

March 26, 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 Mr. Ricciardo, seconded by Mrs. Becker and carried, the minutes of March 12, 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."*

Mr. Neil Flaherty, 154 Sparta Avenue, commended the Town Council, the Town Manager and his staff for preparing such a lean budget in tough economic times, while maintaining services and setting aside capital funds for necessary projects.

The Town Council thanked Mr. Flaherty for addressing budget questions and for attending all of the budget hearings.

Ms. Garren, 42 Mountain Trail, Sandyston, a representative of "Save the Homestead Committee", indicated that Stillwater Township adopted a Resolution supporting a referendum for the sale of the Homestead Nursing Home and requested that the Newton Town Council draft a similar resolution.

### **COUNCIL & MANAGER REPORTS**

Mr. Russo informed the Town Council that the Town has been selected to receive funding from the New Jersey Department of Transportation (NJDOT) in the amount of \$200,000 for the Lower Spring Street Beautification project.

Mayor Le Frois advised that she received a phone call from a Sparta resident who commended the look of the Town while noticing all of the improvements in and around the Town of Newton.

Deputy Mayor Diglio had also received compliments on the beautiful historic

look in the downtown area of Newton.

**ORDINANCES**

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

**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**

**WHEREAS**, there exists a need for more loading zones in the Downtown Business District; and

**WHEREAS**, Lot #1 – Adams Street Parking Plaza is the best place to create a loading zone at this time;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 307, entitled Vehicles and Traffic of the Code of the Town of Newton, be amended as follows:

§307-60. **Schedule X: Loading Zones** shall be supplemented to add a loading zone as follows:

<b>Street</b>	<b>Side</b>	<b>Location</b>
Lot # 1-Adams Street Parking Plaza		South Beginning 145 feet west of the Adam Street curblin and extending 38 feet west, running parallel with Spring Street

§307-67. **Schedule XVII: Handicapped Parking** shall be amended to remove two handicapped parking spaces as follows:

<b>Street</b>	<b>Side</b>	<b>Location</b>
Lot # 1-Adams Street Parking Plaza		North Beginning at a point 100 feet west of Adams Street Curb line and extending 45 feet west, running parallel with Spring Street

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

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

March 26, 2012

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

**ORDINANCE #2012-8**

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

**WHEREAS**, the mission of the Newton Recreation Department is to provide outstanding recreational opportunities for our residents while minimizing the tax burden to our constituents; and

**WHEREAS**, the Newton Recreation Department recommends the following changes to the Newton Fee Schedule relative to the Town of Newton Swimming Pool:

§100-24.A (1)(c) Swim Team Participant

- (a) Newton swim team member fee shall be raised to \$50.00 per swimmer up to a maximum of \$100.00 per family.
- (b) Swim teams that are not affiliated with Newton will pay a fee of \$100.00 per swimmer up to a family max of \$200.00

§100-24. A. (3) Swimming Lessons:

- (a) Swimming Lessons–9 lesson sessions with 6 classes each session
- (b) Sessions last 1 week, classes are 30 min. 4 days per week for a total of 120 minutes of instruction
- (c) Friday will be reserved for make-up lessons for inclement weather
- (d) Lesson fees will be established at \$30.00 per swimmer per session for members and \$40.00 per session for non-members
- (e) Learn to Swim Package: When you sign a student up for 4 sessions, the 5<sup>th</sup> is free (based upon availability in the appropriate class)

§100-24.A (4) Other Pool fees are as follows:

- (a) Lifeguard Training: \$275.00 per student
- (b) Birthday Parties: \$200.00 for the first 10 guests, \$5.00 each additional guest; Pizza, Soda and Ice Cream are additional charges
- (c) Scuba Discovery Class: \$100.00 per student per class
- (d) Water Aerobics: \$15.00/ 5 sessions for members, \$35.00/ 5 sessions for non-members (includes daily visit fee)

**NOW, THEREFORE BE IT ORDAINED** that the Newton Town Council is in full support of the changes recommended by the Recreation Department to the Newton Municipal Pool fee schedule.

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 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.

March 26, 2012

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

**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**

**WHEREAS**, there exists a need to establish a Department of Human Resources for administration of payroll, benefits, and employee relations to better serve the citizens and employees of the Town of Newton;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 3, entitled Administrative Code of the Code of the Town of Newton, be amended as follows:

**SECTION 1.**Chapter 3, ARTICLE VI, Administrative Organization, Section 3-26, *Departments, boards and commissions* shall be amended to include the following:

- A. Departments
  - (11) Department of Human Resources

**SECTION 2.**Chapter 3, ARTICLE XXXIII, **Department of Human Resources** is hereby created to include the following:

**§3-106. Establishment; organization.**

There shall be a Department of Human Resources, the administrator of which shall be the Human Resources Coordinator. Within this Department, there shall be a Division of Payroll and a Division of Employee Benefits.

**§3-107 Duties of Human Resources Coordinator.**

The Human Resources Coordinator shall:

- A. Supervise the examination and analysis of all regular and supplemental payrolls submitted by various departments for payment to ensure accuracy of figures, correctness of entries, that deadlines are met, and for compliance with established payroll procedures.
- B. Direct computation of differential pay according to policy.
- C. Record and process all payments made to various health plans.
- D. Review and maintain personnel records for all employees.
- E. Evaluate human resource programs available and prepare reports on their effectiveness.
- F. Train supervisors in conducting evaluations.
  - Coordinate and evaluate activities of all human resource components including federal/state employment projects to determine and project employment needs and priorities in the Town of Newton.
- G. Handle all other projects and assignments as per the direction and supervision of the Town Manager.

**§3-108 Division of Payroll.**

Within the Department of Human Resources there shall be a Division of Payroll. Under the supervision and direction of the Human Resources Coordinator the Division shall:

- A. Prepare regular, supplemental, and overtime payrolls, add or delete employees as required, and make other appropriate changes including union deductions, taxes, charities, pension, and so forth.
- B. Complete unemployment requests for wage and separation information.
- C. Perform clerical tasks involved in preparing payrolls of a simple, routine, and repetitive nature.

**§3-109 Division of Benefits.**

Within the Department of Human Resources there shall be a Division of Benefits. Under the supervision and direction of the Human Resources Coordinator the Division shall:

- A. Process pension membership applications, beneficiary changes, retirement and loan applications, as well as medical insurance applications and changes.
- B. Prepare reports of absences and vacations.
- C. Prepare and process personnel and/or payroll forms with responsibility for ensuring that all pertinent information has been included and is accurate.

**SECTION 3.**This ordinance shall take effect upon final adoption and will be published as required by law.

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 Mr. Ricciardo and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Diglio, 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 introduction of same.

**ORDINANCE #2012-10**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$450,000.00 FOR THE MAPLE AVENUE PROJECT IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, seconded by Mr. Elvidge 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 April 9, 2012.

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

March 26, 2012

**ORDINANCE #2012-11**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 307, VEHICLES AND TRAFFIC, OF THE NEWTON CODE BOOK FOR THE PROHIBITION OF ENGINE BRAKING**

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 April 9, 2012.

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

**ORDINANCE #2012-12**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY DELETION AND REPEAL OF: CHAPTER 162, LAND SUBDIVISION; CHAPTER 240, SITE PLAN REVIEW; CHAPTER 320, ZONING; AND CHAPTER 139, HISTORIC PRESERVATION; AND BY ADOPTION OF THE FOLLOWING NEW CHAPTERS: CHAPTER 240, LAND SUBDIVISION & SITE PLAN; CHAPTER 320, FORM BASED CODE; AND CHAPTER 139, HISTORIC PRESERVATION**

The following **ORDINANCE** was offered by Mrs. Becker, 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 April 9, 2012.

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

Deputy Mayor Diglio noted a few typos which were given to the Municipal Clerk.

**ORDINANCE #2012-13**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

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

March 26, 2012

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 April 9, 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."*

Mayor Le Frois pulled Resolution #55-2012 for further discussion.

#### **RESOLUTION #51-2012\***

##### **CERTIFY SELF-EXAMINATION OF 2012 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Newton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

March 26, 2012

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments (if any) have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved:

Vote recorded as follows:

AYES:

Becker

Elvidge

Ricciardo

Diglio

Le Frois

NAYES:

ABSENT:

ABSTAIN:

#### **RESOLUTION #52-2012\***

#### **AUTHORIZE PREMIUM PAYMENT TURNED OVER TO THE TREASURER FOR BLOCK 22.02, LOT 3 (FORMERLY BLOCK 1209 LOT 3)**

**WHEREAS**, Tax Sale Certificate #1242 was issued at the Tax Sale held on October 19, 2006 with zero percent redemption and a premium of \$45,000.00; and

**WHEREAS**, N.J.S.A. 54:5-33 states that if redemption is not made within five years from the date of the Sale the premium payment shall be turned over to the Treasurer of the Municipality; and

**WHEREAS**, Tax Sale Certificate #1242 was five years from the date of Tax Sale on October 19, 2011, therefore the premium in the amount of \$45,000.00 is to be turned over to the Treasurer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that the premium for Tax Sale Certificate #1242 in the amount of \$45,000.00 be turned over to the Treasurer of the Town of Newton; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$45,000.00 for said premium to the Treasurer of the Town of Newton.

#### **RESOLUTION #53-2012\***

#### **AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF PROVIDING A CERTIFIED RECYCLING PROFESSIONAL FOR THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton 'NEWTON' has enacted a recycling plan for all recyclables as designated by the Sussex County Solid Waste Management Plan; and

March 26, 2012

**WHEREAS**, the State of New Jersey requires to have its annual recycling tonnage reports approved and executed by a duly Certified Recycling Professional "CRP"; and

**WHEREAS**, the Town of Newton and the Sussex County Municipal Utilities Authority "SCMUA", a municipal utilities authority of the State of New Jersey, have negotiated a Shared Services Agreement stating that SCMUA shall serve as NEWTON's CRP; and

**WHEREAS**, said Shared Services Agreement is attached to and made part of this resolution;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Mayor and Clerk are hereby authorized to execute the attached Agreement authorizing the Sussex County Municipal Utilities Authority to serve as the Town of Newton's Certified Recycling Professional.

#### **RESOLUTION #54-2012\***

#### **RESOLUTION CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal government; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent how successive Legislatures and Administrations have seen fit; and

**WHEREAS**, while the State may need to have the right to over-ride statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur, current State policy makers should not exercise that right automatically; and

**WHEREAS**, while that right should be the exception, it has become the rule; and

**WHEREAS**, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

**WHEREAS**, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

March 26, 2012

**BE IT FURTHER RESOLVED**, that we respectfully call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

**BE IT FINALLY RESOLVED**, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

**RESOLUTION #56-2012\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS**

**WHEREAS**, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

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

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25911	54A-12 Mill Street	\$300.00

**RESOLUTION #57-2012\***

**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.	30035
1,282.50	Harold Pellow & Associates, Inc.	30096
246.80	ABCcode Security	30097
150.00	Sussex Car Wash, Inc.	30098
2,860.88	NUI Corporation	30099
2,498.03	G & G Diesel Service, Inc.	30100
4,346.77	JCP&L	30101
303.36	SCMUA	30102
216.17	Centurylink Communications, Inc.	30103
21.76	Centurylink Communications, Inc.	30104
2,739.98	CenturylinkCommunicaitons, Inc.	30105
6,030.00	Hollander, Strelzik, Pasculli, Hinkes	30106
1,139.53	Timmerman Company	30107
5,925.00	Newton First Aid Squad	30108
111.00	Scott Holzhauer	30109
429.79	Staples Print Solutions	30110
37.50	Brock Kithcart	30111
105.00	Registrar's Assoc. of New Jersey	30112
45.00	Sebring Auto Parts	30113
1,147.00	Newton Hockey c/o J. Hoffman	30114
75.00	Kenneth A. Teets	30115
37.50	Kenneth A. Teets	30116
637.66	Dempsey Uniform & Supply, Inc.	30117
166.50	Debra Millikin	30118
9.98	Airgas East	30119

March 26, 2012

2,423.00	Newton Soccer Club	30120
150.08	Boonton Tire Supply	30121
2,276.06	McGuire	30122
210.00	NJMMA	30123
1,545.06	Verizon Wireless	30124
75.78	Mr. John	30125
111.00	Brian Fox	30126
1,962.81	Vogel, Chait, Collins, Schneider, PC	30127
25.97	Advance Auto Parts	30128
112.55	Excelsior Lumber Company	30129
630.00	Scarinci& Hollenbeck, LLC	30130
534.62	Staples Business Advantage	30131
5,944.51	Rachles/Michele's Oil Company	30132
1,138.59	Taylor Oil Co.	30133
54.74	Firefighter One	30134
2,250.00	Laddey, Clark & Ryan, LLP	30135
450.00	Sussex County Chamber of Commerce	30136
111.00	Derek J. Wechtler	30137
6,331.16	Kieffer Electric, Inc.	30138
910.00	JMC Environmental Consultants, Inc.	30139
24.55	Thomas S. Russo, Jr.	30140
5,320.18	County of Sussex	30141
42.80	Tire King	30142
499.75	Penteledata	30143
6,591.21	Direct Energy Business	30144
89.99	Tractor Supply Co.	30145
2,930.42	Woodruff Energy US, LLC	40146
2,000.00	Cit-E-Net, LLC	40147
75.00	Drew University	40148
83.25	Kerry Deckert	40149
1,666.00	The Olympic Glove & Safety Co., Inc.	40150
30.00	Lucy Delorto	40151
125.00	National Association for Court Mgmt	40152
395.00	E & E Exhaust Cleaning LLC	40153
598.00	Clear Channel Radio	40154
181,995.82	Payroll Account	40155
920,408.00	Newton Board of Education	40156

**CAPITAL**

7,723.75	Harold Pellow& Assoc., Inc.	7872
1,008.00	Hollander, Strelzik, Pasculli, Hinkes	7873
716.13	Campbell's Small Engine	7874
1,015.88	Hamburg Plumbing Supply Co., Inc.	7875
16,479.00	Wilfred MacDonald, Inc.	7876
1,276.00	Vogel, Chait, Collins, Schneider, PC	7877
605.70	Manor II Electric	7878
3,074.80	Excel Environmental Resources, Inc.	7879

**Total TOWN BILLS \$1,212,833.87**

**WATER AND SEWER ACCOUNT**

120.00	NJ Motor Vehicle Services	12764
3,581.25	Harold Pellow& Assoc., Inc.	12765
152.52	Aurora Electrical Supply	12766
1,020.91	NUI Corporation	12767
1,842.56	JCP&L	12768
3,662.00	Pumping Services	12769
602.60	SCMUA	12770
14.00	Paul M. Havens	12771
31.82	Centurylink Communications, Inc.	12772
1,207.78	Centurylink Communications, Inc.	12773
522.00	Hollander, Strelzik, Pasculli, Hinkes	12774

March 26, 2012

890.00	Garden State Laboratories, Inc.	12775
52.81	Hamburg Plumbing Supply Co., Inc.	12776
6,034.05	Duke's Sales & Service	12777
367.34	Dempsey Uniform & Supply, Inc.	12778
139.25	Airgas East	12779
30.00	Ervin Lasso	12780
413.00	Treasurer, State of New Jersey	12781
169.04	Verizon Wireless	12782
9,954.00	Passaic Valley Sewerage Comm.	12783
1,250.00	John Smalley	12784
16.97	Advance Auto Parts	12785
962.95	Process Tech Sales & Service	12786
30.00	Eric Tompkins	12787
6,578.00	Accurate Waste Removal	12788
1,704.00	Siemens Water Technologies Corp.	12789
119.90	Penteledata	12790
16,995.12	Direct Energy Business	12791
1,046.54	Woodruff Energy US, LLC	12792
3,765.00	Brent Material Company	12793
37,491.17	Payroll Account	126008

**CAPITAL**

247.50	Harold Pellow & Assoc., Inc.	2211
90.00	Hollander, Strelzik, Pasculli, Hinkes	2212

**Total WATER & SEWER BILLS \$101,104.08**

**TRUST ACCOUNT**

1,311.00	Harold Pellow & Assoc., Inc.	2992
36.00	Hollander, Strelzik, Pasculli, Hinkes	2993
1,333.33	James P. Sloan, P.C.	2994
1,545.00	Vogel, Chait, Collins, Schneider, PC	2995
140.00	Louis Tommaso	2996
180.33	Patricia Kattermann	2997
660.00	Payroll Account	127106
3.65	Current Account	127107

**Total TRUST ACCOUNT BILLS \$5,209.31**

March 26, 2012

**RESOLUTION #58-2012\***

**CAPITAL BUDGET AMENDMENT**

**RESOLUTION NO. 58-2012**

**Whereas**, the local Capital Budget for the year 2012 was approved on the 26th day of March 2012; and

**Whereas**, it is desired to amend said adopted Capital Budget Section.

**Now, Therefore Be It Resolved**, by the Town Council of the Town of Newton, County of Sussex that the following Capital Budget amendment of 2012 be made.

		(Becker		(		
RECORDED VOTE:	AYES	(Elvidge	NAYS	(	ABSTAIN	(
(Insert last name)		(Ricciardo		(		
		(Diglio		(	ABSENT	(
		(Le Frois		(		

**CAPITAL BUDGET (Current Year Action)**

**2012**

PLANNED FUNDING SERVICES FOR CURRENT YEAR 2012									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2012 BUDGET APPROPRIATIONS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
Various Capital Improvements	1	1,000,000			50,000			950,000	
Ord. #2012-13									
<b>TOTAL ALL PROJECTS</b>		1,000,000			50,000			950,000	

March 26, 2012

**3 YEAR CAPITAL PROGRAM 2012 - 2014**

**Anticipated Project Schedule and Funding Requirements**

PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2012	2013	2014	2015	2016	
Various Capital Improvements	1	1,000,000	2012	1,000,000					
Ord. #2012-13									
<b>TOTAL ALL PROJECTS</b>		1,000,000		1,000,000					

**3 YEAR CAPITAL PROGRAM 2012 - 2014**

**SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS		CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES			
		CURRENT YEAR 2012	FUTURE YEARS				GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
Various Capital Improvements	1,000,000			50,000			950,000			
Ord. #2012-13										
<b>TOTAL ALL PROJECTS</b>	1,000,000			50,000			950,000			

March 26, 2012

Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Township Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution creating the Capital Budget section adopted by the Governing Body on the 26th day of March, 2012.

Certified by:

3/27/2012

Date

\_\_\_\_\_  
Lorraine A. Read, Municipal Clerk

March 26, 2012

The Clerk presented an application for a Special Permit for a Social Affair from the Greater Newton Chamber of Commerce to be held on Saturday, June 9, 2012 from 4:00 p.m. to 10:00 p.m. at Memory Park, Moran Street, Newton, N.J. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (50-50) from the Sussex County Fellowship for Animals, 50 Father John's Lane, Sparta, NJ to be held Thursday, May 3, 2012 from 8:30 p.m. at the Newton VFW, 85 Mill Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented applications for an on-premise raffle (Bingo & 50-50) from The Pride Foundation, Inc., 44 Ryerson Avenue, Newton, to be held on Friday, May 4, 2012 from 5:00 p.m. to 11:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton. It was noted that the applications were in order and accompanied by the prescribed fees.

The Clerk presented applications for an on-premise raffle (Trick Tray & 50-50) from Auxiliary of Newton Medical Center, 175 High Street, Newton, NJ to be held on Friday, May 11, 2012 from 5:30 p.m. to 10:30 p.m. at Sussex County Community College, 1 College Hill Road, Newton. It was noted that the applications were in order and accompanied by the prescribed fees.

The Clerk presented an application for an on-premise raffle (50-50) from Sussex County Community College Foundation Office, 1 College Hill Road, Newton, NJ to be held on Saturday, April 14, 2012 from 9 a.m. to 5 p.m. at Sussex County Community College, 1 College Hill Road, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (50-50) from Sussex County Community College Foundation Office, 1 College Hill Road, Newton, NJ to be held on Wednesday, April 18, 2012 from 11:00 a.m. to 1:00 p.m. at Sussex County Community College, 1 College Hill Road, Newton. It was noted that the application was in order 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:

March 26, 2012

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

Mark Hontz, Esq. explained the amendment to Resolution #55-2012 to the Governing Body and read Resolution #55-2012, as amended, into the minutes.

**RESOLUTION #55-2012 (AMENDED)**

**REJECTING ALL OFFERS FOR THE PURCHASE OF A CERTAIN PARCEL OF LAND AND AUTHORIZING THE TOWN MANAGER TO NOTIFY ALL CONTIGUOUS PROPERTY OWNERS OF LOT 1.07 IN BLOCK 1301 THAT THE PROPERTY IS BEING RE-OFFERED FOR SALE AT A MINIMUM PRICE OF \$24,000.00 PURSUANT TO ORDINANCE NO. 2012-3**

**WHEREAS**, on the 13<sup>th</sup> day of February, 2012, the Town Council of the Town of Newton passed a certain Ordinance entitled "An Ordinance Authorizing Sale of Municipal Lands Not Needed for Public Use"; and

**WHEREAS**, as a result of said Ordinance, the Town of Newton has received two written offers by contiguous property owners to purchase Block **1301**, Lot **1.07**; and

**WHEREAS**, it appears that confusion has arisen out of the documentation provided to said contiguous property owners as to exactly which property was offered for sale; and

**WHEREAS**, pursuant to Ordinance No. 2012-3, the Town of Newton reserved the right, in its sole discretion, to accept or reject any offer it deems in the best interest of the Town of Newton;

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

1. That as a result of confusion as to exactly what property was offered for sale, it is deemed in the best interest of the Town of Newton that all offers to purchase Block **1301**, Lot **1.07** be rejected.

2. That the Town Manager of the Town of Newton is hereby authorized, after removing all confusion as to which property is being offered for sale, to notify in writing, by certified mail, return receipt requested, all contiguous property owners of Block **1301**, Lot **1.07**, that said lot is being offered for sale at a minimum price of \$24,000.00 pursuant to Ordinance No. 2012-3.

The following **RESOLUTION**, as amended, was offered by Mr. Ricciardo, who moved its approval, 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	

**HEARING ON THE 2012 BUDGET**

**a. 2012 Municipal and Water & Sewer Utility Budget**

Mr. Russo made a detailed Power Point presentation on the 2012 Municipal Budget and Water & Sewer Utility Budget while highlighting the three core areas: improving cost effectiveness; protecting core services; and revenue enhancement.

March 26, 2012

Mr. Russo noted that the property tax is divided among the County of Sussex, County Library, County Health Department, County Open Space, Newton Board of Education and the Town of Newton. The percentage for each of the jurisdictions received in 2011 from the average taxpayer in the Town is as follows:

Newton Board of Education	51.32%	\$1.673
Town of Newton	34.60%	\$1.128
County of Sussex	12.67%	\$0.413
County Library	00.95%	\$0.031
County Open Space	00.09%	\$0.003
County Health Department	00.37%	\$0.012
<b>Total</b>	<b>100%</b>	<b>\$3.260 per \$100 of assessed value</b>

Mr. Russo thanked all of his staff for their assistance with this budget.

Mayor Le Frois thanked Mr. Russo and his staff for a thoughtful budget which is strong and fiscally responsible.

Upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and carried, the 2012 Budget Hearing was open to the public.

Mrs. Thea Unhoch, 17 Condit Street, Newton, President of the Newton Prime Time Seniors, thanked the Town Council for their continued financial support with adding funds to the capital budget for a community center. Mrs. Unhoch noted that the seniors are outgrowing their current facility and hopes to one day have a new senior center.

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

A motion was made by Mr. Ricciardo to **ADOPT THE 2012 TOWN OF NEWTON MUNICIPAL AND WATER AND SEWER UTILITY AMENDED BUDGET**, seconded by Mrs. Becker and roll call resulted as follows:

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

March 26, 2012

At this time, Mr. Russo read the following Resolution into the minutes:

**Section 2 - Upon Adoption for Year 2012**

(Only to be included in the Budget as Finally Adopted)

**RESOLUTION**

Be it Resolved by the \_\_\_\_\_ Mayor and Town Council \_\_\_\_\_ of the \_\_\_\_\_ Town \_\_\_\_\_

of \_\_\_\_\_, County \_\_\_\_\_, Newton \_\_\_\_\_ of \_\_\_\_\_ Sussex \_\_\_\_\_ that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \_\_\_\_\_ (item 2 below) for municipal purposes  
\$ \_\_\_\_\_ 7,860,280.11 \_\_\_\_\_, and

(b) \_\_\_\_\_ (item 3 below) for school purposes in Type 1 School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,

(c) \_\_\_\_\_ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) \_\_\_\_\_ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

<b>Recorded Vote</b> (insert last name)	(	(	(
	( Becker	(	Abstained (
	Ayes ( Elvidge	Nays (	(
	( Ricciardo	(	(
	( Diglio	(	(
( Le Frois		Absent (	
		(	

March 26, 2012

**Summary of Revenues**

1. General Revenues			
Surplus Anticipated		08-100	641,000.00
Miscellaneous Revenues Anticipated		13-099	2,481,209.89
Receipts from Delinquent Taxes		15-499	440,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet11)		07-190	7,860,280.11
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE 1 SCHOOL DISTRICTS ONLY Item 6, Sheet 42		07-195	
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)		07-191	
Total Amount to be raised by Taxation for Schools in Type 1 School Districts Only			
4. To Be Added to The Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only: Item 6(b), Sheet 11 (N.J.S. 40A :4-14)		07-191	
<b>Total Revenues</b>		13-299	11,422,490.00

Sheet 41

**Summary of Appropriations**

5. GENERAL APPROPRIATIONS:		XXXXXXXXXX	XXXXXXXXXX
Within "Caps"		XXXXXXXXXX	XXXXXXXXXX
(a&b) Operations Including Contingent		34-201	6,663,718.00
(e) Deferred Charges and Statutory Expenditures - Municipal		34-209	1,025,000.96
(g) Cash Deficit		46-885	
Excluded from "CAPS"		XXXXXXXXXX	XXXXXXXXXX
(a) Operations - Total Operations Excluded from " CAPS"		34-305	1,295,071.02
(c) Capital Improvements		44-999	123,000.00

March 26, 2012

(d) Municipal Debt Service	45-999	1,761,245.00
(e) Deferred Charges - Municipal	46-999	76,065.02
(f) Judgments	37-480	
(n) Transfer to Board of Education for Use of Local Schools (N.J.S.40:48-17.1 & 17.3)	29-405	
(g) Cash Deficit	46-885	
(k) For Local District School Purposes	29-410	
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	478,390.00
6. SCHOOL APPROPRIATIONS - Type 1 School Districts only (N.J.S. 40A:4-13)	07-195	
<b>Total Appropriations</b>	34-499	11,422,490.00

It is hereby certified that the within budget is a true copy budget finally adopted by resolution of the Governing Body on the 26 th day of March , 2012  
It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, to if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 27th day of March , 2012

\_\_\_\_\_, Clerk  
*Signature*

March 26, 2012

**INTERMISSION - None**

**DISCUSSION**

**a. Newton Fire Department Requests**

Mr. Russo read a request from Fire Chief Mike Teets requesting permission from the Town Council to hold two NFD sponsored events which will include alcohol consumption. 1) On April 18, 2012, the NFD will host the Sussex County Firemens' Association meeting at Station 1 Firehouse from 7 p.m. to 10 p.m. 2) On April 28, 2012, the NFD will host the Annual Steak and Beer Bust Fundraiser at Station 2 Firehouse from 4:00 p.m. to 10:00 p.m. Council unanimously agreed to allow the NFD to host these two events as noted above.

**b. Memorial Day Parade Committee Request**

Mr. Russo read correspondence from Larry Pryduluk, Chairman of Newton Memorial Day Parade Committee, requesting permission to hold the annual Memorial Day Parade on Monday, May 28, 2012 from 9:45 a.m. to 11:30 a.m. The parade will begin on Spring Street, proceed down Moran Street and end at Memory Park. Mr. Pryduluk also requested a donation of five hundred dollars (\$500) from the Town of Newton to offset the expenses of the parade. It was noted that the Town has budgeted this amount in the 2012 budget. After a brief discussion, the Town Council unanimously granted permission to the hold the annual Memorial Day Parade on Monday, May 28<sup>th</sup>, as well as grant the \$500 donation from the Town of Newton.

**OPEN TO THE PUBLIC**

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

**COUNCIL & MANAGER COMMENTS**

Mayor Le Frois noted that the ribbon cutting ceremony held on Friday, March 23rd for Thorlabs was a great success. "It's great to have such a successful International facility in the Town of Newton," Mayor Le Frois concluded.

Mayor Le Frois also noted that she recently presented ribbons to the winners of a poster contest called "What I Like About Newton" held at Town Hall, which was sponsored by the Newton Recreation Commission.

Mayor Le Frois also mentioned the wonderful attendance of the Newton Seniors at the dinner and play held at Newton High School this past weekend, which was also

March 26, 2012

sponsored by the Newton Recreation Commission.

Mayor Le Frois noted that the annual Newton Fire Department dinner will be held on Saturday, March 31, 2012 and inquired who would be attending.

Mayor Le Frois also noted that the Annual Sussex County Chamber of Commerce Awards Dinner will be take place on Thursday, March 29<sup>th</sup>. Mayor Le Frois advised that the Town has been nominated for "Customer Service Award".

Councilman Ricciardo commended the budget and feels that the long-term strategies, "General Goals and Specific Goals", are an important aspect to the Town of Newton. Mr. Ricciardo feels that the tax exemption program will play a very important role for the residents and for the Town.

#### **EXECUTIVE SESSION**

Mr. Russo read Resolution #59-2012 and Council entered into Executive Session at 8:02 p.m.

Council returned from Executive Session at 8:18 p.m.

#### **COUNCIL & MANAGER COMMENTS**

Councilman Ricciardo requested a list of full-time employees including Police, DPW, and Water & Sewer and the salaries and benefits paid by the Town. Mr. Russo will compile the information requested.

Councilman Elvidge addressed several property maintenance issues throughout the Town. Mr. Russo will forward these property maintenance issues to the appropriate departments.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mr. Ricciardo and unanimously carried, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk