

August 25, 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 Deputy Mayor Flynn, seconded by Mrs. Diglio, and carried, the minutes of July 28, 2014 Regular Meeting and July 28, 2014 Special Meetings were approved as amended.

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."

There was no one from the public to be heard.

COUNCIL & MANAGER REPORTS

Mr. Russo announced the Town obtained a new senior shuttle bus and thanked the Community Development office for allowing the new bus to be present for Council's view.

Mr. Russo also thanked Chief Richards for allowing the Council to review the new E-ticketing system recently obtained and utilized by the Newton Police and Municipal Court.

Mr. Russo advised the Newton Municipal Building will be closed on Monday, September 1, 2014 in observation of Labor Day.

Mr. Russo also announced the Town of Newton, Mitchell Agency, and Sussex County Community College will be hosting the 1st Annual Newton Country Cool Festival on Saturday, October 18, 2014 from 12:00 noon to 5:00 p.m. Mr. Russo outlined a variety of events to take place, along with music and entertainment. It was noted all proceeds

will benefit the Sussex County Food Pantry, Newton Fire Department and Newton Fire Museum.

ORDINANCES

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

ORDINANCE #2014-14

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

WHEREAS, a determination by the Town Council has been made to permit free parking in the five paid municipal parking lots on Saturdays to encourage the public to patronize the local commercial establishments within the Town of Newton; and

WHEREAS, the five paid municipal parking lots are specifically identified as Lot #1 Adams Street Plaza located on Adams Street; Lot #2 Main Street Lot located on Main Street; Lot #3 Western Plaza located on Trinity Street; Lot #4 Central Plaza located on Trinity Street; and Lot #5 Eastern Plaza North, located at the corner of Union Place and Spring Street;

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

Section 1. The following new section shall be and is hereby added:

§307-11. Free Parking on Saturdays in paid municipal parking lots.

Free parking shall be permitted all day on Saturdays in the paid municipal parking lots identified as Lot #1 Adams Street Plaza located on Adams Street; Lot #2 Main Street Lot located on Main Street; Lot #3 Western Plaza located on Trinity Street; Lot #4 Central Plaza located on Trinity Street; and Lot #5 Eastern Plaza North, located at the corner of Union Place and Spring 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 Elvidge opened the hearing to the public.

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

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

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

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Mayor Elvidge

Yes

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

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2014-15

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

WHEREAS, the Town of Newton has determined that Chapter 320-31.D of the Code of the Town of Newton, entitled "Zoning Permits" requires certain revisions;

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 320-31.D(6) of the Code of the Town of Newton shall be and is hereby revised to read as follows:

§320-31.D

(6) Time for action on application.

(a) The Zoning Officer shall act upon all such applications within 10 days after receipt of a fully filed application, or shall notify the applicant in writing of the refusal to issue such permit and the reasons therefor.

(b) Failure to notify the applicant in case of refusal to issue a permit within 10 days shall entitle the applicant for a zoning permit to file an appeal to the Planning Board, as in the case of denial.

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

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

SECTION 4. 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 Sussex County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Town Land Use Board, pursuant to N.J.S.A. 40:55D-64. 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 5. Effective Date. This Ordinance shall take effect after adoption and publication in accordance with law.

Mayor Elvidge opened the hearing to the public.

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

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

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

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

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

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*, (the "Redevelopment Law" or the "Act") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, and to prepare and adopt a redevelopment plan therefor; and

WHEREAS, after investigation of a delineated area and recommendation of the Planning Board in accordance with the Act, on December 10, 2007, the Town Council, acting by resolution, designated the area then identified on the official tax map of the Town as Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

WHEREAS, on December 22, 2008, after review and comment by the Town's Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted a redevelopment plan for the Redevelopment Area (as thereafter amended, the "Initial Redevelopment Plan"); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Initial Redevelopment Plan, the Town wished to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

WHEREAS, in accordance with the Act, the Town prepared proposed amendments to the Initial Redevelopment Plan (the "Proposal", attached hereto as Exhibit A); and

WHEREAS, on June 9, 2014, the Town Council, acting by Resolution 108-2014, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on June 18, 2014, Jessica Caldwell, P.P., A.I.C.P. of J. Caldwell & Associates, LLC (the "Planning Consultant") presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, the members of the public were given the opportunity to provide their own testimony regarding the Proposal; and

WHEREAS, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board by Resolution dated June 18, 2014 (the "Planning Board Resolution", attached hereto as Exhibit B): (i) determined that the Proposal was consistent with the Town's Master Plan; (ii)

recommended to the Town Council that it adopt a modified version of the Proposal, with three changes summarized at Exhibit B to the Planning Board Resolution (the "Planning Board Recommendations"); and (iii) determined that the Proposal as amended by the Planning Board Recommendations was also consistent with the Town's Master Plan; and

WHEREAS, the Planning Board Resolution included the following recommendation:

"3. There are a number of areas where the use of a potable water conservation program (a.k.a. "gray water system") is discussed as a design option. As the Board is concerned with the Town's past issues with water usage and availability, the Board recommends that a gray water system should be a mandatory design requirement. However, the Board is inclined to consider a waiver from this design requirement if a redeveloper can show the inclusion of, and effectiveness of other water conservation and/or water reuse measures, or a combination of measures, such as low flow fixtures, rainwater cisterns to be used for outside water usage, and private wells. This revision should be made in the Proposed Amendments and if other areas of the Initial Redevelopment Plan need to be amended to accomplish this revision they should also be included in the final Plan Amendment." ("Recommendation 3"); and

WHEREAS, while the Town has a limited amount of water available in its water allocation, the Town has undertaken a leak detection program and has recovered more than twenty percent of water previously lost to leaks in the system. The Town currently has sufficient water available for prospective development. These facts, together with the significant cost of a gray water system, leads the Town to determine that water reuse measures should be optional rather than mandatory; and

WHEREAS, the Town wishes to adopt the Proposal, as modified by the Planning Board Recommendations, except for Recommendation 3 (the Proposal as so modified and attached hereto as Exhibit C, the "Plan Amendments");

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS, WITH NO LESS THAN THREE MEMBERS AFFIRMATIVELY CONCURRING:

Section 1. The recitals hereto are hereby incorporated herein by reference as if set forth at length.

Section 2. The Plan Amendments, as filed in the Office of the Town Clerk, attached hereto as Exhibit C, are hereby approved. Any portion of the Initial Redevelopment Plan not modified by the Plan Amendments shall remain in full force and effect.

Section 3. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Plan Amendments and delineate the boundaries of the Hicks Avenue Redevelopment Area.

Section 4. This ordinance shall take effect as provided in law.

Mayor Elvidge opened the hearing to the public.

Neil Flaherty, 154 Sparta Avenue, addressed Council and advised he is not in favor of the increased units (20 units per acre) and feels this increase will have a negative impact on the community.

Councilwoman Diglio questioned why the increase in the number of units and was advised by Mr. Russo the total number of units will be approximately 70-75 for the project.

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Mayor Elvidge concurred he is comfortable with the number of units proposed on the designated area.

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

The following **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, 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		

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

ORDINANCE #2014-17

AN ORDINANCE AMENDING CHAPTER 3 "ADMINISTRATIVE CODE", ARTICLE VI "ADMINISTRATIVE ORGANIZATION" AND ARTICLE XXVIII "DEPARTMENT OF CODE ENFORCEMENT"

Mr. Russo outlined the proposed Ordinance and noted that will update and amend the current Ordinance.

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
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 September 10, 2014.

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

ORDINANCE #2014-18

AN ORDINANCE TO AMEND ORDINANCE 2013-30 ESTABLISHING MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR THE CALENDAR YEAR 2014

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

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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 September 10, 2014.

OLD BUSINESS

a.) Special Improvement District (SID)

Mayor Elvidge briefly outlined the steps the Town has taken regarding the Special Improvement District (SID). He further outlined his attendance and findings at the past four visits at various Towns who have successful SID's in their community. Mayor Elvidge stated these Towns have very similar vacancies issues as Newton and noted without their SID they would not have been as successful as they are today. Mayor Elvidge noted all of the positive information obtained from the various meetings will be kept and the SID Committee will continue to collect this SID information. Mayor Elvidge expressed his enthusiasm with the SID progress and believes it is a "can do project".

Mr. Russo reiterated the vital information obtained at the various meetings and plans on creating a PowerPoint presentation to be presented at a Council meeting in October or November this year. The Town Manager also plans on holding additional meetings off-site for the same presentation.

Deputy Mayor Flynn also noted some of positive aspects surrounding the successful SID communities.

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 reviewed the consent agenda with the Town Council.

RESOLUTION #150-2014*

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2014 TOWN OF NEWTON BUDGET
PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of

any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, the Town of Newton received payment in the amount of \$1,763.91 from the State of New Jersey Division of Highway Traffic Safety for a Drunk Driving Enforcement Grant for the period July 2013 – June 2014;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2014 Budget of the Town of Newton:

Miscellaneous Revenues:
 Section F: Special Items of Revenue
 Public and Private Revenues Off-set with Appropriations:
 State of New Jersey DDEF Grant \$1,763.91

General Appropriations:
 (A) Operations - Excluded from CAPS
 Public and Private Programs Off-Set by Revenues:
 State of NJ DDEF Grant
 Police Salaries and Wages..... \$1,763.91

BE IT FURTHER RESOLVED that pursuant to Local Finance Notice 2014-11, issued August 1, 2014, an electronic form will be submitted to the Division of Local Government Services.

RESOLUTION #151-2014*

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2014 TOWN OF NEWTON BUDGET
PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, the Town of Newton is the lead agency, (also including Green Township, Andover Township and Andover Borough) for a grant in the amount of \$18,772.00 from the State of New Jersey Governor's Council on Alcoholism and Drug Abuse through the County of Sussex for the Municipal Alliance Grant; and

WHEREAS, the State of New Jersey has changed the grant period to run from July 1, 2014 through June 30, 2015; and

WHEREAS, the Town of Newton authorized the submission of the 2014 Action Alliance Grant per Resolution #17-2014 adopted January 27, 2014;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2014 Budget of the Town of Newton:

Miscellaneous Revenues:
 Section F: Special Items of Revenue
 Public and Private Revenues Off-set with Appropriations:
 NJ Municipal Alliance Grant \$18,772.00

General Appropriations:
 (A) Operations - Excluded from CAPS
 Public and Private Programs Off-Set by Revenues:
 NJ Municipal Alliance Grant..... \$18,772.00

Local Match – Source:
 2015 Current: Celebration of Public Event..... \$3,000.00
 2015 Current: Match Funds, Munic. Alliance – Andover Twp \$500.00

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2015 Current: Match Funds, Munic. Alliance –Andover Borough.....	\$500.00
2015 Current: Match Funds, Munic. Alliance – Green Twp	\$500.00
2014 Current: Recreation, Special Events	\$193.00

BE IT FURTHER RESOLVED, that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION #152-2014*

TO AUTHORIZE A ONE-YEAR EXTENSION OF A BANKING SERVICES AGREEMENT WITH LAKELAND BANK

WHEREAS, in 2012 the Town of Newton prepared a request for proposals for banking services and received several responses; and

WHEREAS, an agreement with Lakeland Bank was authorized per Resolution #189-2012 on September 12, 2012 which accepted a variable rate which is the Fed Funds Rate less .5% with a floor of .15% with payroll, for a two-year period, with an option to extend for a third year; and

WHEREAS, the Chief Financial Officer, the Qualified Purchasing Agent and the Town Manager recommend the Governing Body exercise the option to extend for a third year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes and directs the Chief Financial Officer and Town Manager to extend the agreement with Lakeland Bank to secure a variable rate which is the Fed Funds Rate less .5% with a floor of .15% with payroll for a one-year period beginning October 1, 2014 continuing until September 30, 2015; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Lakeland Bank, and a copy of said agreement be kept on file in the Municipal Clerk's office for public viewing.

RESOLUTION #153-2014*

RATIFY AND AFFIRM THE ISSUANCE OF REFUNDING BONDS

WHEREAS, in early 2014 the Town Auditor received a proposal from Phoenix Advisors to consider refinancing two outstanding debt issues: 2004 Water Sewer Refunding Bonds \$1,445,000 and 2006 Improvement Bonds \$2,256,000 to obtain a lower interest rate and thereby effect a cost savings for the Town of Newton; and

WHEREAS, all the necessary resolutions and approvals were obtained; and

WHEREAS, the appropriate Town Officials executed said Bonds in the amount of \$3,590,000.00 dated August 7, 2014 split as follows:

\$1,405,000 Water/Sewer Utility 2004 Refunding Bonds NIC 3.011275% maturing 4/1/2030; and \$2,185,000 General Improvement 2006 Refunding Bonds NIC 2.666086% maturing 4/1/2026

WHEREAS, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Council meeting, herewith attached is a copy of the *Certificate of Delivery and Payment with the attached Schedule A*. Also attached is the *Savings Analysis* prepared by Roosevelt & Cross, Inc. on July 17, 2014 showing an aggregate gross savings of \$245,551.29 for the refunding bonds;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it does hereby ratify and affirm the issuance of said Bonds by the Chief Financial Officer and the execution of said bonds by the appropriate Town Officials.

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RESOLUTION #154-2014*

**AUTHORIZING EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN TOWN OF
NEWTON AND PEG BANDWIDTH NJ, LLC**

WHEREAS, PEG Bandwidth NJ, LLC ("PEG") has been authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services in New Jersey; and

WHEREAS, PEG intends to install its fiber optic cabling on or in existing telephone, electric or cable conduit and poles in the public Rights-of-Way through agreement with other utility companies, some of which are located in the Town of Newton; and

WHEREAS, the Town of Newton is empowered to enter into a Rights-of-Way Use Agreement pursuant to N.J.S.A. 48:17-10 through 48:17-12; and

WHEREAS, a Rights-of-Way Use Agreement has been prepared and mutually agreed upon by all parties with terms and conditions set forth therein, a copy of which is attached and made a part of this Resolution;

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 the attached Rights-of-Way Use Agreement; and

BE IT FURTHER RESOLVED that a copy of the Rights-of-Way Use Agreement shall be recorded in the Sussex County Clerk's Office.

RESOLUTION #155-2014*

**APPOINTMENT OF KENT HARDMEYER AS A REGULAR MEMBER OF THE NEWTON PLANNING
BOARD**

WHEREAS, there is currently a vacancy on the Town of Newton Planning Board due to the resignation of Barbara Mattingly; and

WHEREAS, Kent Hardmeyer, currently an Alternate on the Planning Board, has expressed interest in serving as a Regular Member of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Kent Hardmeyer is hereby appointed to an unexpired four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2014.

RESOLUTION #156-2014*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS

WHEREAS, New Jersey Statute 40A:9-154.1 states "*The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...*";

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2014-2015 school year:

Deborah A. Alger
Lisa Banta
Diane Bell
Carol E. Blanchard
June Bowne
Louise Cort
Carolyn Dippel

Peter J. Kays
Gleanord I. Kinney
Debra McCarthy
Karen Mokrzycki
Janet Simpson
Wallace Smith
Steven A. Stoll

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Betty Francis
Christine Howard

Karen VanDuzer

RESOLUTION #157-2014*

TO CANCEL OUTSTANDING CHECKS IN VARIOUS FUNDS

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

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

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

Current Fund

#32512	9/12/13	Brian Fox	\$333.00
#32687	11/7/13	NJLM	\$ 65.00

Water Fund

#13805	9/23/13	NUI	\$ 289.09
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Payroll Fund

#6134	1/16/14	Gina Inga	\$ 1.81
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RESOLUTION #158-2014*

APPOINTMENT OF MR. WILLIAM NANNERY TO THE NEWTON HOUSING AUTHORITY

WHEREAS, Mr. George Kaiser has resigned from his term as a Regular Member of the Newton Housing Authority; and

WHEREAS, Mr. William Nannery has expressed interest in serving as a Regular Member; and

WHEREAS, Dr. Kimberly Iozzi, Executive Director of the Newton Housing Authority, recommends appointing Mr. Nannery;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. William Nannery is hereby appointed to an unexpired five-year term on the Newton Housing Authority, effective immediately with said term continuing to April 30, 2019.

RESOLUTION #159-2014*

AUTHORIZE AND CONSENT TO THE ASSIGNMENT AND TRANSFER BY MMH BT, LLC TO RADIANT PROPERTY MANAGEMENT, LLC OF THE TAX ABATEMENT AND RWB ASSOCIATES

WHEREAS, MMH BT, LLC is the owner of property located at Block 505, Lot 23, also known as 33 Mill Street and the Brookside Apartments ("Property") in the Town of Newton; and

WHEREAS, Radiant Property Management, LLC ("Radiant Property") has entered into a real estate purchase agreement with MMH BT, LLC; and

WHEREAS, Radiant Property will acquire the Property either in its name or in the name of an entity created by it for the purpose of acquiring the Property and financing the purchase, subject to required government approvals and consents; and

WHEREAS, on March 18, 1974, the Town of Newton entered into an Agreement with R.W.B. Associates, which permitted R.W.B. Associates to make annual payments to

the Town of Newton in lieu of taxes with respect to the subject Property, pursuant to a Tax Abatement Agreement; and

WHEREAS, on November 12, 2001, the Town of Newton adopted a Resolution, #136-2001, authorizing and consenting to the assignment and transfer of the Tax Abatement Agreement between the Town of Newton and RWB Associates to MMH II, LLC; and

WHEREAS, on March 25, 2002, the Town of Newton adopted Resolution #45-2002, amending Resolution #136-2001, whereby the name of the purchaser was incorrectly stated as MMH II, LLC and therefore, changed to the correct purchaser being MMH BT, LLC; and

WHEREAS, the Property is occupied by tenants of low and/or moderate income and the owners of the Property are required to maintain the low/moderate income status of the Property for the term of the mortgage as provided by and required by the New Jersey Housing & Mortgage Finance Agency; and

WHEREAS, the transfer of the Property is subject to the approval of the New Jersey Housing & Mortgage Finance Agency, pursuant to N.J.A.C. 5:80-5.2; and

WHEREAS, upon the transfer, Radiant Property shall own and operate the Property and be bound by the requirements of New Jersey Law, including the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, all terms and conditions set forth in the Tax Abatement Agreement with the Town of Newton for the Property shall remain in full force and effect;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes and consents to the assignment and transfer by MMH BT, LLC to Radiant Property Management, LLC of the Tax Abatement Agreement between the Town of Newton and RWB Associates, dated March 18, 1974; and

BE IT FURTHER RESOLVED that the Mayor and Town Manager are hereby authorized to execute any additional documents necessary or appropriate to reflect the assignment of the Tax Abatement Agreement.

RESOLUTION #160-2014*

TO CANCEL APPROPRIATION BALANCES IN THE WATER SEWER CAPITAL FUND

WHEREAS, certain Water Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, the Town Manager and other Town Officials have reviewed and determined that there are no additional costs for these projects; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be cancelled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that the following unexpended and dedicated balances of the Water Sewer Capital appropriations totaling \$210,658.37 be cancelled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Funded</u>	<u>Unfunded</u>
2007-3	3/23/07	Trinity/Mill St. Waterline Improvements (Debt Authorization cancelled)		\$210,658.37

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RESOLUTION #161-2014*

AWARD BID FOR ROOF REPLACEMENT AT THE NEWTON FIRE MUSEUM

WHEREAS, the Town of Newton publicly accepted and opened bids for the Roof Replacement at the Newton Fire Museum on Wednesday, August 13, 2014 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Base Bid</u>
VMG Group 288 Cox Street Roselle, NJ 07203	\$28,900.00
P. Cipollini, Inc. 203 E. Blackwell Street Dover, NJ 07801	\$29,000.00
Arch Concept Construction Inc. 351 West Clinton Street Haledon, NJ 07508	\$41,000.00
Build Rite, LLC 16 Darlington Drive Wayne, NJ 07470	\$64,250.00

WHEREAS, based on review of the bid documents, the Town's Consulting Architect Thomas Kosten, recommends awarding of the Roof Replacement at the Newton Fire Museum based in his letter of recommendation dated August 14, 2014, to VMG Group, in the amount of \$28,900.00; 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 contract for Roof Replacement at the Newton Fire Museum is hereby awarded to VMG Group, Roselle, NJ in the amount of \$28,900.00. A copy of this resolution and the proposed Contract is to be forwarded to VMG Group, for execution.

RESOLUTION #162-2014*

AWARD BID FOR CISTERN FILL PROJECT AT THE NEWTON FIRE MUSEUM

WHEREAS, the Town of Newton publicly accepted and opened bids for the Cistern Fill Project at the Newton Fire Museum on Wednesday, August 13, 2014 at 10:30 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Base Bid</u>
Tony's Concrete Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$45,000.00
Edge Property Maintenance, Inc. 10 W. Thomas Street Wharton, NJ 07885	\$88,800.00

WHEREAS, based on review of the bid documents, the Town's Consulting Architect Thomas Kosten, recommends awarding of the Cistern Fill Project at the Newton Fire Museum based in his letter of recommendation dated August 14, 2014, to Tony's Concrete Co., Inc., in the amount of \$45,000.00; 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 contract for Cistern Fill Project at the Newton Fire Museum is hereby awarded to Tony's Concrete Co., Inc., Newark, NJ in the amount of \$45,000.00. A copy of this resolution and the proposed Contract is to be forwarded to Tony's Concrete Co., Inc., for execution.

RESOLUTION #163-2014*

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

92.79	E.A. Morse & Company, Inc.	33944
765.00	MGL Forms- Systems, LLC.	33945
218.75	Pellow, Harold & Assoc., Inc.	33946
170.91	Airmark Pools, Inc.	33947
104.00	Sussex Car Wash Inc.	33948
227.50	Classic Auto Upholstery	33949
12.66	Elizabethtown Gas	33950
42.77	G & G Diesel Service Inc.	33951
14,849.52	JCP&L	33952
641.90	New Jersey Herald, Inc.	33953
2,161.60	SCMUA	33954
125.85	Centurylink Communications, Inc.	33955
35.00	Centurylink Communications, Inc.	33956
311.59	Centurylink Communications, Inc.	33957
6,027.83	Centurylink Communications, Inc.	33958
792.00	Hollander, Strelzik, Pasculli, Hinkes	33959
200.00	AHS Hospital Corp.	33960
1,138.56	Campbell's Small Engine Inc.	33961
238.25	Lock & Key World	33962
832.82	Timmerman Company, Inc.	33963
31.48	Federal Express	33964
20.68	Hayek's Market Inc.	33965
445.00	Hamburg Plumbing Supply Co Inc.	33966
54.33	Sloan, James P, P.C., Inc.	33967
412.50	Staples Print Solutions	33968
5,900.00	KML Technology Inc.	33969
395.00	J & D Sales & Service, LLC.	33970
418.00	T.A. Mountford Company, Inc.	33971
85.00	Minisink Press Inc.	33972
382.42	Sebring Auto Parts, Inc.	33973
483.65	Zee Medical, Inc.	33974
532.50	Dempsey Uniform & Supply Inc.	33975
150.00	Greater Newton Chamber of Comm.	33976
166.76	Airgas East	33977
3,430.59	Boonton Tire Supply Inc.	33978
1,472.17	Verizon Wireless, Inc.	33979
135.00	Accurate Door, Inc.	33980
12.94	Walmart	33981
75.95	Mr. John, Inc.	33982
234.30	Cooper Electric Supply Co.	33983
95.00	Wildflowers with Tami	33984

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10,250.00	Holzauer & Hostenstein, LLC.	33985
529.81	Home Depot, Inc.	33986
184.05	Rogo Fastener Co., Inc.	33987
375.00	Access Control Technology Inc.	33988
466.00	Thomson West, Inc.	33989
926.24	Staples Business Advantage, Inc.	33990
784.89	Staples Business Advantage, Inc.	33991
11.90	Language Line Services, Inc.	33992
28.46	Lowe's, Inc.	33993
525.00	Screen Creation Plus	33994
1,624.00	Spectrum Communications, Inc.	33995
240.00	CSS Test Inc.	33996
51.78	Nestles Waters, Inc.	33997
652.47	Skylands Area Fire Equip & Training	33998
1,216.15	Pinnacle Wireless FBO Unitek Global	33999
6,138.23	Rachles/ Michele's Oil Company, Inc.	34000
2,643.92	Taylor Oil Co., Inc.	34001
221.70	Firefighter One, LLC.	34002
2,250.00	Laddey, Clark & Ryan, LLP	34003
892.96	Laddey, Clark & Ryan, LLP	34004
2,720.00	Laddey, Clark & Ryan, LLP	34005
771.49	Kieffer Electric, Inc.	34006
2,170.10	JMC Environmental Consultants, Inc.	34007
7,918.35	County of Sussex	34008
461.30	Ricciardi Brothers, Inc.	34009
212.50	Civic Plus Inc.	34010
847.15	Jersey Central Power & Light, Inc.	34011
437.00	Code 96 LLC	34012
270.00	Trimboli & Prusinowski, LLC.	34013
564.75	Penteledata	34014
135,703.50	NJMEBF	34015
1,770.00	Chelbus Cleaning Co., Inc.	34016
0.23	Woodruff Energy US, Inc.	34017
337.50	Bonnie Diamond	34018
397.30	Thyssenkrupp Elevator Corp.	34019
90.00	Extra Tech Data Services, LLC.	34020
475.00	D. Lovenberg's Portable Toilet Rent	34021
1,000.00	Clear Channel Radio, Inc.	34022
737.50	Kozdeba & Son LLC.	34023
124.85	United Telephone/ Centurylink	34024
89.00	Ceunion	34025
460.00	Route 23 Patio, LLC.	34026
539.40	Sunlight General	34027
210.00	USA Hoistco., Inc.	34028
326.96	Morris Asphalt Co.	34029
16.43	Trinity Lounge	34030
1,384.43	Miracle Chemical Co	34031
500.00	Emilie Petry	34032
32.35	Sheaffer Supply Inc.	34033
50.00	Northern NJ Saint Bernard Club	34034
49.00	Sisco, James	33943
77.90	Walmart	33942
200,332.64	Payroll Account	141055
49.95	Toyota World of Newton	33941
3,832.45	County of Sussex	33940
51,010.95	County of Sussex	33939
21,389.82	County of Sussex	33938
762,613.69	County of Sussex	33937
6,784.94	Greater Newton Chamber of Comm.	33936
1,000,000.00	Water & Sewer Capital Account	141054
300,000.00	Capital Account	141053
10.00	Town of Newton	141052
30,000.00	BNY Mellon	141051

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84.24	Elavon	141050
114.10	Elavon	141045
499.00	Elavon	141045
-613.10	Elavon	141045
67.90	Thomas S Russo Jr	33935
196,528.23	Payroll Account	141049
1,044,921.50	Newton Board of Education	141048

CAPITAL

97.47	Staples Credit Plan, Inc.	8312
460.00	E.A. Morse & Company, Inc.	8313
247.80	New Jersey Herald, Inc.	8314
1,552.00	Laddey, Clark & Ryan, LLP	8315
550.00	Kieffer Electric, Inc.	8316
1,579.39	FKA Architects Inc.	8317
1,092.52	J. Caldwell & Associates, LLC.	8318
575.00	Wade Associates	8319
1,702.30	Blinds.com	8320

Total TOWN BILLS \$3,860,774.99

WATER AND SEWER ACCOUNT

11.86	Monatague Tool & Supply, Inc.	14405
683.05	Schmidt's Wholesale, Inc.	14406
310.87	Hach Company	14407
55.39	Elizabethtown Gas	14408
11,592.67	JCP&L	14409
200.00	New Jersey Herald, Inc.	14410
324.30	SCMUA	14411
445.76	Sussex County P & H, Inc.	14412
21,287.66	Coyne Chemical Corp., Inc.	14413
36.33	Centurylink Communications, Inc.	14414
1,250.53	Centurylink Communications, Inc.	14415
450.00	AHS Hospital Corp.	14416
52.00	Lock & Key World	14417
69.62	Hayek's Market Inc.	14418
385.54	Sherwin-Williams, Inc.	14419
258.80	Dempsey Uniform & Supply Inc.	14420
75.16	Airgas East	14421
41.00	Lasso, Ervin	14422
196.20	Boonton Tire Supply Inc.	14423
281.96	McGuire, Inc.	14424
1,231.45	Treasurer, State of New Jersey	14425
1,575.00	Westra, Albert L.	14426
227.54	Verizon Wireless, Inc.	14427
8,960.00	Passaic Valley Sewerage Comm.	14428
1,250.00	Smalley, John	14429
209.67	Water Environment Federation	14430
85.92	Advance Auto Parts	14431
701.03	Home Depot, Inc.	14432
96.96	Staples Business Advantage, Inc.	14433
25.00	Eric Tompkins	14434
904.00	Laddey, Clark & Ryan, LLP	14435
212.50	Civic Plus Inc.	14436
7,228.65	Accurate Waste Removal Inc.	14437
119.90	Penteledata	14438
26,135.50	NJMEBF	14439
169.76	One Call Concepts, Inc.	14440
11.00	Woodruff energy US, Inc.	14441
1,120.00	A.P. Certified Testing, LLC.	14442
1,560.03	Hatch Mott Macdonald	14443

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1,000.00	Clear Channel Radio, Inc.	14444
472.08	Toyota Motor Credit Corp.	14445
956.22	Sunlight General	14446
16.42	Trinity Lounge	14447
998.38	Miracle Chemical Co	14448
33,910.86	Payroll Account	146026
15,000.00	BNY Mellon	146025
67.90	Thomas S Russo Jr	14404
33,655.76	Payroll Account	146024

CAPITAL

3,435.09	Hatch Mott Macdonald	2355
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Total WATER & SEWER BILLS \$179,345.32

TRUST ACCOUNT

2,466.25	Pellow, Harold & Assoc., Inc.	3272
90.00	Hollander, Strelzik, Pasculli, Hinkes	3273
5,071.45	McManimon, Scotland & Baumann, LLC	3274
1,279.00	Sloan, James O, P.C., Inc.	3275
539.18	Walmart	3276
2,280.00	Vogel, Chait, Collins, Schneider, PC	3277
105.97	Simon Peter Sport, Inc.	3278
1,955.00	J. Caldwell & Associates, LLC.	3279
3,575.00	Madison Square Garden/ Entertainment	3280
980.00	Kevin Shaw	3281
2,706.00	Bischoff Holdings, LLC.	3282
892.43	Walmart	3271

Total TRUST ACCOUNT BILLS \$21,940.28

DEVELOPERS ESCROW ACCOUNT

2,024.25	Pellow, Harold & Assoc., Inc.	1191
60.00	Vogel, Chait, Collins, Schneider, PC	1192
2,937.56	Hatch Mott Macdonald	1193

Total DEV. ESCROW ACCOUNT BILLS \$5,021.81

FEDERAL/ STATE GRANTS

679.88	Current Account	1225
517.50	J. Caldwell & Associates, LLC.	1226
700.00	Green Township	1227
1,091.00	Screen Creation Plus	1224
1,752.54	Payroll Account	141107
124.54	Payroll Account	141106
1,628.00	Payroll Account	141106

Total FEDERAL/ STATE GRANTS BILLS \$6,493.46

RESOLUTION #164-2014*

APPROVAL OF THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BYRAM TOWNSHIP TO PROVIDE CERTIFIED TAX COLLECTION SERVICES

WHEREAS, the Township of Byram requires the services of a Certified Tax Collector on an occasional and part-time basis; and

WHEREAS; the Town of Newton is able to provide the services of a Certified Tax Collector on the terms required by the Township of Byram as outlined in an Agreement attached hereto, dated August 25, 2014; and

WHEREAS, the State of New Jersey encourages municipalities to enter into Shared Services Agreements;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby approves and authorizes the execution of a Shared Services Agreement with the Township of Byram for the provision of a Certified Tax Collector.

The Clerk presented an application for an off-premise raffle (50/50 & Raffle) from the Pride Foundation (on behalf of Newton First Varsity Robotics Team) to be held on December 15, 2014 at 7:15 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 the Newton Medical Center Foundation to be held on November 15, 2014 at 6:30 p.m. at Newton Medical Center, 175 High Street, Newton. It was noted 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 Mr. Levante, and roll call resulted as follows:

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

DISCUSSION

a.) Art Alley

Deb Millikin, Deputy Town Manager, updated Council on the current issue with Art Alley as a designated one-way. After revisiting the site with Chief Richards and Harold Pellow, Town Engineer, it was recommended to eliminate the one-way by placing a bollard in the middle of the alley at the end of the brick building as well as one at Spring Street entrance. This will allow vehicles/trucks to enter and leave Trinity Street as two-way traffic, and there will be no entrance off of Spring Street. This will also allow vehicles to park behind the buildings and have access to turn around.

After a brief discussion, the Council unanimously agreed to proceed as presented by Mr. Pellow. Mrs. Millikin will work with Mr. Pellow to move forward as presented.

Deputy Mayor Flynn requested an update on the Spring Street one-way project,

which was addressed by Mr. Pellow.

Mr. Pellow also updated the Council on the Fire Museum project.

The Council had several other questions for Mr. Pellow regarding various projects in Town which were addressed by Mr. Pellow.

OPEN TO THE PUBLIC

Michael Malone, 59 Trinity Street, read from a prepared statement. Mr. Malone addressed several concerns including the lack of public participation at the Town Council meetings as well as the lack of communication via mail from the Town. Mr. Malone also addressed concern with the expense of the crosswalks to be replaced on Spring Street.

Mayor Elvidge and the members of the Town Council addressed several areas of Mr. Malone's concerns.

Councilman Levante suggested the Council meetings should be televised or streamed online and was advised by Mr. Russo the online streaming suggestion is being reviewed.

Bill Nannery, 33 Plainfield Avenue, commended the Town on the newsletters sent out to the residents. Mr. Nannery suggested that a video of the meetings be placed on the website due to many residents having satellite dishes. Mr. Nannery also suggested the Town review the option of painting the crosswalks instead of using pavers and would be at a lower cost.

Mayor Elvidge concluded Newton residents obtain their information in all different facets (ie. Newspapers, website, newsletters) and believes the Town does a good job with getting the information disseminated to the public.

Evelyn Gould, 32 Liberty Street, complained that she sees furniture on the sidewalks when walking into Town and was instructed to call the Town Manager's office if the items are there for more than a few days.

COUNCIL & MANAGER COMMENTS

Mr. Russo congratulated the Police Chief for the recent event, "Cone with a Cop" sponsored by Newton PD.

Councilwoman Becker congratulated Mr. Russo on his 7th anniversary with the Town of Newton.

Councilman Levante suggested the Town review the Newton Parking Authority

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due to the financial struggles. Mr. Levante also suggested the Town reviewed the opportunity to have a shared service with the Newton Human Resource Department and the Newton Board of Education.

Councilwoman Diglio thanked New Jersey Herald for the recent article regarding ALS awareness.

Mayor Elvidge also commented on the ALS article in the New Jersey Herald as well as the great photo of Philip Diglio, former Councilman.

ADJOURNMENT

There being no further business to be conducted, upon motion of Deputy Mayor Flynn, seconded by Mr. Levante and unanimously carried, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lorraine A. Read". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Lorraine A. Read, RMC
Municipal Clerk