

September 23, 2013

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. Diglio, Mrs. Becker, Deputy Mayor Elvidge, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager, and Ursula Leo, Esq., Town Attorney.

Mayor Ricciardo 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, 2012."

Mayor Ricciardo led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, the minutes of September 11, 2013 Regular Meeting and September 11, 2013 Executive Session were approved.

### **OPEN TO THE PUBLIC**

Mayor Ricciardo read the following statement:

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

There was no one from the public to be heard.

### **COUNCIL & MANAGER REPORTS**

#### **a.) Best Practices Worksheet**

Mr. Russo and Ms. Babcock, CFO reviewed the annual best practice worksheet with the Governing Body and addressed their questions. Mr. Russo explained the reason for the annual best practice worksheet and advised that the Town scored 86% this year which is a great score.

### **ORDINANCES**

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

#### **ORDINANCE #2013-24**

#### **AN ORDINANCE AMENDING CHAPTER 289 "TOWING" TO ADD A NEW SECTION 289-12 ENTITLED "REMOVAL OF VEHICLES CONSTITUTING A PUBLIC SAFETY RISK"**

**WHEREAS**, the Mayor and Town Council of the Town of Newton have a desire to provide for the removal of vehicles deemed by the Newton Police Department to constitute a public safety risk within the Town of Newton; and

**WHEREAS**, the placing, abandoning, leaving, keeping or storing outdoors of any motor vehicle that poses a public safety risk, including those that are inoperable or not currently registered, is contrary to the public welfare;

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

**SECTION 1.** Chapter 289 shall be revised by the addition of a new Section 289-12 entitled "Removal of vehicles constituting a public safety risk" as follows:

**§289-12. Removal of vehicles constituting a public safety risk.** Vehicles deemed by the Newton Police Department to constitute a risk to public safety, which may include vehicles which are inoperable or not currently registered, shall be ordered towed by any sworn member of the Newton Police Department, after reasonable written notice is provided to the owner on record with the Department of Motor Vehicles, with reasonable costs to be paid by the vehicle's owner.

**SECTION 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 4. Effective Date.** This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Ricciardo opened the hearing to the public.

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

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
Mayor Ricciardo	Yes		

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

The Clerk will advertise the above Ordinance according to law.

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

**ORDINANCE #2013-25**

**AN ORDINANCE TO AMEND CHAPTER 100-15, OF THE CODE OF THE TOWN OF NEWTON, REGARDING PARKING LOTS**

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes

Mayor Ricciardo 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 October 28, 2013.

**OLD BUSINESS**

Mr. Russo requested Mike Holenstein, Tax Appraisal Consultant, to address the Council and provide an appraisal for the Newton Fire Museum on Spring Street. Mr. Holenstein visited the Fire Museum and noted that the building has approximately 4,000 square feet. Mr. Holenstein suggested that the appraisal for the building would be \$150,000.00 "AS IS". If the building was renovated, Mr. Holenstein suggested the building could be sold for approximately \$350,000.00, even with the understanding that the renovation costs will far exceed that appraisal figure.

After a brief discussion, Council directed Mr. Russo to advise Mr. Kosten, Architect and Mr. Stoner, Town Engineer to further investigate the costs both internal and external related to the building.

**CONSENT AGENDA**

Mayor Ricciardo 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."*

At this time, Mayor Ricciardo requested that Resolution #171-2013 be removed from the Consent Agenda for separate discussion.

Mr. Russo reviewed the various resolutions on the Consent Agenda.

**RESOLUTION #157-2013\***

**TO CANCEL OUTSTANDING CHECKS IN VARIOUS FUNDS**

**WHEREAS**, there are checks which have not been cashed in the following Town of Newton funds; and

**WHEREAS**, these checks have been reviewed to determine if they should be canceled to fund balance so as not to be required to escheat them to the State of New Jersey;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the following outstanding checks are hereby canceled:

<b>Current Fund</b>			
#1010074	12/31/10	Payroll	\$603.05
#30884	9/24/12	Century Link	\$225.12
#31285	12/30/12	Sussex County Clerk Assoc	\$ 10.00

**Capital Fund**

#7811          11/03/2011    New Jersey Dept. Transportation V#615          \$ 300.00

**RESOLUTION #158-2013\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB OWNER'S LICENSED FOR DORAGAIL SPICER T/A DADS TAXI & LIMO**

**WHEREAS**, the Code of the Town of Newton requires that under **§283-2, License Required**, "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate; and

**WHEREAS**, in accordance with **§283-6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 128 Plains Road, Augusta, NJ 07822, t/a DADS Taxi & Limo, which shall expire June 12, 2014; and

**BE IT FURTHER RESOLVED**, that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

**RESOLUTION #159-2013\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSED FOR DORAGAIL SPICER**

**WHEREAS**, the Code of the Town of Newton requires that under **§283-2, License Required**. "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Doragail Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2014.

**RESOLUTION #160-2013\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY BARBARA FITZMAURICE**

**WHEREAS**, the Newton General Revised Ordinances require that under **§283-2, License Required**. "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's License

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application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Barbara Fitzmaurice, 220 Route 519, Sussex, New Jersey and represents D.A.D.S. Taxi and Limo, which expires on September 23, 2014.

**RESOLUTION #161-2013\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY  
GLENN T. SPICER**

**WHEREAS**, the Code of the Town of Newton requires that under **§283-2, License Required**. "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Glenn T. Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2014.

**RESOLUTION #162-2013\***

**APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY  
RALPH E. DRAKE**

**WHEREAS**, the Newton General Revised Ordinances require that under **§283-2, License Required**. "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Ralph E. Drake, 150 Belvidere Avenue, Apt. 2, Washington, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 2014.

**RESOLUTION #163-2013\***

**AUTHORIZE TRANSFER OF A 3<sup>RD</sup> QUARTER TAX PAYMENT FROM BLOCK 19.03, LOT 2 TO  
BLOCK 19.02, LOT 2**

**WHEREAS**, property taxes for the third quarter of 2013 were electronically paid for Block 19.03, Lot 2 also known as 5 E. Stuart Street and owned by Levante, Wayne & Demaris E. on August 8, 2013 by QBE First/Seterus; and

**WHEREAS**, QBE First/Seterus states that they have no interest in said property and made this electronic payment in error. The property QBE First/Seterus provides tax payment services for is Block 19.02, Lot 2 also known as 4 Mount View Street and owned by Godumski, Evelyn; and

**WHEREAS**, QBE First/Seterus is requesting the funds paid in the amount of \$1,157.77 be transferred from Block 19.03, Lot 2 to Block 19.02, Lot 2 to correct their error;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that the amount of \$1,157.77 be transferred from Block 19.03, Lot 2 and applied to Block 19.02, Lot 2; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to make said transfer.

**RESOLUTION #164-2013\***

**CONFIRMING A REFUND OF MONIES FOR TAXES DUE TO A STATE APPEAL FOR BLOCK 15.03, LOT 2**

**WHEREAS**, Michael I. Schneck, Trustee for Spring Plaza, LLC of Block 15.03; Lot 2, also known as 4 Union Place filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2012; and

**WHEREAS**, on July 26, 2013 the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$491,400.00 which is a \$100,000.00 reduction in the 2012 Tax Assessment for said property; and

**WHEREAS**, Michael I. Schneck, Trustee for Spring Plaza, LLC is requesting a refund be issued in the amount of \$3,320.00 which is the amount overpaid by Spring Plaza LLC for the tax year 2012;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment entered by the Tax Court of New Jersey and Michael I. Schneck, Trustee for Spring Plaza, LLC is entitled to this refund in the amount of \$3,320.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector has issued said refund to Michael I. Schneck, Trustee for Spring Plaza, LLC in the amount of \$3,320.00 in accordance with said Tax Court of New Jersey's Judgment.

**RESOLUTION #165-2013\***

**CONFIRMING A CREDIT APPLIED FOR TAXES DUE TO A STATE APPEAL FOR BLOCK 18.03, LOT 6**

**WHEREAS**, James P. Fox, Esq. who represents Wilshire Realty Company of Block 18.03; Lot 6, also known as 7 Woodside Avenue filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2013; and

**WHEREAS**, on July 19, 2013 the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$900,000.00 which is a \$100,600.00 reduction in the 2013 Tax Assessment for said property; and

**WHEREAS**, James P. Fox, Esq. representing Wilshire Realty Company is requesting a credit be applied in the amount of \$3,417.38 which is the amount overbilled on the Tax Bill which was issued to Wilshire Realty on July 16, 2013 for the tax year 2013;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment entered by the Tax Court of New Jersey and Wilshire Realty Company is entitled to this credit which was applied to the 4<sup>th</sup> quarter taxes due November 1, 2013 in the amount of \$3,417.38; and

**BE IT FURTHER RESOLVED**, that the Tax Collector has applied said credit to Wilshire Realty Company in the amount of \$3,417.38 in accordance with said Tax Court of New Jersey's Judgment.

**RESOLUTION #166-2013\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS**

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

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

**UTILITY BOARD RECOMMENDS WAIVER OF PENALTY:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12341	37 Madison St.	\$29.94

**RESOLUTION #167-2013\***

**AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW**

**WHEREAS**, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

**WHEREAS**, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2012 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in October 2013.

**RESOLUTION #168-2013\***

**ACCEPT THE CURB, SIDEWALK AND APRON REPLACEMENT ON MAPLE AVENUE PROJECT AS COMPLETE**

**WHEREAS**, on June 10, 2013 the Newton Town Council adopted Resolution #98-2013, awarding a contract to Tony's Concrete Construction Co., Inc., for the Proposed Curb, Sidewalk and Apron Replacement on Maple Avenue; and

**WHEREAS**, on July 22, 2013 the Newton Town Council adopted Resolution #134-2013 approving Change Order No. 1 for said project adjusting the total contract amount to a new total of \$38,214.00 based on the recommendation of the Town Engineer, Harold E. Pellow; and

**WHEREAS**, on August 12, 2013 the Newton Town Council adopted Resolution #143-2013 approving Change Order No. 2 for said project adjusting the total contract amount to a new total of \$35,277.00; and

**WHEREAS**, the Town Engineer recommends in his letter dated September 17, 2013 that the Curb, Sidewalk and Apron Replacement on Maple Avenue, be accepted as complete;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Curb, Sidewalk and Apron Replacement on Maple Avenue as complete based on the recommendation of the Town Engineer.

**RESOLUTION #169-2013\***

**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 2012 and 2013 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**

103.94	Staples Credit Plan, Inc.	32514
120.00	Abcode Security Inc.	32515
136.50	Sussex Car Wash Inc.	32516
366.55	NUI Corporation	32517
8,576.42	G & G Diesel Service Inc.	32518
285.00	New Jersey Herald, Inc.	32519
893.03	SCUMA	32520
205.00	B & G Elevator Inc.	32521
218.70	Centurylink Communications, Inc.	32522
124.20	Centurylink Communications, Inc.	32523
107.54	Beaver Run Farms LP	32524
39.44	Federal Express	32525
584.31	ZEP Manufacturing Company	32526
6,043.50	Newton First Aid Squad	32527
111.00	Holzhauer, Scott	32528
37.50	Kithcart, Brock	32529
90.75	Galls Incorporated	32530
692.40	Dempsey Uniform & Supply Inc.	32531
137.50	Millikin, Debra	32532
15.90	Airgas East	32533
10.00	Sussex County Clerk's Assn	32534
636.52	Boonton Tire Supply Inc.	32535
40.00	NJMMA	32536
1,636.64	Verizon Wireless, Inc.	32537
540.00	Petro-Mechanics, Inc.	32538
1,381.59	Dell Marketing L. P.	32539
39.35	Walmart	32540
75.78	Mr. John, Inc.	32541
733.50	Gold Type Business Machines	32542
37.50	Teresa Ann Oswin	32543
675.00	Vogel, Chait, Collins, Schneider, PC	32544
144.00	Mid-Atlantic for Safety &	32545
841.89	Buckman's Inc.	32546
138.64	Staples Business Advantage, Inc.	32547
10.20	Language Line Services, Inc.	32548
33,590.00	Appraisal Services, Inc.	32549
3,718.51	Rachles/ Michele's oil Company, Inc.	32550
1,824.02	Taylor Oil Co., Inc	32551
2,250.00	Laddey, Clark & Ryan LLP	32552
4,286.11	Laddey, Clark & Ryan LLP	32553
111.00	Derek J Wechtler	32554
35.00	Northern Rain	32555
354.00	Ricciardi Brothers, Inc.	32556
510.00	Sign-A-Rama, Inc.	32557
440.00	NJLM	32558
110.00	Code 96	32559
564.75	Penteledata	32560
4,747.33	Direct Energy Business Inc.	32561
478.97	Tractor Supply Co	32562
39.74	Woodruff Energy US, Inc.	32563
315.00	Extra Tech Data Services LLC	32564
120.75	Kerry Deckert	32565
254.71	Harleysville Life Insurance Company	32566
267.80	Straus News, Inc.	32567
111.00	John Prutzman	32568
1,950.00	North Branch Associates, LLC	32569
53.00	Team Life, Inc.	32570
193.65	Reliable Maintenance	32571
2,544.00	Revel	32572

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83.13	Elavon (merchant svc)	131066
3,320.00	Michael Schneck, Trustee Spring Plz	32513
333.00	Brian Fox	32512
111.00	Void	31195
111.00	Void	30968
111.00	Void	30564
29.85	Teresa Ann Oswin	32511
200,050.98	Payroll Account	131065

**CAPITAL**

382.95	SCUMA	8179
487.20	Hamburg Plumbing Supply Co Inc	8180
1,825.00	Current Account	8181
888.00	Laddey, Clark & Ryan, LLP	8182
1,188.90	FKA Architects Inc.	8183
11,340.00	Code 96	8184
5,085.00	J. Caldwell & Associates, LLC	8185
3,936.63	Payroll Account	133010

**Total TOWN BILLS \$313,650.27**

**WATER AND SEWER ACCOUNT**

828.50	M G L Printing Solutions, LLC	13803
129.62	Hach Company	13804
289.09	NUI Corporation	13805
250.00	Keller Welding Company, LLC	13806
230.00	New Jersey Herald, Inc.	13807
3,641.72	Pumping Services, Inc.	13808
931.13	SCUMA	13809
8,687.95	Coyne Chemical Corp, Inc.	13810
35.11	Centurylink Communications, Inc.	13811
34.99	Campbell's Small Engine Inc.	13812
890.00	Garden State Laboratories Inc.	13813
321.04	Dempsey Uniform & Supply Inc.	13814
8,432.00	R&D Trucking Inc.	13815
271.77	Airgas East	13816
33.00	Lasso, Ervin	13817
4,817.50	Applied Service Corp	13818
1,200.00	Instrumentation Tech Systems, Inc.	13819
153.62	Verizon Wireless, Inc.	13820
1,250.00	Smalley, John	13821
1,335.00	Alternate Power Inc.	13822
79.00	Water Environment Federation	13823
1,171.29	Kistler O'Brien Fire Protection, Inc.	13824
726.03	Airmatic Compressor Systems, Inc.	13825
1,440.27	Chemung Supply Corp	13826
336.00	Laddey, Clark & Ryan, LLP	13827
962.00	Andy Matt, Inc.	13828
119.90	Penteledata	13829
6,081.95	Direct Energy Business Inc.	13830
185.78	One Call Concepts, Inc.	13831
171.85	Woodruff Energy US, Inc.	13832
32,288.69	Payroll Account	136030

**CAPITAL**

5.00	Campbell's Small Engine Inc.	2303
235.04	Weldon Asphalt Company, Inc.	2304
624.00	Laddey, Clark & Ryan, LLP	2305
100.00	J & B Electric Motor SVC LLC	2306
180.43	Payroll Account	126116
2,358.58	Payroll Account	126116

**W/S ASSESSMENT**

16,918.13	W/S Utility Bond Interest	136403
13,955.52	W/S Utility Bond Principal	136404

**Total WATER & SEWER BILLS \$114,701.50**

**TRUST ACCOUNT**

1,333.33	Sloan, James P, P.C., Inc.	3174
164.29	Walmart	3175
1,216.45	Dominick's Pizza, LLC.	3176
608.05	Country Club Ice Cream, LLC.	3177
1,162.75	Morris Downing & Sherred	3178
3,437.52	Payroll Account	137120

**Total TRUST ACCOUNT BILLS \$7,922.39**

**DEVELOPERS ESCROW ACCOUNT**

155.00	Pellow, Harold & Asso., Inc.	1141
1,530.00	Vogel, Chait, Collins, Schneider, PC	1142
891.50	Dolan & Dean Consulting Eng, LLC	1143
2,787.50	Ferriero Engineering Inc.	1144
6,900.00	The Buzak Law Group, LLC.	1145

**Total DEV. ESCROW BILLS \$12,264.00**

**FEDERAL/ STATE GRANTS**

155.00	Draeger Safety Diagnostics Inc.	1162
2,728.05	Center for Prevention & Counseling	1163
519.92	Shop Rite, Inc.	1164
250.00	Kerry Deckert	1165
3,500.00	Phil Chalmers	1166
400.00	Town of Newton Pool	1167
80.63	Payroll Account	131107
1,054.00	Payroll Account	131107

**Total FEDERAL/ STATE GRANTS \$8,687.60**

**RESOLUTION #170-2013\***

**ACCEPT THE BEST PRACTICES INVENTORY AND QUESTIONNAIRE AND AUTHORIZE ITS SUBMISSION TO THE STATE OF NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS**, Local Finance Notice 2013-20 sets forth the requirements regarding the Best Practices Inventory Questionnaire; and

**WHEREAS**, the final 5% allocation of state aid for CMPTRA and ETR will be disbursed based upon the results of this inventory; and

**WHEREAS**, the completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response. This can happen before or after actual submission of the inventory form; and

**WHEREAS**, the Municipal Clerk must certify on the worksheet that the Inventory and the results thereof were discussed publicly, with the inventory results and the certification of same by the chief administrative and financial officers referenced in the meeting minutes; and

**WHEREAS**, attached to this resolution is the Best Practices Worksheet CY 2013. The Town of Newton’s responses to this inventory qualify the Town to receive 100% funding of the final 5% aid payment;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it has publicly discussed the Best Practices Inventory, and does hereby authorize the Chief Administrative Officer, Chief Financial Officer, and Municipal Clerk to certify the inventory worksheet and email the worksheet to the State of New Jersey Division of Local Government Services by the CY 2013 filing deadline of October 15, 2013.

The Clerk presented an application for an off-premise raffle (50-50) from The Pride Foundation to be held on Wednesday, December 18, 2013 at 3:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an off-premise raffle (50-50) from Saint Joseph’s Roman Catholic Church, 17 Elm Street, Newton to be held on Friday, December 6, 2013 at 3:00 p.m. at 17 Elm Street, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
Mayor Ricciardo		Yes	

Councilman Flynn abstained from check #1144 on Resolution #169-2013 and approved all other Resolutions.

A discussion ensued on Resolution #171-2013 and after a brief discussion, upon motion of Mrs. Diglio, seconded by Mr. Flynn, Resolution #171-2013 was approved and roll call resulted as follows:

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
Mayor Ricciardo		Yes	

**RESOLUTION #171-2013**

**AUTHORIZE FUTURE PAYMENTS VIA PERSONAL CHECK**

**WHEREAS**, Newton Town Code §100-24.H requires that if an individual or business has a check to the Town returned for insufficient funds, all future payments to the Town must be tendered in cash or certified or cashier’s check; and

**WHEREAS**, Gary Marion, of 150 Merriam Avenue has written a letter to the Town Council stating that he has been a resident of Town for 24 years and has never previously had a check returned, which is consistent with Town records, requesting to continue to pay the Town via personal check; and

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**WHEREAS**, Gary Marion has represented that he and his wife were victims of identity theft, which led to his check to the Town for his water and sewer bill being returned; and

**WHEREAS**, the Town Council finds that the Marion's situation presents a unique circumstance which supports an exception from Code §10-24.H;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body hereby recognizes an exception to §100-24.H for Gary Marion, and that the Town shall continue to accept personal checks from Gary Marion, unless and until §100-24.H is violated.

### **DISCUSSION**

#### **a. Employee Handbook Review**

Mr. Russo outlined the various amendments and policy changes to the Employee Handbook. Mr. Russo advised Council that these changes were recommended and reviewed by Ursula Leo, Esq. as well as Tracy Villaverde, Human Resource Coordinator. After a brief discussion, the consensus of the Governing Body was to agree with the recommended changes to the Employee Handbook as outlined.

### **OPEN TO THE PUBLIC**

There was no one to be heard from the public.

### **COUNCIL & MANAGER COMMENTS**

Councilman Elvidge advised that Deputy Mayor Coranoto of Hampton Township, asked if the Town of Newton is in need of any repairs by Jersey Central Power and Light (JCP&L). Deputy Mayor Coranoto will be attending a meeting and will relay the repair information to them. Mr. Russo will reach out to Deputy Mayor Coranoto with an inventory update.

Councilman Flynn noted the recent partnership with Project Self-Sufficiency and Newton Public Schools for a new program called "Project Launch Newton". This program, which has been fully-funded by the New Jersey Department of Education, will provide an array of afterschool enrichment activities for students in grades 4 through 8.

### **INTERMISSION** – 10 minutes

### **EXECUTIVE SESSION**

Mr. Russo read Resolution #172-2013 and Council entered into Executive Session at 7:52 p.m.

Upon motion of Mrs. Diglio, seconded by Mrs. Becker and carried, Council left Executive Session at 8:17 p.m.

September 23, 2013

There being no further business to be conducted, upon motion of Mayor Ricciardo, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Lorraine A. Read". The signature is written in a cursive style with a long, sweeping tail on the letter "d".

Lorraine A. Read, RMC  
Municipal Clerk