

October 27, 2014

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:07 p.m. Present were Mrs. Diglio, Mrs. Becker, Mr. Levante, Deputy Mayor Flynn, Mayor Elvidge, Thomas S. Russo, Jr., 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. Levante, seconded by Deputy Mayor Flynn, and carried, the minutes of October 15, 2014 Regular Meeting and were approved. 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."

Neil Flaherty, 154 Sparta Avenue, addressed concerns with the Professional Service Agreement for Resolution #199-2014 under Article 4, "Insurance" and after providing some suggestions, requested the Town have the Town Insurance agent review same.

Jonathan Andrews, owner of SpringBoard Shoppes, 145 Spring Street, addressed Council and invited them to a reception on Saturday, November 1st from 6 – 8 pm for an opening reception of "Creativity Made Visible", paintings by Vincent Buchinsky at Spring Street Art Center, 145 Spring Street. These paintings will be on display until November 30, 2014.

Mr. Andrews updated Council on the activities at the SpringBoard Shoppes with regard to the Tri-State Actors group. Mr. Andrews requested Council to comment and review the prepared page of the ArtPlaceAmerica Grant:

"A concise description of your project: (be judicious in crafting a SHORT

description that accurately describes your community, what is distinctive about it, what your challenge is, and how you propose to address that challenge. Before submitting your application, confirm that this description is a precise picture of the work you are proposing to do) 350 characters with spaces.

Downtown Newton is an architecturally distinctive, rural county seat in Northwest New Jersey. The typical loss of retail businesses due to malls and box stores led to chronic vacancies. The presence of many Section 8 housing multi-tenant buildings has contributed to a perception of 'down at the heels.' However, many independent retailers have created positive 'points of light.'

A number of arts related businesses and individuals, both non-profit and for profit are present in the area. Activity related to the arts can be a powerful generator of traffic for the downtown. This type of activity can replace the traffic lost to mall and box stores.

Our lead organization, Tri-State Actors Theater (TSAT), an equity theater company, presently has its office (rent free) at 145 Spring Street, a former Woolworths centrally located on Spring Street. The building is presently a for profit retail incubator opened in 2008, which has hosted 6 businesses that have moved on to their own spaces. One of their present tenants, the Spring Street Art Center, is a year old center with gallery, art lessons and events.

TSAT, which has operated for 20 years in the county, recently lost their venue at the Sussex County Community College when they changed their Performing Arts Center to classrooms. Our grant application is to create a Performance Space within 145 Spring Street which will allow TSAT to perform its traditional 2 annual 2 week productions, its traditional summer student production, and continue to perform staged play readings as have already been occurring in our gallery space.

A performance space cannot be self-sustaining with just TSAT. So our goal is to create a pace with many other activities built on what is already present in the community. Seating and staging in the space will easily be stored, so the space can continue to be used as an art gallery and space for art lessons. Other performers will also be recruited to use the space for performances and rehearsals. Some of these will

take advantage of our existing retail coffee shop.

In conjunction with this we will involve visual artists in a mural painting project in the alleys leading from our parking lots to Spring Street. We will also involve some of our local Section 8 residents in beautification projects in conjunction with our local Master Gardeners group."

Deputy Mayor Flynn advised Mr. Andrews that he and Mayor Elvidge would like to schedule a time to walk throughout the Town to address his concerns of code enforcement issues. Mr. Andrews indicated anytime is good with him.

COUNCIL & MANAGER REPORTS

A. Best Practices Worksheet- Dawn L. Babcock, CFO

Dawn Babcock read from a prepared speech.

"In August 2010 the Christie Administration released guidelines for the Best Practices toolkit initiative. The first Best Practices list was five pages, 88 questions, in black and white. You have the 2014 Best Practices Worksheet for Calendar Year 2014 which is 19 pages, 50 questions, and is color coded. Newton has been preparing these questionnaires for 5 years now.

The topics cover General Management, Finance and Audit, Procurement, Budget Preparation, Health Insurance, and Personnel. The Inventory encourages municipalities to embrace practices that promote financial accountability, sound management, and transparency.

The Chief Administrative Officer and the Chief Financial Officer have to certify the Inventory. The Clerk must certify that the results of the Inventory are discussed at a public meeting.

After a thorough review by Tom, Deb, Tracy, me and reaching out to other department heads the Inventory that is before you has been submitted to the state by the October 17th deadline. Out of 50 questions, Newton had a score of 44 answered Yes, N/A, or Prospective resulting in a score of 88%. The Town will receive 100% of state aid. Municipalities must score or answer 41 or greater answers affirmative to receive 100% state aid.

Depending on which state aid figure the state would use, Newton could lose between \$9,770- \$10, 259 for every 1% reduction.

While Newton will receive all its state aid, completion of this Inventory has prompted management to review some of the questions in further depth to see if policies should be implemented to further improve the function and accountability of the Town." Council thanked Mrs. Babcock and had no questions on the Town's Best Practices submittal.

B. Regionalization Study- Linda Murphy, LKM Consulting

Linda Murphy, owner of LKM Consulting, made a lengthy presentation and outlined the 98-page Shared Service Feasibility Study for Newton, Andover Township and Andover Borough for Department of Public Works. Ms. Murphy first thanked all of the individuals who assisted in the study. Ms. Murphy advised the study provides options for sharing Department of Public Works (DPW) services between the Town of Newton, Township of Andover, and Borough of Andover, with Newton as the lead agency. The goals associated with this initiative were identified as evaluating new ways to improve efficiency in service delivery, maintaining or improving the quality of service, and reducing the costs of providing these services for the municipal participants. Ms. Murphy outlined four (4) options for achieving the feasibility study goals: Option 1) Integration of Newton's DPW/W&S Organizations; Option 2) Individual Shared Services and/or Menu of Available Equipment and Personnel; Option 3) Municipal Partnership for DPW Shared Services; and Option 4) Implementation of Multiple Restructuring Options.

Under Option 1, Ms. Murphy outlined the financial projection for 2014 to 2018. The total savings using the 2014 salaries as a baseline are projected to be nearly \$400,000. Over a 5-year period, savings from a DPW/W&S integrated operation will be in excess of \$2 million. This assessment of potential savings does not address the allocated unloaded salaries of various Town Hall employees that are attributable to the W&S Utility. Ms. Murphy proceeded to outline the additional Options and the savings associated with same.

After a lengthy discussion, Mr. Russo advised that he would recommend moving forward with Option 1: Integration of Newton's DPW/W&S Organizations. This option integrates the management of Newton's DPW and Water & Sewer Utility organizations together under the same Municipal Department Head. Mr. Russo noted he will further pursue Option 2: Individual Shared Services and/or Menu of Available Equipment and Personnel. This option would keep the Newton and Andover Township DPW's intact as separate entities and leaves the current service delivery agreement with Sussex County in place for Andover Borough. This option simply builds on current sharing arrangements by offering additional sharing of facilities, equipment and personnel.

Mr. Russo will move forward with Option 1 and have an Ordinance prepared prior to year end. The Council thanked Ms. Murphy for a thorough feasibility study.

ORDINANCES

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

ORDINANCE #2014-19

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF NEWTON BY ADOPTION OF THE REVISED TRANSECT ZONE MAP, ATTACHMENT 1 OF CHAPTER 320, ENTITLED "ZONING"

WHEREAS, the Mayor and Town Council of the Town of Newton find that the Transect Zone Map of the Town of Newton, Attachment 1 of Chapter 320 entitled "Zoning", as referred to in §320-2 of the Newton Code, is in need of revision due to errors in the originally adopted Transect Zone Map; and

WHEREAS, it has been brought to the attention of the Mayor and Town Council that Block 14.05, Lots 8, 9, 10 and 12 were incorrectly designated on the Transect Zone Map as Special District 6: School District; and

WHEREAS, Block 14.05, Lots 8, 9, 10 and 12 were instead intended to be designated as part of the T-5- Town Core Support Area/Neighborhood Cores on the Transect Zone Map;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

Section 1. The Code of the Town of Newton is hereby amended by replacing the existing "Transect Zone Map" with the revised "Transect Zone Map" prepared by Harold E. Pellow & Associates, Inc., dated September 3, 2014.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances or resolutions that are

inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 4. The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Newton Planning 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. This Ordinance shall 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 Deputy Mayor Flynn, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Levante, who moved its adoption, 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		

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 #2014-21

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$7,000.00 FOR ENGINEERING/ SURVEY AT WATER SEWER RESERVOIR LOT 3, BLOCK 4.05 IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1. \$7,000.00 is hereby appropriated from the Water Sewer Capital Fund Reserve For Water Tower/Property Improvements for engineering and survey costs at the Water Reservoir Lot 3, Block 4.05, also known as 150 High Street, including all costs necessary therefore or incidental thereto:

Section 2. The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

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

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 introduction.

ORDINANCE #2014-22

AN ORDINANCE REVISING SECTION 307-55 OF THE CODE OF THE TOWN OF NEWTON TO DESIGNATE ART ALLEY AS PEDESTRIAN ONLY AND A SEPARATE PORTION OF ART ALLEY FOR TWO-WAY VEHICULAR TRAFFIC

The following **ORDINANCE** was offered by Mrs. Diglio, 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 November 10, 2014.

OLD BUSINESS

a.) Special Improvement District (SID)

Mr. Russo advised the Power-Point presentation for the Special Improvement District (SID) will take place on Monday, November 24, 2014 at 7:00 pm. Mr. Russo will send a postcard to all commercial property owners within the SID advising of the upcoming presentation.

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.

Deputy Mayor Flynn pulled Resolution #193-2014 and #199-2014 for separate discussion.

RESOLUTION #194-2014*

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:

Matilda Diaz
Nuell Higgins
Ruth Stang

RESOLUTION #195-2014*

APPROVE CHANGE ORDER NO. 1 FOR THE DILLER AVENUE, STUART STREET AND TOWNSEND STREET PORTION OF THE PAVING OF VARIOUS STREETS PROJECT

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #140-2014 on July 28, 2014 awarding the contract for the Paving of Various Streets project to Tilcon New York, Inc., 625 Mt. Hope Road , Wharton, New Jersey through Contract #6 Road Resurfacing in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads; and

WHEREAS, the Town Engineer in his letter dated October 21, 2014 recommends the approval of Change Order No. 1 for the Diller Avenue, Stuart Street, and Townsend Street portion of the Paving of Various Streets Project. This change order will result in an \$1,284.04 decrease in the contract amount to a new contract total of \$122,078.50; and

WHEREAS, the 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 it hereby approves Change Order No. 1 for the Diller Avenue, Stuart Street, and Townsend Street portion of the Paving of Various Streets Project for a new contract total of \$122,078.50; and

BE IT FURTHER RESOLVED, that a copy of Change Order No. 1 be attached to and made part of this resolution.

RESOLUTION #197-2014*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTAIN FOR THE LIBERTY STREET PROJECT

WHEREAS, the Town of Newton is filing a grant application in the amount of \$101,154.00 through the NJDOT Municipal Aid Program for the milling and paving of Liberty Street;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Liberty Street Resurfacing-00507 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

RESOLUTION #200-2014*

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 CREDIT FOR THE FOLLOWING DELINQUENT PENALTIES:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
410	181 Spring St.	\$87.93
19996	9 Trenton Pl.	\$15.32
24330	38 Douma Dr.	\$22.26

RESOLUTION #201-2014*

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

231.84	Quill Corporation	34225
401.97	Montague Tool & Supply, Inc.	34226
646.50	Elizabethtown Gas	34227
1,581.23	G & G Diesel Service Inc.	34228
4,525.10	JCP&L	34229
1,016.12	SCMUA	34230
294.09	Centurylink Communications, Inc.	34231
4,055.28	Centurylink Communications, Inc.	34232
288.00	Hollander, Strelzik, Pasculli, Hinkes	34233
98.97	Campbell's Small Engine Inc.	34234
148.60	Lock & Key World	34235
36.41	Federal Express	34236
100.00	First United Methodist Church	34237
375.00	Treasurer, State of New Jersey	34238
69.60	Galls Incorporated	34239
2,790.78	Weldon Asphalt Company, Inc.	34240
142.00	Minisink Press Inc.	34241
458.75	Diamond Sand & Gravel, Inc.	34242
627.93	Dempsey Uniform & Supply Inc.	34243
604.75	Airgas East	34244
30.00	Sussex County Clerk's Assn.	34245
205.65	Sirchie Finger Print Labs, Inc.	34246
369.12	Boonton Tire Supply Inc.	34247
40.00	Sussex & Warren Tax Coll	34248
1,218.04	Verizon Wireless, Inc.	34249
136.00	Accurate Door, Inc.	34250
195.00	Cerbo's Hampton Nursery Inc.	34251
24.97	Walmart	34252
75.60	Mr. John, Inc.	34253
705.00	Vogel, Chait, Collins, Schneider, PC	34254
111.25	Advance Auto Parts	34255
5.15	Emergency Medical Products	34256
900.70	Staples Business Advantage, Inc.	34257
302.73	Staples Business Advantage, Inc.	34258
96.00	CSS Test Inc.	34259
5.00	Treasurer, State of NJ- Burial	34260
4,497.59	Rachles/Michele's Oil Company, Inc.	34261
2,974.73	Taylor Oil Co., Inc.	34262
59.92	Dawn Babcock	34263
2,250.00	Laddey, Clark & Ryan, LLP	34264
5,192.00	Laddey, Clark & Ryan, LLP	34265
1,222.48	Laddey, Clark & Ryan, LLP	34266
3,698.00	Tire King, Inc.	34267
155.00	Code 96 LLC	34268
689.70	Penteledata	34269
268.07	Woodruff Energy US, Inc.	34270
198.65	Thyssenkrupp Elevator Corp.	34271
115.00	J. Caldwell & Associates, LLC.	34272
253.57	Kimberly Mason-Williams	34273
168.00	Tracy Villaverde	34274
33.04	Carol McNally	34275
450.54	Sunlight General	34276
210.00	USA Hoistco., Inc.	34277
165.00	Leda C Gonzalez	34278
165.00	Old Toledo Brands, Inc.	34279
9,016.00	Lifesavers, Inc.	34280
1,372.40	US Specialty Coatings	34281

October 27, 2014

51.94	TA Ticket Printing, LLC.	34282
475.00	Commerce and Industry Association Of	34283
30.00	Sussex County Community College	34284
90.00	Interviewing Deception	34285
192,974.77	Payroll Account	141069
3,241.00	Federal & State Grant	141068
42.00	County of Sussex Fire Marshall	34224

CAPITAL

44,100.00	Tony's Concrete Construction Co., Inc.	8344
16,580.00	New Jersey Fence & Guard Rail	8345
119,636.93	Tilcon New Jersey, Inc.	8346
328.00	Laddey, Clark & Ryan, LLP	8347
150.00	FKA Architects Inc.	8348
307.80	Atlantic Tactical Inc.	8349
137,520.00	Harter Equipment Inc.	8350
460.00	J. Caldwell & Associates, LLC.	8351
14,565.00	Musco Sports Lighting, LLC.	8352

Total TOWN BILLS \$586,800.26

WATER AND SEWER ACCOUNT

10.82	Quill Corporation	14536
178.95	Elizabethtown Gas	14537
1,296.00	Pumping Services, Inc.	14538
9,925.14	Coyne Chemical Corp., Inc.	14539
36.33	Centurylink Communications, Inc.	14540
3,419.00	Garden State Laboratories Inc.	14541
15,130.83	Sparta Township Tax Collector	14542
40.00	Carr, Joseph	14543
84.22	Sherwin-Williams, Inc.	14544
323.00	Dempsey Uniform & Supply Inc.	14545
1,710.00	Instrumentation Tech Systems, Inc.	14546
203.94	Verizon Wireless, Inc.	14547
1,250.00	Smalley, John	14548
255.76	Advance Auto Parts	14549
54.21	Home Depot, Inc.	14550
200.00	Laddey, Clark & Ryan, LLP	14551
119.90	Penteledata	14552
166.10	One Call Concepts, Inc.	14553
187.18	Woodruff Energy US, Inc.	14554
472.08	Toyota Motor Credit Corp.	14555
838.96	Sunlight General	14556
201.13	Cintas Fire Protection	14557
511.56	R&S Garage Door	14558
33,690.05	Payroll Account	146034
17.42	Thomas S. Russo Jr.	14535

Total WATER & SEWER BILLS \$70,322.58

TRUST ACCOUNT

2,218.75	Pellow, Harold & Assoc., Inc.	3296
1,333.33	Sloan, James P, P.C., Inc.	3297
124.00	Minisink Press Inc.	3298
1,275.00	Vogel, Chait, Collins, Schneider, PC	3299
128.00	Laddey, Clark & Ryan, LLP	3300

October 27, 2014

479.17	Country Club Ice Cream, LLC.	3301
373.75	J. Caldwell & Associates, LLC.	3302
1,159.15	Payroll Account	147119

Total TRUST ACCOUNT BILLS \$7,091.15

DEVELOPERS ESCROW ACCOUNT

150.0	Vogel, Chait, Collins, Schneider, PC	1201
127.98	Ferriero Engineering Inc.	1202
50.00	Edward J Buzak	1203

Total DEV. ESCROW BILLS \$327.98

FEDERAL / STATE GRANTS

65.00	Newton Junior Athletic League	1234
235.25	Staples Business Advantage, Inc.	1235
128.25	Tri-State Rentals/ Party World Inc.	1236
2,544.00	Steered Straight Inc.	1237
3,000.00	Current Account	141110

Total FEDERAL/ STATE GRANTS BILLS \$5,972.50

RESOLUTION #202-2014*

RESOLUTION AUTHORIZING CONVEYANCE OF VEHICLE LIGHT BAR TO THE 200 CLUB OF SUSSEX COUNTY

WHEREAS, the 200 Club of Sussex County ("200 Club") has requested that the Town of Newton donate a used police vehicle light bar that it owns to the 200 Club. The 200 Club intends to install the light bar on a trailer that it owns and uses to promote its activities. The 200 Club raises funds to help fallen police, fire and emergency medical personnel; and

WHEREAS, the Town of Newton has no use for the light bar and it does not fit on its other police vehicles. The value of the light bar is \$200.00, which is under the threshold that requires sealed bids or a public auction for its disposal under N.J.S.A. 40A:11-36(1); and

WHEREAS, the Town Council recognizes and supports the good deeds that the 200 Club performs and desires to assist the 200 Club with its request. N.J.S.A. 40A:11-36(6) authorizes a private conveyance and the Town Council is agreeable to conveying the light bar in consideration of the 200 Club including an acknowledgement of its donation on the trailer to which the light bar will be installed;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the Town Council authorizes the conveyance of the light bar to the 200 Club in consideration of the 200 Club including an acknowledgement on the trailer in recognition of the Town of Newton's donation.

RESOLUTION #203-2014*

REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 22.04, LOT 14

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 State Tax Court Appeal to lower the 2013 assessment on said block and lot; and

WHEREAS, the Tax Office has received this Judgment, which has been issued by the State Tax Court of New Jersey, hereby ordering a reduction in assessment for the tax year 2013 in accordance with N.J.S.A. 54:51A-8 (Freeze Act). This order has resulted in a refund of monies in the total amount of \$849.25 for 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc. is entitled to a refund in the amount of \$849.25; and

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to issue a check in the amount of \$849.25 to Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc., 301 South Livingston Avenue, Suite 105, Livingston, NJ 07039 in accordance with said tax Court of New Jersey's Judgment.

The Clerk presented an application for an off-premise raffle (50/50) from Catholic Academy of Sussex County, 28 Andover Road, Sparta to be held on January 10, 2015 and on March 21, 2015 from 6:00 p.m. to 9:00 p.m. at 20 Jefferson Street, Newton. It was noted the application was in order and accompanied by the prescribed fees.

Prior to roll call, Deputy Mayor Flynn recused himself on check #1202 on Resolution #201-2014.

A motion was made by Mrs. Diglio to approve the modified **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	

Mr. Russo requested Resolution #193-2014 and Resolutions #199-2014 be moved into Executive Session for further discussion.

RESOLUTIONS

RESOLUTION #196-2014

AWARD CONTRACT TO LINCOLN FINANCIAL ADVISORS FOR LOSAP FOR THE NEWTON FIRST AID SQUAD

WHEREAS, the Town of Newton solicited request for proposals based on the State of New Jersey qualified list of companies for the Length of Service Award Program "LOSAP" for the Newton First Aid Squad on September 15, 2014; and

WHEREAS, upon review of the proposals, the Chief Financial Officer recommends award to Lincoln Financial Advisors based off of their proposal and past performance with LOSAP for the Newton Fire Department;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby awards the contract for LOSAP for the Newton First Aid Squad to Lincoln Financial Advisors, Fort Wayne, Indiana and authorizes the Mayor and Clerk to execute any documents related to LOSAP for the Newton First Aid Squad.

A motion was made by Deputy Mayor Flynn to approve the **RESOLUTION #196-2014**, seconded by Mr. Levante and roll call resulted as follows:

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

RESOLUTION #198-2014

ESTABLISH LOSAP FOR THE NEWTON FIRST AID SQUAD WITH THE LINCOLN NATIONAL LIFE INSURANCE COMPANY AND LINCOLN FINANCIAL GROUP

WHEREAS, the Town of Newton has agreed to the establishment of a Length of Service Award Program (LOSAP) Deferred Compensation Plan. This plan is to be made available to all bona fide eligible volunteers who are performing qualified services which is defined as firefighting and prevention services, emergency medical services and ambulance services pursuant to Section 457 of the Internal Revenue Code of 1986, as amended, except for provisions added by reason of the Length of Service Award Program as enacted into federal law in 1997. The establishment of this Length of Service Award Program will also comply with the New Jersey Public Law 1997, Chapter 388 and the Length of Service Award Plan Document; and

WHEREAS, the Town of Newton deems it appropriate to act to ensure retention of existing members and to provide incentives for recruiting new volunteer first aid organization members; and

WHEREAS, the Town of Newton has a Length of Service Award Plan Document that implements the Programs objectives; and

WHEREAS, certain tax benefits could accrue to eligible volunteer First Aid Squad members;

NOW, THEREFORE BE IT RESOLVED that the Town of Newton is adopting a Length of Service Award Program Deferred Plan which is substantially similar to a Plan that has been submitted to the Internal Revenue Service for a Private Letter Ruling. The use of the Ruling is for guidance only and the Town of Newton acknowledges that for Internal Revenue Service purposes, the Ruling of another sponsoring agency is not to be considered precedent; and

BE IT FURTHER RESOLVED by the Town Council of the Town of Newton that, it hereby adopts a Length of Service Award Program Deferred Plan provided by the Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, Plan Identifier: 01-LOSAP-LINCOLN-101700; and

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, has agreed to be the provider for the Town of Newton Length of Service Award Deferred Program and it's eligible volunteers as provided for in its Length of Service Award Plan Document, Plan Identifier: 01-LOSAP-LINCOLN-101700; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group its agent, will provide, for the benefit of the participants, a Multi-Fund Variable Annuity contract as its funding vehicle; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:30-14.37 the Town of Newton solicited proposals for a Length of Service Award Program (LOSAP) from 2 or

more providers of LOSAP services. The Vendors responding to the request for proposals were Lincoln National Life Insurance Company and Lincoln Financial Group its agent and VFIS. The successful vendor is Lincoln Life Insurance Company and Lincoln Financial Group, its agent. The Town of Newton reviewed both proposals of the responding companies. Lincoln National Life Insurance Company was selected because of the level of service, the financial stability of the company, features of the plan's investment options and references; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, in the selection of a provider pursuant to N.J.A.C. 5:30-14-29;

BE IT FURTHER RESOLVED that the Chief Financial Officer or Town Manager are authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, Plan Identified: 01-LOSAP-LINCOLN-101700, and such other agreements as are necessary to implement the LOSAP Deferred Program. It is implicitly understood that there is to be no cost other than the Service Award by the Town of Newton to the program; and

BE IT FURTHER RESOLVED that the Chief Financial or Town Manager are authorized to serve as the "Local Plan Administrator" of the plan, represent the Town of Newton, and execute individual Participation Agreements between Lincoln National Life Insurance Company and Lincoln Financial Group, its agent and bona fide eligible volunteers.

A motion was made by Mr. Levante to approve the **RESOLUTION #198-2014**, seconded by Mrs. Becker and roll call resulted as follows:

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

DISCUSSION

There was no further discussion.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Deputy Mayor Flynn inquired whether a letter of support or a Resolution could be prepared for the ArtPlaceAmerica Grant. Mr. Russo and Mrs. Millikin will review Mr. Andrews application submitted this evening and create a letter of support prior to the application submittal, if approved.

EXECUTIVE SESSION

A motion offered by Mrs. Becker, seconded by Mr. Levante to enter into Executive Session, and roll call resulted as follows:

October 27, 2014

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

Mr. Russo read the following Resolution for Executive Session.

RESOLUTION #204-2014

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 items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Personnel
- (2) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on October 27, 2014, that an Executive Session closed to the public shall be held on October 27, 2014, at 8:06 PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items 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 11:14 p.m.

A motion was made by Deputy Mayor Flynn to approve the **RESOLUTION #193-2014**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	No
Mayor Elvidge		Yes	

RESOLUTION #193-2014

AUTHORIZE EMPLOYMENT AGREEMENT OF MICHAEL S. RICHARDS AS POLICE CHIEF

WHEREAS, the Town of Newton, by way of Resolution #185-2010, appointed Michael S. Richards to be the Acting Police Chief effective November 5, 2010, and Police Chief effective January 1, 2011; and

WHEREAS, an Employment Agreement with Michael S. Richards., was executed and memorialized via Resolution #185-2010, effective November 5, 2010 through December 31, 2014; and

WHEREAS, Michael S. Richards., desires to continue employment as Police Chief for the Town of Newton through December 31, 2019; and

WHEREAS, the parties therefore have prepared an Employment Agreement, dated October 27, 2014, entered into by the Town of Newton and Michael S. Richards; and

WHEREAS, the Employment Agreement was accepted and executed by Michael S. Richards;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the Town Manager and Municipal Clerk are hereby authorized to execute said Employment Agreement dated October 27, 2014, with Michael S. Richards, on behalf of the Town of Newton, and said agreement will be placed on file in the Municipal Clerk's Office.

A motion was made by Deputy Mayor Flynn to approve the **RESOLUTION #199-2014**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Diglio	Yes	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	No
Mayor Elvidge	Yes		

RESOLUTION #199-2014

AWARD CONTRACT TO WILLIAM GRENNILLE, LLC AS LICENSED WATER SYSTEM OPERATOR FOR 2015

WHEREAS, there exists a need for a licensed operator for the Town of Newton's water system and to assist with the sewer system in the absence of the Town of Newton's licensed sewer operator for the calendar year 2015; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, William Grennille, LLC, has indicated that all such services will be rendered to the Town of Newton on the basis of a 35 hour work week consisting of five (5) days per week for the sum of \$2,000 per week. Overtime services above the 35 hours per week to be billed at the rate of \$57.15 per hour, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, William Grennille, LLC agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection

3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and William Grennille, LLC agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3;

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

- 1) The Agreement for Professional Services between the Town of Newton and William Grennille, LLC is hereby approved. The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute the Agreement for Professional Services between the Town of Newton and William Grennille, LLC, a copy of which is attached to this Resolution.
- 2) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because William Grennille, LLC is a licensed water and sewer operator under the laws and regulations of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.
- 3) Political Contribution Disclosure. This contract has been awarded to William Grennille, LLC. based on the merits and abilities of William Grennille, LLC to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the LLC in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 4) Notice of this action shall be published once in the *New Jersey Herald*.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk