

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 Angelo J. Bolcato, 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 Mrs. Diglio, seconded by Deputy Mayor Flynn, and carried, the minutes of August 25, 2014 Regular Meeting were approved.

**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."*

Jonathan Andrews, SpringBoard Shoppes, 145 Spring Street, requested the Town apply for a grant called, ArtPlaceAmerica Grant. Mr. Andrews read from a prepared statement: "Here is the basic overview of this Grant Opportunity and what we need to do to take advantage of this opportunity. Please give me your input.

ArtPlaceAmerica (<http://www.artplaceamerica.org/>) will be soliciting major grant applications for submission in early November. APA pools resources from a number of major organizations, such as the Ford and Mellon Foundation, and has awarded grants averaging over \$300,000 in recent years toward the following goal:

"Creative place making as a means of investing in art and culture at the heart of a portfolio of integrated strategies that can drive vibrancy and diversity so powerful that it transforms communities."

Our downtown already has a number of self-sustaining Arts related organizations. Here is a partial list – The Newton Theatre, Spring Street Art Center, D'Marge Dance Studio, Mirage Productions Inc., Lou's Music. We have 501C3 Arts groups – Tri-State Actors' Theater, Sussex County Arts and Heritage Council, New Sussex Symphony, Sussex

County Oratorio Society and more. In addition we have outstanding musicians, artists, poets, chefs and more.

We also have very affordable real estate, with many apartments being upgraded. Our community can be a very attractive home to artists, musicians, etc. that find locations closer to NYC too expensive.

Last year I worked with SCAHC on an Impact 100 grant and did preliminary work on the ArtPlaceAmerica grant. Our focus was to create a performance/rehearsal/gallery space available to artists, musicians and others. While that can remain a part of this application, our goal is to develop something much more extensive in the community.

One trigger for this initiative was Tri-State Actors' Theater loss of venue when SCCC changed their Performing Arts Center to classroom space. A smaller performance venue for them can be cross-utilized for musical and stage presentations by others. The Newton Theatre (completely on board with this new venue) is not practical for smaller or longer running productions.

We need wide-ranging input and expertise from the community to meet ArtPlaceAmerica's criteria. If we get that support, we may move forward in this project even if the grant is unsuccessful this year.

This list of 15 questions shows many areas needing attention. Please consider them and volunteer areas where you can help or where you know of others who would like to be included in this effort. (<http://www.artplaceamerica.org/articles/15-questions-to-ask-about-creative-placemaking-proposals/>).

Mr. Andrews gave copies to the Municipal Clerk to distribute to Council. Council thanked Mr. Andrews for his presentation.

Jackie Espinoza, representative of JCP&L, congratulated Council on being on the front cover of the Sussex County Chamber of Commerce magazine. Ms. Espinoza updated Council on various items: a phone scam (caller requested money immediately or JCP&L will shut off electric) and she confirmed it is not the practice of JCP&L and therefore is a phone scam. Ms. Espinoza also advised that JCP&L will be conducting an aerial patrol. She apologized for neglect of property maintenance in

Newton and advised she has contacted the landscaping company to rectify the issue. Ms. Esposito also advised Council that JCP&L will be providing a financial contribution for the Town's 1<sup>st</sup> Annual Country Cool event to take place on October 18<sup>th</sup>.

**COUNCIL & MANAGER REPORTS**

**A. Proclamations**

At this time, Mayor Elvidge and Councilwoman Diglio presented a proclamation to Megan Young and Barbara De Pasquale.

**PROCLAMATION**

**150<sup>th</sup> Anniversary Celebration**

**2<sup>nd</sup> Place Winner**

**WHEREAS**, students from Sussex County Community College were asked to partake in a contest to create a proclamation for the 150<sup>th</sup> Anniversary Celebration for the Town of Newton; and

**WHEREAS**, Megan Young began drawing at the age of 7. Ms. Young recovered from a chronic head injury. She won first place in an art contest in the State of Florida. Ms. Young graduated high school and moved to New Jersey. Ms. Young was hired by Sussex County Community College as a graphic design assistant. Ms. Young is currently in her second year of college; and

**WHEREAS**, Ms. Megan Young is the 2<sup>nd</sup> place winner;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim **Megan Young** the 2<sup>nd</sup> place winner of the 150<sup>th</sup> Anniversary Celebration Proclamation Contest and thank her for an excellent job on this project.

Mayor Elvidge and Councilwoman Diglio presented a proclamation to Barbara De Pasquale for 1<sup>st</sup> place winner for the 150<sup>th</sup> Anniversary.

**PROCLAMATION**

**150<sup>th</sup> Anniversary Celebration**

**1<sup>st</sup> Place Winner**

**WHEREAS**, students from Sussex County Community College were asked to partake in a contest to create a proclamation for the 150<sup>th</sup> Anniversary Celebration for the Town of Newton; and

**WHEREAS**, graphic design was a personal interest to Barbara De Pasquale and she was able to go to school as an adult to pursue this opportunity. Through graphic design she is able to utilize this as a tool to communicate through art. Ms. De Pasquale utilized different techniques to process the paper. She experimented with the ink to choose the color along with research on calligraphy and embellishments. Ms. De Pasquale graduated in May of 2014 with a degree in graphic design; and

**WHEREAS**, Ms. Barbara De Pasquale is the winner;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton,

hereby proclaim **Barbara De Pasquale** the winner of the 150<sup>th</sup> Anniversary Celebration Proclamation Contest and thank her for an excellent job on this project.

**B. Newton Fire Department Request**

Mr. Russo read a communication from Fire Chief Derek Wechtler for permission to have an open house celebration following the 2014 Sussex County Fireman's Inspection Day Parade to be held on Saturday, October 4<sup>th</sup> in Hampton Township.

After a brief discussion, Council unanimously granted permission to hold an open house celebration at the Mill Street firehouse following the Sussex County Fireman's Inspection Day Parade on October 4<sup>th</sup>.

Mr. Russo advised Council that the Town will be hosting a sexual harassment/ethics training seminar for the Town Council at 6:00 p.m. on September 22, 2014, prior to the next Council meeting.

Mr. Russo thanked the Chamber of Commerce, DPW, Police, and everyone involved for the successful Taste of Newton held on Monday, September 8, 2014.

Mr. Russo also advised Council of the annual 9/11 ceremony to take place on Thursday, September 11<sup>th</sup> beginning 8:30 a.m. at Sussex County Community College.

Mr. Russo introduced Kevan Ali and Ken Ali, who recently filmed a video at Memory Park.

Kevan Ali introduced himself and his Dad, Ken. Kevan Ali, with the assistance of his Dad, wrote the script while Kevan directed same. Kevan outlined the video which portrays a message of tolerance. Kevan proceeded to show the 10 minute video to the Governing Body.

Ken Ali addressed the Council and thanked the Town for the support of his son, as well as the video. Mr. Ali believes that this video will raise awareness of tolerance through social media. Ken then introduced Carmen (a cast member) to present the Council with a banner, signed by all the cast and used in the video which reads: "Music + Dance = Love".

Mayor Elvidge thanked all involved for the "message" portrayed and for using Newton as a backdrop in the video.

**ORDINANCES**

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

**ORDINANCE #2014-17**

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

**WHEREAS**, the Mayor and Town Council of the Town of Newton desire to amend the Town Code to revise the Department of Code Enforcement to eliminate the two divisions of said department and to establish an additional department entitled Uniform Construction Code Department; and

**WHEREAS**, said change will reflect the different responsibilities of the two departments; and change the title of the position responsible for the Department of Code Enforcement;

**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 3-26 shall be amended by the addition of Section 3-26.A(12) as follows:

(12) Uniform Construction Code Department.

**SECTION 2.** The Title of Article XXVIII is repealed and replaced as follows:

“Department of Code Enforcement and Uniform Construction Code Department”

**SECTION 3.** Section 3-85 and Section 3-87 are repealed and replaced by new Section 3-85 as follows:

**§3-85 Department of Code Enforcement.**

There shall be a Department of Code Enforcement, the head of which shall be the Code Enforcement Director appointed by the Town Manager. The Department shall be responsible for administering and/or coordinating and enforcing the Property Maintenance Code.

**SECTION 4.** The title and first paragraph of Section 3-86 is amended and replaced as follows:

**§3-86 Uniform Construction Code Department.**

There shall be a Uniform Construction Code Department which shall come under the direction of the Construction Official and shall include the following responsibilities:

**SECTION 5. 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 6. 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 7. Effective Date.** This Ordinance shall take effect immediately upon 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. Levante, seconded by Deputy Mayor Flynn and unanimously carried, the hearing was closed.

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

Mrs. Becker	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
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 #2014-18**

**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**

**WHEREAS**, the Newton Town Council adopted Ordinance 2013-30 to establish minimum and maximum salaries and wages for officers and employees of the Town of Newton for calendar year 2014 at their meeting on December 9, 2013; and

**WHEREAS**, there is a need to amend certain provisions of Ordinance 2013-30;

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

**Schedule "A" shall be amended as follows:**

<u>LEVEL</u>	<u>HOURLY</u>		<u>35 HRS / WK</u>		<u>40 HRS / WK</u>		<u>IRREGULAR HOURS ANNUALIZED</u>
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	
9	\$13.75	\$43.00	\$25,000	\$80,000	\$30,000	\$90,000	
10	\$16.50	\$46.00	\$30,000	\$85,000	\$35,000	\$95,000	

**Schedule "B" shall be amended to include the following:**

**Level 10**

The Title "Human Resources Manager" be changed to read "Human Resources Director".

The Title "Code Enforcement Director" be added.

The Title "Municipal Department Head" be added.

Mayor Elvidge opened the hearing to the public.

There being no one 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	

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

**a.) Special Improvement District (SID)**

Mayor Elvidge noted that there is no update on SID at this time.

**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 #165-2014\***

**NORTH JERSEY MUNICIPAL EMPLOYEE FUND RESOLUTION TO RENEW**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

**WHEREAS**, the governing body of the Town of Newton, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a. Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

**RESOLUTION #166-2014\***

**REAFFIRM THE ISSUANCE OF A \$3,411,575 BOND ANTICIPATION NOTE**

**WHEREAS**, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes (BAN's) to provide temporary financing for the Town; and

**WHEREAS**, the Town of Newton needed to finance the debt authorized by Ordinances #2012-13 adopted April 9, 2012, #2013-11 adopted April 22, 2013, #2014-3 adopted March 10, 2014, and #2014-6 adopted April 14, 2014; and

**WHEREAS**, the Town received five quotations ranging from 1.05% to .636% NIC as listed on the attached Note Sale Bid Results; and

**WHEREAS**, the Chief Financial Officer with advice of Phoenix Advisors, financial advisors and McManimon, Scotland and Baumann, bond counsel for the Town of Newton, accepted the quotation of Jefferies LLC for a Bond Anticipation Note totaling \$3,411,575 at a net interest cost (NIC) of .636%, and an interest payable in 2015 of \$21,669.98; and

**WHEREAS**, the appropriate Town Officials have executed said Note in the amount of \$3,411,575 with an interest rate of .636% dated August 28, 2014 for a term of 359/360 days and maturing August 27, 2015; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby affirm the issuance of a \$3,411,575.00 Bond Anticipation Note issued August 28, 2014 and maturing August 27, 2015 bearing an interest rate of .636% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

**RESOLUTION #167-2014\***

**APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM**

**WHEREAS**, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

**WHEREAS**, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 15, 2014 as part of the annual "Festival of Lights"; and

**WHEREAS**, the Sussex County Fire Marshal, Joseph C. Inga, has advised that the application for said fireworks display is complete and in order;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 15, 2014 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

**BE IT FURTHER RESOLVED** that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshal, Joseph C. Inga.

**RESOLUTION #168-2014\***

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1915-33-009-004**

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal application for Plenary Retail Consumption License No. 1915-33-009-004 pursuant to N.J.S.A 33:1-12.39 be issued to Sakel-Grapsas, Inc., 144 Spring Street, Newton, New Jersey, effective July 1, 2014.

**RESOLUTION #169-2014\***

**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**

114.98	Quill Corporation	34036
163.00	MGL Forms- Systems, LLC.	34037
561.50	Pellow, Harold & Assoc., Inc.	34038
265.89	CCP Industries, Inc.	34039
14,365.96	JCP&L	34040
125.85	Centurylink Communications, Inc.	34041
35.00	Centurylink Communications, Inc.	34042
582.15	Campbell's Small Engine Inc.	34043
75.75	Tri-State Rentals, Inc.	34044
339.16	Willco, Inc.	34045
25.00	NJLM	34046
275.00	Minisink Press Inc.	34047
206.24	Sebring Auto Parts, Inc.	34048

September 10, 2014

152.98	Sherwin-Williams, Inc.	34049
100.00	Greater Newton Chamber of Comm.	34050
1,850.31	Newton Soccer Club	34051
751.81	Vision Service Plan	34052
734.00	Rutgers Center for Gov't Service, Inc.	34053
190.74	Verizon Wireless, Inc.	34054
140.00	NJRPA	34055
3.67	Walmart	34056
812.50	Alternate Power Inc.	34057
84.37	Cooper Electric Supply Co.	34058
705.00	Vogel, Chait, Collins, Schneider, PC	34059
590.12	Home Depot, Inc.	34060
294.00	RR Donnelley	34061
234.05	Rogo Fastener Co., Inc.	34062
49.43	UPS Store	34063
582.28	Emergency Medical Products	34064
1,107.14	Staples Business Advantage, Inc.	34065
595.82	Staples Business Advantage, Inc.	34066
76.69	Nestle Waters, Inc.	34067
1,411.06	Taylor Oil Co., Inc.	34068
632.32	General Code, LLC	34069
35.00	Tire King, Inc.	34070
495.00	NJLM	34071
385.00	Code 96 LLC	34072
1,027.50	Extra Tech Data Services, LLC.	34073
475.00	D. Lovenberg's Portable Toilet Rental	34074
57.50	J. Caldwell & Associates, LLC.	34075
64.97	Sussex Bike & Sport	34076
139.73	Tri-State Rentals/ Party World Inc.	34077
185.40	Straus News, Inc.	34078
310.00	Language Works, Inc.	34079
1,500.00	NJ Hall of Fame Mobile Museum	34080
52.00	Ms. Ludmilla Mecaj	34081
417.00	Miracle Chemical Co	34082
60.29	Lifesavers, Inc.	34083
240.00	Marin Consulting Associates	34084
94.00	AAA	34085
150.00	Verizon Wirelss- Lert B	34086
25.60	Joseph Zukowski	34035
360,400.00	Bank of New York	141059
15,385.42	TD Bank, N.A.	141058
1,011,421.50	Newton Board of Education	141057
192,783.08	Payroll Account	141056

**CAPITAL**

6,664.00	Pellow, Harold & Assoc., Inc.	8323
1,638.21	McManimon, Scotland & Baumann, LLC	8324
600.00	FKA Architects, Inc.	8325
2,817.00	Code 96 LLC	8326
547.00	RJR Engineering Co., Inc.	8327
67,855.00	Alliance Bus group, Inc.	8328
9,886.08	Commercial Interiors Direct Inc.	8329

**Total TOWN BILLS \$1,703,945.02**

**WATER AND SEWER ACCOUNT**

9,160.00	Pellow, Harold & Assoc., Inc.	14450
11,734.27	JCP&L	14451

375.00	Pumping Services, Inc.	14452
14,093.10	Coyne Chemical Corp., Inc,	14453
1,140.00	Garden State Laboratories Inc	14454
148.41	Airgas East	14455
211.90	Vision Service Plan	14456
559.97	JCI Jones Chemicals, Inc	14457
5,420.00	Passaic Valley Sewerage Comm.	14458
1,335.00	Alternate Power Inc.	14459
86.43	Cooper electric Supply Co.	14460
46.16	Home Depot, Inc.	14461
1,521.60	Kistler O'Brien Fire Protection, Inc.	14462
608.91	Airmatic Compressor Systems, Inc.	14463
1,027.50	Extra Tech Data Services, LLC.	14464
938.25	Sparta Postmaster	14449
35,382.35	Payroll Account	146027

**CAPITAL**

972.50	Pellow, Harold & Assoc., Inc.	2356
--------	-------------------------------	------

**Total WATER & SEWER BILLS \$84,761.35**

**TRUST ACCOUNT BILLS**

1,747.50	Pellow, Harold & Assoc., Inc.	3283
68.38	Weise Markets, Inc.	3284
766.74	Staples Business Advantage, Inc.	3285
1,477.46	Country Club ice Cream, LLC.	3286
2,388.51	Payroll Account	147115

**Total TRUST ACCOUNT BILLS \$6,448.59**

**DEVELOPERS ESCROW ACCOUNT BILLS**

187.50	Pellow, Harold & Assoc., Inc.	1194
417.50	Edward J Buzak	1195

**Total DEV. ESCROW ACCOUNT BILLS \$605.00**

**FEDERAL / STATE GRANTS**

799.37	Shop Rite, Inc.	1128
124.54	Payroll Account	141108

**Total FEDERAL / STATE GRANTS \$923.91**

The Clerk presented an application for a permit for a Social Affair from Karen Ann Quinlan Memorial Foundation, 99 Sparta Avenue, Newton to be held on November 2, 2014 from 6:00 p.m. to 10:00 p.m. and April 2, 2015 from 6:00 p.m. to 10:00 p.m. at Krave Café and Caterer, 102 Sparta Avenue, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

The Clerk presented an application for a permit for a social affair from the

Newton Fire Museum, Inc., 150 Spring Street, Newton to be held on Saturday, October 18, 2014 from 10:00 a.m. to 6:00 p.m. at Sussex County Community College, One College Hill Road, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

A motion was made by Mrs. Diglio 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.) Zoning Map Ordinance- Draft**

Mr. Russo reviewed a draft Zoning map ordinance with the Governing Body, explaining the changes needed and recommended by the Town Planner. After a brief discussion, Council agreed to the recommended amendments as submitted. Mr. Russo directed Mrs. Millikin to work with Jessica Caldwell, Town Planner, on same.

**b.) Tax Exempt Properties**

Mr. Russo outlined a project which he has been working on surrounding the burden of tax exempt properties. This issue has been discussed with the Council numerous times and Mr. Russo has drafted a letter to all tax exempt properties. Mr. Russo advised that 30% of the properties in Newton are tax exempt. Specifically, they do not pay any municipal, county or school taxes. While the Town greatly appreciates these organizations, there is an untenable long-term financial burden placed on other property owners in Town. Mr. Russo noted the tax exempt properties are not paying for the Department of Public Works or public safety activities such as our Police, Fire or EMS agencies. He further noted in order to facilitate a more equitable division of financial resources for our taxpayers, he has drafted a letter to ask all tax exempt organizations to consider a Payment in Lieu of Tax (PILOT) program. He specifically outlined the property assessed value as well as the annual equivalent amount of municipal taxes in the letters.

Mr. Russo further explained this will be a two phase project. Phase 1 is to obtain

approval from Council for the letter content as well as sending out the letters to the appropriate organizations. Phase II which will be discussed at the next Council meeting to address this issue throughout the State of New Jersey.

Mr. Russo outlined the details of each of the 29 letters to be sent to the tax exempt property owners.

Mayor Elvidge expressed his support of the letter and believes this issue has been increasing over the years and needs to be addressed.

Councilman Levante supports the letter also agrees with the concept of obtaining financial assistance from tax exempt properties.

Deputy Mayor Flynn was reserved with some of the organizations which would be included in the PILOT. He suggested that the County of Sussex, Sussex County Community College and the Newton Memorial Hospital be removed from the list. Deputy Mayor Flynn recommended the Town pursue State Legislation regarding the tax exempt burdens placed on all municipalities.

Councilwoman Diglio expressed her support of mailing all 29 letters to the appropriate organizations.

Councilwoman Becker expressed her support with mailing all 29 letters as presented by Mr. Russo and agrees the Town should pursue State Legislation surrounding the burdens of tax exempt properties in all municipalities.

In addition to mailing, Mr. Russo suggested that he would meet directly with the Administrators of the three organizations (three largest organizations) to address the letter with them. Mr. Russo added he would also meet with the Administrator of the Newton Housing Authority.

After a brief discussion, upon motion of Deputy Mayor Flynn, seconded by Mr. Levante, to authorize Mr. Russo to mail 25 tax exempt letters and to hand deliver and meet with 4 Administrators regarding same and roll call resulted as follows:

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

**OPEN TO THE PUBLIC**

Anwar Qarmout, 45 Woodside Avenue, questioned why the Town pays taxes to Sparta Township for our property at Morris Lake and was advised by Mr. Russo that there is a State law that mandates same. Mr. Qarmout questioned whether the Town could then utilize that same law for tax exempt properties located in Newton and was advised that Mr. Russo will review with legal counsel. Mr. Qarmout agreed with the concept and suggested the letter advise this is an annual contribution.

**COUNCIL & MANAGER COMMENTS**

The Council had no further business to be discussed.

**EXECUTIVE SESSION**

A motion offered by Mrs. Diglio, seconded by Deputy Mayor Flynn to enter into Executive Session, and roll call resulted as follows:

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

**RESOLUTION #170-2014**

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Contract Negotiations

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on September 10, 2014, that an Executive Session closed to the public shall be held on September 10, 2014, at 8:20 pm in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

Council came out of Executive Session at 9:20 p.m.

September 10, 2014

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mr. Levante and unanimously carried, the meeting was adjourned at 9:21 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned to the right of the typed name.

Lorraine A. Read, RMC  
Municipal Clerk