

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. Becker (via telephone 7:00 pm-7:33pm, present at 7:33 pm), Mr. Levante, Deputy Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Esq., Town Attorney. Mayor Elvidge and Mrs. Diglio were excused.

Deputy Mayor Flynn 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."

Deputy Mayor Flynn led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Levante, seconded by Mrs. Becker, and carried, the minutes of October 27, 2014 Special Executive Meeting, October 27, 2014 Regular Meeting, and October 27, 2014 Executive Meeting were approved.

**SWEARING-IN CEREMONY**

**A.) PROMOTIONAL SWEARING-IN OF SCOTT KING**

Mr. Russo read a biography on Scott King as follows:

"Scott King was born and raised in Newton, attending both Halsted Street School and Newton High School, graduating in 1992.

At age 17, he enlisted in the US Air Force and received training for tactical aircraft maintenance – he was an F-16 Crew Chief and was stationed in the Southwest Asia Theater of military operations.

Upon being honorably discharged, he returned to Newton and set out to become a police officer. In 1998 he was hired by the Sussex County Sheriff's Department and attended the Basic Police Academy class in Sea Girt, graduating in July 1999.

With the Sheriff's Department, Scott gained valuable training and experience working for a while in the capacity of a Detective with the County Narcotics Task Force.

He left the Sheriff's Department and became a Patrolman for Newton in July 2001.

He has distinguished himself as a Patrolman for his initiative and his community involvement. Most notably, Scott King has served for several years as the President for the County PBA.

Currently, Scott King is 40 years old. He resides in Knowlton Twp. with his wife Karen and two boys, Daniel and Thomas."

At this time, Municipal Clerk, Lorraine Read, swore in Scott King as his sons, Daniel and Thomas, held the bible. His wife, Karen, pinned on his badge.

Chief Richards then offered words of encouragement and congratulated Sgt. King on his promotion.

Sgt. King thanked Chief Richards, Deputy Mayor Flynn, Town Council and Town Manager Russo for this opportunity. Scott also thanked his family, friends and co-workers for their support. "I will continue to do an excellent job for the Newton Police", Sgt. King concluded.

**OPEN TO THE PUBLIC**

Deputy Mayor Flynn noted that Councilwoman Becker is present via telephone.

Deputy Mayor Flynn 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."*

Vangie Rochelle, 145 Spring Street, owner of "The Table" addressed Council to discuss the issues on signage/flags on the street. Ms. Rochelle indicated she was recently given notice from the Zoning Officer to eliminate her banner advertising "coffee shop" on Spring Street. She would like Council to reconsider the signage ordinance. This really does help promote businesses and questions why they are not permitted. Mr. Russo indicated that feather flags are not permitted because it blocks visibility as well as pedestrian access on sidewalks. Mr. Russo also advised Ms. Rochelle that next year's budget addresses the Town Planner to review the sign ordinance again due to several complaints. Ms. Rochelle also questioned the paving of Rt. 206 and was advised that paving is planned for 2016 by the State. Mr. Russo offered to give Ms. Rochelle a copy of the sign ordinance and address any notable deficiencies.

Robert Woods, Manager of STS, Water Street, also received a notice to remove his business signs which have been in place for approximately 10-14 years. He noted all the recent improvements done to this business and the compliments received on his business. He believes signs make a difference with business revenue and asked Council revisit the sign ordinance for the businesses and merchants who place signs for advertising purposes.

Mark Maruska, 262 Spring Street, owner of Gravity Design, also addressed the sign ordinance and asked Council to relax some of the ordinances for businesses. He feels business owners need help and encouragement from the Town; not negative notices. Mr. Maruska believes the new benches on Spring Street are a negative improvement. Mr. Maruska is willing to serve on a committee to assist with revisiting the sign ordinances for businesses. On a happy note, Mr. Maruska's fiancée owns "Charm" and is doing great.

Jonathan Andrews, 145 Spring Street, Springboard Shoppes, addressed the directories which were placed in each parking lot several years ago. He noted after being maintained twice, the directories were removed from the parking lots, due to deterioration. Mr. Andrews elaborated on the several studies completed by the Town, with no results. He too feels the sign ordinance needs to be revisited. It's the little things, like signs, that make a big difference. Mr. Andrews believes the Greater Newton Chamber of Commerce (GNCC) is a great organization in Town and feels the proposed Special Improvement District (SID) is not necessary.

Councilwoman Becker arrived at 7:33 pm.

Deputy Mayor Flynn requested that Mr. Andrews give the SID presentation consideration, which will take place on Monday, November 24, 2014 at 7:00 p.m.

Councilman Levante addressed his concerns with the sign ordinance and agrees signs are necessary for advertisement.

## **COUNCIL & MANAGER REPORTS**

### **A. NFAS COIN TOSS REQUEST**

Mr. Russo announced the Newton First Aid Squad (NFAS) would like to hold a coin toss on November 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup> at the corner of Sparta and Diller Avenues.

After a brief discussion, upon motion of Mrs. Becker, seconded by Mr. Levante and carried, permission was granted for Newton First Aid Squad to hold their coin toss on November 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> this year.

**B. VETERANS DAY**

Mr. Russo announced that the Municipal Building will be closed on Tuesday, November 11, 2014 in observation of Veterans Day. "We thank all veterans for their service to our country", Mr. Russo concluded.

**C. LIGHTING STUDY**

Mr. Russo and Town professionals are currently working on completing Phase II of the lighting study for the downtown area.

**D. NJSLOM CONFERENCE**

Mr. Russo reminded Council of the New Jersey State League of Municipalities (NJSLOM) conference next week. Several staff at Town Hall will be attending and look forward to seminars on Business Development in Downtowns as well as Redevelopment/Rehabilitation.

**ORDINANCES**

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

**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**

**WHEREAS**, the Town Council has determined that the proper and safe utilization of Art Alley is beneficial to the downtown business community; and

**WHEREAS**, the Town engineer has recommended that Art Alley be for pedestrian use only from Spring Street to a point 77 feet northeast; then from this point to Trinity Street to be for two-way vehicular traffic;

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

**Section 1.** Art Alley shall be closed to vehicular traffic from the Spring Street curb line, northeasterly a distance of 77 feet, and this part of Art Alley shall be for pedestrian use only. From the north end of the pedestrian use to Trinity Street, Art Alley shall be open to two-way vehicular traffic.

**Section 2.** Section 307-55, of the Code of the Town of Newton, entitled "Schedule VI: One-Way Streets" shall be revised by deletion of the reference to Art Alley.

**Section 3. 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 4. 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 5. Effective Date.** This Ordinance will take effect after publication and passage according to law.

Deputy Mayor Flynn opened the hearing to the public

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

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

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

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)- No Update - Presentation will be November 24, 2014**

Deputy Mayor Flynn invited everyone to attend the next Council meeting for the PowerPoint presentation on the Special Improvement District (SID). Mr. Russo advised the PowerPoint presentation is currently on the Town website for public's view.

**CONSENT AGENDA**

Deputy Mayor Flynn 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 #205-2014\***

**APPOINTMENT OF KEITH MITCHELL AS RISK MANAGEMENT CONSULTANT FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2015**

**WHEREAS**, the TOWN OF NEWTON (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

**WHEREAS**, the "Local Unit" has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

**WHEREAS**, the "Fund" has requested its members to appoint individuals or entities to that position;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The TOWN OF NEWTON hereby appoints KEITH MITCHELL as its local Risk Management Consultant.
2. The TOWN MANAGER AND MUNICIPAL CLERK and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2015 in the form attached hereto.

**RESOLUTION #206-2014\***

**AUTHORIZE RENEWING MEMBERSHIP IN THE STATEWIDE INSURANCE FUND FOR CALENDAR YEARS 2015, 2016 & 2017**

**WHEREAS**, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

**WHEREAS**, the Town of Newton ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

**WHEREAS**, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

**WHEREAS**, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**WHEREAS**, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2015** terminating on **January 1, 2018** at 12:01 a.m. standard time; and

**WHEREAS**, the LOCAL UNIT has never defaulted on claims, is self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

**BE IT FURTHER RESOLVED** that to the extent required by law, the LOCAL UNIT shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability	x	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	x	
Pollution Liability	x	
Umbrella	x	

**BE IT FURTHER RESOLVED** that Thomas S. Russo, Jr. is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

**RESOLUTION #207-2014\***

**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**

285.90	Quill Corporation	34288
928.00	Pellow, Harold & Assoc., Inc.	34289
550.00	Inst. For Forensic Psychology, Inc.	34290
117.00	ABCcode Security Inc.	34291
110.50	Sussex Car Wash Inc.	34292
5,819.51	JCP&L	34293
292.78	New Jersey Herald, Inc.	34294
3,326.87	Centurylink Communications, Inc.	34295
7.92	Campbell's Small Engine Inc.	34296
504.00	Neopost Leasing, Inc.	34297
73.85	Federal Express	34298
315.00	New Jersey Planning Officials	34299
250.00	Willco, Inc.	34300
340.00	Galls Incorporated	34301
318.70	Minisink Press Inc.	34302
71.71	Ben Shaffer & Associates, Inc.	34303
285.89	Sebring Auto Parts, Inc.	34304
178.65	Zee Medical, Inc.	34305
5,145.00	Greater Newton Chamber of Comm.	34306
315.94	Boonton Tire Supply Inc.	34307
820.00	Treasurer, State of New Jersey	34308
758.24	Vision Service Plan	34309
191.56	Verizon Wireless, Inc.	34310

59.97	Advance Auto Parts	34311
104.28	Home Depot, Inc.	34312
160.71	Staples Business Advantage, Inc.	34313
48.00	CSS Test Inc.	34314
83.58	Nestle Waters, Inc.	34315
15,932.85	Pinnacle Wireless FBO Unitek Global	34316
2,778.57	Rachles/ Michele's Oil Company, Inc.	34317
1,246.50	Taylor Oil Co., Inc.	34318
384.96	Firefighter One, LLC.	34319
7,918.35	County of Sussex	34320
2,529.25	Grass Roots, Inc.	34321
885.00	Garden State Highway Products, Inc.	34322
840.00	Porter Lee Corporation	34323
147.50	Atlantic Tactical Inc.	34324
20.94	Janien N Roberts	34325
198.65	Thyssenkrupp Elevator Corp.	34326
16.54	Kimberly Mason-Williams	34327
125.28	United Telephone/ Centurylink	34328
1,676.10	STS Tire & Auto	34329
17,750.00	LKM Consulting	34330
800.00	Mirage Productions Inc.	34331
180.00	Mariola Mlekicki	34332
400.00	Tele-Measurements, Inc.	34333
169.99	Super Circuits, Inc.	34334
19.04	Gary Govier	34335
195,190.55	Payroll Account	141076
7,875.00	BNY Mellon	141074
93,145.00	BNY Mellon	141073
26,712.50	JP Morgan Chase Bank	141072
368.00	Federal & State Grant	141071
1,011,421.50	Newton Board of Education	141070

**CAPITAL**

7,940.75	Pellow, Harold & Assoc., Inc.	8353
699.50	Spectrum Communications, Inc.	8354
8,349.00	Earth-Tec Associates, Inc.	8355
1,835.81	National Business Furniture, LLC.	8356
3,200.00	Straight Edge Striping	8357
15,523.00	Cliffside Body Corp.	8358

**Total TOWN BILLS \$1,447,743.69**

**WATER AND SEWER ACCOUNT**

420.00	E S C Enterprises	14559
471.81	Schmidt's Wholesale, Inc.	14560
7,185.10	Pellow, Harold & Assoc., Inc.	14561
4,482.11	JCP&L	14562
1,328.79	Centurylink Communications, Inc.	14563
29.30	Minisink Press Inc.	14564
92.61	Airgas East	14565
211.90	Vision Service Plan	14566
559.97	JCI Jones Chemicals, Inc.	14567
6,680.00	Passaic Valley Sewerage Comm.	14568
51.47	Home Depot, Inc.	14569
1,200.00	Hydro Technology, LLC.	14570
258.00	Firefighter One, LLC.	14571
1,000.00	CIT-E-NET, LLC.	14572

676.17	Miracle Chemical Co.	14573
800.00	Mirage Productions Inc.	14574
1,300.00	Hunterdon County Poly Tech	14575
256.60	Tele-Measurements, Inc.	14576
34,488.16	Payroll Account	146036
154,031.25	JP Morgan Chase Bank	146035

**CAPITAL**

713.75	Pellow, Harold & Assoc., Inc.	2361
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**Total WATER & SEWER BILLS \$216,236.99**

**TRUST ACCOUNT**

4,607.00	Pellow, Harold & Assoc., Inc.	3303
300.00	Colfax, Daniel, Esq.	3304
77.00	Seely Brothers, Inc.	3305
1,451.75	Dominick's Pizza LLC.	3306
3,055.88	Payroll Account	147120

**Total TRUST ACCOUNT BILLS \$9,491.63**

**DEVELOPERS ESCROW ACCOUNT**

250.00	Pellow, Harold & Assoc., Inc.	1204
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**Total DEV. ESCROW BILLS \$250.00**

**SUI ACCOUNT**

5,385.00	S/NJ Employer Accounts	1101
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**Total SUI ACCOUNT BILLS \$5,385.00**

**RESOLUTION #208-2014\***

**FINAL ACCEPTANCE OF CISTERN FILL PROJECT AT THE NEWTON FIRE MUSEUM**

**WHEREAS**, on August 25, 2014 by way of adoption of Resolution #162-2014, the Newton Town Council awarded a contract to Tony's Concrete Co., Inc., for the Cistern Fill Project at the Newton Fire Museum; and

**WHEREAS**, in a memo to the Town Manager dated November 3, 2014, Town Engineer, Cory L. Stoner, P.E., C.M.E., of Harold E. Pellow & Associates, Inc., states that said project has been completed and recommends the project be accepted as final and complete;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Cistern Fill Project at the Newton Fire Museum as final and complete so that final paperwork can be started and a one (1) year Maintenance Bond be secured by the contractor; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to Tony's Concrete Co., Inc., and the Town Engineer.

**RESOLUTION #209-2014\***

**APPROVE 2014 APPROPRIATION TRANSFERS**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2014 appropriation transfers be approved effective this date:

<u>From</u> <u>CURRENT</u>	<u>To</u>	<u>Amount</u>
Miscellaneous SW 1079100	Code Enforcement SW 1077400	5,000.00
Legal OE 1058200	Code Enforcement SW 1077400	2,300.00
Road OE 1080200	Celebration Public Events OE 1092200	1,400.00
Miscellaneous OE 1079200	Celebration Public Event OE 1092200	1,000.00
Swimming Pool OE 1090200	Swimming Pool SW 1090100	4,160.00
Occupational Health OE 1085200	Stat. Expend-DCRP 1098294	1,500.00
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<b>TOTAL CURRENT TRANSFERS</b>		<b>\$15,360.00</b>

The Clerk presented an application for an on-premise raffle (50/50) from the Newton Pride Foundation, 44 Ryerson Avenue, Newton to be held on December 5, 2014 from 6:00 p.m. to 11:00 p.m. at 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 on-premise bingo from the Newton Pride Foundation, 44 Ryerson Avenue, Newton to be held on December 5, 2014 from 6:00 p.m. to 11:00 p.m. at 44 Ryerson Avenue, 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 modified **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Levante and roll call resulted as follows:

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

**DISCUSSION**

**A. PACE TRANSPORT PARKING AGREEMENT**

Mr. Russo reviewed the proposed parking space agreement between the Town of Newton and Pace Medical Transport. Mr. Russo noted this agreement would allow Pace Medical Transport to lease parking spaces located at the Municipal Building Lot at 39 Trinity Street. He noted this lot is underutilized.

Ursula Leo, Esq. outlined the proposed amendment to the Municipal Building Parking Lot Ordinance located at 39 Trinity Street, Newton.

After a brief discussion, Council agreed to the proposed agreement and proposed Ordinance as presented. The Ordinance will be placed on the agenda for introduction on November 24, 2014.

**OPEN TO THE PUBLIC**

There was no one from the public to be heard.

**COUNCIL & MANAGER COMMENTS**

There were no Council and Manger comments.

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 7:50 p.m.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk