

April 9, 2012

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Deputy Mayor Diglio, Mayor Le Frois, Thomas S. Russo, Jr., Town Manager, and Mark Hontz, Esq., Town Attorney.

Mayor Le Frois made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2011."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, the minutes of March 26, 2012 (Regular & Executive) meetings were unanimously approved with minor corrections.

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."

Joan Current, 13 Mountain Trail, Sandyston, representative of the Sussex County Homestead Nursing Home Auxiliary, advised Council that she has packets for the Governing Body which provide information regarding "Saving the Sussex County Homestead Nursing Home." Please review the information and consider forwarding a letter of support, Ms. Current concluded.

COUNCIL & MANAGER REPORTS

Mayor Le Frois noted that these Proclamations were disseminated at a recent Newton Fire Department dinner.

MICHAEL J. BENCIVENGA

WHEREAS, Michael J. Bencivenga first became a firefighter with the Newton Fire Department in January 1969 as part of the Kittatinny Hose and Ladder Company #1; and

WHEREAS, through the years, Mike has volunteered numerous hours of his time to answer the call of those in distress offering life-saving assistance; and

WHEREAS, Mike has dedicated his time and efforts over the years serving as Assistant Foreman and Foreman of the Kittatinny Hose and Ladder Company #1 and currently serves as one of the Department's Trustees; and

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WHEREAS, Mike has been instrumental in the planning oversight for the Department by serving on the two Truck Committees for the 1974 and 1992 Ladder trucks;

NOW, THEREFORE, we the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to Michael J. Bencivenga for his over forty years of community service and thank him for continuing to answer the call to assist those in need.

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

Attest: _____

Date: March 31, 2012

JOHN (JACK) PHLEGAR

WHEREAS, Jack Phlegar first became a firefighter with the Newton Fire Department in September 1960 as part of the Hose Company #3; and

WHEREAS, through the years, Jack has volunteered numerous hours of his time to answer the call of those in distress offering life-saving assistance; and

WHEREAS, Jack has dedicated his time and efforts over the years serving as Assistant Foreman and Foreman of the Hose Company #3; and

WHEREAS, Jack also served his country as a member of the United States Navy for 7 years; and

WHEREAS, Jack currently serves as an active member of the Newton Fire Department Museum Committee, bringing years of knowledge in educating visitors on the great history of the Department;

NOW, THEREFORE, we the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to Jack Phlegar for his over fifty years of community service and his dedication to the Newton Fire Department.

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

Attest: _____

Date: March 31, 2012

EDMUND A. C. ZUKOWSKI

WHEREAS, Edmund A. C. Zukowski first became a firefighter with the Newton Fire Department in December 1968 as part of the Steamer Company; and

WHEREAS, through the years, Ed has volunteered numerous hours of his time to answer the call of those in distress offering life-saving assistance; and

WHEREAS, Ed has dedicated his time and efforts over the years serving as Assistant Foreman in 1974 and Foreman in 1975 of the Newton Fire Department; and

WHEREAS, Ed helped to lead the Fire Department by serving as Assistant Chief from 1990-1993 and Department Chief in 1994, and also as the Department's first President; and

WHEREAS, Ed has lent his knowledge and expertise to his fellow firefighters by serving as an instructor with the Sussex County Fire Academy; and

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WHEREAS, Ed served on the By-Laws Committee which merged Newton's 5 separate fire companies into one Department and on the Truck Committees for Engine 801 in 1992 and 2009;

NOW, THEREFORE, we the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to Edmund Zukowski for his over forty years of service to his community and his dedication to the Newton Fire Department.

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

Attest: _____

Date: March 31, 2012

CHARLIE A. THOM

WHEREAS, Charlie A. Thom first became a firefighter with the Newton Fire Department in January 1960 as part of the Kittatinny Hose and Ladder Company #1; and

WHEREAS, through the years, Charlie has volunteered numerous hours of his time to answer the call of those in distress offering life-saving assistance; and

WHEREAS, Charlie has dedicated his time and efforts over the years serving as Assistant Foreman in 1969 and Foreman in 1970; and

WHEREAS, Charlie helped to lead the Fire Department by serving as Assistant Chief from 1979-1981 and 1997-2000, and as Department Chief in 1982 and 2001, and he also served as the Department's President for four years; and

WHEREAS, Charlie has proven his dedication to firefighting by also serving as Sussex County Fire Marshal from 1971-1991; and

WHEREAS, Charlie served as Chairman on the By-Laws Committee which merged Newton's 5 separate fire companies into one Department;

NOW, THEREFORE, we the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to Charlie Thom for his over fifty years of service to his community and his dedication to the Newton Fire Department.

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

Attest: _____

Date: March 31, 2012

NEWTON FIRE DEPARTMENT

WHEREAS, the Newton Fire Department was established in December 1835, and is currently comprised of a dedicated group of volunteers who sacrifice their time to help those in need; and

WHEREAS, in 2011 under the direction of Chief Mike Teets, the Newton Fire Department responded to 457 calls and performed over 40 training drills, expending over 4,446 man hours while operating 3 Engines, 1 Ladder Truck, 1 Rescue, and 1 Brush Truck; and

WHEREAS, in June, the Newton Fire Department proudly took delivery of a custom built 95 ft. mid-mount aerial ladder truck which was used to rescue a family of six during a fire in a second story apartment building in October; and

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WHEREAS, the caring and loyalty of these dedicated volunteers has been evident throughout the years and continues to serve as a sense of comfort and security to the Town's residents and businesses. The Newton Fire Department also works closely with the Newton First Aid & Rescue Squad and Newton Police Department, as well as providing mutual aid to neighboring municipalities; and

WHEREAS, the Newton Fire Department assists in any kind of emergency; in 2011 they answered over 175 calls during Hurricane Irene, Tropical Storm Lee, and the October Snow Storm;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the **Newton Fire Department** for their endless hours of support and service to the Town of Newton and its residents and thank each and every one of their members for their dedication and service.

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

Attest: _____

Date: March 31, 2012

ORDINANCES

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

ORDINANCE #2012-10

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

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1. \$450,000.00 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for the construction of a new watermain, connection services to the watermain, milling and paving of Maple Avenue in the Town of Newton, including all costs necessary therefore or incidental thereto;

Section 2. The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

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

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

April 9, 2012

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

This ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2012-11

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

WHEREAS, it is the desire of the Town Council of the Town of Newton ("Town") to enhance traffic safety and create peace and order for the residents of the Town by amending the Newton Code book to prohibit "engine braking" on Town roadways and to authorize the installation of the appropriate signage.

BE IT ORDAINED by the Town Council of the Town of Newton that certain sections within Chapter 307, Vehicles and Traffic, of the Code of the Town of Newton be amended as follows:

SECTION 1. Chapter 307, ARTICLE III, Traffic Regulation, Section 307-18, *Engine Braking* is created to include the following:

The purpose of this section is to prohibit engine braking within the Town of Newton in order to enhance traffic safety and create peace and order for the residents of the Town.

Subsections:

- 307-18.1 Definitions
- 307-18.2 Prohibition
- 307-18.3 Exceptions to Prohibition
- 307-18.4 Posting Signs
- 307-18.5 Enforcement
- 307-18.6 Violations and Penalties
- 307-18.7 Severability

SECTION 2. Chapter 307, Section 307-18.1, *Definitions* is created to include the following:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely directory.

"Engine braking" shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

SECTION 3. Chapter 307, Section 307-18.2, *Prohibition* is created to include the following:

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Town of Newton, any mechanical exhaust or decompression device which results in the practice known as "engine braking."

SECTION 4. Chapter 307, Section 307-18.3, *Exceptions to Prohibition* is created to include the following:

The provisions of this section shall not apply to noise caused by the application of engine braking, if necessary for the health, safety and welfare of the community, or noise created by emergency vehicles for emergency purposes. These items are exempt from the provisions of this section.

SECTION 5. Chapter 307, Section 307-18.4, *Posting Signs* is created to include the following:

The Town of Newton is hereby authorized and directed to post signs at reasonable locations within the Town indicating the prohibition of engine braking.

SECTION 6. Chapter 307, Section 307-18.5, *Enforcement* is created to include the following:

The Town Manager shall enforce the provisions of this section through the Chief of Police and the Police Department whom will be trained in distinguishing "engine braking" noise from normal engine or braking noises. It shall be unlawful for any reason to violate any part of this ordinance adopted by the Newton Town Council.

SECTION 7. Chapter 307, Section 307-18.6, *Violations and Penalties* is created to include the following:

Any person who violates this section shall be subject to a fine as follows:

- A. First Offense: \$100.00
- B. Second and Subsequent Offenses: \$200.00

SECTION 8. Chapter 307, Section 307-18.7, *Severability* is created to include the following:

It is the intention of the Town Council that every provision of this Section shall be considered separable and the invalidity of any article, clause or provision of this Section shall not affect the validity of any other portion of this Section or this Chapter.

SECTION 9. Effective date:

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

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

The aforementioned **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

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

This ordinance will take effect after publication and adoption according to law.

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The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2012-12

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

BE IT ORDAINED, by the Town Council of the Town of Newton as follows:

Section 1.

The Code of the Town of Newton is hereby amended by deleting and repealing: Chapter 162, Land Subdivision; Chapter 240, Site Plan Review; Chapter 320, Zoning; and Chapter 139, Historic Preservation.

Section 2.

The Code of the Town of Newton is hereby amended by adding thereto a new chapter to replace Chapter 162 and Chapter 240 hereinabove repealed, to be Chapter 240, Land Subdivision & Site Plan, which is attached to and made part of this ordinance as "Schedule A".

Section 3.

The Code of the Town of Newton is hereby amended by adding thereto a new chapter to replace Chapter 320 hereinabove repealed, to be Chapter 320, Form Based Code, which is attached to and made part of this ordinance as "Schedule B".

Section 4.

The Code of the Town of Newton is hereby amended by adding thereto a new chapter to replace Chapter 139 hereinabove repealed, to be Chapter 139, Historic Preservation, which is attached to and made part of this ordinance as "Schedule C".

Section 5.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

Section 6.

This ordinance shall take effect upon final adoption, publication and the filing of a copy of said ordinance with the Sussex County Planning Board, all in accordance with the law, and applies to any new or pending application and to any matter on appeal to any municipal agency or to any Court.

Section 7.

The Town Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Sussex County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance after public hearing thereon, the Town Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Sussex County Planning Board, as required by N.J.S. 40:55D-16.

Mayor Le Frois opened the hearing to the public.

Mr. Wayne McCabe, 125 High Street, addressed several concerns regarding Ordinance 2012-12. Mr. McCabe made several suggestions on various sections of the Ordinance.

After a brief discussion, Mark Hontz, Esq., noted that the amendments Council agreed upon were as follows:

1) Members of the Board to be distinguished by 5, 7 or 9 members. Therefore there are five (5) members plus two (2) alternates.

2) Class C is limited to one member of the Planning Board, and

3) Alternate members must meet the Class C requirements.

It was also noted that Jessica Caldwell and Deputy Mayor Diglio will review all documents for typographical errors.

Councilman Elvidge would like further review on Appendix A – Approved Alternate Materials, of the Ordinance. Mr. Elvidge noted that these materials are updated on a regular basis and would prefer that there not be a material list in the Ordinance.

Mayor Le Frois would suggest that the Ordinance be adopted as is and have the Historic Commission review these areas of concern.

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

The aforementioned **ORDINANCE, as amended**, was offered by Mr. Ricciardo, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

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

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

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

ORDINANCE #2012-13

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

April 9, 2012

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. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,000,000, including the aggregate sum of \$50,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road improvements consisting of reconstruction of Moran Street, Memory Park parking areas, pool parking areas, access road from Memory Park to South Park Drive, DPW complex, Lot Number 2 Main Street Parking Lot and Howard Street, including drainage improvements, milling, paving, striping, reconstruction or installation of sidewalks and curbs, bicycle grates and appurtenances	\$165,000	\$156,750	20 years
b) Phase I of Drainage Improvement Program in area of Fairview Avenue to Liberty Street, consisting of drainage study, mapping, engineering and design work	\$25,000	\$23,750	40 years
c) Acquisition of equipment consisting of a street sweeper, a chipper and a crack sealer	\$289,000	\$274,550	15 years
d) Acquisition and installation of chain link fence near slate quarry off West End Avenue	\$30,000	\$28,500	10 years
e) Phase I of Firehouse No. 2 Renovation Project consisting of design and preliminary planning	\$20,000	\$19,000	20 years
f) Renovation of Fire Museum, including planning, design and construction	\$207,000	\$196,650	20 years
g) Improvement of various municipal buildings consisting of upgrades, renovations and acquisition and installation of furnishings and equipment	\$20,000	\$19,000	20 years
h) Acquisition and installation of park and playground equipment, including design work	\$35,000	\$33,250	15 years
i) Construction of a wall at the upper portion of Memory Park near South Park Drive and the Recycling Center, including design work, stone, topsoil, gravel, trees and other natural barriers and plantings	\$30,000	\$28,500	15 years
j) Improvement of Memory Park involving design, acquisition and installation of guard rail and fencing and field improvements	\$47,000	\$44,650	15 years

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
k) Acquisition and installation of new exchange email server for Police Department	\$19,000	\$18,050	7 years
l) Acquisition and installation of a solar-powered traffic data/message trailer for Police Department	\$17,000	\$16,150	7 years
m) Acquisition of four-wheel drive vehicle for Police Department, including appurtenances	\$30,000	\$28,500	5 years
n) Acquisition and installation of security system at Municipal Building consisting of magnetic security locks, security cameras and security system intercoms	\$6,500	\$6,175	15 years
o) Supplemental appropriation for redevelopment planning	\$55,000 (in addition to the \$75,000 appropriated by bond ordinance #2011-5 finally adopted 4/25/11, the \$250,000 appropriated by bond ordinance #2009-5 finally adopted 2/23/09, the \$50,000 appropriated by bond ordinance #2005-8 finally adopted 5/9/05, the \$75,000 appropriated by bond ordinance #2007-8 finally adopted 6/11/07, the \$250,000 appropriated by bond ordinance #2007-21 finally adopted 8/27/07 and \$50,000 available from an Office of Smart Growth grant)	\$52,250 (in addition to the \$71,250 bonds or notes authorized by bond ordinance #2011-5 finally adopted 4/25/11, the \$238,000 bonds or notes authorized by bond ordinance #2009-5 finally adopted 2/23/09, the \$47,500 bonds or notes authorized by bond ordinance #2005-8 finally adopted 5/9/05, the \$71,400 bonds or notes authorized by bond ordinance #2007-8 finally adopted 6/11/07, the \$238,000 bonds or notes authorized by bond ordinance #2007-21 finally adopted 8/27/07 and the \$25,000 grant received under the 2005 ordinance, reducing the debt authorization)	15 years

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
p) Supplemental appropriation for repair and/or reconstruction of Town Hall retaining wall	<u>\$4,500</u> (in addition to the \$75,000 appropriated by bond ordinance #2011-5 finally adopted 4/25/11)	<u>\$4,275</u> (in addition to the \$71,250 bonds or notes authorized by bond ordinance #2011- 5 finally adopted 4/25/11)	20 years
TOTALS	<u>\$1,000,000</u>	<u>\$950,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Governing Body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 16.96 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$950,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$245,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes

in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

The aforementioned **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

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

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

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

ORDINANCE #2012-14

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$30,500.00 FOR VARIOUS IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on April 23, 2012.

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

ORDINANCE #2012-15

AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE BLOCK 18.02, LOT 32 FORMERLY KNOWN AS BLOCK 1301, LOT 1.07

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on April 23, 2012.

OLD BUSINESS

a. Utility Board Appeal – 19 Diller Avenue

Recognizing that neither Gillian Columbus nor her representation appeared before the Council for the Utility Board Appeal on 19 Diller Avenue, Mr. Hontz, Esq., recommended that the appeal be “dismissed without prejudiced.” Mayor Le Frois noted that the water meter was sent out to Allied Meter Service for testing and the test results showed the meter as “accurate.”

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.

Mayor Le Frois pulled Resolution #67-2012 and Resolution #69-2012 for further discussion.

RESOLUTION #60-2012*

AWARD PURCHASE CONTRACTS FOR THE ACQUISITION OF CHEMICALS

WHEREAS, specifications were prepared for the purchase of various chemicals needed to operate the Newton Wastewater Treatment Plant and the Newton Water Filtration Plant, and bids were subsequently solicited and publicly opened and read on Tuesday, March 27, 2012 as follows:

	Liquid Sodium Carbonate	Liquid Aluminum Sulfate	Liquid/gas Sulfur Dioxide	Liquid Chlorine/gas	CES PACI 2500/ Del Pac 2950	Liquid Sodium Hydroxide	Liquid Hydro-fluosilic Acid	Sodium Hypochlorite
Usalco 1120 Middle River Road Baltimore, MD 21220	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.07</u> <u>3,000 per gal</u> \$ <u>1.015</u> <u>5,000 per gal</u> \$ <u>3,210</u> total (.3,000) \$ <u>5,075</u> total (.5,000)	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>4.86</u> gal \$ <u>77,760</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total

Univar 532 E. Emmaus St. Middletown PA 18641	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>.694 lb</u> \$ <u>7,599.30</u> total	\$ <u>.744 lb</u> \$ <u>8,146.80</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.87</u> gal \$ <u>10,285</u> total	\$ <u>4.84</u> gal \$ <u>6,050</u> total	\$ <u>1.89 gal</u> \$ <u>14,175</u> total
Coyne Chemical Co. 3015 State Rd Croydon, PA 19021	\$ <u>0.84 gal</u> \$ <u>75,600</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>3.84</u> gal \$ <u>61,440</u> total	\$ <u>No bid</u> gal \$ <u>No bid</u> total	\$ <u>4.86</u> gal \$ <u>6,075</u> total	\$ <u>No Bid</u> \$ <u>No Bid</u> total
Main Pool & Chemical 501 Main Street Avoca, PA 18641	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.15 lb</u> \$ <u>12,592.50</u> total	\$ <u>.70 lb</u> \$ <u>7,665.00</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.49</u> gal \$ <u>8,195</u> total	\$ <u>4.89gal</u> \$ <u>6,112.5</u> <u>0</u> total	\$ <u>1.44 gal</u> \$ <u>10,800</u> total
JCI-Jones Chemical, Inc. 103 River Street Warwick, NY 10990	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>.713 lb</u> \$ <u>7,807.35</u> total	\$ <u>.667</u> gal \$ <u>7,300</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid gal</u> \$ <u>No Bid</u> total

WHEREAS, the bids for chemicals listed above were reviewed by the Qualified Purchasing Agent and she has recommended the awards for the following purchase of chemicals based on submission of the low bids which are in the best interest of the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby awards bids for the purchase of chemicals as follows:

Chemical

Liquid Sodium Carbonate
Liquid Aluminum Sulfate
Liquid/Gas Sulfur Dioxide
Liquid Chlorine/Gas
CES PACI 2500
Liquid Sodium Hydroxide
Liquid Hydrofluosilic Acid
Sodium Hypochlorite

Bidder Receiving Award

Coyne Chemical Co.
Usalco
Univar
JCI-Jones
Coyne Chemical Co.
Main Pool & Chemical
Univar
Main Pool & Chemical

BE IT FURTHER RESOLVED, that the Water and Sewer Supervisor is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

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RESOLUTION #61-2012*

AWARD PURCHASE CONTRACT FOR SLUDGE AND CHEMICAL WASTE TRUCKING

WHEREAS, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services; and

WHEREAS, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton Wastewater Treatment Plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year; and

WHEREAS, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened and read on Tuesday, March 27, 2012 as follows:

<u>Trucking</u>	<u>Sludge Trucking</u>	<u>Chemical Waste</u>
Russell Reid 200 Smith Street PO Box 130 Keasbey, NJ 08832-0130	\$0.0587	\$0.0587
Earth Care Resource Management Corp. 99 Maple Grange Road Vernon, NJ 07462	\$0.0466	\$0.0294
R & D Trucking, Inc. 1874 Route 23 North West Milford, NJ 07480	\$0.037	\$0.025
Accurate Waste Removal Services, Inc. 226 Prospect Point Road Lake Hopatcong, NJ 07849	\$0.0335	\$0.027

WHEREAS, Accurate Waste Removal Services, Inc., was the lowest bidder for sludge trucking and R&D Trucking, Inc. was the low bidder for chemical waste trucking; and

WHEREAS, after review of all bids submitted, Newton's Qualified Purchasing Agent, Debra J. Millikin, recommends awarding the contract for sludge trucking to Accurate Waste Removal Services, Inc., and awarding the contract for chemical waste trucking to R&D Trucking, Inc.;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking to Accurate Waste Removal Services, Inc., of Lake Hopatcong, NJ and chemical waste trucking to R&D Trucking, Inc., of West Milford, NJ and that a certified copy of this resolution be forwarded to the low bidders.

RESOLUTION #62-2012*

AWARD PURCHASE OF SINGLE-AXLE ROLL OFF RECYCLING TRUCK

WHEREAS, the Town of Newton publicly opened and read bids for the purchase of a Single-Axle Roll Off Recycling Truck on Thursday, March 29, 2012 at 11:00 a.m. as follows:

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<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Trade In Price</u>	<u>Total Amount</u>
Campbell Freightliner, LLC. 145 Talmadge Road PO Box 770 Edison, NJ 08818-0770	\$127,572.00	\$14,500.00	\$113,072.00

WHEREAS, after review of the bid documents, the Department of Public Works Supervisor, Kenneth Jaekel and Newton's Qualified Purchasing Agent, Debra J. Millikin recommend awarding the contract for purchase of a Single-Axle Roll Off Recycling Truck to Campbell Freightliner, LLC in the amount of \$113,072.00; 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 the bid submitted for the purchase of Single-Axle Roll Off Recycling Truck be awarded to Campbell Freightliner, LLC, 145 Talmadge Road, Edison, NJ 08818-0770 in the amount of \$113,072.00. A copy of this resolution and the proposed Contract is to be forwarded to Campbell Freightliner, LLC for execution.

RESOLUTION #63-2012*

APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE CREDIT FOR OVERPAYMENT FOR BLOCK 9.03, LOT 16, WEIS MARKETS, INC.

WHEREAS, Weis Markets, Inc., the owner of property identified as Block 9.03, Lot 16 (formerly Block 803, Lot 48.03), on the official Tax Map for the Town of Newton, located at 119 Water Street in the Town of Newton, filed State Tax Court appeals of the assessment on said block and lot for tax years 2010 and 2011; and

WHEREAS, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the property owner's professionals; and

WHEREAS, as a result of said negotiations, the property owner is willing to accept a settlement as follows:

2010: \$500,000 reduction (against \$8,647,200) resulting in an assessment of \$8,147,200 and a refund liability of \$13,545, to be taken as a credit against future property taxes; and

2011: appeal withdrawn (no refund); and

WHEREAS, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzhauer concurs with this recommendation;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the settlement negotiated by its professionals for a reduction of the tax assessment for Block 9.03, Lot 16, for tax year 2010 as aforesaid is approved, resulting in a property tax overpayment of \$13,545, and the Tax Collector is hereby authorized to process a tax credit for that amount in favor of Weis Markets, Inc., for the subject property to be applied to the next open quarter(s).

RESOLUTION #64-2012*

APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE REFUND OF OVERPAYMENT FOR BLOCK 6.05, LOT 4, NEWTONIAN ASSOCIATES, LLC

WHEREAS, Newtonian Associates LLC, the owner of property identified as Block 6.05, Lot 4 (formerly Block 615, Lot 72), on the official Tax Map for the Town of Newton, located at 70 West End Avenue in the Town of Newton (a.k.a. Newtonian Garden Apartments), filed State Tax Court appeals of the assessment on said block and lot for tax years 2010 and 2011; and

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WHEREAS, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the property owner's professionals; and

WHEREAS, as a result of said negotiations, the property owner is willing to accept a settlement as follows:

2010: appeal withdrawn in favor of negotiated valuation of \$5,299,900 for 2012 (no refund); and

2011: \$449,900 reduction (against \$5,299,900) resulting in an assessment of \$4,850,000 and a refund liability of \$14,667; and

WHEREAS, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzhauer concurs with this recommendation;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the settlement negotiated by its professionals for a reduction of the tax assessment for Block 6.05, Lot 4, for tax year 2011 as aforesaid is approved, and that the issuance of a payment to the property owner, Newtonian Associates LLC, in the amount of \$14,667 to refund property taxes per the settlement is authorized.

RESOLUTION #65-2012*

RESOLUTION TO SUPPORT THE SUBMISSION OF A TONNAGE GRANT APPLICATION FOR RECYCLING TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Newton Town Council of the Town of Newton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, a resolution should designate the individual authorized to ensure the application is properly completed and timely filed; and

WHEREAS, the Newton Town Council adopted Resolution #55-2012, authorizing entering into a Shared Services Agreement with the Sussex County Municipal Utilities Authority to provide a Certified Recycling Professional for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council of the Town of Newton that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reenee Casapulla, Recycling Coordinator for SCMUA to ensure that the application is properly filed; and

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BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

RESOLUTION #66-2012*

AUTHORIZE ENTERING INTO A INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF ANDOVER FOR SALE AND SHARING OF SPECIALIZED VEHICULAR EQUIPMENT

WHEREAS, the Town of Newton desires to enter into a shared services agreement with the Township of Andover to furnish the Township of Andover for sale and sharing of specialized vehicular equipment; and

WHEREAS, the parties desire to enter into an Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-4, et seq., for the furnishing of such services;

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

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Township of Andover for the sale and sharing of specialized vehicular equipment.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.
3. This Resolution shall take effect immediately.

RESOLUTION #68-2012*

APPROVE FIREWORKS DISPLAY AT MEMORY PARK FOR NEWTON DAY 2012

WHEREAS, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 9, 2012 as part of the annual "Newton Day" celebration with a rain-date of June 16, 2012; and

WHEREAS, County Fire Marshal Joseph C. Inga has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Greater Newton Chamber of Commerce is granted permission for a fireworks display during the "Newton Day" celebration to take place on June 9, 2012, with a rain-date of June 16, 2012 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ; and

BE IT FURTHER RESOLVED, that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshal, Joseph C. Inga.

RESOLUTION #70-2012*

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

700.00	Café Nico	30156
214.94	Quill Corporation	30157
126.00	Montague Tool & Supply	30158
185.00	M G L Printing	30159
350.00	Decker's Fire & Safety	30160
120.00	ABCCode Security	30161
156.25	Sussex Car Wash, Inc.	30162
355.40	G & G Diesel Service Inc.	30163
3,513.66	JCP&L	30164
3,491.20	New Jersey Herald	30165
353.84	SCMUA	30166
35.00	Centurylink Communications, Inc.	30167
96.97	Campbell's Small Engine	30168
574.00	Firefighters Equipment Co.	30169
108.00	Lock & Key World	30170
29.44	Federal Express	30171
200.00	James Sisco	30172
200.00	Richard A. Straway, Jr.	30173
200.00	Thomas Straway	30174
1,026.00	Willco, Inc.	30175
20.00	Sussex County League of	30176
65.00	Newton Trophy	30177
200.00	William F. Smith	30178
200.00	Brock Kithcart	30179
790.00	T. A. Mountford Company	30180
2,150.00	Galls Incorporated	30181
200.00	William Haaman	30182
273.35	Lou's Glass	30183
168.00	Minisink Press Inc.	30184
55.13	Sebring Auto Parts	30185
196.76	Sherwin-Williams	30186
144.60	L-3 Comm. Mobile-Vision	30187
647.80	Boonton Tire Supply	30188
194.49	Verizon Wireless	30189
391.00	Accurate Door, Inc.	30190
247.69	Walmart	30191
2,500.00	Prime Time Newton Seniors	30192
312.50	Alternate Power Inc.	30193
128.28	Cooper Electric Supply Co.	30194
120.00	Wildflowers With Tami	30195
200.00	Kenneth Jaekel	30196
31.97	Advance Auto Parts	30197
1,480.31	The Home Depot	30198
125.00	Moore-Wallace North America	30199
288.27	Rogo Fastener Co., Inc.	30200
18.99	Excelsior Lumber Company	30201
40.00	MidAtlantic For Safety	30202
127.44	Lab Safety Supply Inc.	30203
813.20	Seely Brothers	30204
60.95	Ward's Flowers & Gifts	30205
133.93	AW Direct Inc.	30206
551.63	Staples Business Advantage	30207
28.90	Language Line Services	30208
160.00	Screen Creation Plus	30209
450.00	Franklin Precast Tanks	30210
144.00	CSS Test	30211
41.80	Nestle Waters	30212

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200.00	Steve Estler	30213
1,144.00	Skylands Area Fire Equip & Training	30214
125.00	Black Lagoon	30215
5,585.15	Rachles/Michele's Oil Company	30216
2,755.41	Taylor Oil Co.	30217
662.00	Firefighter One	30218
200.00	Adam Vough	30219
50.00	Sussex County Chamber of Commerce	30220
200.00	Joseph White	30221
175.00	Northern Rain	30222
375.00	BSNCP	30223
200.00	William Oswin, III	30224
2,512.84	Knapp, Trimboli & Prusinowski, LLC	30225
2,010.00	Chelbus Cleaning Co., Inc.	30226
60.00	North Jersey Court Admin. Assoc.	30227
200.00	Roy Leyman	30228
786.00	Rutgers, Center for Government Serv.	30229
90.00	GPANJ	30230
500.00	American Legion Post 86	30231
805.00	Mainly Menus	30232
123.01	Dowrite	30233
400.00	Marwan Abdel-Rahman	30234
45.00	Lucy Delorto	30235
500.00	D.S. International Language Consult	30236
550.82	Susan W. Osborn	30237
290.00	APMM	30238
49,219.00	U.S.D.A. / FHA	121018
183,987.03	Payroll Account	121019
18,324.24	VOID	121020
265.24	Payroll Account	121020
294,030.00	Depository Trust Company	121021
162.00	Town of Newton Electronic Fees	121022
225.00	Electronic Fees-W/S	121023
191.00	Town of Newton	121024
18,324.24	Payroll Account	128113

CAPITAL

60.00	NJ Motor Vehicle Services	7880
129.95	Montague Tool & Supply	7881
70.00	Deckers Fire & Safety	7882
33.60	New Jersey Herald	7883
4,558.21	Hamburg Plumbing Supply Co., Inc.	7884
861.00	McManimon & Scotland	7885
1,034.35	L-3 Comm. Mobile-Vision	7886
1,648.50	BARCO Products	7887
165.40	Denville Line Painting, Inc.	7888
30,413.00	Flemington Car & Truck Country	7889
3,491.24	FKA Archiitects	7890
1,675.00	John A. Van Deusen & Assoc.'s Inc.	7891
91,662.78	Thyssenkrupp Elevator Corp.	7892
8,515.00	Walker Diving Underwater Construct.	7893

Total TOWN BILLS \$737,002.92

WATER AND SEWER ACCOUNT

3,949.60	E S C Enterprises	12795
185.08	CCP Industries	12796
132.08	Aurora Electrical Supply	12797
2,933.00	JCP&L	12798
200.00	John Madden	12799
67.90	New Jersey Herald	12800
14,092.02	Pumping Services	12801

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300.15	SCMUA	12802
91.65	Sussex County Plumbing &	12803
200.00	Paul Baldwin	12804
200.00	Paul M. Havens	12805
125.85	Centurylink Communications	12806
70.00	Campbell's Small Engine	12807
750.00	Cosper Environmental Services, Inc.	12808
168.00	Minisink Press Inc.	12809
200.00	Joseph Carr	12810
200.00	Ervin Lasso	12811
2,137.30	Univar USA Inc.	12812
1,867.80	Main Pool & Chemical Company	12813
987.39	The Home Depot	12814
424.10	Airmatic Compressor Systems Inc.	12815
2,800.00	Wasak, Inc.	12816
816.00	Process Tech Sales & Service	12817
200.00	Eric Tompkins	12818
225.00	Dustin McGarry	12819
134.52	One Call Concepts	12820
32,229.55	Payroll Account	126009
36,168.75	Bank of New York	126010

CAPITAL

69.30	New Jersey Herald	2213
237.83	F.W. Bennett & Son, Inc.	2214

Total WATER & SEWER BILLS \$102,162.87

TRUST ACCOUNT

12,500.00	Julie Richard, LLC	2998
440.00	Customs Braclets	2999
538.96	Payroll Account	126011
264.00	Payroll Account	127108

Total TRUST ACCOUNT BILLS \$13,742.96

FEDERAL AND STATE GRANT ACCOUNT

721.40	Rays Sport Shop	1009
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Total FED AND STATE GRANT ACCT. BILLS \$721.40

RESOLUTION #71-2012*

AWARD CONTRACT TO CAPITOL SUPPLY CONSTRUCTION PRODUCTS, INC., FOR THE PURCHASE OF PIPE MATERIALS AND FITTINGS FOR THE MORAN STREET WATERMAIN PROJECT

WHEREAS, the Town of Newton, in accordance with State statute, received three quotes from qualified vendors for pipe material and fittings for the Moran Street Watermain Project at 11:00 a.m. on Thursday, April 5, 2012; and

WHEREAS, Capitol Supply Construction Products, Inc., provided the most cost effective quote for the pipe materials and fittings for the Moran Street Watermain Project; and

WHEREAS, it is recommended by the Purchasing Agent, Debra J. Millikin and Municipal Engineer, Harold E. Pellow, that a contract for the purchase of pipe materials and fittings for the Moran Street Watermain Project be awarded to Capitol Supply Construction Products, Inc., in the amount of \$30,575.68; and

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WHEREAS, the Chief Financial Officer, Dawn L. Babcock has certified that 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 purchase of pipe materials and fittings for the Moran Street Watermain Project to Capitol Supply Construction Products, Inc., of Denville, NJ in the amount of \$30,575.68.

The Clerk presented an application for an on-premise raffle (50-50) from The Pride Foundation, Inc. 44 Ryerson Avenue, Newton, New Jersey to be held on Monday, May 21, 2012 at 2:30 p.m. at the Halsted Middle School, 59 Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

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

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

At this time, Steven Mairella, Esq., and Jennifer L. Credidio, Esq., of McManimon & Scotland, LLC., addressed Council to discuss the Site Access Agreement, which addressed the stipulations allowing Newton 213 LLC to access the Property, known as the Newton Armory. Mr. Mairella, Esq., outlined the stipulations set forth in the Site Access Agreement.

RESOLUTION #67-2012

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING SITE ACCESS AGREEMENT WITH RESPECT TO THE NEWTON ARMORY

WHEREAS, the Town of Newton owns that certain land known as the Newton Armory and identified on the Official Tax Map of the Town as Block 10.01, Lot 6 (formerly Block 801, Lot 49.01) (the "**Property**"); and

WHEREAS, Newton 213, L.L.C. (the "**LLC**"), has expressed interest in purchasing the Property, and has requested that the Town grant the LLC access to the Property and permission to conduct thereon certain investigations, surveys, testing and studies of the Property (collectively, the "**Investigations**"), all at the LLC's cost and expense and at no cost or expense to the Town; and

WHEREAS, the Town wishes to authorize the execution of a site access agreement (the "**Agreement**") establishing the terms and conditions of such access to the Property; and

WHEREAS, the LLC has agreed to coordinate its access to and Investigations on the Property with the Town, to provide to the Town copies of all work plans, and certain other documentation relating to the Investigations, and to provide insurance and hold the Town harmless in connection with claims and liabilities arising out of or in connection with the acts or omissions of the LLC or its 'Representatives' (as defined in the Agreement) during the Investigations; and

WHEREAS, nothing in the Agreement shall constitute or be construed as an agreement by the Town to sell the Property to the LLC, or as creating any rights in the

LLC other than a revocable, limited license for accessing the Property and conducting the Investigations on the terms and conditions set forth in the Agreement;

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Town hereby authorizes the execution of the Agreement in substantially the form attached hereto as **Exhibit A** and by this reference incorporated herein. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto, with such additions, deletions and modifications as may be necessary or desirable in consultation with the Town Attorney and Special Counsel.

Section 3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the Town Clerk.

Section 5. This Resolution shall take effect immediately.

EXHIBIT A

FORM OF SITE ACCESS AGREEMENT

The aforementioned **RESOLUTION** was offered by Mayor Le Frois, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

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

Councilman Ricciardo questioned whether there is potential litigation regarding the agreement with the Town Planner, Jessica Caldwell and her former employee, Harold E. Pellow and Associates. Mr. Russo noted that the terms in this Resolution were agreed upon by Harold Pellow and Jessica Caldwell.

RESOLUTION #69-2012

AUTHORIZE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR TOWN PLANNER

WHEREAS, the Town of Newton entered into a Professional Services Agreement on January 1, 2012 with Harold E. Pellow & Associates, Inc. for the planning services of "Jessica Caldwell, Professional Planner in the State of New Jersey, who is employed by Harold E. Pellow & Associates, Inc."; and

WHEREAS; effective March 29, 2012, the employment relationship between Jessica Caldwell and Harold E. Pellow & Associates, Inc. was severed; and

WHEREAS, the Town of Newton wishes to continue to utilize the planning services of Jessica Caldwell through her new professional affiliation, J. Caldwell & Associates, LLC, 122 Main Street, Newton, New Jersey 07860 for all of the services outlined in the aforementioned January 1, 2012 Professional Services Agreement; and

WHEREAS, the Town of Newton, by way of Resolution #16-2012, dated January 23, 2012, authorized Harold E. Pellow & Associates, Inc. to create a plan for the Railroad District for a cost not to exceed \$9,000.00; and

WHEREAS, the Town of Newton wishes to continue to utilize the planning services of Harold E. Pellow & Associates, Inc. to complete the plan for the Railroad District pursuant to Resolution #16-2012;

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

1. The January 1, 2012 Professional Services Contract with Harold E. Pellow & Associates, Inc. for the planning services of "Jessica Caldwell, Professional Planner in the State of New Jersey, who is employed by Harold E. Pellow & Associates, Inc."; is hereby amended by the replacement of Harold E. Pellow & Associates, Inc. with J. Caldwell & Associates, LLC, effective March 29, 2012, with all other material terms remaining unchanged;

2. The engagement of the professional planning services of Harold E. Pellow & Associates, Inc. for creation of a plan for the Railroad District, pursuant to Resolution #16-2012 shall not be altered or amended by the severance of the employment relationship between Jessica Caldwell and Harold E. Pellow & Associates.

3. Execution of all necessary amending documents to accomplish the above contract amendment with J. Caldwell & Associates, LLC is authorized.

The aforementioned **RESOLUTION** was offered by Mrs. Becker, 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	Yes	

INTERMISSION (10 mins.)

DISCUSSION

There was no discussion at this time.

OPEN TO THE PUBLIC

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

COUNCIL & MANAGER COMMENTS

Mayor Le Frois noted that the Newton Fire Department Annual Beef Steak Dinner will be held at Station 2 on Saturday, April 28, 2012 from 4:00 p.m. to 7:00 p.m.

Mayor Le Frois noted that the next Sussex County League of Municipalities (SCLM) meeting will to be held on Wednesday, April 11th and will be hosted at the Keogh-Dwyer Correctional Facility.

April 9, 2012

Mayor Le Frois attended the annual Easter Egg Hunt held on Saturday, April 7, 2012 and commended Kerry Deckert, Recreation Director and the Recreation Commission for a wonderful and successful event.

Mayor Le Frois reminded everyone that Saturday, April 28, 2012 is the Neighbors Helping Neighbors event in the Town of Newton.

Mayor Le Frois also mentioned that the Newton Fire Department has recently responded to several calls for brush/mulch fires and cautioned the residents to be aware of the fire danger due to high winds and dry climate.

Mayor Le Frois noted that she is pleased with the continued effort of the Town for entering into Shared Service agreements with other municipalities.

EXECUTIVE SESSION

Mr. Russo read Resolution #72-2012 and Council entered into Executive Session at 8:14 p.m.

Council returned from Executive Session at 9:37 p.m.

COUNCIL & MANAGER COMMENTS

There being no further business to be conducted, upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 9:39 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk