

July 28, 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, Mr. Levante, Deputy Mayor Flynn, Mayor Elvidge, Thomas S. Russo, Jr., Town Manager, Debra J. Millikin, Deputy Town Manager and Ursula Leo, Esq., Town Attorney.

Mayor Elvidge 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 Elvidge led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Flynn, seconded by Mr. Levante, and carried, the minutes of July 1, 2014 Reorganization Meeting was approved as amended. Mrs. Diglio abstained.

### **OPEN TO THE PUBLIC**

Mayor Elvidge 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."*

### **MIRAGE PRODUCTIONS PRESENTATION**

Mayor Elvidge announced that as part of the 150<sup>th</sup> Anniversary celebration Mirage Productions created a short film with a summary of the event. Mayor Elvidge thanked Mirage Productions for their efforts and Mr. Russo proceeded to show the short (4 min.) PowerPoint presentation on the 150<sup>th</sup> Anniversary celebration event.

Theresa Iliff, owner of 280 Spring Street, commended the short film stating it "feels like Newton and shows the small town, big city feel".

### **COUNCIL & MANAGER REPORTS**

#### **a.) Spring Street Update**

Mrs. Millikin updated Council on the progress of making Spring Street a one-way street. Mrs. Millikin advised that the Town Engineer, Harold Pellow, is working on Department of Transportation (DOT) letter and the bids will be accepted in late fall. The construction of the one-way should begin in early spring 2015. It was noted that the one-way direction will be from the Newton Theater to Main Street.

**ORDINANCES**

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

**ORDINANCE #2014-14**

**AN ORDINANCE OF THE TOWN OF NEWTON AMENDING CHAPTER 307 TO PERMIT FREE PARKING ON SATURDAYS WITHIN FIVE MUNICIPAL PARKING LOTS**

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge		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 August 25, 2014.

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

**ORDINANCE #2014-15**

**AN ORDINANCE REVISING CHAPTER 320-31.D (6) ZONING PERMITS**

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge		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 August 25, 2014.

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

**ORDINANCE #2014-16**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AMENDMENTS TO THE HICKS AVENUE REDEVELOPMENT PLAN**

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

Mrs. Diglio	Yes	Mrs. Becker	Yes
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Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge		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 August 25, 2014.

**OLD BUSINESS**

There was no Old Business to be discussed.

**CONSENT AGENDA**

Mayor Elvidge 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 requested a separate vote on Resolution #139-2014 since Mr. Levante was not a member of the Town Council, therefore cannot vote on this Resolution.

A motion was made by Mrs. Becker to approve **Resolution #139-2014**, seconded by Deputy Mayor Flynn, and roll call resulted as follows:

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

**RESOLUTION #139-2014**

**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:

4/22/2013, 6/24/2013, 12/9/2013, 12/23/2013, 1/27/2014, 02/24/2014, 3/10/2014, 6/23/14; and

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

Mr. Russo reviewed the consent agenda with the Town Council.

**RESOLUTION #140-2014\***

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**AWARD THE CONTRACT FOR THE MILLING AND PAVING OF DILLER AVENUE & STUART STREET, AND TOWNSEND STREET TO TILCON, NEW YORK**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #189-2011 on September 14, 2011 in an effort to save budgeted monies and improve services for itself by participating in the Morris County Cooperative Pricing Council; and

**WHEREAS**, Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey was awarded Contract #6, Road Surfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, has recommended that Tilcon, New York be retained for the Milling and Paving of Diller Avenue & Stuart Street, and Townsend Street in the Town of Newton, based on the Morris County Cooperative Pricing Council as outlined in the memo dated July 18, 2014, which is attached to and made part of this resolution; and

**WHEREAS**, traffic control will be required for the completion of said project, which staff and costs will be supplied by the Town of Newton:

To be awarded to Tilcon, New York through the Morris County Co-op: \$123,362.54

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the contract for the Milling and Paving of Diller Avenue & Stuart Street, and Townsend Street in the Town of Newton is hereby awarded to Tilcon New York in the amount of \$123,362.54, based on the Morris County Cooperative Pricing Council bid results.

**RESOLUTION #141-2014\***

**ACCEPTANCE OF REPLACEMENT MECHANICAL BAR SCREEN PROJECT AT THE WASTERWATER TREATMENT PLANT PROJECT**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Replacement Mechanical Bar Screen at the Wastewater Treatment Plant Project to Cothery Construction Company, Inc., Langhorne, PA by the adoption of Resolution #144-2013 on August 12, 2013; and

**WHEREAS**, the Newton Town Council approved Change Order No. 1 for said project by adoption of Resolution #94-2014 on May 28, 2014 in accordance with the recommendations of the Town Sewer Engineer, Hatch Mott MacDonald; and

**WHEREAS**, John Scheri, of Hatch Mott MacDonald, has recommended in his letter July 16, 2014, that the project be accepted as complete by the Town Council so the final payment can be made;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Replacement Mechanical Bar Screen at the Wastewater Treatment Plant Project as complete based on the recommendation of the Sewer Engineer, so that the final paperwork can be completed.

**RESOLUTION #142-2014\***

**AWARD PURCHASE OF WHEEL LOADER**

**WHEREAS**, the Town of Newton publicly accepted and opened bids for a Wheel Loader on Tuesday, July 22, 2014 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Option #1</u>	<u>Trade-In</u>	<u>Total</u>
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Harter Equipment, Inc.

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615 State Route 33 Millstone, NJ 08535	\$141,275.00	\$9,995.00	\$13,750.00	\$137,520.00
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Hoffman International, Inc. 300 South Randolphville Rd Piscataway, NJ 08854	\$145,598.00	\$17,616.00	\$ 9,500.00	\$153,714.00
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**WHEREAS**, based on review of the bid documents, the Qualified Purchasing Agent and the Department of Public Works Supervisor recommend award of the Wheel Loader, with Option #1 and the Trade-In to Harter Equipment, Inc. in the amount of \$137,520.00; and

**WHEREAS**, Chief Financial Officer has certified funds are available based on the attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the bid submitted for the purchase of a Wheel Loader with Option #1 and the Trade-In be awarded to Harter Equipment, Inc., Millstone, New Jersey in the amount of \$137,520.00. A copy of this resolution and the proposed Contract is to be forwarded to Harter Equipment, Inc., for execution.

**RESOLUTION #143-2014\***

**CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN ALLOCATING WATER AND SEWER GALLONAGE FOR JULIE RICHARD LLC., 4 DILLER AVENUE**

**WHEREAS**, at a regular meeting of the Newton Utility Advisory Board conducted on July 15, 2014, Mr. Daniel Davies, Engineer for the Julie Richard, LLC, project appeared before the Board to request an allocation of water and sewer gallonage for the Moose Lodge Location, 4 Diller Avenue, Block 18.02, Lot 3, for the purpose of constructing three structures. One structure will be the new Moose Lodge location which currently exists and has an existing water and sanitary sewer hook-up on the site. The application includes proposed lots 3.02 & 3.03. The second structure to be built on proposed lot 3.02 will utilize 1,061 gallons a day for a total cost of \$37,204.50. The third structure, 6,000 square foot building on proposed lot 3.03 will utilize 750 gallons a day, for a total cost of \$26,475.50; and

**WHEREAS**, the Utility Advisory Board reviewed the estimates and recommended to the Governing Body an additional .001811 MGD of water and sewer gallonage be approved contingent upon the following:

- 1) Payment of \$63,680.00 be paid prior to hook-ups being started; and
- 2) If 6" fire lines are hooked up, an additional fee of \$5,200 be paid for both lines at a total cost of \$10,400.00.
- 3) Provide confirmation sprinklers are or are not required by the Fire Subcode Official, Construction Official or Fire Department Chief;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and conditionally approves the allocation of .001811 MGD for the Julie Richard, LLC, project shown as Block 18.02, Lot 3 on the Tax Map, 4 Diller Avenue, of the Town of Newton, provided the applicant satisfies all of the above-stated conditions of the Utility Advisory Board, and Fire Official, including, but not limited to, the payment of all necessary fees with the Town of Newton.

**RESOLUTION #144-2014\***

**AFFIRM THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER BLOCK 14.04, LOT 5**

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**WHEREAS**, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 14.04, Lot 54, also known as 5 Walker Street, for 2012 delinquent real estate taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1383, was sold to US Bank/Cust for Pro Cap III LLC for 0% redemption rate and a premium in the amount of \$6,100.00; and

**WHEREAS**, HSBC Mortgage the mortgage servicer for said property has effected redemption of Certificate #1383 in the amount of \$11,281.21;

**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 \$11,281.21 as well as \$6,100.00 for the return of the premium; and

**BE IT FURTHER RESOLVED**, that this Governing Body hereby affirms the actions of the Tax Collector who issued two (2) checks, the first in the amount of \$11,281.21 for the redemption of Certificate #1383 and the second in the amount of \$6,100.00 for the return of the premium to US Bank/Cust for Pro Cap III LLC., 50 S 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

#### **RESOLUTION #145-2014\***

##### **CONFIRMING A REFUND OF MONIES FOR TAXES DUE TO A STATE TAX APPEAL**

**WHEREAS**, Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc., of Block 22.04; Lot 14, also known as 87-89 Sparta Avenue, filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2012; and

**WHEREAS**, on May 30, 2014 the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$222,600.00 which is a \$25,000.00 reduction in the 2012 Tax Assessment for said property; and

**WHEREAS**, Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc. is requesting a refund be issued in the amount of \$830.00 which is the amount overpaid by Merriam Gateway Apartments, Inc. for the tax year 2012;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment entered by the Tax Court of New Jersey and Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc. is entitled to this refund in the amount of \$830.00; and

**BE IT FURTHER RESOLVED** that the Tax Collector has issued said refund to Michael I Schneck, Trustee for Merriam Gateway Apartments, Inc., 301 South Livingston Avenue, Suite 105, Livingston, NJ 07039 in the amount of \$830.00 in accordance with said Tax Court of New Jersey's Judgment.

#### **RESOLUTION #146-2014\***

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

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

**WHEREAS**, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2013 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in 2014.

**RESOLUTION #147-2014\***

**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 BOARD RECOMMENDS SEWER CREDIT TO THE FOLLOWING DUE TO WATER LEAKS:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6806	26 Church Street	\$2026.50
5834	76-78 High Street	\$250.00

**CREDIT FOR PENALTY ERRONEOUSLY CHARGED:**

321	155-157 Spring Street	\$11.82
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**RESOLUTION #148-2014\***

**AUTHORIZE RELEASE OF THE CASH PERFORMANCE GUARANTEE POSTED BY BISCHOFF HOLDINGS, LLC FOR SMITH STREET SEWER CONNECTION**

**WHEREAS**, Bischoff Holdings, LLC., provided a cash bond in the amount of \$2,706.00 for the new connection of a sewer lateral to their home at 4 Smith Street in November 2013; and

**WHEREAS**, all work has been completed and is acceptable to the Town Department of Public Works Supervisor;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the release of the Cash Performance Guarantee in the amount of \$2,706.00 posted by Bischoff Holdings, LLC., with the Town of Newton, related to sewer work completed on Smith Street based on the recommendation of the Department of Public Works Supervisor.

**RESOLUTION #149-2014\***

**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**

250.68	E.A Morse & Company, Inc.	33849
2,335.25	Pellow, Harold & Assoc., Inc.	33850

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117.00	ABCode Security Inc.	33851
156.00	Sussex Car Wash Inc.	33852
7,568.49	JCP&L	33853
152.70	New Jersey Herald, Inc.	33854
360.00	Pumping Services, Inc.	33855
1,423.89	SCMUA	33856
250.00	SCMUA	33857
44.00	Sussex County P & H, Inc.	33858
125.85	Centurylink Communications, Inc.	33859
35.00	Centurylink Communications, Inc.	33860
288.28	Centurylink Communications, Inc.	33861
11,569.34	Centurylink Communications, Inc.	33862
1,242.00	Hollander, Strelzik, Pasculli, Hinkes	33863
234.30	Campbell's Small Engine Inc.	33864
504.00	Neopost Leasing, Inc.	33865
129.27	Federal Express	33866
631.75	ZEP Manufacturing Company	33867
600.00	Office Equipment Corporation	33868
605.00	Willco, Inc.	33869
375.00	Treasurer, State of New Jersey	33870
1,150.00	T.A. Mountford Company, Inc.	33871
149.00	Galls Incorporated	33872
217.85	Minisink Press Inc.	33873
203.00	Office Business Systems Inc.	33874
2,103.50	Trust Account, Town of Newton	33875
78.06	Weis Markets, Inc.	33876
999.23	Dempsey Uniform & Supply Inc.	33877
38.44	Airgas East	33878
528.52	Boonton Tire Supply, Inc.	33879
2,000.00	Treasurer, State of New Jersey	33880
777.97	Vision Service Plan	33881
42,625.04	Statewide Insurance Fund	33882
190.74	Verizon Wireless, Inc.	33883
1,470.84	Verizon Wireless, Inc.	33884
75.95	Mr. John, Inc.	33885
1,045.80	Gold Type Business Machines	33886
812.50	Alternate Power Inc.	33887
361.40	The Star Ledger	33888
765.00	Vogel, Chait, Collins, Schneider, PC	33889
67.12	Home Depot, Inc.	33890
1,799.39	Fire & Safety Services, LTD., Inc.	33891
436.00	Treasurer, State of NJ	33892
28.67	Dolan, David	33893
63.48	Buckman's Inc.	33894
422.99	Staples Business Advantage, Inc.	33895
165.00	Gravity Design Works, Inc.	33896
52.00	Krave Café	33897
481.82	County of Sussex	33898
5,642.39	Rachles/ Michele's Oil Company, Inc.	33899
5,145.43	Taylor Oil Co., Inc.	33900
2,250.00	Laddey, Clark & Ryan, LLP	33901
1,584.00	Laddey, Clark & Ryan, LLP	33902
4,368.00	Laddey, Clark & Ryan, LLP	33903
383.30	Gramco Business Communications Inc.	33904
847.15	Jersey Central Power & Light, Inc.	33905
2,000.00	Enforsys Police System, Inc.	33906
135.00	Trimboli & Prusinowski, LLC.	33907
564.75	Penteledata	33908
134,983.50	NJMEBF	33909
1,770.00	Chelbus Cleaning Co., Inc.	33910
677.48	Woodruff Energy US, Inc.	33911
90.00	Extra Tech Data Services, LLC.	33912
325.07	Kerry Deckert	33913

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475.00	D. Lovenberg's Portable Toilet Rent	33914
57.50	J. Caldwell & Associates, LLC.	33915
53.70	Recreation Supply Company, Inc.	33916
111.41	Joe Mate	33917
124.85	United Telephone/ Centurylink	33918
89.00	Ceunion	33919
472.08	Toyota Motor Credit Corp.	33920
967.82	Sunlight General	33921
205.00	USA Hoistco., Inc.	33922
714.00	Reliable Wood Products, LLC.	33923
660.00	Morris Asphalt Co.	33924
153.55	Cintas Fire Protection	33925
1,456.00	District Connect, LLC.	33926
141.15	Logoup	33927
1,918.16	Miracle Chemical Co.	33928
100.00	Blooms of Elegance	33929
41.57	Kappa Map Group	33930
3,300.00	Mirage Productions Inc.	33931
355.00	Kim Yarnall	33932
75.00	D. Becker Photo	33933
81.97	St. Moritz Grill & Bar	33934
830.00	Michael I. Schneck, Trustee Merriam	33848
400,000.00	Newton Board of Education	141047
28.46	Richards, Michael	33847
199,157.43	Payroll Account	141046
28.56	Newton Postmaster	33846
613.10	Elavon	141045
908.60	Tuscany Bistro	33845
53.00	Thomas S Russo Jr	33844
2,341.16	Danielson, Deborah	33843
476,943.13	US Bank Oper. Ctr/ Trust Mgmt	141044
500.00	Roseann Jenkins & Greenwalk LLP	33842
198,543.16	Payroll Account	141043
25.00	Zappa, Mark J	33841
60.00	NJ Motor Vehicle Services	33840

**CAPITAL**

14,248.13	Pellow, Harold & Assoc., Inc.	8299
65.40	New Jersey Herald, Inc.	8300
5,833.13	McManimon, Scotland & Baumann, LLC	8301
23,000.00	Office Business Systems Inc.	8302
18,947.00	Gold Type Business Machines	8303
300.00	Vogel, Chait, Collins, Schneider, PC	8304
1,664.25	Newton Electrical Services	8305
2,352.00	Laddey, Clark & Ryan, LLP	8306
5,550.00	FKA Architects Inc.	8307
1,088.00	National Business Furniture, LLC.	8308
2,292.50	J. Caldwell & Associates, LLC.	8309
1,200.00	Wade Associates	8310
15,508.50	Cypreco Industries, Inc.	8311
300,000.00	Current Account	143002
45,000.00	Current Account	143001

**Total TOWN BILLS \$1,978,506.45**

**WATER AND SEWER ACCOUNT**

660.05	Montague Tool & Supply, Inc.	14359
190.61	Schmidt's Wholesale, Inc.	14360
23,722.75	Pellow, Harold & Assoc., Inc.	14361
1,803.87	Pellow, Harold & Assoc., Inc.	14362
45.84	Elizabethtown Gas	14363

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8,832.36	JCP&L	14364
3,800.00	Pumping Services, Inc.	14365
644.00	SCMUA	14366
278.77	Sussex County P & H, Inc.	14367
13,257.00	Coyne Chemical Corp., Inc.	14368
36.34	Centurylink Communications, Inc.	14369
1,251.64	Centurylink Communications, Inc.	14370
1,586.00	Garden State Laboratories	14371
65.36	Minisink Press Inc.	14372
514.23	Duke's Sales & Services	14373
324.65	Dempsey Uniform & Supply Inc.	14374
288.51	Airgas East	14375
1,200.00	Instrumentation Tech Systems, Inc.	14376
13,057.31	Treasurer, State of New Jersey	14377
2,300.00	Treasurer, State of New Jersey	14378
211.90	Vision Service Plan	14379
48,915.43	Statewide Insurance Fund	14380
479.97	JCI Jones Chemicals, Inc.	14381
218.20	Verizon Wireless, Inc.	14382
693.00	Univar USA Inc.	14383
1,250.00	Smalley, John	14384
673.50	Tilcon New Jersey, Inc.	14385
3,954.25	Alternate Power Inc.	14386
41.10	Home Depot, Inc.	14387
52.00	Krave Café	14388
42.00	Eric Tompkins	14389
608.00	Laddey, Clark & Ryan, LLP	14390
10,274.25	Accurate Waste Removal Inc.	14391
119.90	Penteledata	14392
26,135.50	NJMEBF	14393
246.62	One Call Concepts, Inc	14394
418.76	Woodruff Energy US, Inc.	14395
1,542.40	Hatch Mott Macdonald	14396
353.64	Braen Stone Sparta	14397
1,716.20	Sunlight General	14398
1,319.14	Morris Asphalt Co.	14399
601.60	Cintas Fire Protection	14400
50.48	Logoup	14401
605.88	Miracle Chemical Co.	14402
81.97	St. Moritz Grill & Bar	14403
35,623.27	Payroll Account	146023
908.60	Tuscany Bistro	14358
53.00	Thomas S Russo Jr	14357
23.33	Millikin, Debra	14356
29,870.95	Payroll Account	146022

**CAPITAL**

4,617.75	Pellow, Harold & Assoc., Inc.	2352
464.00	Laddey, Clark & Ryan, LLP	2353
10,980.41	Cothey Construction Company, Inc.	2354

**Total WATER & SEWER BILLS \$267,006.29**

**TRUST ACCOUNT**

2,935.00	Pellow, Harold & Assoc., Inc.	3264
234.00	Hollander, Strelizik, Pasculli, Hinkes	3265
747.50	McManimon, Scotland & Baumann, LLC	3266
1,333.33	Sloan, James P, P.C., Inc.	3267
1,395.00	Vogel, Chait, Collins, Schneider, PC	3268
1,545.88	Country Club Ice Cream, LLC.	3269
2,760.00	J. Caldwell & Associates, LLC.	3270

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140.50	Payroll Account	147114
2,950.53	Payroll Account	147113

**Total TRUST ACCOUNT BILLS \$14,041.74**

**DEVELOPERS ESCROW ACCOUNT**

195.00	Vogel, Chait, Collins, Schneider, PC	1188
95.63	Ferriero Engineering Inc.	1189
267.05	Edward J Buzak	1190

**Total DEV. ESCROW BILLS \$557.68**

**FEDERAL/ STATE GRANTS**

637.50	Pellow, Harold & Assoc., Inc.	1217
986.27	Sussex County Mailing Service	1218
241.66	Center for Prevention & Counseling	1219
3,695.00	The Fibrex Group, Inc.	1220
690.00	J. Caldwell & Associates, LLC.	1221
217.00	Recreation Supply Company, Inc.	1222
150.00	Town of Newton Pool	1223
1,577.29	Payroll Account	141105

**Total FEDERAL/ STATE GRANTS BILLS \$8,194.72**

**SUI ACCOUNT**

179.00	S/NJ Employer Accounts	1100
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**Total SUI ACCOUNT BILLS \$179.00**

The Clerk presented an application for membership into the Newton Fire Department from Joshua H. LeMasson, 40 Fairview Avenue, Newton. It was noted that the applications were in order and signed by the Fire Chief.

The Clerk presented an application for membership into the Newton Fire Department as a Junior Firefighter from Dylan Detwiller, 2 Pine Street, Newton. It was noted that the applications were in order and signed by the Fire Chief.

The Clerk presented an application for an on-premise raffle (Tricky Tray) from the Tri-State Actors Theater to be held on August 22, 2014 from 6:00 p.m. to 10:30 p.m. at the Performing Arts Center/SCCC, One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an on-premise raffle (50-50 & Raffle) from the Tri-State Actors Theater to be held on August 22, 2014 from 6:00 p.m. to 10:30 p.m. at the Performing Arts Center/SCCC, One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an on-premise raffle (50-50 & Raffle) from the Operation Chillout Inc. to be held on September 13, 2014 from 11:00 a.m. to 6:00

p.m. at Sussex County Community College, One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an on-premise raffle (50-50 & Raffle) from the Pride Foundation to be held on September 20, 2014, October 3, 2014, October 10, 2014, October 31, 2014, November 14, 2014 at 7:00 p.m. and December 2, 2014 at 6:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an off-premise raffle (50-50 & Raffle) from St. Joseph Roman Catholic Church, 17 Elm Street, Newton to be held on October 24, 2014 at 7:00 p.m. at St. Joseph Community Center, Halsted Street, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

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

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

It was noted that Deputy Mayor Flynn abstained from Check #1189.

## **DISCUSSION**

### **a.) Water & Sewer Ordinance Draft**

Ursula Leo, Esq. addressing the draft ordinance for water and sewer rates, requested the Council table this discussion for a future meeting due to the new information recently obtained.

### **b.) Municipal Election Run-Off Election**

Mrs. Read, Municipal Clerk, outlined the state requirements of a run-off election and advised Council that a run-off is expensive and time consuming. Mrs. Read advised that an Ordinance may be placed on the General Election ballot to eliminate the need for a run-off Election. The elimination of the run-off will then allow the winners to be the top vote getters. The next scheduled Municipal Election would be held in May, 2016.

After a brief discussion, Council unanimously agreed to allow the Municipal Clerk to place an Ordinance on the November 2015 General Election ballot to eliminate the need for a run-off Election. Mrs. Read will work with the Town Attorney to create the

Ordinance for the General Election in 2015.

**c.) SID Subcommittee**

Mr. Russo noted that the SID visits are moving forward with positive efforts taken to create a SID in Newton.

Mayor Elvidge also outlined some of the positive efforts and shared the positive feedback obtained from visiting the municipalities who created successful SID's in their community. Mayor Elvidge designated a subcommittee of Mayor, Deputy Mayor, Town Manager, Theresa Iliff and Dan Hayek, to further investigate a SID for Newton.

Mr. Russo outlined the timeline the Town created for the "launch of our SID". Mr. Russo believes that a SID can bring the Town of Newton to the "next level".

Councilwoman Becker outlined her positive thoughts on creating a SID in the Town of Newton.

Deputy Mayor Flynn feels the Town's initial attempt at the SID Ordinance did fail and suggested the Town promote the SID better prior to the adoption. Mr. Flynn advised he has many new ideas based on the recent meetings and believes the new SID is progressing nicely.

Mayor Elvidge believes the initial failed SID Ordinance happened for a reason and feels that we have learned a lot since and is excited with what the statistics show based on the successful SID's throughout the State.

Councilman Levante believes the key component to the SID is being "managed" properly. We need a strong leader with a strong board.

Mr. Russo believes the Town is learning from the successes and failures of the other communities with Special Improvement Districts (SID's). After gathering all of the information from the other communities, Mr. Russo will provide the residents, merchants and Governing Body with a strong SID proposal for the Town of Newton.

**OPEN TO THE PUBLIC**

Neil Flaherty, 154 Sparta Avenue, addressed the Council and questioned the direction for the one-way Spring Street Project and was advised by Mayor Elvidge that it will be from the Theater toward Main Street with parking on both sides of the street. Mr. Flaherty suggested if homeowners were financial effected by the SID that they be included in on all conversations.

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Anwar Qarmout, 45 Woodside Avenue, congratulated newly elected Councilman Levante and Mayor Elvidge on their success of the Municipal Election. Mr. Qarmout noted he is pleased with the new carpet recently installed in the Council chambers. Mr. Qarmout noting the award of a contract for milling and paving of Diller Avenue, asked that a notice be sent to a particular tenant on Diller Avenue and was advised that a notice is sent to all tenants/homeowners on Diller Avenue prior to paving. Addressing the SID, Mr. Qarmout had several questions regarding the duties of various other organizations involved with Spring Street which was addressed by the Town Manager and the Council. After a lengthy discussion, Mr. Qarmout believes the commercial business district should pay for their own businesses and not rely on a SID.

Theresa Iloff, Owner of 280 Spring Street, addressed the Council and outlined her experience and involvement with the SID process. After a lengthy discussion, Mrs. Iloff expressed her excitement with not only the opportunity to be involved in the SID but for the progress of the SID as well. Mrs. Iloff expressed the importance of communication throughout the SID process. Mrs. Iloff thanked the Council for their diligent work and for the opportunity to be involved.

Mayor Elvidge is excited about the SID progress and believes if the Town is an attractive Town then it will become a vibrant community.

Mike Malone, 59 Trinity Street, thanked the Town for all of their accomplishments without having a SID in place and questioned why a SID is necessary. After a brief discussion, the Council outlined several positive aspects of the SID's from the other communities. Mr. Russo noted "Newton is on the cusp of great things!" Mr. Malone is pleased with the comments tonight and wished the Town "good luck" in this endeavor.

#### **COUNCIL & MANAGER COMMENTS**

Mayor Elvidge thanked Mr. Russo for the recent renovations to the Council Chambers with the new carpet and the new chairs.

Wayne Levante congratulated the Newton Housing Authority for their 40<sup>th</sup> anniversary.

#### **ADJOURNMENT**

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 8:50 p.m.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lorraine A. Read". The signature is written in a cursive style with a long, sweeping tail.

Lorraine A. Read, RMC  
Municipal Clerk