHANGE IN MUNICIPAL BUILDING HOURS OF OPERATION FOR A TRIAL PERIOD FROM JUNE 4, 2012 TO AUGUST 31, 2012**

**WHEREAS**, the Town Manager, Town Council, and all municipal staff, strive to provide the best customer service possible to the residents and business owners of the community; and

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**WHEREAS**, through an online survey, and other discussions, it has been determined the public would benefit from the Municipal Offices' being open late one night a week;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that we hereby authorize a change in the Municipal Building hours of operation for a trial period to be held June 4, 2012 through August 31, 2012 as follows:

Monday	8:30 am to 4:30 pm
Tuesday	8:30 am to 4:30 pm
Wednesday	8:30 am to 4:30 pm
Thursday	8:30 am to 6:30 pm
Friday	8:30 am to 2:30 pm

**BE IT FURTHER RESOLVED**, that said change in hours will be placed on the Town website, promoted on the Municipal Building entrance ways, noticed to our legal newspaper, and detailed in the Town's spring newsletter; and

**BE IT FURTHER RESOLVED**, that at the conclusion of said trial period, a new round of surveys will be conducted, and additional discussions held, to determine if said hours, or a modified version thereof, should continue beyond the dates stated above.

**RESOLUTION #44-2012\***

**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>		
Aid to Volunteer Fire OE 1072200A	Fire OE 1070200A	\$20.00
Parking Meter SW 1075100A	Engineering OE 1060216A	\$1,600.00
Parking Meter SW 1075100A	Planning Board OE 1062216A	\$1,500.00
Social Security System OE 1098298A	DCRP – Pension OE 1098294A	\$300.00
Police SW 1074112A	Accum. Sick SW 1094400A	\$80,000.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$83,420.00</u></b>

**RESOLUTION #45-2012\***

**AMEND AGREEMENT WITH FRED M. KNAPP, ESQ., AS LABOR RELATIONS LEGAL COUNSEL FOR 2012**

**WHEREAS**, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

**WHEREAS**, the Town Council appointed Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC as Labor Relations Attorney for calendar year 2012 by the adoption of Resolution #-296-2011 at their meeting on December 28, 2011; and

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**WHEREAS**, said contract stipulated that the amount expended during the term of the contract is not to exceed \$17,500.00; and

**WHEREAS**, due to circumstances beyond the Town's control the costs for labor relations legal counsel will exceed the \$17,500.00 allocated; and

**WHEREAS**, both parties have agreed to increase the amount of the original contract to be increased by \$12,500.00 to a new amount not to exceed \$30,000.00; 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 authorizes the Mayor and Municipal Clerk to amend the agreement with Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC as the Town of Newton's Labor Relations Attorney for the remainder of calendar year 2012 for an amount not to exceed \$30,000.00;

**BE IT FURTHER RESOLVED** that a fully executed copy of said amended agreement be provided to Fredric M. Knapp, Esq. and filed in the Office of the Municipal Clerk.

**RESOLUTION #46-2012\***

**ACCEPTANCE OF THE PROPOSED PURCHASE OF WATERMAIN PIPES AND FITTINGS FOR THE MERRIAM AVENUE WATERMAIN PROJECT**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain Project to Brent Material Inc., in the amount of \$209,301.90 by Resolution #108-2011, which was adopted on May 23, 2011; and

**WHEREAS**, the Town Council approved Change Order No. 1 for Brent Material's portion of the project reducing their portion of the project by \$7,773.80 to a new contract total of \$201,528.10; and

**WHEREAS**, David Simmons, Jr., of Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated October 25, 2011 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 Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

**RESOLUTION #47-2012\***

**REAPPOINTMENT OF MR. HENRY CARR AND MS. HYL A JUNE FELLNER TO THE NEWTON HOUSING AUTHORITY**

**BE IT RESOLVED** by the Town Council of the Town of Newton that Mr. Henry Carr and Ms. Hyla June Fellner are hereby reappointed to a full five-year term each on the Newton Housing Authority, effective May 1, 2012 and continuing through April 30, 2017 based on the recommendation of the Housing Authority Executive Director, Dr. Kimberly Woodhull.

**RESOLUTION #48-2012\***

**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:

**Accounts Overestimated**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10506	79 Main Street	\$2,142.00
11524	120 Woodside Ave.	\$2,414.90
201	118 Spring Street	\$340.98

**Credit for Meter Read Incorrectly**

10626	97 Main Street	\$29,070.00
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**RESOLUTION #49-2012\***

**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**

100.00	VOID	29828
55.00	VOID	29970
16.07	VOID	29979
89,482.08	Lakeland Bank	121012
16.07	Lakeland Bank	121013
176,103.03	Payroll Account	121011
83,200.00	Bank of New York	121014
100.00	Sussex County Detectives Assoc.	29980
55.00	NJLM	29981
432.37	Quill Corporation	29982
2.48	Montague Tool & Supply	29983
151.00	MGL Printing	29984
5,502.25	Harold Pellow & Assoc., Inc.	29985
8,053.83	JCP&L	29986
153.40	New Jersey Herald	29987
195.00	B & G Elevator Inc.	29988
35.00	Centurylink Communications, Inc.	29989
396.00	Neopost Leasing	29990
102.88	ZEP Manufacturing Company	29991
89.00	Lawyers Diary & Manual	29992
15.00	Scott Holzauer	29993
2,024.70	Willco, Inc.	29994
941.44	Newton Citgo	29995
312.67	Minisink Press Inc.	29996
40.00	Rutgers Contin Ed Cook College	29997
149.96	Sherwin-Williams	29998
35.00	Service Electric Cable TV	29999
59.75	L-3 Comm. Mobile-Vision	30000
90.00	G.F.O.A. of N.J.	30001
10.00	Sussex County Clerk's Association	30002
27.90	McGuire	30003
804.21	Vision Service Plan	30004
50,259.28	Statewide Insurance Fund	30005

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140.00	Sussex and Warren Tax Col. Assoc.	30006
194.37	Verizon Wireless	30007
45.00	MCAA of New Jersey	30008
164.82	Universal Supply Group, Inc.	30009
26.88	Walmart	30010
175.23	Cooper Electric Supply Co.	30011
1,710.00	Vogel, Chait, Collins, Schneider, PC	30012
180.00	Professional Gov't Educators Inc.	30013
26.14	Town & Country Deli	30014
130.00	NJ Assoc. Planning & Zoning Admin.	30015
170.00	Tritec Office Equipment, Inc.	30016
50.00	Sussex County Community College	30017
122.93	Lowe's	30018
960.22	Hampton Body Works	30019
5,795.19	Taylor Oil Co.	30020
168.00	Jersey Central Power & Light	30021
122.98	Atlantic Tactical	30022
17,616.14	Knapp, Trimboli & Prusinowski, LLC	30023
125,989.12	NJMEBF	30024
2,010.00	Chelbus Cleaning Co., Inc.	30025
1,210.52	Harter Equipment Inc.	30026
200.00	Whentowork Inc.	30027
231.90	Setina Mfg. Co., Inc.	30028
320.00	American Society of Composers	30029
715.00	Van Meter & Assoc's Inc.	30030
54.80	Go2Guides, LLC	30031
100.00	Foodshed Alliance	30032
125.00	Kings Construction	30033
3,139.68	Harleysville Life Insurance Company	30034

**CAPITAL**

15,926.96	VOID	7859
18,484.25	Harold Pellow & Assoc., Inc.	7868
60.00	Campbell's Small Engine	7869
5,125.70	Tilcon New Jersey	7870
7,682.35	Manor II Electric	7871

**Total TOWN BILLS \$596,003.56**

**WATER AND SEWER ACCOUNT**

15,562.13	Harold Pellow & Assoc., Inc.	12734
243.00	Hach Company	12735
779.34	CCP Industries	12736
420.00	Andres & Mooney Electric Inc.	12737
324.80	Aurora Electrical Supply	12738
5,609.43	JCP&L	12739
1,082.70	Pumping Services	12740
192.82	Sussex County Plumbing	12741
125.85	Centurylink Communications	12742
29.00	Allied Meter Service Inc.	12743
4,860.00	Willco Inc.	12744
117.33	Minisink Press Inc.	12745
950.00	Bank of New York	12746
3,016.00	Applied Service Corp.	12747
700.00	Instrumentation Tech Systems Inc.	12748
161.71	Vision Service Plan	12749
45,344.22	Statewide Insurance Fund	12750
5,418.00	Passaic Valley Sewerage Comm..	12751
1,109.22	Main Pool & chemical Company	12752
131.87	Advance Auto Parts	12753
2,298.83	Suburban Energy Services	12754
827.50	Kistler O'Brien Fire Protection	12755

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220.00	Airmatic Compressor Systems, Inc.	12756
137.00	Process Tech Sales & Service	12757
137.23	Staples Business Advantage	12758
375.00	Sussex County Rental Center	12759
21.61	Magarino Ford	12760
11,196.88	NJMEBF	12761
948.38	Capitol Supply const. Products, Inc.	12762
1,309.20	Hatch Matt MacDonald	12763
31,235.75	Payroll Account	126005
143,471.00	U.S.D.A./FHA	126006
495.07	State of New Jersey-PWT	126007

**CAPITAL**

210.00	Harold Pellow & Assoc., Inc.	2209
7,442.51	Weldon Asphalt Company	2210

**Total WATER & SEWER BILLS \$286,503.38**

**TRUST ACCOUNT**

270.00	Town of Newton	2988
989.40	Sussex County Mailing Services	2989
150.00	Shepard Kays, Esq.	2990
334.18	D & R Development LLC	2991
396.00	Payroll Account	127105

**Total TRUST ACCOUNT BILLS \$2,139.58**

**FEDERAL STATE GRANT ACCOUNT**

2,378.75	Atlantic Tactical	1080
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**Total FEDERAL STATE GRANT ACCOUNT BILLS \$2,378.75**

**HOUSING TRUST FUND**

282.50	Harold Pellow & Assoc., Inc.	122
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**Total HOUSING TRUST FUND ACCOUNT BILLS \$282.50**

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

**RESOLUTIONS**

Mr. Russo noted that this Resolution was removed from Consent Agenda due to a Councilmember being related to one of the recipients of an escrow balance in Resolution #50-2012. At this time, Councilwoman Becker recused herself from the dais.

**RESOLUTION #50-2012**

**TO CANCEL TRUST ESCROW BALANCES UNDER \$10.00**

**WHEREAS**, there are balances less than \$10.00 showing on the Trust trial balance

as of December 31, 2011 in the following accounts:

#711453	Shaneco (1/06)	\$2.32
#711456	Shotwell (6/05)	\$.37
#711470	White Gate Homes (2/06)	\$.96

**WHEREAS**, a letter was sent to escrow applicants on August 2, 2011 advising applicants of a remaining balance and the opportunity to request a refund of the balance if the purpose had been completed; and

**WHEREAS**, it is desirous to clear these small balances and the Town is using the \$10.00 amount which is set forth in NJSA 40A:5-17.1 for cancellation of property tax amounts as a basis for authorizing the cancellation of these small trust escrow amounts;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the above listed balances totaling \$3.65 in the Trust Fund be canceled to Current Operations.

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

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

Councilwoman Becker returned to the dais.

**INTERMISSION - None**

**DISCUSSION**

**a. Block/Lot Conversion – Scott J. Holzauer**

Mr. Holzauer, Tax Assessor, advised the Town Council of the history and reasons for the newly implemented Block and Lot identification system in the Town of Newton. Effective February 6, 2012, a completely new numbering scheme has been implemented which resulted in all properties receiving a new identification for property tax and general municipal record keeping purposes. This new numbering scheme is the result of conformance with the municipal Tax Map which was a requirement for approval by the New Jersey Division of Taxation. The approval of Tax Map precipitated out of the recent Revaluation of the Town of Newton. Mr. Holzauer noted that a copy of the newly revised Tax Map is on file with the municipality and also at the Sussex County Board of Taxation. A complete copy of the Newton Block & Lot Conversion List is available for review at the Newton Tax Assessor’s Office and can also be found on the Town of Newton’s website [www.newtontownhall.com](http://www.newtontownhall.com). Mr. Holzauer addressed all questions from the Town Council members.

**OPEN TO THE PUBLIC**

Joan Current noted that Joe Zukowski, Sr. was a resident of the Sussex County Homestead for a short time and also advised that Meals on Wheels has an office at the Homestead.

There being no one else from the public to be heard, the Mayor closed the meeting to the public.

**COUNCIL & MANAGER COMMENTS**

Mayor Le Frois noted that the Council will be attending a ribbon cutting for Thorlabs on Friday, March 23, 2012 @ 11:00 a.m.

Mayor Le Frois handed Mr. Russo information regarding a virtual mall program which may be of interest to the Spring Street merchants.

Mayor Le Frois reminded Council of the Annual Newton Fire Department dinner to be held on Saturday, March 31, 2012 at Perona Farms.

Mayor Le Frois also reminded Council of the Senior Dinner and Play to be held on Sunday, March 25, 2012 at Newton High School.

Councilman Ricciardo noting that Newton used to have a "Main Street Newton" program, advised Council that Stroudsburg is looking to create a "Main Street Stroudsburg" program and will be coming to Newton for obtain more information from Mr. Russo as well as the Spring Street merchants.

Councilman Ricciardo also noted that Stroudsburg has a professionally printed magazine, paid for by the merchants, which addresses and advertises Stroudsburg. Mr. Ricciardo feels that there are similarities between Newton and Stroudsburg and suggested that the magazine be forwarded to the Newton Chamber of Commerce.

Mayor Le Frois noted that the Sussex County Chamber of Commerce is hosting a "Family Fun" day at the Sussex County Community College on Saturday, May 5, 2012.

Councilwoman Becker and Mayor Le Frois noted that the Newton Theater was very busy this weekend with sold out shows.

Councilwoman Becker recently gave a PowerPoint presentation to a group of retired educators on the Town of Newton. Parking issues were addressed by the group and were advised that "if the Town is doing well than parking is a problem", Mrs. Becker concluded.

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Mr. Ricciardo reviewing the flyer provided to the Council, suggested that Council members should attend the "2012 Complete Streets Workshop" to be held on Wednesday, April 4, 2012 at County College of Morris, Randolph, New Jersey from 5:30 p.m. to 8:00 p.m.

Mark Hontz, Esq., Town Attorney, updated Council on a recent legislative update with regard to COAH.

Mayor Le Frois recognized Ms. Jennifer Jean Miller, Marketing Consultant of The Alternative Press. Mayor Le Frois thanked Ms. Miller for attending Council meetings as well as other local events and for her positive writings about the Town of Newton. More information can be found at [www.TheAlternativePress.com](http://www.TheAlternativePress.com).

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk