

February 24, 2014

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, 2013."

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 January 28, 2014 Special meeting, February 8, 2014 Special meeting, February 10, 2014 Regular meeting and February 12, 2014 Regular meeting were approved as presented.

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."

Neil Flaherty, 154 Sparta Avenue, questioned the total reduction in capital improvement costs and advised that approximately \$800,000 was cut from capital expenditures. Mr. Flaherty requested Council to restore the funds for the Newton Fire Museum rehabilitation work in the amount of \$100,000. He believes this project is a key component to the revitalization in Town.

COUNCIL & MANAGER REPORTS

a.) Proclamation- Sean and Mike McGuire

PROCLAMATION Sean & Michael McGuire

WHEREAS, Sean & Mike McGuire exemplify the spirit the Sussex County St. Patrick's Day Committee upholds; and

WHEREAS, Sean & Mike have helped to bring Irish Culture and Irish History into Sussex County by their support of all of the St. Patrick's Day Committee events throughout the years; and

WHEREAS, Sean & Mike have a long Irish ancestry line, with their Great-Grandparents immigrating from County Armag and Castle Island, County Kerry; and

WHEREAS, Sean & Mike are proud to give back to their community, and have

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been elected to serve as two of the three Grand Marshals of the 2014 Sussex County St. Patrick's Day Parade;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Sean & Mike McGuire for their dedication to their Irish heritage, and in recognition of their volunteer efforts, we congratulate Sean & Mike on being named:

“Sussex County’s Grand Marshals for the 2014 St. Patrick’s Day Parade”

ORDINANCES

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

ORDINANCE #2014-1

AN ORDINANCE AMENDING SECTION 320-2.C “PERMITTED USES” OF THE NEWTON TOWN CODE TO PERMIT FOOD AND BEVERAGE PRODUCTION IN THE T-4, T-5 AND T-6 ZONES

WHEREAS, the Mayor and Town Council of the Town of Newton find that food and beverage production is a viable and valuable commercial enterprise that should be promoted within the Town of Newton; and

WHEREAS, there are insufficient locations within the Special Districts where food and beverage production is currently permitted; and

WHEREAS, the Town Council of the Town of Newton finds that after having reviewed the various zoning districts within the Town of Newton, that the T-4, T-5 and T-6 Zones are suitable locations for food and beverage production facilities; and

WHEREAS, the Town Council of the Town of Newton finds that any concerns related to impacts from proposed food and beverage production facilities can be addressed by the Site Plan Standards within the Town Code of the Town of Newton;

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: Section 320-2.C “Permitted Uses” shall be revised as follows:

		T-1	T-2	T-3	T-4	T-5	T-6
79.	Food and beverage production	NP	NP	NP	P	P	P

SECTION 2: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 3: NOTICE

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

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 Mrs. Diglio, seconded by Deputy Mayor Elvidge and unanimously carried, 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	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 final adoption.

ORDINANCE #2014-2

AN ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 3% increase in the budget for said year, amounting to \$239,515.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3%, amounting to \$239,515.29, and that the CY 2014 municipal

budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RECORDED VOTE:

AYES:	(DIGLIO (BECKER (ELVIDGE (FLYNN (RICCIARDO	NAYES:	(((((
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ABSTAIN: (

ABSENT: (

Mayor Ricciardo opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its adoption, seconded by Mrs. Becker 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 #2014-3

BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$135,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST

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

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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 March 10, 2014.

OLD BUSINESS

a.) SID Feasibility Study

Jennifer Credidio, Esq, Special Redevelopment Counsel of McManimon & Scotland, outlined all the components of the draft ordinance which would establish a Special Improvement District (SID).

Jessica Caldwell, Town Planner, distributed a color map of the Special Improvement District including Tier 1 and Tier 2 designations as well as the Zoning designations. Mr. Caldwell outlined and explained the properties within each tier.

After a lengthy discussion, Council requested changes to the map which would extend certain delineations. Mrs. Credidio, Esq. and Mrs. Caldwell will also make additional changes as recommended by the Governing Body.

b.) Fire Museum

Mrs. Leo addressed her memo dated January 30, 2014 regarding Fire Museum Volunteer Issues. Mr. Leo outlined and addressed her findings surrounding the issues of volunteers working at the Newton Fire Museum.

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 #26-2014*

RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2013 LOSAP PARTICIPANTS

WHEREAS, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance 2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

WHEREAS, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to

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receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2013 as per 2013 LOSAP LIST attached; and

WHEREAS, the total number of qualifying volunteers for the Fire Department is 35, for a total contribution of \$34,270.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2013 to cover the cost of this contract;

NOW, THEREFORE BE IT RESOLVED, we the Mayor and Council do hereby accept the certified list from the Fire Department dated February 7, 2014.

RESOLUTION #27-2014*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY

WHEREAS, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as George's Salvage Company Inc. at 10 South Park Drive, Newton, New Jersey; and

WHEREAS, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, George's Salvage Company Inc. has been inspected and approved as required in Section 156-8; and

WHEREAS, George's Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, 10 South Park Drive, Newton, N.J which shall expire on December 31, 2014.

RESOLUTION #28-2014*

MODIFICATION TO THE CALCULATION OF THE TAX COLLECTION RATE BY ALLOWING FULL DEDUCTION OF THE IMPACT OF TAX APPEAL JUDGEMENTS ON THE LEVY (THEREFORE AFFECTING THE RESERVE FOR UNCOLLECTED TAXES)

WHEREAS, Chapter 56 of P.L. 2010 made a modification to the calculation of the tax collection rate (and therefore affecting the reserve amount) by allowing full deduction of the impact of tax appeal judgments on the levy; and

WHEREAS, according to NJSA 40A:4-41 (c)(2) If tax appeal judgments of the County Tax Board pursuant to R.S.54:3-21 et seq., or the State Tax Court pursuant to R.S.54:48-1 et seq., result in tax reductions for the previous fiscal year, the Governing Body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the Governing Body prior to the introduction of the annual budget pursuant to NJSA 40A:4-5; and

WHEREAS, attached to this resolution is a copy of sheet 22 of the 2013 Annual Financial Statement "Current Taxes – 2013 Levy" to support the amounts used to determine the modified tax collection rate as follows:

\$23,353,969.08	2013 Levy (Including Added & Omitted Taxes)
< 78,713.00 >	State & County Appeals
\$23,275,256.08	2013 Certified levy reduced by county appeals
\$22,888,126.88	Cash collected
23,275,256.08	divided by reduced 2013 levy
98.33	% of cash collections to 'reduced' 2013 levy

WHEREAS, for comparative information the tax collection rate was 98.31% for the calendar year 2012, and 98.0% for the calendar year 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, approved by a majority vote of the full membership, that it utilize a tax collection rate not to exceed 98.33% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2014 Municipal Budget.

RESOLUTION #29-2014*

REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2014:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Debra Millikin	Deputy Town Manager	250 miles	\$140.00
Scott Holzhauer	Tax Assessor	200 miles	\$112.00
Jason Miller	Deputy Fire Chief	200 miles	\$112.00
Michael Teets	Assistant Fire Chief	200 miles	\$112.00
Kerry Deckert	Recreation Supervisor	150 miles	\$84.00

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2014.

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RESOLUTION #30-2013

TOWN OF NEWTON TEMPORARY CAPITAL BUDGET AMENDMENT

RESOLUTION #30-2014

Whereas, the local capital budget for the year 2014 has not been adopted; and

Whereas, it is desired to adopt a temporary capital budget which amends the adopted capital budget section of a prior year;

Now , Therefore Be It Resolved, by a majority of the full membership of the Governing Body of the Town of Newton, County of Sussex that the following capital budget amendment of 2014 be made:

RECORDED VOTE:	AYES	(Diglio		(
		(Becker	NAYS	(
		(Elvidge		(
(Insert last name)		(Flynn		(
		(Ricciardo		(
ABSTAIN		((
ABSENT		((

Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Funding as Amended		
				Capital Improvement Fund	Prior Year Reserves	Grants in Aid
General Capital						
Section 3. a) Pool Improvements including upgrade of electric, filtration and circulation, lighting and ventilation systems, including engineering and other incidental costs	#2014-3		\$ 135,000.00	\$ 6,750.00		
Total - All Projects		\$ -	\$ 135,000.00	\$ 6,750.00	\$ -	\$ -

Be It Further Resolved, that one certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 24th day of February 2014.

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 Date

 Lorraine A. Read, RMC
 Municipal Clerk

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RESOLUTION #31-2014*

AMENDMENT TO 2014 TEMPORARY OPERATING BUDGET

WHEREAS, the Town Council of the Town of Newton adopted the 2014 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #9-2014 dated January 13, 2014; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget and that a copy of this resolution be filed with the Director of Local Government Service;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2014 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON
2014 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt. of Amendment</u>
Human Resources OE	1053223	\$1,500
Town Manager	1050244	6,250
Assessment of Taxes OE	1055216	7,500
Snow Removal SW	1081100	15,000
Snow Removal OE	1081200	<u>15,000</u>
Total Current Temp Amendment		\$45,250

2013 TOWN OF NEWTON BUDGET

<u>CURRENT</u>	
\$11,600,000	Total 2013 General Appropriations
1,819,715	Less: Debt Service
107,500	Capital Improvements
---	Reserve for Uncollected Taxes
\$9,672,785	Total Amount to calculate upon
<u>x 1/12</u>	
\$806,065	Allowable 2014 Temporary Budget Amend.

RESOLUTION #32-2014*

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:

Utility Advisory Board Recommends Credit for Water/Sewer Charges:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12630	80 Madison Street	\$58.49
5633	66 High Street	\$85.00

RESOLUTION #33-2014*

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 2013 and 2014 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

472.21	Quill Corporation	33124
62.50	Pellow, Harold & Assoc, Inc.	33125
6,411.00	Municipal Software, Inc.	33126
277.00	Abcode Security Inc.	33127
130.00	Sussex Car Wash Inc.	33128
4,385.62	Elizabethtown Gas	33129
285.00	New Jersey Herald, Inc.	33130
35.00	Centurylink Communications, Inc.	33131
218.39	Centurylink Communications, Inc.	33132
24.48	Read, Lorraine	33133
9.67	Campell's Small Engine Inc.	33134
267.75	D & E Service Center, Inc.	33135
62.50	Holzhauer, Scott	33136
43.00	Sisco, James	33137
43.00	Straway, Richard A. Jr.	33138
59.00	Straway, Thomas	33139
487.05	Vital Computer Resources, Inc.	33140
250.00	Treasurer, Petty Cash Fund	33141
59.00	William F. Smith	33142
43.00	Brock Kithcart	33143
31.28	Microsystems-NJ Com, LLC	33144
42.00	Joseph Carr	33145
692.40	Dempsey Uniform & Supply Inc.	33146
584.20	West Chester Machinery	33147
13.48	Airgas East	33148
169.98	Boonton Tire Supply Inc.	33149
646.86	McGuire, Inc.	33150
600.00	Sussex Co. Assoc.-Chiefs-Police	33151
100.00	TCTANJ	33152
175.00	IAAO	33153
2,581.67	Verizon Wireless, Inc.	33154
452.00	Munidex	33155
165.00	Accurate Door, Inc.	33156
235.20	Dolan & Dolan, Inc.	33157
120.00	IACP- Membership	33158
1,812.81	Petro-Mechanics, Inc.	33159
75.78	Mr. John, Inc.	33160
500.00	NJSACOP	33161
990.00	Vogel, Chait, Collins, Schneider, PC	33162
1,305.50	Fire & Safety Services, LTD., Inc.	33163
799.08	Staples Business Advantage, Inc.	33164
415.41	Lowe's, Inc.	33165
2,910.00	Appraisal Services, Inc.	33166
61.55	Dominick's Pizza LLC	33167
43.00	Steve Estler	33168
3,102.54	Skylands Area Fire Equip & Training	33169
4,013.69	Rachles/Michele's Oil Company Inc	33170
49.00	Eric Tompkins	33171
2,250.00	Laddey, Clark & Ryan, LLP	33172
43.00	Joseph White	33173
23.00	AG Pizza Inc.	33174
367.36	County of Sussex	33175
5,952.00	County of Sussex	33176
39.65	Tony Sanchez LTD, Inc.	33177
975.00	Gramco Business Communications Inc.	33178
3,135.55	Civic Plus Inc	33179

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59.00	William Oswin III	33180
225.00	Trimboli & Prusinowski, LLC.	33181
564.75	Penteledata	33182
43.00	Roy Leyman	33183
6,035.39	Direct Energy Business Inc.	33184
4,421.09	Woodruff Energy US, Inc.	33185
315.00	Whentowork Inc.	33186
652.47	Safe-T, LLC.	33187
895.00	Extra Tech Data Services, LLC	33188
624.50	J. Caldwell & Associates, LLC.	33189
900.00	North Branch Associates, LLC.	33190
472.08	Toyota Motor Credit Corp.	33191
130.99	Sunlight General Sussex Solar, LLC.	33192
1,319.67	Morris Asphalt Co.	33193
495.00	Leda C Gonzalez	33194
215.40	Cintas Fire Protection	33195
11.95	County of Sussex	33123
51.71	County of Sussex	33122
119.29	County of Sussex	33121
1,765.36	County of Sussex	33120
3,832.45	County of Sussex	33119
21,389.82	County of Sussex	33118
51,010.95	County of Sussex	33117
762,613.69	County of Sussex	33116
201,576.24	Payroll Account	141009

CAPITAL

1,703.25	Pellow, Harold & Assoc, Inc.	8237
13,000.00	Tilcon New Jersey, Inc.	8238
3,277.50	J. Caldwell & Associates, LLC.	8239
24,300.00	North Branch Associates, LLC.	8240

Total TOWN BILLS \$1,151,118.71

WATER AND SEWER ACCOUNT

20.98	Quill Corporation	14051
149.11	Schmidt's Wholesale, Inc.	14052
979.50	MGL Forms- Systems, LLC	14053
208.25	Pellow, Harold & Assoc, Inc.	14054
6,518.15	Municipal Software, Inc.	14055
1,964.12	Elizabethtown Gas	14056
8,486.60	Coyne Chemical Corp., Inc.	14057
70.12	Campbell's Small Engine Inc.	14058
50.00	Treasurer, Petty Cash Fund	14059
321.04	Dempsey Uniform & Supply Inc.	14060
5,888.00	R&D Trucking Inc.	14061
77.37	Airgas East	14062
166.36	Verizon Wireless, Inc.	14063
1,250.00	Smalley, John	14064
35.72	Advance Auto Parts	14065
3,905.01	Pall Corporation	14066
45.92	County of Sussex	14067
1,955.55	Civic Plus Inc.	14068
119.90	Penteledata	14069
13,751.60	Direct Energy Business Inc.	14070
2,022.43	Woodruff Energy US, Inc.	14071
200.00	NJ Dept. of Environmental Protection	14072
1,085.00	Hatch Mott Macdonald	14073
900.00	North Branch Associates, LLC.	14074
249.65	Sunlight General Sussex Solar, LLC	14075
2,585.75	Processflo, Inc.	14076
962.00	State of NJ Div. of Taxation	14077

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31,518.51	Payroll Account	146004
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CAPITAL

13,000.00	Tilcon New Jersey, Inc.	2331
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Total WATER & SEWER BILLS \$98,486.64

TRUST ACCOUNT

978.25	Pellow, Harold & Assoc, Inc.	3213
1,404.00	Hollander, Strelizik, Pasculli, Hinkes	3214
1,333.33	Sloan, James P, P.C., Inc.	3215
300.00	Vogel, Chait, Collins, Schneider, PC	3216
250.00	Town of Newton	3217
388.58	Barnhill	3218
172.50	J. Caldwell & Associates, LLC.	3219
5,111.75	Payroll Account	147104
3,020.76	Payroll Account	147104

Total TRUST ACCOUNT BILLS \$12,959.17

DEVELOPERS ESCROW ACCOUNT

1,060.00	Pellow, Harold & Assoc, Inc.	1161
124.77	Federal Express	1162
705.60	Dolan & Dolan, Inc.	1163
360.00	Vogel, Chait, Collins, Schneider, PC	1164

Total DEV. ESCROW BILLS \$2,250.37

FEDERAL/ STATE GRANTS

960.00	Newton Junior Athletic League	1191
49.23	Staples Business Advantage	1192

Total FEDERAL/STATE GRANTS \$1,009.23

DOG RESERVE ACCOUNT

408.00	Municipal Software, Inc.	8539
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Total DOG RESERVE ACCOUNT \$2,250.37

RESOLUTION #34-2014*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR NEWTON AUTO SALVAGE

WHEREAS, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, New Jersey; and

WHEREAS, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, Newton Auto Salvage, LLC has been inspected and approved as required in Section 156-8; and

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WHEREAS, Newton Auto Salvage, LLC has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Michael F. Sesera, Jr., 79 Mt. View Street, Newton, N.J., which shall expire on December 31, 2014.

RESOLUTION #35-2014*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 4.02, LOT 28

WHEREAS, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 4.02, Lot 28 also known as 19 Shady Lane, for 2012 delinquent real estate taxes and water and sewer charges; and

WHEREAS, this lien which is known as Tax Sale Certificate #1377, was sold to US Bank Cust. for Pro Cap III LLC for 0% redemption fee with a premium of \$10,800.00; and

WHEREAS, Plymouth Park Tax Service, prior lien holder of certificate #1256 has effected redemption of Certificate #1377 in the amount of \$9,197.33; and

WHEREAS, by redeeming certificate #1377, it allows Plymouth Park Tax Service to proceed with the foreclosure process of said property located at 19 Shady Lane;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust. for Pro Cap III LLC is entitled to the redemption in the amount of \$9,197.33 along with the premium of \$10,800.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$9,197.33 for the redemption of Certificate #1377 as well as a check in the amount of \$10,800.00 for the return of premium payable to US Bank Cust. for Pro Cap III LLC, 50 So. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #36-2014*

REFUND- ERRONEOUS TAX PAYMENT

WHEREAS, property taxes for the fourth quarter of 2013 were paid for Block 8.03, Lot 6 also known as 9 Moran Street; and

WHEREAS, Sussex Bank paid the fourth quarter 2013 real estate taxes on behalf of 9 Moran Street as part of their bulk tax payment on October 31, 2013; and

WHEREAS, Sussex Bank is now requesting a refund in the amount of \$2,946.82 for this tax payment stating that the payment was made in error;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Sussex Bank is entitled to a refund in the amount of \$2,946.82 for this erroneous tax payment; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$2,946.82 for this erroneous tax payment for Block 8.03, Lot 6 to Sussex Bank, PO Box 353 Franklin, NJ 07461.

RESOLUTION #37-2014*

REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 15.08, LOT 8

WHEREAS, Ms. Ludmilla Mecaj owner of Block 15.03, Lot 8 also known as 8 Union Place filed a State Tax Court Appeal to lower the 2013 assessment on said block and lot; and

WHEREAS, the Tax Office received, on February 14, 2014, a Judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2013. This order has resulted in a refund of monies in the total amount of \$5,214.40;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Ms. Ludmilla Mecaj is entitled to a refund in the amount of \$5,214.40; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$5,214.40 to Ms. Ludmilla Mecaj, 9 Madison Street, Newton, NJ 07860.

The Clerk presented a membership application for Johnathan H. Rhinesmith, 29 Route 519 North, Newton for the Newton Fire Department. It was noted the application was in order and signed by the Fire Chief.

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		

INTERMISSION – 10 minutes

DISCUSSION

Mr. Russo outlined areas of the budget which were increased: \$15,000 for 150th Anniversary; \$18,000 for Regionalization Study for DPW; and \$33,000 from Fund Balance.

Mr. Russo outlined the various changes in the Capital Expenditures as recommended by Council at the last budget hearing. With no further amendments to the budget, Mr. Russo will submit the budget to Council at the March 10th Council meeting.

Mr. Russo, addressing his memo dated February 11, 2014, outlined several responsibilities as well as additional upcoming responsibilities for the Human Resource Manager. Mr. Russo would like to bring this office from a part-time position to full-time position beginning September 1, 2014 with a proposed salary adjustment to \$65,000.

After a brief discussion, Council agreed to a salary increase but did not agree to adjust the position to full-time status due to the expense of health benefits at this time.

Mr. Russo noted the Governor's address will take place tomorrow and will keep the Governing Body posted on any State Aid changes which may be necessary to the Municipal Budget.

February 24, 2014

OPEN TO THE PUBLIC

Neil Flaherty, 154 Sparta Avenue, again requested that funding be available to complete the restoration of the Newton Fire Museum on Spring Street. Mayor Ricciardo advised that the Town budgeted \$35,000 and plans to complete the roof of the Fire Museum.

Mike Alvarez, 8 Hillside Avenue, addressed issues with the snow removal on his street and advised of the difficulty getting in his driveway. Mr. Alvarez advised that Liberty Street is a main access road for all emergency vehicles and requested that all snow be removed this roadway.

COUNCIL & MANAGER COMMENTS

Mrs. Diglio inquired whether \$35,000 is enough for the Fire Museum roof and was advised this amount should be sufficient to complete the roof.

EXECUTIVE SESSION

Mr. Russo read Resolution #38-2014 and Council entered into Executive Session at 8:30 p.m.

Upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, Council left Executive Session at 8:46 p.m.

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:46 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk