

September 14, 2011

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, Mr. 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, 2010."

Mayor Le Frois led the Pledge of Allegiance to the flag. The Deputy Clerk called the roll and upon motion of Mrs. Becker, seconded by Mr. Ricciardo, the minutes of August 22, 2011(Regular) meeting were 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. Louis Ratti, 26 Stillwater Road, spoke on his behalf regarding his pending application to the Newton Fire Department. Mr. Ratti indicated Town Manager, Mr. Russo, was in receipt of correspondence from the Fredon Township Fire Chief and President, and challenges the content of the letter as it is misleading. Mr. Ratti advised he is an exempt member of the Newton Fire Department and served on the Newton Volunteer First Aid and Rescue Squad with honesty and integrity. Mr. Ratti thanked the Council for their time.

#### **COUNCIL & MANAGER REPORTS**

Mr. Russo indicated that a copy of the North Jersey Municipal Employee Benefits Fund Plan Document was included in the Council packets and if there are any questions or comments, please contact him off line.

Mr. Russo advised he received a fax dated September 12, 2011 from Karen Crossley, a resident of Newton, advising of a motorcycle run and barbeque

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fundraiser for a local Town resident to be held on Sunday, September 18, 2011 at the Newton VFW, 33 Mill Street, Newton. Mr. Russo indicated that registration will begin at 10 a.m., the motorcycle run at 11:30 a.m., and the Barbeque will begin at 1:00 p.m. Mr. Russo addressed several concerns and advised he was looking for guidance from the Governing Body.

Mr. Russo read Ms. Crossley's fax aloud at the request of the Governing Body:

*Hello,*

*"On September 18, 2011, we are having a fundraiser for a local town family and will be having a bike run as part of it. (see attached flyer).*

*There should be approximately 50-100 bikes – mostly family members and local people.*

*We will be leaving Newton VFW at 11:30am and should be returning 12:30pm.*

*Start @ VFW and travel north on 519 to Augusta Hill Road to 206. Turning left on 206 North and bearing right on Broad St. in Branchville. Thru town and make a right on Wantage Ave. (519) and proceed all the way to Rt. 23. Turn on 23 South to Rt. 565 (Sussex Inn) Turn right on Rt. 565 to Rt. 206. Turn left on 206 South to Rt. 94 traffic light (Quick Chek) in Lafayette. Turn right and continue thru Germany Flatts to Newton-Sparta Road. Turn right on Newton-Sparta Road and come straight through the center of town going to Mill Street, turning left on Mill Street and returning to the VFW. The ride is about 43 miles.*

*If there is anything we need to do, please let us know so we can make sure everything is done correctly."*

*Thank you so much,*

*Karen Crossley*

After a lengthy discussion, the Governing Body had no issue with the request as the Town would not be providing road closures, police, or public works assistance.

Mr. Russo advised of a distribution error by the United States Postal Service

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which affected the delivery of the Utility Bills. The Utility bills were mailed out on August 31<sup>st</sup> and delivered to only half the residents in Newton. Mr. Russo indicated as per State Statute, proper payment is due on September 30, 2011. Mr. Russo stated that an alert was placed on the Town website and is looking to do a reverse 9-1-1.

**ORDINANCES**

There were no Ordinances to be read.

**OLD BUSINESS**

Mayor Le Frois indicated the next item on the agenda is the Application for Membership to the Newton Fire Department from Louis R. Ratti, 26 Stillwater Road, Newton, NJ 07860. Deputy Mayor Diglio recused herself from the discussion.

After a brief discussion, Mr. Ricciardo made a motion to **CONTINUE TO TABLE** the Application pending a more thorough review by the Newton Fire Department's Investigation Committee, seconded by Mrs. Becker and roll call resulted as follows:

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

Deputy Mayor Diglio returned to the dais.

**CONSENT AGENDA**

Mayor Le Frois read the following statement:

*"All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

Mr. Russo provided an overview of the resolutions on the Consent Agenda.

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**RESOLUTION #187-2011\***

**PROVIDE EMERGENCY APPROPRIATION IN THE TOWN OF NEWTON 2011 BUDGET**

**WHEREAS**, an emergency has arisen with respect to a Water Main Break and no adequate provision was made in the 2011 budget for the aforesaid purpose; and

**WHEREAS**, N.J.S. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$38,200.00 and three percent (3%) of the total operations in the budget for the year is \$ 267,143.96;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-48 that:

- 1) An emergency appropriation be and the same is hereby made for in the amount of \$38,200.00.
- 2) Said emergency appropriation shall be provided in full in the 2012 budget.
- 3) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 4) That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of NJSA 40A:4-51.
- 5) That such note shall be executed by the Chief Financial Officer and by the Town Clerk
- 6) That said note be dated after September 14, 2011, and may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 2012.
- 7) A certified copy of this resolution be filed with the Director of the Division of Local Government Services.

STATEMENT RE:  
EMERGENCY RESOLUTION

This statement must be prepared in duplicate by the Chief Financial Officer or other responsible official, and must be filed with the Municipal Clerk prior to the adoption of the emergency resolution. The duplicate thereof must be filed with the Director of Local Government Services at the time of filing the emergency resolution.

Need of Emergency Appropriation:

**A neighboring municipality's DPW broke a Town of Newton Water Main on Monday, June 6, 2011. Town of Newton labor repaired the break. Materials were purchased for the repair. Additionally, water had to be provided to residents serviced by this main. The Town of Newton will be submitting all costs to the neighboring municipality's insurance and is expecting 100% reimbursement. Since these costs were not included in the 2011 Current Municipal Budget, an emergent condition exists which requires a supplemental appropriation.**

Date of Occurrence: **June 6, 2011**

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Have any contracts been awarded or purchase orders place in connection with this emergency appropriation? **YES**

Have any payments been made in connection with this emergency appropriation? **YES**

If costs are in excess of \$17,500 for either labor or materials, or both, will bids be advertised for? **N/A.**

If not, have resolutions been adopted declaring an exigency to exist which will not permit the advertisement for public bids? **N/A**

Will work be performed by contract, force account or otherwise? **Force Account.**

Signed: \_\_\_\_\_  
Title: Chief Financial Officer

Dated: \_\_\_\_\_

**RESOLUTION #188-2011\***

**AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT FOR CALENDAR YEAR 2012**

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

**WHEREAS**, the Newton 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 Town Council of the Town of Newton hereby recognizes the following:

1. The Newton Town Council does hereby authorize the submission of an application for the Action Alliance grant for calendar year 2012 in the amount of \$18,772.00.
2. The Newton Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved: \_\_\_\_\_  
Sandra Lee Diglio, Deputy Mayor

**RESOLUTION #189-2011\***

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016.**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with

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municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Town of Newton desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016;

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

1. The Town Council of the Town of Newton hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.
2. The Town of Newton Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Town of Newton Officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

**RESOLUTION #190-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 602.02, LOT 3**

**WHEREAS**, at the Municipal Tax Sale held on October 4, 2007 a lien was sold on Block 602.02, Lot 3, also known as 5 Condit Street, for 2006 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1239, and was sold to Jesse Wolosky for a 5% redemption fee; and

**WHEREAS**, CoreLogic, the mortgage company for the owner of said property, has effected the redemption of Certificate #1239 in the amount of \$5,670.54. In addition to the lien redemption the mortgage company has also paid the legal foreclosure costs and fees in the amount of \$1,467.36 pursuant to N.J.S.A. 54:5-62;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Jesse Wolosky is entitled to the redemption in the amount of \$5,670.54 as well as the legal costs and fees of \$1,467.36 ; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue checks in the amount of \$5,670.54 for the redemption of Certificate #1239 along with the legal costs and fees in the amount of \$1,467.36 to Jesse Wolosky, 1 Vista Drive, Sparta, NJ 07871.

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**RESOLUTION #191-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 405,  
LOT 32**

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 405, Lot 32, also known as 20-22 Clinton Street, for 2008 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1294, and was sold to US Bank Cust for CCTS Capital, LLC for a 0% redemption fee with a premium of \$100.00; and

**WHEREAS**, US Bank Cust for CCTS Capital, LLC has changed its name to US Bank Cust for Crestar Capital, LLC; and

**WHEREAS**, EMC Mortgage Corporation, the mortgage company for the owner of said property, has effected the redemption of Certificate #1294 in the amount of \$7,516.47. In addition to the lien redemption the mortgage company has also paid the legal foreclosure costs and fees in the amount of \$1,302.00 pursuant to N.J.S.A. 54:5-62;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Crestar Capital, LLC is entitled to the redemption in the amount of \$7,516.47, the premium of \$100.00 as well as the legal costs and fees of \$1,302.00 ; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue checks in the amount of \$7,516.47 for the redemption of Certificate #1294 along with the premium of \$100.00 and the legal costs and fees in the amount of \$1,302.00 to US Bank Cust for Crestar Capital, LLC, 2 Liberty Place Philadelphia, PA 19102.

**RESOLUTION #192-2011\***

**AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK  
1004, LOT 1.01**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1004, Lot 1.01, also known as 177 Main Street, for 2009 delinquent real estate taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1335, and was sold to US Bank Cust for CCTS Capital, LLC for a 0% redemption fee with a premium of \$3,800.00; and

**WHEREAS**, US Bank Cust for CCTS Capital, LLC has changed its name to US Bank Cust for Crestar Capital, LLC; and

**WHEREAS**, Kala N. Vyas, the owner of said property, has effected the redemption of Certificate #1335 in the amount of \$22,391.31;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Crestar Capital, LLC is entitled to the redemption in the amount of \$22,391.31 as well as the premium of \$3,800.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue checks in the amount of \$22,391.31 for the redemption of Certificate #1335

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along with the premium of \$3,800.00 to US Bank Cust for Crestar Capital, LLC, 2 Liberty Place Philadelphia, PA 19102.

**RESOLUTION #193-2011\***

**AUTHORIZE EXECUTING A REVISED AGREEMENT WITH THE COUNTY OF SUSSEX FOR THE INSTALLATION AND MAINTENANCE OF VIDEO SURVEILLANCE EQUIPMENT**

**WHEREAS**, the Town of Newton previously entered into an Agreement with the County of Sussex to permit the installation and maintenance of video surveillance cameras on the County buildings located at One Spring Street and 4 High Street in the Town of Newton; and

**WHEREAS**, the parties entered into the agreement without clarification for the 4 High Street location with regard to the inclusion of cost sharing for the initial costs of the camera installations; and

**WHEREAS** the Revised Agreement, attached hereto, permits the County from the Prosecutor's Trust Fund to pay directly to the Town's Contract Vendor the costs associated with the initial supply and installation of the cameras at the 4 High Street location in an amount not to exceed \$12,500.00; and

**WHEREAS**, the parties have authority to enter into an Agreement under the Shared Services Act, N.J.S.A. 40A:65-1 et seq., and the Local Public Contracts Law, N.J.S.A. 40A:12-20;

**NOW, THEREFORE BE IT RESOLVED**, the Town Council of the Town of Newton that the Mayor and Clerk and hereby authorized to execute a revised agreement between the Town of Newton and the County of Sussex, which is attached hereto and made part of this resolution.

**RESOLUTION #194-2011\***

**AUTHORIZE AN AGREEMENT WITH EACH OF THE OWNERS OF PROPERTIES LOCATED AT 141-143 SPRING STREET AND 219 SPRING STREET FOR THE PLACEMENT OF ELECTRIC LIGHTS ON EXTERIOR OF BOTH BUILDINGS**

**WHEREAS**, the Town of Newton desires to install electric lighting on the exterior portions of the buildings located at 141-143 Spring Street and 219 Spring Street in the interest of public safety to illuminate the adjacent alleyways; and

**WHEREAS**, an agreement with each of the owners of the two above listed properties has been negotiated for the placement of said lights;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute the two agreements for the aforesaid purposes in the form annexed to and made part of this resolution.

**RESOLUTION #195-2011\***

**RATIFY AND AFFIRM THE ISSUANCE OF BONDS THROUGH THE MCIA**

**WHEREAS**, in April 2011 the Town of Newton elected to pursue permanent financing through the Morris County Improvement Authority (MCIA) so as to utilize Morris County's Aaa rating and thereby effect an interest cost savings for the Town of Newton residents; and



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**WHEREAS**, all the necessary resolutions and approvals, including the State Local Finance Board, were obtained; and

**WHEREAS**, the appropriate Town Officials executed said Bonds in the amount of \$6,610,000.00 dated August 30, 2011 split as follows:

\$3,875,000 Refund the 2002 GO Bonds NIC 3.6469% maturing 8/15/2032  
\$2,735,000 Bonds (for the 2010 and 2011 Capital bond ordinances) NIC 2.090258% maturing 8/15/2022; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Council meeting, herewith attached is a copy of the report (5 pages) on the sale, as prepared by Acacia Financial Group, the financial advisors for the Bonds. Also attached is the *Savings Post Refunding Analysis* prepared by Acacia Financial on August 25, 2011 showing an aggregate gross savings of \$418,624.22 for the refunding bonds;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby ratify and affirm the issuance of said Bonds by the Chief Financial Officer and the execution of said bonds by the appropriate Town Officials.

**RESOLUTION #196-2011\***

**APPROVE CHANGE ORDER NO. 1 FOR THE PROPOSED SIDEWALK REPLACEMENT ON VARIOUS STREETS**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Sidewalk Replacement on Various Streets to Tony's Concrete Construction Co., Inc. in the amount of \$51,713.74 by Resolution #174-2011, which was adopted on August 8, 2011; and

**WHEREAS**, the reason for Change Order No. 1 increase was concern for public safety, resulting in a need to replace damaged and hazardous sidewalks and curbing; and

**WHEREAS**, Harold E. Pellow and Associates has prepared Change Order No. 1 for said project and recommends approval:

	<u>Amount</u>
<u>Extras</u>	\$ 32,059.18
<u>Supplemental</u>	\$ 840.16
<u>Reduction</u>	_(\$2,937.21)
<b>Total Change Order No. 1</b>	\$29,962.13

**WHEREAS**, the adjusted contract amount will be increased by Change Order No. 1 to the new contract total of \$81,675.87; and

**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 approves Change Order No. 1 for the Proposed Sidewalk Replacement on Various Streets based on the recommendation of the Harold E.

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Pellow and Associates, and that the Mayor or Deputy Mayor is authorized to execute said Change Order No. 1 resulting in a new contract total of \$81,675.87.

**RESOLUTION #197-2011\***

**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 2010 and 2011 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**

945.00	VOID	29178
1,250.00	HCP Consulting Group, LLC	29179
945.00	The Buzak Law Group, LLC	29180
444.00	E.A. Morse & Company	29181
1,224.24	Montague Tool & Supply	29182
1,000.75	Harold Pellow & Assoc., Inc.	29183
455.00	Municipal Software	29184
238.00	Decker's Fire & Safety	29185
112.50	Sussex Car Wash Inc.	29186
9,109.56	JCP&L	29187
197.58	SCMUA	29188
780.00	B & G Elevator, Inc.	29189
35.00	Centurylink Communications, Inc.	29190
123.45	Centurylink Communications, Inc.	29191
204.52	Centurylink Communications, Inc.	29192
3,236.89	Centurylink Communications, Inc.	29193
162.00	Hollander, Strelzik, Pasculli, Hinkes	29194
110.00	Rectifier Auto Electric	29195
597.83	Campbell's Small Engine	29196
1,767.25	Fire Fighters Equipment Co.	29197
295.00	Neopost Leasing	29198
396.00	Neopost Leasing	29199
75.00	Lock & Key World	29200
589.00	Tri-State Rentals, Inc.	29201
157.84	Federal Express	29202
572.58	ZEP Manufacturing Company	29203
665.00	JRF Tire Inc.	29204
451.42	McManimon & Scotland	29205
473.00	Willco, Inc.	29206
1,710.94	Newton Citgo	29207
110.00	NJLM	29208
150.00	NJLM	29209
3,832.00	Mitchell Agency	29210
5.00	Newton Trophy	29211
73.50	Galls Incorporated	29212
660.00	Maryapaul Laboratories, Inc.	29213
2,000.00	Minisink Press, Inc.	29214
204.92	Sebring Auto Parts	29215
169.92	Weis Markets	29216
106.64	Zee Medical	29217
861.88	Dempsey Uniform & Supply, Inc.	29218
237.00	S/NJ Dept. of Labor & Workforce Dev.	29219
229.80	L-3 Comm. Mobile-Vision	29220

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1,937.54	Boonton Tire Supply	29221
839.62	Vision Service Plan	29222
188.60	Verizon Wireless	29223
30.00	MCAA of New Jersey	29224
380.00	North Jersey Portable Toilets	29225
2,491.34	Dell marketing L.P.	29226
62.88	Walmart	29227
291.65	Cooper Electric Supply Co.	29228
60.00	Wildflowers with Tami	29229
284.04	Advance Auto Parts	29230
141.00	Fire & Safety Services, LTD.	29231
50.00	Mid-Atlantic for Safety	29232
953.16	Buckman's Inc.	29233
142.00	Draeger Safety Diagnostics Inc.	29234
93.95	Ward's Flowers & Gifts	29235
83.71	AW Direct Inc.	29236
190.00	Sussex County Community College	29237
1,272.05	Staples Business Advantage	29238
33.68	Lowe's	29239
82.45	Dominick's Pizza	29240
57.18	Nestle Waters	29241
2,474.74	Skylands Area Fire Equip. & Training	29242
446.50	Hampton Body Works	29243
9,972.30	Rachles/Michele's Oil Company	29244
10,726.13	Taylor Oil Co.	29245
63.75	Dawn Babcock	29246
440.00	Kieffer Electric, Inc.	29247
140.00	JMC Environmental Consultants, Inc.	29248
1,540.00	Ricciardi Brothers, Inc.	29249
168.00	Jersey Central Power & Light	29250
469.80	Penteledata	29251
104,107.96	NJMEBF	29252
1,770.00	Chelbus Cleaning Co., Inc.	29253
200.00	NJGIA	29254
727.00	Rutgers, Center for Government Serv.	29255
2,325.00	Rullo & Juliet Associates, Inc.	29256
75.18	NJ Div. Pension & Benefit	29257
75.00	Rabner Allcorn Baumgart & Ben-Asher	29258
75.90	Dowrite	29259
250.00	Shauna Tillotson	29260
1,070,000.00	Capital Account	111043
150.00	Town of Newton Electronic Fees	111044
1,000,000.00	Water & Sewer Capital Account	111045
203,030.17	Payroll Account	111046
337,200.00	Bank of New York	111047

**CAPITAL**

12,434.00	Harold Pellow & Assoc., Inc.	7764
10,262.19	McManimon & Scotland	7765
4,650.00	Willco, Inc.	7766
3,816.32	Sherwin-Williams	7767
1,676.44	Tony's Concrete Constr. Co., Inc.	7768
80,042.35	VOID	7769
5,400.00	Tony's Concrete Contr. Co., Inc.	7770
202,288.04	Tilcon New Jersey	7771
1,384.95	The Home Depot	7772
111.86	Lowe's	7773
4,388.04	Skylands Area Fire Equip. & Training	7774

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275.00	Level G Associates, LLC	7775
960.00	John A. Van Deusen & Assoc's, Inc.	7776
889.60	Power Hawk Technologies, Inc.	7777
1,800,060.21	Lakeland Bank	7778

**Total TOWN BILLS \$4,919,201.29**

**WATER AND SEWER ACCOUNT**

548.34	Sparta Postmaster	12366
250.00	Treasurer, State of New Jersey	12367
455.00	Municipal Software, Inc.	12368
646.05	CCP Industries	12369
73.43	Aurora Electrical Supply	12370
4,898.00	JCP&L	12371
313.92	SCMUA	12372
285.56	Sussex County Plumbing	12375
42.00	Paul M. Havens	12374
16,218.24	Coyne Chemical Corp., Inc.	12375
32.30	Centurylink Communications, Inc.	12376
125.85	Centurylink Communications, Inc.	12377
1,423.20	Centurylink Communications, Inc.	12378
810.00	Hollander, Strelzik, Pasculli, Hinkes	12379
90.00	Garden State Laboratories, Inc.	12380
45.84	Tri-State Rentals, Inc.	12381
7,964.07	Hamburg Plumbing Supply Co., Inc.	12382
3,965.40	Diamond Sand & Gravel, Inc.	12383
372.00	Dempsey Uniform & Supply Inc.	12384
185.00	Airgas East	12385
69.00	Ervin Lasso	12386
6,989.61	Limecrest quarry Developers, C	12387
163.92	Vision Service Plan	12388
1,218.60	Univar USA Inc.	12389
3,726.00	Passaic Valley Sewerage Comm.	12390
615.00	John Smalley	12391
917.40	Main Pool & Chemical Company	12392
84.44	Advance Auto Parts	12393
63.93	Lowe's	12394
55.00	Eric Tompkins	12395
962.00	Andy Matt, Inc.	12396
13,528.35	Accurate Waste Removal	12397
1,120.00	William Grennille, LLC	12398
139.90	Penteledata	12399
14,007.04	NJMEBF	12400
65.00	Dustin McGarry	12401
143,471.00	U.S.D.A. FHA	116027
32,364.15	Payroll Account	116028
35,772.58	Payroll Account	116029

**CAPITAL**

7,803.50	Harold Pellow & Assoc, Inc.	2187
900.00	JTJ Tapping, Inc.	2188
4,378.47	Payroll Account	116107

**Total WATER & SEWER BILLS \$307,159.009**

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**TRUST ACCOUNT**

8,731.50	Harold Pellow & Assoc, Inc.	2925
1,527.50	Alert-All Corp.	2926
3,027.00	Hollander, Strelzik, Pasculli, Hinkes	2927
3,795.00	Payroll Account	117116
3,465.00	Payroll Account	117117

**Total TRUST ACCOUNT BILLS \$20,546.00**

**DOG RESERVE ACCOUNT**

7,600.00	Township of Wantage	8521
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**Total FED. STATE GRANT BILLS \$7,600.00**

The Deputy Clerk presented an application for an off-premise raffle from The Newton Memorial Hospital Foundation, 175 High Street, Newton, to be held on November 19, 2011 at 6:30 p.m. at 175 High Street, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Deputy Clerk presented an application for a Special Permit for A Social Affair from the Sussex County Arts and Heritage Council, 133 Spring Street, Newton to be held on September 17, 2011 from 4:00 p.m. to 7:00 p.m. at the Spring Board Shoppes, 145 Spring Street, Newton. It was noted that the application was in order and signed by the Chief of Police. It was also noted that the application was mailed to the Division of Alcoholic Beverage Control on August 26, 2011 by the Clerk's office due to time constraints.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Diglio and roll call resulted as follows:

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

**RESOLUTION**

Councilman Ricciardo recused himself from the dais due to his conflict with the paving contractor.

**RESOLUTION #198-2011**

**APPROVE CHANGE ORDER NO. 1 FOR THE PAVING OF VARIOUS STREET PROJECT**

**WHEREAS**, the Town Council of the Town of Newton authorized a contract

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for the Paving of Various Streets Project to Tilcon New York, Inc., in the amount of \$271,398.55 by Resolution #179-2011, which was adopted on August 22, 2011; and

**WHEREAS**, Harold Pellow & Associates, Inc., the Engineer for the project has prepared Change Order No. 1 for said project, and recommends approval of the following:

<u>Change Order No. 1</u>	<u>Amount</u>
<i>Extra</i>	\$3,546.24
<i>Reduction</i>	(\$15,033.42)
Total Change	(\$11,487.18)

**WHEREAS**, the adjusted contract amount will be decreased by \$11,487.18 by Change Order No. 1 to the new contract total of \$259,911.37;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for Paving of Various Streets Project based on the recommendation of the Town Engineer, and that the Mayor or Deputy Mayor is authorized to execute Change Order No. 1 resulting in a new contract total of \$259,911.37; and

**BE IT FURTHER RESOLVED** that a copy of the Change Order prepared by the Engineer detailing the change order be attached and made part of this resolution.

A motion was made by Mrs. Becker to approve the **RESOLUTION 198-2011**, seconded by Mrs. Diglio and roll call resulted as follows:

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

Mr. Ricciardo returned to the dais.

**INTERMISSION - None**

**DISCUSSION**

**a. NJMEBF – Dave Vozza, The Vozza Agency**

Mr. Russo introduced Mr. Dave Vozza from the Vozza Agency who will provide Council with updates regarding the Town's Health Insurance Fund.

Mr. Vozza gave a brief overview regarding the structure of the North Jersey Municipal Employee Benefits Fund. Mr. Vozza introduced the new Health and Wellness program which was instituted earlier this year as well as the new billing system which will be implemented in November and allow for on line enrollment.

Mr. Vozza then highlighted Chapter 78, P.L. 2011, the Pension and Health

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Benefits Reform bill which was passed on June 28, 2011. Mr. Vozza explained the Bill requires employees to contribute to their health care benefits which is based on salary and be phased in over the next four years. Mr. Vozza then explained and outlined several cost effective plan options that can be made available to Town employees. Mr. Vozza also presented a brief overview of the Fund financials. After a brief discussion, the Governing Body thanked Mr. Vozza for his presentation.

**b. Chapter 17 – Tree Ordinance**

Mr. Russo indicated the next item for discussion was a draft Ordinance amending Chapter 17, Trees and Shrubs, which is based on issues that arose during the recent Hurricane.

Mark Hontz, Esq. explained the verbiage in the existing Ordinance that slowed down the process for rectifying the removal of any tree or shrub along a public highway that is dangerous to the public safety once identified. Mark Hontz, Esq. then presented an overview of the amended verbiage. After a lengthy discussion, Council directed Mr. Russo to prepare an Ordinance for the next Council meeting, with one addition, the word “or designee” be added after director of public works.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

Mr. Ricciardo had a question regarding the forestry of dead trees at Morris Lake which was addressed by Mrs. Millikin. Mr. Ricciardo also requested that a piece of slate that is damaged in front of Town Hall be replaced.

Mayor Le Frois complimented and extended her thanks to everyone involved with the activities on Spring Street this past weekend which included the reopening of the Newton Theatre, the 9/11 Ceremony, and A Taste of Newton. Mayor Le Frois also commended the Department of Public Works for their hard work getting the benches and bike racks installed ahead of schedule to accommodate the patrons of Spring Street.

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Mr. Russo announced several upcoming events which included the Arts and Heritage Council event this Saturday and the Smithsonian exhibit which will be on display for six weeks. Mr. Russo also announced the 175<sup>th</sup> Anniversary event for Newton's dedicated Fire Department which will take place on September 24, 2011 from 11:30 a.m. to 1:30 p.m. at the Newton Fire Museum.

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 8:03 pm.

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk