

June 11, 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, Debra Millikin, Deputy Town Manager, and William Hinkes, 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.

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. Ray Storm, 202 Main Street, addressed the Council and registered a complaint regarding his neighbor using a chimera which is creating smoke coming into his windows. After a brief discussion, Council directed Mrs. Millikin to forward the complaint to the Zoning Officer as well as the Fire Official.

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

COUNCIL & MANAGER REPORTS

At this time, Mayor Le Frois introduced Mr. John Cambridge, Forest Pest Outreach Assistant Coordinator, of the New Jersey Department of Agriculture. Mr. Cambridge made a presentation on the Asian Longhorned Beetle and the Emerald Ash Borer. Mr. Cambridge provided actual specimens of the two species of insect, as well as samples of wood that these insects have caused damage to. Mr. Cambridge advised that he is conducting educational outreach regarding these invasive forest pests due to the amount of damage these insects have caused to over 100 million trees in the United States. The Department of Agriculture is expecting to find these forest pests here in NJ either this year or next and Newton is in a high risk area, Mr. Cambridge concluded.

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Mayor Le Frois advised that the Newton Town Council would like to assist with any legislation which would assist the Department of Agriculture and directed Mrs. Millikin to forward an email to Mr. Cambridge for the information.

PROCLAMATIONS

Michael Paul Woodrow

WHEREAS, Michael Paul Woodrow, a member of Boy Scout Troop 85, Andover-Newton, NJ has earned the status of Eagle Scout; and

WHEREAS, We, the Town Council of the Town of Newton, recognize the many hours Michael devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Michael Paul Woodrow has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Michael's Eagle Scout Leadership Project he restored the Halsted Middle School Sign; and

WHEREAS, as part of his project, Michael also refinished the benches and spread mulch around the entrance to the school; and

WHEREAS, Michael Paul Woodrow serves as an example to youth through his high level of personal achievement, leadership and community service;

NOW, THEREFORE, BE IT PROCLAIMED that We, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Michael Paul Woodrow for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright and successful future.

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

_____ s/ Helen R. Le Frois

Attest: _____

Date: _____ June 3, 2012

Richard Edward Gerdes

WHEREAS, Richard Edward Gerdes, a member of Boy Scout Troop 85, Andover-Newton, NJ has earned the status of Eagle Scout; and

WHEREAS, We, the Town Council of the Town of Newton, recognize the many hours Richard devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Richard Edward Gerdes has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Richard's Eagle Scout Leadership Project he renovated the Serton's closet by cleaning, painting and building shelves at the First Presbyterian Church of Newton; and

WHEREAS, as part of his project, Richard built a raised flower bed around the church's sign using Belgard retaining wall blocks; and

WHEREAS, Richard Edward Gerdes serves as an example to youth through his high level of personal achievement, leadership and community service;

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NOW, THEREFORE, BE IT PROCLAIMED that We, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Richard Edward Gerdes for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright and successful future.

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

s/Helen R. Le Frois

Attest: _____

Date: _____ June 3, 2012

Mayor Le Frois read and presented Mr. Caffrey the following Proclamation for his years of service and volunteerism on various Boards in the Town of Newton.

Robert Caffrey

WHEREAS, Robert "Bob" Caffrey, a lifelong resident of the Town of Newton, along with his wife Gail, has raised three boys, Michael, Shawn and Ryan and instilled in each of them the importance of giving back to your community; and

WHEREAS, through the years, Bob volunteered his time coaching his sons in various Town sporting programs; and

WHEREAS, when the boys grew up, Bob decided to get involved in local government and was appointed to the Utility Advisory Board in April 2006; and

WHEREAS, as a result of his dedication to the Board, the Governing Body appointed Bob to the Newton Planning Board in February 2007; and

WHEREAS, during his tenure on both Boards, Bob has proven to be a valuable asset helping Newton to progress in its plans for redevelopment and economic revitalization;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation to Robert "Bob" Caffrey for his years of service and contribution to the future development of the Town of Newton. We wish him and his wife the very best of health, happiness and joy in their retirement. His presence in Town Hall will be missed, but surely not forgotten.

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

s/Helen R. Le Frois

Attest: _____

Date: _____ June 11, 2012

Mr. Caffrey thanked the Mayor and Town Council for the Proclamation.

ORDINANCES

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

ORDINANCE #2012-17

AN ORDINANCE AMENDING SECTION 320-2.C PERMITTED USES AND SECTION 320-3 DEFINITIONS AND SECTION 320-26 T-5 TRANSECT ZONE OF CHAPTER 320 FORM-BASED CODE OF THE TOWN OF NEWTON

Councilman Ricciardo had some questions and Mayor Le Frois directed Mrs. Millikin to will get further clarification on food related items (#42, #46 & #52) in the permitted uses for Transect Zones.

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on June 25, 2012.

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

ORDINANCE #2012-18

ORDINANCE REAPPROPRIATING \$20,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR COURT ROOM RENOVATIONS AND APPURTENANCES FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

The following **ORDINANCE** was offered by Mr. Ricciardo, 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 June 25, 2012.

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.”*

Mrs. Millikin provided a brief overview of the various Resolutions.

RESOLUTION #104-2012*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 22.02, LOT 3 (FORMERLY BLOCK 1209, LOT 3)

WHEREAS, at the Municipal Tax Sale held on October 19, 2006 a lien was sold on Block 22.02, Lot 3 (Formerly Block 1209 Lot 3), also known as 19 Merriam Avenue, for 2005 delinquent real estate taxes and water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1242, and was sold to US Bank cust for SASS Muni V dtr for 0% redemption fee; and

WHEREAS, Lakeland Bank, the owners mortgage company, has effected the redemption of Certificate #1242 in the amount of \$117,571.91. Lakeland Bank has also paid the foreclosure legal fees in the amount of \$1,183.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that, US Bank cust for SASS Muni V dtr is entitled to a redemption in the amount of \$117,571.91 as well as the legal fees in the amount of \$1,183.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two (2) checks, the first in the amount of \$117,571.91 for the redemption of Certificate #1242 and the second in the amount of \$1,183.00 for the legal fees to US Bank cust for SASS Muni V dtr, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #105-2012*

AUTHORIZE CREDITS DUE WATER AND DEWER 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:

Account Overestimated

<u>Account</u>	<u>Address</u>	<u>Amount</u>
11524	120 Woodside Ave.	\$1,207.20

Meter Read Incorrectly

<u>Account</u>	<u>Address</u>	<u>Amount</u>
15350	10 Mason Ave.	\$502.00

RESOLUTION #106-2012*

ACCEPT THE PROJECT FOR THE INSTALLATION OF SIDEWALKS AND CURBS ON VARIOUS INTERSECTIONS AS COMPLETE

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, Harold E. Pellow, P.E. L.S., of Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated June 5, 2012 that the project be

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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 Installation of Sidewalks and Curb on Various Intersections Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

RESOLUTION #107-2012*

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

180.00	Newton Postmaster	30445
11,195.96	First Hope Bank	30446
243.56	Quill Corporation	30447
277.53	Staples Credit Plan	30448
3,352.75	Printing Center, Inc.	30449
176.00	Decker's Fire & Safety	30450
1,963.00	ABCCode Security	30451
715.86	Airmark Pools	30452
118.75	Sussex Car Wash, Inc.	30453
1,074.93	G & G Diesel Service, Inc.	30454
7,637.25	JCP&L	30455
520.32	SCMUA	30456
35.00	Centurylink Communications, Inc.	30457
992.15	Centurylink Communications, Inc.	30458
469.92	Rowe & Company, Inc.	30459
436.82	Campbell's Small Engine	30460
117.81	D & E Service Center	30461
190.50	Fire Fighters Equipment Co.	30462
10,500.00	Neopost Leasing	30463
251.25	Lock & Key world	30464
84.00	West Group	30465
573.18	ZEP Manufacturing Company	30466
50.00	Newton First Aid Squad	30467
50.00	First United Methodist Church	30468
39.95	Scott Holzhauer	30469
2,750.00	Willco, Inc.	30470
60.00	Treasurer, Petty Cash Fund	30471
190.75	Newton Trophy	30472
125.00	T.A. Mountford Company	30473
130.00	Lou's Glass	30474
160.50	Minisink Press Inc.	30475
480.88	Good Year	30476
2,116.80	Office Business Systems, Inc.	30477
2,099.00	Ben Shaffer & Associates	30478
249.99	Sherwin-Williams	30479
949.62	Dempsey Uniform & Supply Inc.	30480
1,253.22	Boonton Tire Supply	30481
193.55	Verizon Wireless	30482
299.00	Medtronic Physio-Contrl Corp.	30483
1,482.08	Dell Marketing L.P.	30484
12.92	Walmart	30485
733.90	Universal Mailing Service	30486
39.00	NJ Div. Alcohol Beverage Control	30487
112.00	NJ Municipalities	30488

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39.98	Advance Auto Parts	30489
1,115.67	The Home Depot	30490
166.00	Fire & Safety Services, LTD.	30491
11.62	Excelsior Lumber Company	30492
718.50	Softouch t/a Action Screen	30493
86.17	Poster Compliance Center	30494
527.56	Buckman's Inc.	30495
65.66	Paint Spot	30496
92.00	Seely Brothers	30497
55.95	Ward's Flowers and Gifts	30498
545.64	Matthew Bender & Co.	30499
72.95	Tritec Office Equipment, Inc.	30500
1,221.06	Staples Business Advantage	30501
30.60	Language Line Services	30502
216.37	Lowe's	30503
602.00	Screen Creation Plus	30504
38.00	Tom Tosti	30505
45.80	Dominick's Pizza	30506
58.52	Nestle Waters	30507
241.00	Stalker Radar	30508
4,703.67	Rachles/Michele's Oil Company	30509
4,783.35	Taylor Oil Co.	30510
153.18	Firefighter One	30511
209.93	Ricciardi Brothers, Inc.	30512
744.63	BSNCP	30513
168.00	Jersey Central Power & Light	30514
33.00	EM Signs	30515
116,230.00	NJMEBF	30516
2,010.00	Chelbus Cleaning Co., Inc.	30517
1,752.73	Direct Energy Business	30518
1,917.60	Crime Reports	30519
621.50	Extra Tech Data Services LLC	30520
475.00	D. Lovenberg's Portable Toilet Rent	30521
304.17	Fastenal Company	30522
181,435.67	Payroll Account	121035
920,409.00	Newton Board of Education	121036

CAPITAL

9,655.98	McManimon & Scotland	7918
6,760.28	Carpet Gallery	7919
6,152.00	Accurate Door, Inc.	7920
578.61	Cooper Electric Supply Co.	7921
192.90	The Home Depot	7922
17,000.00	Stalker Radar	7923
5,658.42	Excel Environmental Resources, Inc.	7924
66.00	Mulch Concepts	7925
5,655.00	Anchor Industries Inc.	7926

Total TOWN BILLS \$1,348,306.26

WATER AND SEWER ACCOUNT

1,415.52	Montague Tool & Supply	12909
5,720.33	JCP&L	12910
376.05	SCMUA	12911
209.71	Sussex County Plumbing	12912
14.00	Paul M. Havens	12913
3,696.00	Coyne Chemical Corp., Inc.	12914
125.85	Centurylink Communications, Inc.	12915
5,000.00	Neopost Leasing	12916
376.45	Dempsey Uniform & Supply Inc.	12917
600.00	R&D Trucking Inc.	12918
32.00	Ervin Lasso	12919

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10.78	McGuire	12920
166.59	Treasurer, State of New Jersey	12921
700.00	JCI Jones Chemicals Inc.	12922
1,938.54	Grinnell Recycle	12923
7,866.00	Passaic Valley Sewerage Comm.	12924
1,138.78	Dell Marketing L.P.	12925
3,329.08	Main Pool & Chemical Company	12926
729.81	The Home Depot	12927
2.50	Carquest	12928
16,030.00	Pall Corporation	12929
134.07	Staples Business Advantage	12930
11,448.68	APC Sales & Service Corporation	12931
20,832.00	NJMEBF	12932
3,685.04	Harter Equipment Inc.	12933
432.50	Extra Tech Data Services LLC	12934
4,640.57	Hatch Matt MacDonald	12935
8,444.00	Kozdeba Brothers Sand & Gravel	12936
424.14	State of New Jersey – PWT	126019
33,425.34	Payroll Account	126020

Total WATER & SEWER BILLS \$132,944.33

TRUST

4,195.50	Harold Pellow & Assoc., Inc.	3017
486.00	Hollander, Strelzik, Pasculli, Hinkes	3018
112.82	Walmart	3019
140.00	Foremost Promotions	3020
3,590.00	John Daly	3021

Total TRUST ACCOUNT BILLS \$8,524.32

FEDERAL AND STATE GRANT

1,320.00	Mulch Concepts	1095
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Total FEDERAL & STATE GRANT ACCOUNT BILLS \$1,320.00

HOUSING TRUST FUND (COAH)

20,000.00	Katie's House, Inc.	126
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Total HOUSING TRUST FUND ACCOUNT BILLS \$20,000.00

RESOLUTION #108-2012*

TOWN OF NEWTON CAPITAL BUDGET AMENDMENT				RESOLUTION #108-2012		
Whereas , the local capital budget for the year 2012 has been adopted; and						
Whereas , it is desired to amend said adopted capital budget section;						
Now , Therefore Be It Resolved , by the Governing Body of the Town of Newton, County of Sussex that the following capital budget amendment of 2012 be made:						
	(Becker			(
RECORDED VOTE: AYES	(Elvidge		NAYS	(
	(Ricciardo			(
(Insert last name)	(Diglio			(
	(Le Frois			(
ABSTAIN	((
ABSENT	((
				Funding as Amended		
Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Capital Improvement Fund	Prior Year Reserves	Grants in Aid
General Capital						
Road Improvements-Shady Lane, Hillside, Overlook, e	#2011-5	\$ 300,000.00	\$ 280,000.00	\$ 14,000.00		
Court Room Renovations	#2012-18	\$ -	\$ 20,000.00	\$ 1,000.00		
Total - All Projects		\$ 300,000.00	\$ 300,000.00	\$15,000.00	\$ -	\$ -
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 Town Auditor and filed with the Chief Financial Officer.						
It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 11th day of June 2012.						
	11-Jun-12	<i>s/ Lorraine A. Read</i>				
Date		Lorraine A. Read, RMC Municipal Clerk				

The Clerk presented an application for an on-premise raffle (Tricky Tray) from the Domestic Abuse Services, Inc. (DASI) 105 Main Street,, Newton to be held on Saturday, October 13, 2012 at 3:00 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.

The Clerk presented an application for an on-premise raffle (50-50) from the Sussex County Community College Foundation, 1 College Hill Road, Newton to be held on June 28, 2012, July 5, 2012, July 12, 2012, July 26, 2012 and August 2, 2012 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 applications for an on-premise raffle (Trick Tray and 50-50) from the Catholic Academy of Sussex County, Inc. 28 Andover Road, Sparta, N.J. to be held on Friday, September 28, 2012 at St. Joseph Regional School, 20 Jefferson Street, Newton. It was noted that the applications were in order and accompanied by the prescribed fees.

The Clerk presented an application for an off-premise raffle from Catholic Academy of Sussex County, Inc. 28 Andover Road, Sparta, NJ to be held on May 16, 2013 at St. Joseph Regional School, 20 Jefferson Street, Newton. It was noted that the

application was in order and accompanied by the prescribed fee.

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 - None

OPEN TO THE PUBLIC

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

COUNCIL & MANAGER COMMENTS

Mrs. Millikin updated Council on the various paving projects in Town being completed by Tilcon Company.

Mrs. Millikin advised Council, as the team Captain, that the Town of Newton employees, family members and volunteers, created a team, who participated in the Newton Firehouse 5K on Saturday, June 9, 2012. Our team, the "Road Runners" won an award for the 3rd largest team in the 5K race. It was a terrific event and was enjoyed by all, Mrs. Millikin concluded.

Mayor Le Frois also commented on the Newton Firehouse 5K as well as Newton Day. It was a well-attended, well-organized event and fun was had by all. Mayor Le Frois advised that Newton Day concluded with fireworks which took place at Memory Park and could be seen for miles around.

Mayor Le Frois reminded all residents that Town Hall is conducting summer hours. Hours of operation are: Monday–Wednesday, 8:30 – 4:30 p.m.; Thursdays, 8:30 – 6:30 p.m.; and Friday, 8:30 – 2:30 p.m. All departments are tracking calls and customers on the late night.

Mayor Le Frois informed Council of the Little Miss, Little Mister contest as well as the Miss Newton contest held on Friday, June 8, 2012. Ashley Iliff was crowned Miss Newton this year and will represent Newton in the New Jersey State Fair in August.

Mayor Le Frois wished all those "Dad's" in attendance a Happy Father's Day on Sunday.

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Deputy Mayor Diglio thanked the Department of Public Works for all their assistance, throughout the day, on Saturday for Newton Day.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk