

May 14, 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, Thomas S. Russo, Jr., Town Manager, and Mark Hontz, Esq., Town Attorney. Mayor Le Frois was absent.

Deputy Mayor Diglio 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."

Deputy Mayor Diglio 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 April 23, 2012 (Regular) meeting were unanimously approved as amended.

OPEN TO THE PUBLIC

Deputy Mayor Diglio read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

Mr. Jonathan Andrews, owner of 145 Spring Street (SpringBoard Shoppes) addressed Council with concerns regarding some conflicting codes, related to permitted uses, within the new Land Use Ordinance. Deputy Mayor Diglio advised that Jessica Caldwell, Town Planner, will be addressing the permitted uses on Spring Street in the Land Use Ordinance at the end of the meeting.

Mr. Andrews also noted that there are areas in Town that are in need of property maintenance and are owned by the Town of Newton.

COUNCIL & MANAGER REPORTS

Mr. Russo noted the following Proclamation proclaiming the Friday, April 27th as "Arbor Day".

Arbor Day

April 27, 2012

WHEREAS, the New Jersey Legislature has adopted an Act designating Arbor Day and by that Act has designated the last Friday in April as Arbor Day; and

WHEREAS, it is the purpose of the designation of this day throughout the Nation to encourage the planting of shade and forest trees, to encourage the harvesting of our forest crops by approved conservation methods, and to encourage the protection of

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our forests from the scourge of devastating fires, insects, and diseases that destroy the beauty and usefulness of our woodlands as well as their wildlife; and

WHEREAS, through the cooperation of the Advisory Shade Tree Commission, the beneficial effects of forest tree plantings, proper conservation practices in harvesting, timber, and the protection from the natural enemies of the forest can be materially increased, and we can pass on an enduring heritage of a vital natural resource to succeeding generations;

NOW, THEREFORE, We, the Town Council of the Town of Newton, do hereby proclaim **Friday, April 27, 2012** as "**ARBOR DAY**" in the Town of Newton, and urge everyone able to do so to observe this day by the planting of one or more trees and by participating in one or more programs that the sponsors of Arbor Day provide.

*In witness whereof I have hereunto set my
Hand and caused this seal to be affixed.*

s/Mayor Helen Le Frois
Attest: s/Lorraine A. Read
Date: April 27, 2012

ORDINANCES

Deputy Mayor Diglio directed the Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE #2012-16

ORDINANCE APPROPRIATING \$285,000, INCLUDING A \$200,000 GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND \$85,000 AVAILABLE FROM THE CAPITAL FUND BALANCE, FOR THE LOWER SPRING STREET BEAUTIFICATION PROJECT IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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. \$285,000 is hereby appropriated, including a \$200,000 grant from the New Jersey Department of Transportation and \$85,000 available from the Capital Fund Balance, for the Lower Spring Street Beautification Project in and by the Town of Newton, in the County of Sussex, New Jersey (the "Town"), including construction of sidewalks, curbs, pavers, rain gardens, light poles, and similar beautification improvements.

Section 2. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised

capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

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

The aforementioned **ORDINANCE** was offered by Mr. 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	Absent	

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

OLD BUSINESS–None

CONSENT AGENDA

Deputy Mayor Diglio 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.”*

RESOLUTION #86-2012*

RESOLUTION SUPPORTING THE EMPLOYMENT INITIATIVE PROGRAM OF THE NEW JERSEY EMPLOYER SUPPORT GUARD AND RESERVES

WHEREAS, on Tuesday, January 24, 2012 the Commander-in-Chief of our Armed Forces reminded all Americans that, “Above all, our freedom endures because of the men and women in uniform who defend it,” and that “...this generation of heroes has made the United States safer and more respected around the world.”; and

WHEREAS, the President, further, promised, “As they come home, we must serve them as well as they’ve served us. That includes giving them the care and the benefits they have earned...And it means enlisting our veterans in the work of rebuilding our nation.”; and

WHEREAS, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families, and jobs; and

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WHEREAS, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserves, as up to 22 percent of Guard and Reserve members face unemployment; and

WHEREAS, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

WHEREAS, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration, and the Office of Personnel Management; and

WHEREAS, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

WHEREAS, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its *Hiring Our Heroes* program; and

WHEREAS, the *Hiring Our Heroes* program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

WHEREAS, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the overall rate; and

WHEREAS, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

WHEREAS, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

WHEREAS, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

WHEREAS, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders, can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby recognize that we will never be able to repay the debt we owe to all members of our armed forces; and

BE IT FURTHER RESOLVED, that in gratitude, the Town of Newton pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

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ALSO, BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

RESOLUTION #87-2012*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 24.01, LOT 14 (FORMERLY BLOCK 1201, LOT 18)

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 24.01, Lot 14 (Formerly Block 1201, Lot 18), also known as 162 Sparta Avenue, for 2009 delinquent Water and Sewer Charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1344, and was sold to US Bank cust for Pro Capital I LLC for 0% redemption fee with a premium in the amount of \$200.00; and

WHEREAS, Dawn Blavis, the property owner, has effected the redemption of Certificate #1344 in the amount of \$2,956.59;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust Pro Capital I LLC is entitled to a redemption in the amount of \$2,956.59; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$2,956.59, for the redemption of Certificate #1344 to US Bank cust for Pro Capital I LLC, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #88-2012*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

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

Payment Charged to Incorrect Account:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
15092	28 Linmor Avenue	(\$160.00)
1075	19 Jefferson Street	\$160.00
24192	16 Douma Court	(\$80.00)
6718	1 Overlook Road	\$80.00

RESOLUTION #89-2012*

AUTHORIZE A CREDIT DUE FOR THE WATER AND SEWER UTILITY ACCOUNT FOR 117 MAIN STREET

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:

Delinquent Penalty Waived Due to Address Error:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10746	117 Main Street	\$59.88

RESOLUTION #90-2012*

AUTHORIZE CHANGE ORDER NO. 1 FOR THE PURCHASE OF PIPE MATERIALS AND FITTINGS FOR THE MORAN STREET WATERMAIN PROJECT

WHEREAS, the Town Council of the Town of Newton, awarded the contract for the Purchase of Pipe Materials and Fittings for the Moran Street Watermain Project to Capital Supply Construction Products, Inc., for a contract amount of \$30,575.68 by the adoption of Resolution #71-2012 at their meeting on April 9, 2012; and

WHEREAS, David Simmons, of Harold E. Pellow & Associates, Inc, the Water Engineer on the project, has recommended Change Order No. 1 for said project resulting in an overall increase of \$99.84 in the project contract amount;

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes Change Order No. 1 for the Purchase of Pipe Materials and Fittings for the Moran Street Watermain Project based on the recommendation of the Project Engineer, with said Change Order resulting in a \$99.84 increase to a new contract total of \$30,675.52:

BE IT FURTHER RESOLVED, that a copy of Change Order No. 1 be attached to and made part of this resolution.

RESOLUTION #91-2012*

SETTLEMENT OF LAWSUIT - ORICCHIO

WHEREAS, the Town of Newton and the Newton Water and Sewer Utility were named defendants in a lawsuit brought in the Superior Court of New Jersey, Law Division – Sussex County, Special Civil Part by Alexander Oricchio, which lawsuit bore docket number DC-003361-11 (the“Oricchio Lawsuit”); and

WHEREAS the Town of Newton and the Newton Water and Sewer Utility settled the Oricchio Lawsuit with payment to the Town of Newton and the Newton Water and Sewer Utility in the amount of \$4,116.00, which has been tendered by check for application to Account #18061 of the Newton Water and Sewer Utility; and

WHEREAS, the Town of Newton and the Newton Water and Sewer Utility have received a Settlement Agreement and Release from plaintiff Oricchio and a Stipulation of Dismissal with Prejudice was approved and filed on March 15, 2012, copies of which are attached hereto;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON as follows:

1. The Town of Newton approves the lawsuit settlement as set forth in the attached Stipulation of Dismissal with Prejudice and Settlement Agreement and Release.

2. The Town of Newton directs that the settlement check in the amount of \$4,116.00 be applied to Account number 18061 of the Newton Water and Sewer Utility in the manner set forth in the attached Stipulation of Dismissal with Prejudice; and the amount of \$4,116.20 shall be written off of said account as a part of said settlement.

RESOLUTION #92-2012*

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

60.00	NJ Motor Vehicle Services	30305
258.00	Sheraton Atlantic City Convention C	30306
2,551.50	Harold Pellow & Assoc., Inc.	30308
1,845.37	Partac Peat Corporation	30309
93.00	Decker's Fire & Safety	30310
206.25	Sussex Car Wash, Inc.	30311
747.67	G & G Diesel	30312
7,758.09	JCP&L	30313
402.24	SCMUA	30314
35.00	Centurylink Communications, Inc.	30315
89.28	Lorraine Read	30316
253.00	Rectifier Auto Electric	30317
255.36	Campbell's Small Engine	30318
66.55	Federal Express	30319
2,916.71	Newton Citgo	30320
35.00	NJ Police Traffic Officers	30321
40.00	Sussex County League of	30322
125.00	Treasurer, State of New Jersey	30323
70.00	Galls Incorporated	30324
75.00	Lou's Glass	30325
1,496.88	Good Year	30326
100.00	Sussex County Assessors Assoc.	30327
25.96	Sebring Auto Parts	30328
1,173.55	Boonton Tire Supply	30329
840.11	Vision Service Plan	30330
60.00	Public works Assn. of NJ	30331
3,800.00	Albert L. Westra	30332
193.55	Verizon Wireless	30333
195.00	Cerbos Hampton Nursery	30334
59.97	Walmart	30335
187.50	Gold Type Business Machines	30336
769.00	Alternate Power Inc.	30337
401.86	Cooper Electric Supply Co.	30338
56.96	Advance Auto Parts	30339
290.08	Rogo Fastener Co., Inc.	30340
499.48	Weldon, Williams & Lick, Inc.	30341
1,405.27	Staples Business Advantage	30342
710.00	Screen Creation Plus	30343
56.29	Lawmen Supply Co. of NJ	30344
96.78	Nestle Waters	30345
5,576.17	Rachles/Michele's Oil Company	30346
2,007.63	Taylor Oil Co.	30347
165.00	The Craft Creators	30348
46.20	Dawn Babcock	30349
995.00	Kieffer Electric, Inc.	30350
481.81	Cutting Edge Landscape Equipment	30351
62.75	Northern Rain	30352
672.00	All County Window Cleaning	30353
1,495.40	Sparctech Solutions, LLC	30354
1,845.00	Knapp, Trimboli & Prusinowski, LLC	30355
499.75	Penteledata	30356

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236,972.00	NJMEBF	30357
2,010.00	Chelbus Cleaning Co., Inc.	30358
528.00	Rutgers, Center for Government Serv.	30359
538.00	Apple	30360
240.00	VOID	30361
800.00	IACP NET/Login	30362
190.00	Sparta Postmaster	30363
475.00	D. Lovenberg's Portable Toilet Rent	30364
99.00	Advance Learning	30365
125.00	Liberty Towers	30366
240.00	Atlas Business Solutions, Inc.	30367
840,418.00	Payroll Agency	121026
179,384.51	Payroll Account	121027
920,408.00	Newton Board of Education	121028
178,057.52	Payroll Account	121029
94,065.00	BNY Mellon	121030
7,875.00	BNY Mellon	121031
920,408.00	Newton Board of Education	121032

CAPITAL

390.63	Montague Tool & Supply	7902
23,105.28	Harold Pellow & Assoc., Inc.	7903
36.00	Hollander, Strelzik, Pasculli, Hinkes	7904
7,848.78	McManimon & Scotland	7905
475.00	Beyer-Warnock Fleet & Leasing	7906
468.32	Grinnell Recycle	7907
3,685.00	John A. Van Deusen & Assoc's, Inc.	7908
4,030.56	Brent Material Company	7909

Total TOWN BILLS \$3,466,779.57

WATER AND SEWER ACCOUNT

459.98	Staples Credit Plan	12854
378.51	Schmidt's Wholesale, Inc.	12855
7,843.25	Harold Pellow & Associates, Inc.	12856
57.34	Fisher Scientific	12857
4,618.89	JCP&L	12858
671.60	SCMUA	12859
204.63	Sussex County Plumbing	12860
14.00	Paul M. Havens	12861
9,848.66	Coyne Chemical Corp., Inc.	12862
125.85	Centurylink Communications, Inc.	12863
475.42	Joseph Carr	12864
37.00	Ervin Lasso	12865
2,400.00	Instrumentation Tech Systems, Inc.	12866
161.71	Vision Service Plan	12867
8,100.00	Passaic Valley Sewerage Comm.	12868
2,030.00	Alternate Power Inc.	12869
735.00	Process Tech Sales & Service	12870
159.96	Lowe's	12871
385.00	Screen Creation Plus	12872
46.00	Eric Tompkins	12873
18,271.60	Accurate Waste Removal	12874
119.90	Penteledata	12875
339.32	Ryan Herco Flow Solutions	12876
41,664.00	NJMEBF	12877
30,377.55	Capitol Supply Const. Products, Inc.	12878
190.00	Sparta Postmaster	12879
5,120.96	Harch Matt MacDonald	12880
2,250.00	Appalachian Forestry Service	12881
14,515.00	Payroll Agency	12882
32,140.86	Payroll Account	126013

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26,111.00	U.S.D.A. / FHA	126014
65,429.00	U.S.D.A. / FHA	126015
33,652.11	Payroll Account	126016

CAPITAL

7,143.39	Harold Pellow & Assoc., Inc.	2216
2,455.48	McManimon & Scotland	2217
500.00	Albert L. Westra	2218

Total WATER & SEWER BILLS \$319,032.97

FEDERAL AND STATE GRANT

70.00	Galls Incorporated	1087
13.99	Staples business Advantage	1088
594.00	Screen Creation Plus	1089
313.50	Dominick's Pizza	1090
585.00	Intellishred	1091

Total TRUST ACCOUNT BILLS \$1,576.49

DOG RESERVE ACCOUNT

7,750.00	Township of Wantage	8526
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Total FED AND STATE GRANT ACCT. BILLS \$7,750.00

RESOLUTION #93-2012*

CONFIRMING THE SALE OF A CERTAIN PARCEL OF LAND AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE LEGAL INSTRUMENTS NECESSARY TO EFFECTUATE SAID SALE OF BLOCK 18.02, LOT 32

WHEREAS, on the 23rd day of April, 2012, the Town Council of the Town of Newton passed a certain Ordinance 2012-12 entitled "An Ordinance Authorizing Sale of Municipal Lands Not Needed for Public Use Block 18.02, Lot 32, Formerly Known as Block 1307, Lot 18"; and

WHEREAS, as a result of said Ordinance, the Town of Newton mailed via certify mail to all four adjoining property owners notice of the sale and offer to purchase; and

WHEREAS, as a result of said Ordinance, the Town of Newton has received one written offer to purchase property known as Block **18.02**, Lot **32**, which property is less than the minimum size required for development under the municipal zoning ordinance and which is without any capital improvements thereon (the "Property"); and

WHEREAS, the offer for the Property was in the amount of THIRTY THOUSAND DOLLARS (\$30,000.00) and was made by Natural Selections, LLC, a contiguous property owner of Block 18.02, Lot 20 (formerly Block 1301, Lot 18);

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

1. That the Property, known as Lot 32 in Block 18.02 on the Town of Newton Tax Map and which is more particularly described in Schedule A, attached hereto, be sold for a price of Thirty Thousand Dollars (\$30,000.00) to Natural Selections, LLC.

2. That the Mayor and Clerk are hereby authorized to execute a Deed and any and all other instruments necessary to effectuate said sale.

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RESOLUTION #94-2012*

AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Town of Newton, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of an application for the Sussex County Municipal Alliance grant for calendar year 2012 in the amount of \$18,772) and will provide a municipal cash match in the amount of \$4,693.00.
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #95-2012*

AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC

WHEREAS, the Newton Mayor and Council met in Executive Session on certain occasions; and

WHEREAS, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

WHEREAS, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

11/14/11, 11/28/11, 12/12/11, 1/9/12, 1/23/12, 2/13/12, 3/26/12

BE IT FURTHER RESOLVED, that these specified minutes may be released to the public upon request.

The Clerk presented an application for an off premise raffle from Newton Memorial Hospital Foundation, 175 High Street, Newton to be held on Saturday, November 17, 2012 at 6:30 pm at 175 High Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for a Special Permit for a Social Affair from Karen Ann Quinlan Memorial Foundation, 99 Sparta Avenue, Newton to be held on Sunday, August 12, 2012 at 6:00 p.m. 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 Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, 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		Absent	

Deputy Mayor Diglio noted that an additional application needs to be added to the agenda for Councils consideration. Upon motion of Mrs. Becker, seconded by Mr. Elvidge and carried, that the application be added to the agenda.

The Clerk presented an application for a Special Permit for a Social Affair from Newton Memorial Post 5360, VFW Men's Auxiliary, 85 Mill Street, Newton to be held on Saturday, June 2, 2012 at 4:00 p.m. at Newton VFW, 85 Mill Street, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, that the Town Council had no objection to the issuance of the Special Permit for Social Affair for Newton Memorial Post 5360, VFW Men's Auxiliary to be held on Saturday, June 2, 2012.

INTERMISSION - None

DISCUSSION

a. Land Use Ordinance – J. Caldwell, Town Planner

Jessica Caldwell, Town Planner, updated Council on the permitted uses in the Spring Street area in the Land Use Ordinance. Mr. Russo noted four (4) particular items (#31, #69, #70, #78) which are in need of review. Mrs. Caldwell addressed these four (4) items and after a brief discussion, the consensus of the Town Council was to amend item #70 and item #78 to be a permitted use on the first floor of commercial retail buildings. Council did not have a consensus on items #31 and #69. Councilman Ricciardo expressed interest in holding an updated Vision Plan to re-address several areas of the Town of Newton.

b. Fire Museum – FKA Architects

Mr. Tom Kosten, of FKA Architects, addressed the Council to update them on the Newton Fire Museum rehabilitation that is necessary, based on his initial assessment

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and inspection. Mr. Kosten outlined the next steps that need to be taken during the renovation. After a brief discussion, Council agreed that the Museum needs to be rehabilitated correctly and completely. Mr. Russo noted that the Museum will be closed until the renovation is complete.

Mr. Kosten also updated Council on the retaining wall in front of the Newton Municipal Building. Mr. Kosten submitted a revised sketch to the approved contractor and noted that there will be a cost savings of approximately \$6,000-\$7,000 for the remediation of the retaining wall.

OPEN TO THE PUBLIC

Mr. Jonathan Andrews, owner of 145 Spring Street, (SpringBoard Shoppes), addressed concern with the terminology "street level and above" under the Land Use Ordinance. He addressed this concern on behalf of the stores on Spring Street who utilize the entrances in the rear of their buildings.

Mr. Tom Hoffman, Flatbrook Road, Sandyston, thanked the Town for their support in the "Tour of Art" Show recently held on Spring Street. Mr. Hoffman also addressed his concerns regarding the "Rice Notice" which must be distributed to an employee prior to an employee meeting the Governing Body for personnel reasons and was advised by Mr. Russo that this procedure is in place and has been utilized when necessary.

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

COUNCIL & MANAGER COMMENTS

Councilman Ricciardo asked Jessica Caldwell, Town Planner, if she could look into "pervious asphalt" for use in the parking lots for future development. Mr. Ricciardo explained that this material is better for the environment and lasts longer than other material.

Councilwoman Becker congratulated Councilman-elect Dan Flynn on his election to the Newton Town Council.

Deputy Mayor Diglio congratulated Councilman-elect Dan Flynn and Councilwoman Becker for their election success and looks forward to working with them both.

Mr. Russo and the Town Council wished the Town Clerk, Lorraine Read, a Happy Birthday!

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There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk