

May 30, 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 Deputy Mayor Diglio and carried, the minutes of May 14, 2012 (Regular & Special) meeting were approved as amended. Mayor Le Frois abstained.

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."

There was no one from the public to be heard.

COUNCIL & MANAGER REPORTS

Mr. Russo read the following press release regarding the Tree City USA presentation.

"The Arbor Day Foundation announced recently that Newton, NJ was named a Tree City, USA for its commitment to urban forestry.

It is the 1st year that Newton has earned this national honor from the Arbor Day Foundation, the nation's largest nonprofit organization dedicated to planting trees.

"We all benefit when communities like Newton place a high priority on planting and caring for trees, one of our nation's most beautiful resources," said John Rosenow, Chief Executive and Founder of the Arbor Day Foundation. "Trees shade our homes and add beauty to our neighborhoods, and they also provide many environmental, economic, and social benefits. We applaud Newton's elected officials, staff, volunteers, and citizens for providing vital care for its urban forest."

The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Newton has met the four standards to become a Tree City USA community. Tree City USA communities must have a tree board or department, a tree-care ordinance, a community forestry program with annual expenditures of at least \$2 per capita, and an Arbor Day observance and proclamation.

Communities that earn Tree City USA recognition not only have taken the time to meet the four standards, they know that trees:

- Promote healthier communities by filtering the air we breathe by removing dust and other particles.
- Moderate climate, conserve water, and provide vital habitat for wildlife.
- Reduce the heat island effect in urban areas caused by pavement and buildings.
- Reduce energy use and increase property values.

About the Arbor Day Foundation

The Arbor Day Foundation is a nonprofit, environmental, and education organization of more than 1 million members, with a mission to inspire people to plant, nurture, and celebrate trees. More information on the Foundation and its programs can be found at www.arborday.org."

The Shade Tree Commission presented Mayor Le Frois and the Town Council with a plaque and Tree City USA flag. Mayor Le Frois thanked the Shade Tree Commission for their diligent work in applying for and being awarded this prestigious award and designation for the Town of Newton.

Mr. Russo noted that the flag will be hung at Town Hall and then displayed throughout the community parks.

Mr. Russo announced that a truck fire incident occurred at 12:51 a.m. on May 30, 2012 on Route 206, by Paterson Avenue, which caused diversion in traffic. Mr. Russo and the Town Council praised the efforts of the Police, Fire and OEM for their quick response.

ORDINANCES - None

OLD BUSINESS – None

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 a brief overview of the various Resolutions.

RESOLUTION #96-2012*

AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF NEWTON AND KATIE'S HOUSE INC., FOR THE DISBURSEMENT OF FUNDS FROM THE TOWN OF NEWTON'S HOUSING TRUST FUND

WHEREAS, Katie's House, Inc. (hereinafter referred to as "Katie's House") is a New Jersey 501(c)(3) non-profit corporation that provides supportive housing for people with special needs; and

WHEREAS, Katie's House is in the process of purchasing and rehabilitating a residential home in the Town of Newton for use as a home for men with autism; and

WHEREAS, Katie's House has requested TWENTY THOUSAND DOLLARS (\$20,000.00) from the Town of Newton's Housing Trust Fund for the rehabilitation of its planned home for men, with said home being located at 26 Mason Avenue, Newton, New Jersey 07860, and the Town of Newton ("Town") has reviewed said request; and

WHEREAS, the Town has agreed to disburse TWENTY THOUSAND DOLLARS (\$20,000.00) to Katie's House, subject to the terms of a written agreement for the appropriate use of said funds;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that we hereby authorize the Mayor, Town Manager, and/or Municipal Clerk to act as follows:

1. Execute a written agreement with Katie's House in substantially the same form as the draft agreement attached hereto.
2. Disburse TWENTY THOUSAND DOLLARS (\$20,000.00) from the Town of Newton's Housing Trust Fund in accordance with the terms and conditions of the aforementioned written agreement.

RESOLUTION #97-2012*

AUTHORIZE USE OF SPRING STREET SIDEWALKS AND ALLEYWAYS FOR THE FOODSHED ALLIANCE'S FARMERS' MARKET

WHEREAS, the Town of Newton manages the public properties and rights-of-way, including alleyways, public streets and sidewalks within the Town of Newton; and

WHEREAS, the Foodshed Alliance, a not-for-profit organization, was granted permission by the Planning Board at their meeting on December 21, 2011 to host a farmers' market at the SpringBoard Shoppes at 145 Spring Street; and

WHEREAS, the Town Zoning Officer, Katherine Citterbart, has issued a Temporary Use Permit to the Foodshed Alliance granting permission to hold the farmers' market on Spring Street during the summer months;

WHEREAS, the Town Engineer, Harold E. Pellow has prepared a map outlining the layout of the farmers' market on Spring Street for the Foodshed Alliance to follow; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that we authorize the Foodshed Alliance to operate a farmers' market in the alleyways and on the sidewalks of Spring Street with the following conditions:

1. The farmers' market will be hosted by the Foodshed Alliance.
2. The approval is granted to use the alleyways and sidewalks for the farmers' market on Tuesday's beginning June 5, 2012 and ending October 30, 2012.
3. The hours of operation for the farmers' market shall be, Tuesdays from 11:00am to 2:00pm; vendors may set up and cleanup one hour prior and one hour after same.
4. The maximum number of vendors permitted is eighteen (18).
5. The layout of the farmers' market must adhere to the layout as outlined in Harold E. Pellow & Associates, Inc. map titled MARKET LAYOUT PLAN, which is attached to and made part of this resolution.
6. The proper certificate of insurance naming the Town of Newton as an additional insured must be provided to the Town Zoning Officer and Town Insurance Agent for review and approval.

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RESOLUTION #98-2012*

APPOINTMENT OF KENNETH TEETS TO THE ADVISORY RECREATION COMMISSION

WHEREAS, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

WHEREAS, Mr. Kenneth Teets has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Kenneth Teets is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2016.

RESOLUTION #99-2012*

RESOLUTION TO AWARD WATERMAIN PIPES & FITTINGS FOR THE MAPLE AVENUE WATERMAIN PROJECT

WHEREAS, the Town of Newton publicly accepted bids for the purchase of watermain pipes and fittings for the Maple Avenue Watermain Project on Tuesday, May 8, 2012 at 11:00 a.m.; and

WHEREAS, the bid opening results are as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Brent Material Company 741 Northfield Avenue Suite 203 West Orange, NJ 07052	\$72,583.65
Kennedy Culvert & Supply Co. 8000 Midlantic Drive, Suite 200N Mr. Laurel, NJ 08054	\$70,534.40
HD Supply Waterworks, Ltd. 61 61 Gross Avenue Edison, NJ 08837	\$67,801.45
Hamburg Plumbing Supply Co., Inc. 180 Rte. 23 S. P.O. Box 212 Hamburg, NJ 07419	\$75,099.63
Capitol Supply Construction Products, Inc. 55 Hembek Road Denville, NJ 07834	\$204,904.03

WHEREAS, the Town Engineer and Town Qualified Purchasing Agent recommend award of the watermain pipes and fittings contract to HD Supply Waterworks, Ltd., in the amount of \$67,801.45; and

WHEREAS, the Treasurer 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 they hereby award the bid for the purchase of watermain pipes and fittings for the Maple Avenue Watermain Project to HD Supply Waterworks, Ltd., 61 Gross Avenue, Edison, NJ in the amount of \$67,801.45.

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RESOLUTION #100-2012*

RESOLUTION AUTHORIZING DISPOSAL OF SUPLUS PROPERTY

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. 2000 Chevrolet C1500 Pickup
Vin#: 1GCGC24R3YR122143
Odometer Reading: 89,405 MILES
Condition: Poor
 2. Clothing Bins
Quantity: 2
Condition: Fair
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #101-2012*

ACCEPTANCE OF THE PROPOSED PURCHASE OF PIPES AND FITTINGS FOR THE MORAN STREET WATERMAIN PROJECT

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Purchase of Pipes and Fittings for the Moran Street Watermain Project to Capitol Supply Construction Products, Inc., "CAPITOL" in the amount of \$30,575.68 by Resolution #71-2012, which was adopted on April 9, 2012; and

WHEREAS, the Town Council approved Change Order No. 1 for "CAPITOL's" portion of the project by the adoption of Resolution #90-2012 at their meeting on May 14, 2012, increasing their portion of the project by \$99.84 to a new contract total of \$30,675.52; and

WHEREAS, David Simmons, Jr., of Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated May 17, 2012 that the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Proposed Purchase of Watermain Pipes and Fittings for the Moran Street Watermain Project as complete based on the recommendation of the

Town Engineer, so that the final paperwork can be started.

RESOLUTION #102-2012*

**AWARD CONTRACT TO TONY'S CONCRETE CONSTRUCTION CO., INC. FOR THE
INSTALLATION OF SIDEWALKS AND CURB ON VARIOUS INTERSECTIONS**

WHEREAS, the Town of Newton, in accordance with State statute, received quotes from qualified vendors for curb and sidewalk work for various intersections at 11:00 a.m. on Tuesday, May 22, 2012; and

WHEREAS, Tony's Concrete Construction Co. Inc., was the only quote received for the sidewalk and curb work; and

WHEREAS, it is recommended by the Qualified Purchasing Agent, Debra J. Millikin and Town Engineer, Harold E. Pellow, that a contract for the construction of sidewalks and curbs for various intersections be awarded to Tony's Concrete Construction Co., Inc., in the amount of \$21,246.00; and

WHEREAS, the Treasurer 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 awards the contract for the sidewalk and curb work for various streets to Tony's Concrete Construction Co. Inc., Newark, NJ, in the amount of \$21,246.00.

RESOLUTION #103-2012*

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

193.97	Quill Corporation	30368
117.00	ABCcode Security	30369
1,357.92	NUI Corporation	30370
366.20	New Jersey Herald	30371
390.00	B & G Elevator, Inc.	30372
248.19	Centurylink Communications, Inc.	30373
23.47	Centurylink Communications, Inc.	30374
2,740.08	Centurylink Communications	30375
4,788.00	Hollander, Strelzik, Pasculli, Hinkes	30376
20.00	Lorraine Read	30377
81.25	Thea Unhoch	30378
250.00	Sussex County Economic	30379
139.00	R.S. Phillips Steel Company	30380
150.00	Willco, Inc.	30381
2,070.00	T.A. Mountford Company	30382
135.00	Galls Incorporated	30383
366.20	Weldon Asphalt Company	30384
111.00	Gann Law Books	30385
39.20	Sebring Auto Parts	30386
121.92	Sherwin-Williams	30387
3,253.40	Stamp Fulfillment	30388
707.77	Airgas East	30389
663.50	McGuire	30390
840.11	Vision Service Plan	30391
1,540.77	Verizon Wireless	30392

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99.00	Institute Professional Develop	30393
84.66	Walmart	30394
76.30	Mr. John	30395
450.00	Peachtree Business Products	30396
3,150.00	Gold Type Business Machine	30397
390.00	Alva Plastic Printing Co.	30398
1,050.00	Vogel, Chait, Collins, Schneider, PC	30399
1,137.51	The Home Depot	30400
241.09	The Home Depot	30401
597.00	Excelsior Lumbar Company	30402
910.00	Scarinci & Hollenbeck, LLC	30403
971.16	Sussex County Mailing Service	30404
135.45	Ward's Flowers & Gifts	30405
613.40	Staples Business Advantage	30406
42.70	Dominick's Pizza	30407
246.00	Pinnacle Wireless FBO Unitek Global	30408
139.77	Magarino Ford	30409
3,494.64	Rachles/Michele's Oil Company	30410
2,939.96	Taylor Oil Co.	30411
1,544.90	Murch Auto Body, Inc.	30412
55.00	The Craft Creators	30413
2,250.00	Laddey, Clark & Ryan, LLP	30414
192.50	JMC Environmental Consultants, Inc.	30415
263.29	W.B. Mason	30416
75.00	Civic Plus	30417
168.00	Jersey Central Power & Light	30418
676.50	Atlantic Tactical	30419
442.50	Spartech Solutions, LLC	30420
499.75	Penteledata	30421
8,326.00	Direct Energy Business	30422
87.50	Maksim Mazuryk	30423
75.00	Mary Ellen Nienstedt	30424
87.50	Linn Clouse	30425
75.00	Lona L. Grisi	30426
75.00	Barbara E. Schwarz	30427
87.50	Roy C. Orcutt	30428
87.50	Janien N. Roberts	30429
75.00	Suzanne M. Kimble	30430
75.00	Irene E. Blauvelt	30431
81.25	Diane P. Bell	30432
1,536.27	Woodruff Energy US, LLC	30433
214.95	Amsterdam Printing	30434
600.00	Mainly Menus	30435
176.18	Kirsti Coghlan	30436
75.00	Dewitt T. Budd	30437
81.25	Yolanda Casta	30438
75.00	Hyla J. Fellner	30439
75.00	Mikhail Mazuryk	30440
75.00	Hiam Frangieh	30441
75.00	Denise Chambliss	30442
75.00	Kathleen M. Talmadge	30443
81.25	Guilene Ham	30444
182,602.33	Payroll Account	121033

CAPITAL

5,668.50	Harold Pellow & Assoc., Inc.	7910
446.00	New Jersey Herald	7911
126.00	Hollander, Strelzik, Pasculli, Hinkes	7912
509.79	Kieffer Electric, Inc.	7913
670.00	John A. Van Deusen & Assoc's., Inc.	7914
146,217.00	Campbell Freightliner, LLC	7915
1,116.00	Rent-A-Fence	7916

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5,920.00 J. Caldwell & Associates, LLC 7917

Total TOWN BILLS \$399,197.80

WATER AND SEWER ACCOUNT

7,646.02	Harold Pellow & Assoc., Inc.	12882
397.13	NUI Corporation	12883
7,545.60	Coyne Chemical Corp., Inc.	12884
31.79	Centurylink Communications, Inc.	12885
1,205.46	Centurylink Communications, Inc.	12886
414.00	Hollander, Strelzik, Pasculli, Hinkes	12887
850.00	Garden State Laboratories, Inc.	12888
597.58	Weldon Asphalt Company	12889
2,713.50	Stamp Fulfilment	12890
143.55	Airgas East	12891
161.71	Vision Service Plan	12892
2,057.36	Grinnell Recycle	12893
168.92	Verizon Wireless	12894
1,250.00	Smalley, John	12895
4.89	Advance Auto Parts	12896
681.74	The Home Depot	12897
125.62	Sussex County Rental Center	12898
962.00	Andy Matt, Inc.	12899
75.00	Civic Plus	12900
119.90	Penteledata	12901
18.00	Dustin McGarry	12902
18,023.99	Direct Energy Business	12903
162.08	One Call Concepts	12904
396.15	Woodruff Energy US, LLC.	12905
600.00	Mainly Menus	12906
72.45	Vitran Express	12907
35,279.15	Payroll Account	126017

CAPITAL

5,021.50	Harold Pellow & Assoc., Inc.	2219
159.60	New Jersey Herald	2220
90.00	Hollander, Strelzik, Pasculli Hinkes	2221

Total WATER & SEWER BILLS \$86,974.69

TRUST FUND

1,722.00	Harold Pellow & Assoc., Inc.	3012
666.00	Hollander, Strelzik, Pasculli, Hinkes	3013
1,333.33	James P. Sloan, P.C.	3014
510.00	Vogel, Chait, Collins, Schneider, PC	3015
1,455.70	Rachel Manor Properties LLC	3016

Total TRUST FUND BILLS \$5,687.03

FEDERAL AND STATE GRANT

1,582.39	The Home Depot	1092
112.95	R & R Radar, Inc.	1093
84.46	Shop Rite	1094

Total FEDERAL AND STATE GRANT ACCOUNT BILLS \$1,779.80

A motion was made by Mrs. Becker 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	

INTERMISSION - None

DISCUSSION

a. SCARC Funding

Mrs. Debra Millikin updated Council on an application submitted by Sussex County Association for Retarded Citizens (SCARC) for use of the Housing Trust Fund monies. Mrs. Millikin advised that SCARC is proposing to purchase the existing apartments located at 16-18 Mill Street, in order to provide independent living apartments for people with development disabilities. SCARC's proposal is to rehabilitate four (4) 2 bedroom units and two (2) 1 bedroom units. SCARC has applied for \$68,000, but only \$48,000 is available for allocation from the Housing Trust Fund. The proposal meets the criteria to receive Affordable Housing Trust Fund monies under the Town's Rehabilitation Program. It was noted that if the Town Council approves the funding, the Town will receive 10 units of affordable housing credits. SCARC will need to provide a 10-year deed restriction on the units.

After a brief discussion, Council directed Mrs. Millikin and Mr. Hontz to review the possibility of a pilot program with this tax-exempt organization.

b. Nuisance Ordinance Draft

Mark Hontz, Esq. reviewed a draft Ordinance which would increase liability for landlords and owners whose tenants have been engaging in disruptive behaviors. Mr. Hontz outlined the proposed Ordinance, entitled "Disruptive Properties", under Property Maintenance in Chapter 213 of the Town of Newton Code. It was noted that the violations and penalties under this proposed Ordinance shall be subject to a fine not less than \$500 nor more than \$1,000, imprisonment for not more than 90 days or a period of community service not to exceed 90 days, or any combination thereof, per violation. Chief Richards provided input on the discussion and advised of the many incidents which required police intervention. This Ordinance is a way of getting the point across that the Town is not tolerating these behaviors, Chief Richards concluded.

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After a lengthy discussion, a majority of Council members agreed to the jail time stipulation and unanimously agreed to the community service stipulation. After a question and answer period, Council had additional questions which will be reviewed by legal counsel.

OPEN TO THE PUBLIC

Mr. Neil Flaherty, 154 Sparta Avenue, addressed Council and advised that he is in favor of the jail time stipulation for the proposed Ordinance entitled "Disruptive Properties".

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

COUNCIL & MANAGER COMMENTS

Deputy Mayor Diglio reported that the Memorial Day Parade was a huge success and thanked all participants, volunteers, Department of Public Works as well as the Newton Police for their assistance.

Councilwoman Becker congratulated Mayor Le Frois on her Freeholder debate which was held at the Newton Theater last night.

Mayor Le Frois commended all those who participated in the Memorial Day Parade. It was a beautiful day to honor those who have served and protected our Country, Mayor Le Frois concluded.

Mayor Le Frois requested that Mr. Robert Caffrey be in attendance at the next Council meeting. It was noted that Mr. Caffrey is moving out of State and has attended all the Council meetings for the past seven (7) years.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk