

December 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, Mr. Flynn, Mayor Ricciardo, Thomas S. Russo, Jr., Town Manager, and Ursula Leo, Esq., Town Attorney. Deputy Mayor Elvidge arrived at 7:15 p.m. and Mrs. Becker was absent.

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 November 25, 2013 Special and Regular and December 9, 2013 Regular and Executive 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."

Marilu Hansen, 12 Douma Court, Newton, resident/homeowner; breeder/exhibitor; and vet technician, addressed concerns regarding Ordinance 2013-33 regarding the new provision restricting the number of dogs permitted in Newton and read from a prepared statement:

"Members of the Newton Town Council,

Thank you for allowing me the opportunity to speak to you today regarding the proposed Town Ordinance 2013-33 Dog Limits. I have been a resident in this town for over 50 years and a homeowner for the past 25 years.

For those of you who may not know me, I have been actively participating in the sport of purebred dogs since 1994. As a breeder and exhibitor, I have made a commitment to showing my dogs locally, nationally and internationally. It is a responsibility that I take very seriously. Additionally I work as a Veterinary Technician, caring for animals on a daily basis. I understand the challenges involved to properly care for a pet.

My concern today is that proposed Ordinance 2013-33 appears to be a reaction to a well-publicized incident. We are all aware that people can become overwhelmed,

and that the irresponsible actions of one or a very few, places unfair and discriminatory restrictions upon homeowners who properly care for their dogs, license them accordingly and respect their fellow neighbors and community members.

I had the pleasure of speaking to Ms. Lorraine Read, Municipal Clerk, this past Thursday. In reviewing the ordinance, I felt there were some areas that had not been considered which could be the recipient of unintended consequences by this ordinance.

- 1.) **Foster Care-** Many non-profit rescue organizations rely on a network of volunteers to temporarily house, care for, and rehabilitate dogs before they can properly be placed in a permanent setting. This can cause a homeowner to exceed the dog limit. No provisions are made for temporary housing of canines.
- 2.) **Breeder-** A responsible breeder will take back any puppy that they have bred for the lifetime of that animal. This will often happen with little or no notice from the current owner. Placement of animals takes time for evaluation, veterinary assessment and behavioral testing. This can also cause the homeowner to be over the limit for an undetermined amount of time. Breeding litters of puppies is rewarding, costly and requires dedication and proper attention to continue to improve the breed. Show puppy prospects often stay in a breeder home for two years. The AKC Canine Health Foundation encourages genetic testing and health clearances, some of which cannot be done until the dog reaches two years of age. A responsible breeder will take the time to grow out a puppy and determine if they will contribute to their breeding program.
- 3.) **Dog Show Exhibitor-** The sport of purebred dogs has an extensive history in the U.S. It allows people of all ages and socioeconomic backgrounds to participate in a hobby that promotes public education and welfare of our canine companions when most show dogs retire they continue to live with their owners for the rest of their lives. They are not disposable commodities replaced by a new model. However, canines do not compete their entire life and persons involved in the sport who wish to continue to participate often acquire another pet/ show dog to continue this pursuit. Dog limits could

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unfairly impede a person's ability to participate in the sport due to dog limit restrictions.

- 4.) Ordinance 2013-33 applies only to dog ownership and excludes felines who are also required to be licensed by the town. I am uncertain why the canine population is only being selected for this restriction.

I would like the council to consider the enforcement of negligence and nuisance laws vs. limit laws. The actions of an irresponsible owner can be more easily addressed and monitored vs. the dog limit law, which only places a burden upon responsible dog owners.

I thank you for your time and consideration. I request that you postpone this ordinance until such a time when more research can be performed and a more equitable and reasonable solution can be reached by all parties to benefit our town.

Respectfully,

Marilu Hansen"

Barb Reichman, resident of Long Valley, NJ, addressed concerns with Ordinance 2013-33 and feels the community is not aware of this Ordinance. She requested that the Town Council table this Ordinance in order to give the community an extension of time. Ms. Reichman offered to assist the Council with more information and documentation if needed.

Jeffrey Ball, President of New Jersey Federation of Dog Clubs, submitted documents which addressed information on being a responsible pet owner. Mr. Ball also offered to assist the Town with dog information.

Kathy Murch, American Kennel Club Delegate, a member of the Newton Kennel Club, also offered to assist the Town with any issues addressing dogs. Ms. Murch feels that a dog limit is not the answer and should not be considered.

John and Patricia McGuigan, 10 Emmons Avenue, owner of five dogs, addressed the Council and disagrees with the Town implementing a four dog limit on residents. Mr. McGuigan feels that pet limit laws will hurt those that care and own dogs and would force people to not license their dogs. After a lengthy discussion, he suggested modifying the ordinance to allow for a six dog limit, if a limit is necessary.

John Frisby, President of Newton Kennel Club, also addressed concerns with the Ordinance with regard to the fostering of rescue dogs. Mr. Frisby noted various reasons

and variables to why the Ordinance would present a problem to breeders and foster families and disagrees with allowing a limit on dogs.

COUNCIL & MANAGER REPORTS

a.) House Decoration Contest Winner

Mayor Ricciardo acknowledged Garrett Vanni, 39 Hillside Avenue, Newton, as the winner of the house decoration contest for "best holiday display" and presented him with a gift card and certificate.

b.) Proclamation- Devan C. Mull

PROCLAMATION

DEVAN C. MULL

Eagle Scout

WHEREAS, Devan C. Mull, a member of Boy Scout Troop 184, has earned the status of Eagle Scout; and

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

WHEREAS, Devan C. Mull has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Devan's Eagle Scout Leadership Project he designed and constructed an outdoor fitness course at Evergreen Park in Green Township, New Jersey; and

WHEREAS, as part of his project, Devan constructed nine stations, which included clearing of rocks, hand-digging of holes, pouring cement for footings and assembling of the fitness stations. This fitness project has been utilized by the entire community, promoting wellness through exercise; and

WHEREAS, Devan C. Mull serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Devan is a member of our community;

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

Mr. Russo noted, for the purpose of the pending dog ordinance, that 97.3% of the resident properties in Newton are under one (1) acre and 2.7% were over one (1) acre.

c.) Town of Newton Holiday Schedule

Mr. Russo noted that Town Hall will be closed on December 24th and December 25th in observation of Christmas and will close on December 31st at 3:00 p.m. and close on January 1st.

d.) Newton Fire Department Reorganization

Mr. Russo advised that the Newton Fire Department will reorganize on January 1st at Noon at No. 1 Firehouse on Mill Street. Deputy Mayor Elvidge will be available to swear in the officers. Mr. Russo noted that permission will be granted to host their reorganization gathering with alcohol but must meet all the necessary requirements.

On behalf of the Town, Staff and Volunteers, Mr. Russo wished all a very Merry Christmas and a safe and Happy and Healthy New Year.

ORDINANCES

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

ORDINANCE #2013-32

AN ORDINANCE REVISING SECTION 307-54 OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH WEIGHT LIMITS ON CHURCH STREET, DIVISION STREET, AND LINWOOD AVENUE

WHEREAS, the New Jersey Department of Transportation and the Bureau of Traffic Engineering have supported and recommended the Town’s plan to establish a truck route along US Route 206 and NJ Route 94 in the Town of Newton, along with a truck prohibition on Church Street, Division Street and Liberty Street, between US Route 206 and NJ Route 94; and

WHEREAS, N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197 permit governing bodies of municipalities to establish, by ordinance, weight limits on certain streets; and

WHEREAS, the Town Council has determined that the Code should be revised to exclude trucks over four tons gross weight from portions of Church Street, Division Street and Liberty Street;

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

Section 1. Section 307-54, of the Code of the Town of Newton, entitled “Schedule V: Limiting the Use of Streets to a Certain Class of Vehicles” shall be revised to include the following:

Name of Street	Location
Church Street	Between Route NJ 94 (High Street) and Route US 206 (Main Street)
Division Street	Between Route NJ 94 (High Street) and Route US 206 (Main Street)
Linwood Avenue	Between Thompson Street and Liberty Street

Section 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances 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 will take effect after publication and passage according to law.

Mayor Ricciardo opened the hearing to the public.

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

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

Mrs. Diglio	Yes	Mrs. Becker	Absent
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 final adoption.

ORDINANCE #2013-33

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO INCLUDE A NEW PROVISION RESTRICTING THE NUMBER OF DOGS PERMITTED

Mayor Ricciardo opened the hearing to the public.

John McGuigan, 10 Emmons Avenue, suggested a "higher" fine is an avenue to pursue if dog waste is an issue.

There being no one else from the public to be heard, upon motion of Mayor Ricciardo the hearing was closed.

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Elvidge and carried, that Ordinance 2014-33 be **TABLED** and roll call resulted as follows:

Mrs. Diglio	Yes	Mrs. Becker	Absent
Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
Mayor Ricciardo	No		

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

ORDINANCE #2013-34

AN ORDINANCE FOR ADOPTION OF THE TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK, AS MAY BE FURTHER REVISED BY RESOLUTION

WHEREAS, it is the policy of Town of Newton to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act,

the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Town Council has determined that the "Town of Newton Personnel Policies and Procedures Manual and Employee Handbook" ensures that employees and prospective employees are treated in a manner consistent with these laws and regulations;

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

1. The "Town of Newton Personnel Policies and Procedures Manual and Employee Handbook" ("Manual"), last revised December 2013, attached hereto, is hereby adopted.
2. These personnel policies and procedures shall apply to all Town officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This Manual is intended to provide guidelines covering public service by Town employees and is not a contract. To the maximum extent permitted by law, employment practices for the Town of Newton shall operate under the legal doctrine known as "employment at will."
4. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Council, which amendments and supplements shall be effective via Resolution of the Town Council.

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

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.

Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Ricciardo opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mayor Ricciardo the hearing was closed.

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

Mrs. Diglio	Yes	Mrs. Becker	Absent
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 final adoption.

ORDINANCE #2013-35

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON REGARDING GROUP INSURANCE TO CLARIFY COVERAGE FOR EMPLOYEES AND DISCONTINUE COVERAGE FOR NEWLY ELECTED OFFICIALS

WHEREAS, the Town Council of the Town of Newton desires to discontinue the entitlement of health benefits for newly elected officials within the Town; and

WHEREAS, the Town Council of the Town of Newton desires to revise the ordinance regarding group insurance to clarify coverage for employees and discontinue the coverage for newly elected officials, other than elected officials serving as of December 31, 2013; and

WHEREAS, the Town Council of the Town of Newton also desires to revise the Town of Newton Personnel Policies and Procedures Manual and Employee Handbook to delete any reference to coverage for elected officials;

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. Newton Town Code Section 25-41, "**Group Insurance**", shall be deleted and replaced in its entirety as follows:

25-41 Group Insurance.

A. After three months of full-time employment, any employee working a minimum of thirty-five (35) hours per week becomes eligible for the following coverage through the Town's health benefits plan:

- (1) Hospitalization.
- (2) Medical/Surgical.
- (3) Major Medical (includes prescription plan).
- (4) Dental.
- (5) Vision.

B. This coverage includes single, husband/wife, parent/child and family with maternity memberships. The Town shall pay the full cost of the insurance for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011.

C. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their health benefits, at the same coverage as of December 31, 2013. All officials newly elected into the office after December 31, 2013 shall not be entitled to any insurance benefits from the Town.

Section 2. Town of Newton Personnel Policies and Procedures Manual and Employee Handbook, Sections 4.1, 4.2 and 4.3 of Article IV "Group Health Insurance/Pension/Worker's Compensation" shall be deleted and replaced in its entirety as follows:

4.1 - Medical and Prescription

After three (3) months of full-time employment (unless provided for by separate contractual agreement), any new employee working a minimum of thirty-five (35) hours per week, becomes eligible for the following coverage through the **North Jersey Municipal Employee Benefits Fund (NJMEBF)**:

1. Hospitalization
2. Medical/Surgical
3. Major Medical which includes a Prescription Plan
4. Dental
5. Vision (not through NJMEBF)

Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any insurance coverage from the Town.

This coverage includes Employee (single), Employee and Spouse/Partner, Parent/Child(ren), and Family (Employee/Spouse/Partner & Child(ren)). The Town shall pay the cost of insurance coverage for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011.

Chapter 78, P.L. 2011 impacts healthcare plans and employee contributions towards same. Therefore, all employees not covered by an existing collective bargaining agreement are required to contribute a percentage of their health care premium or 1.5% of base salary*, whichever is greater. Employees who are covered by an existing collective bargaining agreement will begin paying same when their contract expires. The percentage will be based on the employee's base salary on a sliding scale.

* The law establishes a "floor" for employee contributions so that no employee will pay an amount that is less than 1.5% of the employee's compensation. The calculation of the minimum 1.5% is based on an employee's base contractual salary. In most instances, that means the salary on which pension contributions are based. However, for employees hired after July 2007 for whom pensionable salary is limited to the salary on which Social Security contributions are based, the employee's total base salary would be used. As an employee receives salary increases during the year, the amount of contribution will be adjusted upwards accordingly.

The percentage will be phased in over a four-year term as follows:

- Year 1 – ¼ of the percentage
- Year 2 – ½ of the percentage
- Year 3 – ¾ of the percentage
- Year 4 – 4/4 of the percentage

At no time will an employee pay less than the 1.5% of base salary for health benefits. But in no event will the employee be required to pay the percentage of the premium plus 1.5% of their salary.

The employee contribution, based on cost of coverage, is as follows:

Individual Coverage

Salary Range	Year 1	Year 2	Year 3	Year 4
less than 20,000	1.13%	2.25%	3.38%	4.5%
20,000-24,999.99	1.38%	2.75%	4.13%	5.5%
25,000-29,999.99	1.88%	3.75%	5.63%	7.5%
30,000-34,999.99	2.50%	5.00%	7.50%	10.0%
35,000-39,999.99	2.75%	5.50%	8.25%	11.0%
40,000-44,999.99	3.00%	6.00%	9.00%	12.0%
45,000-49,999.99	3.50%	7.00%	10.50%	14.0%
50,000-54,999.99	5.00%	10.00%	15.00%	20.0%
55,000-59,999.99	5.75%	11.50%	17.25%	23.0%
60,000-64,999.99	6.75%	13.50%	20.25%	27.0%
65,000-69,999.99	7.25%	14.50%	21.75%	29.0%
70,000-74,999.99	8.00%	16.00%	24.00%	32.0%
75,000-79,999.99	8.25%	16.50%	24.75%	33.0%
80,000-94,999.99	8.50%	17.00%	25.50%	34.0%
95,000 and over	8.75%	17.50%	26.25%	35.0%

Member & Spouse/Partner or Member & Child(ren) Coverage

Salary Range	Year 1	Year 2	Year 3	Year 4
less than 25,000	0.88%	1.75%	2.63%	3.5%
25,000-29,999.99	1.13%	2.25%	3.38%	4.5%

30,000-34,999.99	1.50%	3.00%	4.50%	6.0%
35,000-39,999.99	1.75%	3.50%	5.25%	7.0%
40,000-44,999.99	2.00%	4.00%	6.00%	8.0%
45,000-49,999.99	2.50%	5.00%	7.50%	10.0%
50,000-54,999.99	3.75%	7.50%	11.25%	15.0%
55,000-59,999.99	4.25%	8.50%	12.75%	17.0%
60,000-64,999.99	5.25%	10.50%	15.75%	21.0%
65,000-69,999.99	5.75%	11.50%	17.25%	23.0%
70,000-74,999.99	6.50%	13.00%	19.50%	26.0%
75,000-79,999.99	6.75%	13.50%	20.25%	27.0%
80,000-84,999.99	7.00%	14.00%	21.00%	28.0%
85,000-99,999.99	7.50%	15.00%	22.50%	30.0%
100,000 and over	8.75%	17.50%	26.25%	35.0%

Family Coverage (Employee & Spouse/Partner and Child(ren))

Salary Range	Year 1	Year 2	Year 3	Year 4
less than 25,000	0.75%	1.50%	2.25%	3.0%
25,000-29,999.99	1.00%	2.00%	3.00%	4.0%
30,000-34,999.99	1.25%	2.50%	3.75%	5.0%
35,000-39,999.99	1.50%	3.00%	4.50%	6.0%
40,000-44,999.99	1.75%	3.50%	5.25%	7.0%
45,000-49,999.99	2.25%	4.50%	6.75%	9.0%
50,000-54,999.99	3.00%	6.00%	9.00%	12.0%
55,000-59,999.99	3.50%	7.00%	10.50%	14.0%
60,000-64,999.99	4.25%	8.50%	12.75%	17.0%
65,000-69,999.99	4.75%	9.50%	14.25%	19.0%
70,000-74,999.99	5.50%	11.00%	16.50%	22.0%
75,000-79,999.99	5.75%	11.50%	17.25%	23.0%
80,000-84,999.99	6.00%	12.00%	18.00%	24.0%
85,000-89,999.99	6.50%	13.00%	19.50%	26.0%
90,000-94,999.99	7.00%	14.00%	21.00%	28.0%
95,000-99,999.99	7.25%	14.50%	21.75%	29.0%
100,000-109,999.99	8.00%	16.00%	24.00%	32.0%
110,000 and over	8.75%	17.50%	26.25%	35.0%

The amount paid by employees and retirees towards health care contributions in the future is subject to legislative modification by the State of New Jersey.

4.2 - Dental

This coverage includes Employee (single), Employee and Spouse/Partner (husband/wife, parent/child(ren), etc.) and Family. The Town shall pay the cost of insurance coverage for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their dental insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any dental insurance coverage from the Town.

4.3 - Vision

This coverage includes Employee, Employee/Spouse/Partner, Parent/Child(ren) and Family. The Town shall pay the full cost of individual or dependent insurance coverage for the employee and their eligible dependents. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their vision insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any vision insurance coverage from the Town.

Section 3. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this

Ordinance shall not be affected and shall remain in full force and effect.

Section 4. 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 5. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Ricciardo opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mayor Ricciardo the hearing was closed.

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

Mrs. Diglio	Yes	Mrs. Becker	Absent
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.

OLD BUSINESS

There was no old business.

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."*

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

RESOLUTION #240-2013*

APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT

WHEREAS, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

WHEREAS, said insurance services will be needed during calendar year 2014;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860 be named as agent of record effective January 1, 2014 for the following insurance policies:

- | | |
|-----------------------------|-------------------|
| a) Package | SIF2014-07860NEW |
| b) Workers' Compensation | WC1407860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFPFP43310010185D |
| e) Fire Life AD&D Insurance | G600592-0001 |

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BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #241-2013*

REAPPOINTMENT OF DR. JOHN CRADDOCK TO THE ADVISORY BOARD OF HEALTH

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. John Craddock is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2014 and continuing through December 31, 2018.

RESOLUTION #242-2013*

REAPPOINTMENT OF WAYNE LEVANTE TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton Wayne Levante is hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2014 and continuing through December 31, 2016.

RESOLUTION #243-2013*

REAPPOINTMENT OF DENNIS BECKER AND KAREN SCHULTE AS CLASS C MEMBERS OF THE HISTORIC PRESERVATION ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Dennis Becker and Karen Schulte are each hereby reappointed to a four (4) year term on the Historic Preservation Advisory Commission as a Class C member effective January 1, 2014 with said term continuing to December 31, 2017.

RESOLUTION #244-2013*

REAPPOINTMENT OF GREGORY LE FROIS AND KENT HARDMEYER TO THE NEWTON PLANNING BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Gregory Le Frois and Kent Hardmeyer are each hereby reappointed to the Newton Planning Board, effective January 1, 2014 as follows:

- a. Gregory Le Frois – Regular Member, four (4) year appointment expiring on December 31, 2017.
- b. Kent Hardmeyer – Alternate Member #2, two (2) year appointment expiring on December 31, 2015.

RESOLUTION #245-2013*

REAPPOINTMENT OF THEA UNHOCH TO THE UTILITY ADVISORY BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Thea Unhoch is hereby reappointed to a five-year term on the Utility Advisory Board, effective January 1, 2014 and continuing through December 31, 2018.

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RESOLUTION #246-2013*

AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC

WHEREAS, the Newton Mayor and Council met in Executive Session on certain occasions; and

WHEREAS, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

WHEREAS, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

12/10/2012, 1/14/2013, 1/28/2013, 2/25/2013, 3/25/2013, 4/8/2013
5/13/2013, 6/10/2013, 9/11/2013, 9/23/2013, 10/28/2013

BE IT FURTHER RESOLVED that these specified minutes may be released to the public upon request.

RESOLUTION #247-2013*

APPOINTMENT OF MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2014

WHEREAS, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is for calendar year 2014; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 6, 2013 indicating they will provide the 2014 auditing services for \$24,970.00; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkotz, Cerullo & Cuva, P.A from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A in an amount of \$24,970.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #248-2013*

AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR (LOSAP) WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2013; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkatz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

WHEREAS, Ferraioli, Wielkatz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2014;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

RESOLUTION #249-2013*

TO CANCEL TRUST RESERVE BALANCE TO CURRENT FUND

WHEREAS, the Town of Newton received cash receipts in prior years for fees and costs pursuant to the Code of the Town of Newton and these were deposited and recorded in the Trust Fund; and

WHEREAS, the amounts collected are fees and costs as listed in the Town's Code Book under section 100-16A(3) Elevator Inspection Fees and Section 100-22 (H) Tax Map Maintenance Fees and could be recorded as fee and permit revenue in the Current Fund; and

WHEREAS, it is necessary to formally cancel the balances in the Trust reserve accounts to the Operations account in the Current Fund;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that they hereby cancel the following Trust Reserve balances to Current Fund Balance:

Trust Fund

Reserve for Elevator Inspections	#711203	\$376.00
Reserve for Tax Map Maintenance	#711390	\$500.00

December 23, 2013

RESOLUTION #250-2013*

APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P. AS TOWN PLANNER FOR CALENDAR YEAR 2014

WHEREAS, the Town of Newton requires the services of a qualified Planning Consultant for the Town of Newton on an annual basis; and

WHEREAS, planning services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates has submitted a proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Ms. Jessica Caldwell of J. Caldwell & Associates, LLC for services as Town Planner for calendar year 2014; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ms. Caldwell, at J. Caldwell & Associates, LLC; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #251-2013*

APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., C.M.E. AS TOWN WATER ENGINEER FOR CALENDAR YEAR 2014

WHEREAS, the Town of Newton requires the service of a qualified Engineering Consultant for the Newton Water Utility on an annual basis; and

WHEREAS, water engineering services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, David B. Simmons, P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc. has submitted a proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with David B. Simmons, of Harold E. Pellow & Associates, Inc., for services as Water Engineer for calendar year 2014; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. Simmons, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #252-2013*

APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2014

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2014, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Jonathan E. McMeen, Esq., of Laddey, Clark & Ryan, LLC	Municipal Prosecutor
Edward J. Buzak, Esq., of The Buzak Law Group, LLC	Environmental Attorney
Jim Prusinowski, Esq., of Trimboli & Prusinowski, LLC	Labor Relations Attorney
James P. Sloan, Esq. Attorney at Law	Municipal Public Defender
Ursula H. Leo, Esq. of Laddey, Clark & Ryan, LLC	Municipal Attorney

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

RESOLUTION #253-2013*

APPOINTMENT OF MARGE CAFFREY AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2014

BE IT RESOLVED, by the Town Council of the Town of Newton that Marge Caffrey be and is hereby appointed as the Senior Citizen Coordinator for the Town of Newton during calendar year 2014.

RESOLUTION #254-2013*

AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEARS 2014

WHEREAS, the Town of Newton anticipates the need for a professional appraiser and consultant in connection with emerging and ongoing tax appeals litigation within the Town of Newton; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

WHEREAS, appraisal service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, the anticipated term of this contract is one (1) year, January 1, 2014 through December 31, 2014; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Holzhauser & Hostenstein, LLC, for appraisal services in an amount not to exceed \$17,500;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauser & Hostenstein, LLC, for appraisal services as outlined in Mr. Hostenstein’s proposal dated December 17, 2013; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Holzhauser & Hostenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

RESOLUTION #255-2013*

APPOINTMENT OF RICHARD STEIN, ESQ., AS THE TOWN OF NEWTON’S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2014

WHEREAS, Jonathan E. McMeen, Esq., currently serving as the Town of Newton’s Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2014; and

WHEREAS, Richard Stein, Esq., an associate in Mr. McMeen’s office, has expressed an interest in serving as Newton’s Alternate Municipal Prosecutor; and

WHEREAS, compensation for said services will be the sole responsibility of Jonathan E. McMeen, Esq.; and

WHEREAS, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i);

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby appoint Richard Stein, Esq. as the Town of Newton’s Alternate Municipal Prosecutor for the calendar year 2014; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Richard Stein, Esq., Jonathan E. McMeen, Esq., David J. Weaver, Sussex County Prosecutor and the Town of Newton Municipal Judge, the Hon. John E. Mulhern.

RESOLUTION #256-2013*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

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

CREDIT FOR A METER THAT WAS READ INCORRECTLY:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21917	2 Windsor Drive	\$153.00

RESOLUTION #257-2013*

AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR CALENDAR YEAR 2014 WITH THE DEPUTY MUNICIPAL PUBLIC DEFENDER

WHEREAS, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2014; and

WHEREAS, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender; and

WHEREAS, an appropriate agreement for said services has been prepared for execution by both parties; and

WHEREAS, legal services are a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate, with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2014; and

BE IT FURTHER RESOLVED that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and the Municipal Judge, the Hon. John E. Mulhern.

RESOLUTION #258-2013*

APPROVE 2013 APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2013 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Finance OE 1054268	Town Manager OE 1050286	50.00
Finance OE 1054268	Assessment of Taxes OE 1055251	100.00
Employee Group Ins. OE 1066201	Building & Grounds OE 1061217	1,000.00
Aid to Volunteer Fire OE 1072200	Inspection of Buildings SW 1077106	395.00
Recreation OE 1087268	Recreation SW 1087103	5.00
TOTAL CURRENT TRANSFERS		\$1,550.00

RESOLUTION #259-2013*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

TOWN BILLS

74.97	Montague Tool & Supply, Inc.	32887
718.75	Pellow, Harold & Assoc. Inc.	32888
91.00	Sussex Car Wash Inc.	32889
2,847.64	NUI Corporation	32890
17.69	G & G Diesel Service Inc.	32891
7,696.65	JCP&L	32892

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448.72	SCMUA	32893
226.38	Centurylink Communications, Inc.	32894
35.00	Centurylink Communications, Inc.	32895
125.85	Centurylink Communications, Inc.	32896
42.00	Campbell's Small Engine Inc.	32897
45.00	Lock & Key World	32898
601.04	Timmerman Company, Inc.	32899
80.85	Hayek's Market Inc.	32900
7,000.00	Dog Reserve Account	32901
600.00	Willco, Inc.	32902
88.53	Current Account	32903
52.00	Newton Citgo, Inc.	32904
58.00	Smith, William F	32905
55.00	Minisink Press Inc.	32906
1,000.00	Bank of New York	32907
24.00	Carr, Joseph	32908
29.88	Sebring Auto Parts, Inc.	32909
124.41	Sherwin-Williams	32910
191.05	Zee Medical, Inc.	32911
88.53	Lakeland Bank	32912
1,185.26	Dempsey Uniform & Supply Inc.	32913
13.48	Airgas East	32914
935.58	Boonton Tire Supply Inc.	32915
67.50	McGuire, Inc.	32916
1,509.10	Verizon Wireless, Inc.	32917
229.58	Dell Marketing L.P.	32918
3.97	Walmart	32919
75.60	Mr. John, Inc.	32920
2,100.00	Gold Type Business Machines	32921
80.02	Cooper Electric Supply Inc.	32922
17,500.00	Holzauer & Holenstein, LLC	32923
24.00	Danforth's Trailer & Auto, Inc.	32924
552.00	Kay Printing	32925
569.59	Home Depot, Inc.	32926
17,110.17	Access Control Technology Inc.	32927
379.12	Staples Business Advantage, Inc.	32928
848.00	Trane, Inc.	32929
79.68	Lowe's Inc.	32930
185.00	Spectrum Communication, Inc.	32931
21,600.00	Appraisal Services, Inc.	32932
47.50	Pinnacle Wireless FBO Unitek Global	32933
4,879.59	Rachles/Michele's Oil Company, Inc.	32934
4,033.34	Taylor Oil Co., Inc.	32935
25.00	Eric Tompkins	32936
18,166.65	Firefighter One, LLC.	32937
5,150.25	Laddey, Clark & Ryan, LLP	32938
75.00	Joseph White	32939
1,032.50	JMC Environmental Consultants, Inc.	32940
389.75	BLI International	389.75
1,233.00	Garden State Highway Products, Inc.	32942
168.00	Jersey Central Power & Light, Inc.	32943
1,110.00	Trimboli & Prusinowski	32944
132,467.26	NJMEBF	32945
1,290.00	Chelbus Clearing Co., Inc.	32946
5,904.65	Direct Energy Business Inc.	32947
2,808.88	Woodruff Energy US, Inc.	32948
960.00	Mulch Concepts, LLC	32949
192.40	Thyssenkrupp Elevator Corp.	32950
90.00	Extra Tech Data Services LLC	32951
1264.68	Harleysville Life Insurance Company	32952
665.00	D. Lovenberg's Portable Toilet Rent	32953
1,200.00	Clear Channel Radio, Inc.	32954
169.50	J. Caldwell & Associates, LLC.	32955
370.80	Straus News, Inc.	32956

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259.00	Sunlight General Sussex Solar LLC	32957
410.00	USA Hoistco., Inc.	32958
140.00	Reliable Wood Products, LLC.	32959
129.00	Tranquility Farms	32960
216,879.57	Payroll Account	131085
75.00	Applebee's	32886
1,150,359.20	Newton Board of Education	131084
2,000.00	Bank of New York	32885
136.72	Elavon (merchant svc)	131083

CAPITAL

8,879.50	McManimon, Scotland & Baumann, LLC	8221
96.00	Laddey, Clark & Ryan, LLP	8222
293.75	Denville Line Painting, Inc.	8223
2,578.91	FKA Architects Inc.	8224
395.50	J. Caldwell & Associates, LLC.	395.50
645.00	Vogel, Chait, Collins, Schneider, PCC	7956
250.00	Current Account	250.00

Total TOWN BILLS \$1,652,986.49

WATER AND SEWER ACCOUNT

270.80	Fisher Scientific	13939
1,035.24	CCP Industries, Inc.	13940
1,518.96	NUI Corporation	13941
4.99	G & G Diesel Service Inc.	13942
4,100.14	JCP&L	13943
9,275.00	Pumping Services, Inc.	13944
423.70	SCMUA	13945
135.87	Sussex County P & H, Inc.	13946
8,482.32	Coyne Chemical Corp., Inc.	13947
377.62	Lubrication Engineers Inc.	13948
60,000.00	Water & Sewer Capital Account	13949
18,887.63	Water & Sewer Capital Account	13950
25.00	Carr, Joseph	13951
58.23	Sebring Auto Parts	13952
204.15	Zee Medical, Inc.	13953
4,160.00	SUI Account	13954
337.08	Dempsey uniform & Supply Inc.	13955
3,328.00	R&D Trucking Inc.	13956
196.81	Airgas East	13957
1,350.00	Instrumentation Tech Systems, Inc.	13958
153.72	Verizon Wireless, Inc.	13959
630.00	ORR'S	13960
4,480.00	Passaic Valley Sewerage Comm.	13961
5,629.74	Main Pool & Chemical Company, Inc.	13962
57.49	Home Depot, Inc.	13963
9,303.56	E & I Corp DIV of MCNISH Corp	13964
4,225.31	Suburban Energy Services, LP	13965
139.99	Staples Business Advantage, Inc.	13966
41.00	Eric Tompkins	13967
1,232.00	Laddey, Clark & Ryan, LLP	13968
630.66	Ryan Herco Flow Solutions, Inc.	13969
25,183.74	NJMEBF	13970
10,059.99	Direct Energy Business Inc.	13971
118.78	One Call Concepts, Inc.	13972
1,200.00	Clear Channel Radio, Inc.	13973
169.50	J. Caldwell & Associates, LLC	13974
507.99	Sunlight General Sussex Solar LLC.	13975
1,620.16	Woodruff Energy US, Inc.	13976

CAPITAL

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5,716.50	Harold Pellow & Assoc., Inc.	2232
41.99	Rowe & Company Inc.	2233
2,139.07	Grinnell Recycle	2234
7,218.74	Denville Line Painting, Inc.	2235
1,200.00	JTJ Tapping, Inc.	2236
5,825.00	Harter Equipment Inc.	2237
64,269.82	HD Supply Waterworks LTD 61	2238
547.88	Payroll Account	2239
41.91	Payroll Account	126103
1,500.00	Water & Sewer Operating Account	101

Total WATER & SEWER BILLS \$230,567.68

TRUST

1,918.00	Pellow, Harold & Assoc, Inc.	3197
270.00	Hollander, Strelzik, Pasculli, Hinkes	3198
8,469.64	McManimon, Scotland & Baumann, LLC	3199
1,117.00	Sussex Bank	3200
65.97	Staples Business Advantage, Inc.	3201
169.50	J. Caldwell & Associates, LLC.	3202
2,433.02	Payroll Account	137127
189.19	Payroll Account	137127

Total TRUST ACCOUNT BILLS \$14,632.32

DEVELOPERS ESCROW ACCOUNT

93.75	Harold Pellow & Assoc., Inc.	1155
345.00	Vogel, Chait, Collins, Schneider, PC	1156
400.00	The Buzak Law Group, LLC.	1157

Total DEV. ESCROW BILLS \$838.74

FEDERAL/STATE GRANTS

90.00	Nancy Van Horn	1181
90.00	Mike Grifone	1182
120.00	Mary Licata	1183
90.00	Ashley Meisinger	1184
120.00	Lisa Casamassina	1185
120.00	Jack Choma	1186

Total FEDERAL/STATE GRANTS \$630.00

DOG RESERVE

249.00	MGL Printing Solutions, LLC	8536
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Total DOG RESERVE \$249.00

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.

An application for an on-premise raffle (Bingo and 50/50) from the Newton Pride Foundation to be held on Friday, February 21, 2014 from 6:00 p.m. to 11:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton.

An application for an on-premise raffle (50/50) from the Catholic Academy of Sussex County, Inc., to be held Saturday, January 11, 2014 and Saturday, March 29, 2014 from 6:00 p.m. to 9:00 p.m. at St. Joseph’s Regional School, 20 Jefferson Street, Newton.

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

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

INTERMISSION -None

DISCUSSION

There was no further business to discuss.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Councilman Flynn agreed that the pending dog ordinance is necessary but believes that some amendments are necessary for the dog breeders and foster families.

Councilwoman Diglio is also in favor of dog ordinance but agrees that some tweaks are needed for clarification. Mrs. Diglio wished everyone Happy Holidays and a Merry Christmas.

Deputy Mayor Elvidge is also in favor of a dog limit and agrees that some adjustments should be made to the Ordinance.

Mayor Ricciardo noted that he is in favor of dog limit within our small community. Mayor Ricciardo wished everyone in the community a Healthy and Happy Holiday Season!

EXECUTIVE SESSION

Mr. Russo read Resolution #260-2013 and Council entered into Executive Session at 7:41 p.m.

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Elvidge and carried, Council left Executive Session at 8:04 p.m.

RESOLUTION #261-2013

AUTHORIZE EXECUTION OF AMENDATORY AGREEMENT WITH GLEN LAKE BEACH CLUB, INC.

WHEREAS, the Town of Newton, via Deed dated January 3, 1895, was conveyed the right to, *inter alia*, lay, operate, maintain, tap and repair a transmission water line to convey water along the bottom of Glen Lake; and

WHEREAS, an Agreement was entered into between Delilah G. Titman, Executrix and Charles M. Woodruff, Executor, and the Town of Newton on June 7, 1905, and an Agreement was entered into with Glen Lake Beach Club, Inc. and the Town of Newton on February 21, 1976, related to the Town of Newton’s transmission water line along the bottom of Glen Lake; and

WHEREAS, Glen Lake Beach Club, Inc. is the current owner of Glen Lake, as successor in interest, and is in the process of making repairs to the Glen Lake Dam; and

WHEREAS, the Town of Newton intends to sever and abandon a portion of the twelve inch (12”) water line main along the bottom of Glen Lake, and the Town shall have the right to install, maintain, repair and replace the remaining twelve-inch-blow-off water main along the bottom of Glen Lake and the right to discharge water from Morris Lake through the remaining twelve-inch-blow off water main; and

WHEREAS, the Town of Newton and Glen Lake Beach Club, Inc. desire to revise language in the existing Deeds and Agreements to memorialize their understanding and conditions;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and Municipal Clerk are hereby authorized to execute an Amendatory Agreement which revises the original language in the pertinent Deeds and Agreements; and

BE IT FURTHER RESOLVED, that a copy of said Amendatory Agreement shall be recorded with the Sussex County Clerk’s Office.

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

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

RESOLUTION #262-2013

AUTHORIZE EXECUTION OF AMENDATORY AGREEMENT WITH FOX HOLLOW FARMS LAKE CLUB, INC.

WHEREAS, the Town of Newton, via Deed dated January 3, 1895, was conveyed the right to, *inter alia*, lay, operate, maintain, tap and repair a transmission water line to convey water along the bottom of Fox Hollow Lake; and

WHEREAS, Fox Hollow Farms Lake Club, Inc., is the current owner of Fox Hollow Lake, as successor in interest; and

WHEREAS, the Town of Newton is planning to replace an existing 10-inch transmission line across the bottom of Fox Hollow Lake with a 20-inch HDPE transmission main, concrete collars and associated appurtenances to be constructed so that the top of the transmission main, concrete collars and associated appurtenances are at an elevation equal to or less than the elevation of the existing Lake bottom along the proposed route of the transmission main, to the extent reasonably possible, which concept has been agreed to by Fox Hollow Farms Lake Club, Inc.; and

WHEREAS, the parties desire to amend the original language in the January 3, 1895 deed from Mr. Titman to the Town of Newton to delete the requirement that twenty inches of cover be provided over the transmission main located under Fox Hollow Lake;

December 23, 2013

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and Municipal Clerk are hereby authorized to execute an Amendatory Agreement which revises the original language in the pertinent Deed; and

BE IT FURTHER RESOLVED, that a copy of said Amendatory Agreement shall be recorded with the Sussex County Clerk's Office.

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

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

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mayor Ricciardo and unanimously carried, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk