

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:04 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 Deputy Mayor Flynn, seconded by Mr. Levante, and carried, the minutes of November 10, 2014 Regular Meeting was 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, 145 Spring Street, Springboard Shoppes, thanked Mayor Elvidge and Deputy Mayor Flynn for walking with him and showing the appearance issues addressed by Mr. Andrews. Mr. Andrews addressed several appearance issues on Spring Street and throughout Town. He feels that the Town needs to focus their attention on appearance issues. Newton has much potential but cannot be a "gem" if these issues are not resolved. He feels that code enforcement should focus on appearance issues and safety issues and ignore the good looking signs, which are used to build businesses.

Anwar Qarmout, 45 Woodside Avenue, expressed his frustration with receiving a violation notice because he is selling a car on his lawn. Mr. Qarmout feels the Town is violating the resident's rights. Mr. Qarmout strongly supports businesses in Town and feels the Council should support them too.

Mr. Russo reminded Council the Newton Municipal Building will be closing at 3:00 pm on Wednesday, November 26th and closed on Thursday, November 27th and Friday,

November 28th in observation of Thanksgiving Day. Mr. Russo wished everyone a Happy Thanksgiving and reminded all of the GNCC Holiday Parade this Saturday, November 29, 2014 beginning at 10:00 a.m.

COUNCIL & MANAGER REPORTS

A. Special Improvement District Presentation

Mr. Russo read from a prepared statement prior to the SID presentation.

“Thank you Mr. Mayor.

Before I begin, I want to thank residents, business owners and property owners who have taken the time to visit our website and review the presentation these past few weeks. I also want to thank those of you who took time out of your busy personal schedules to be here this evening to engage in a civil and thoughtful conversation about how the Newton municipal organization can best help the business community and Newton become more of a regional destination. I understand, even with updated facts and figures, some have reservations about a SID. Some of the feedback I have heard through the grapevine include but are not limited to:

1. Main Street Newton failed; so will this.
2. We are not Morristown or Red Bank or Somerville or Westfield.
3. Taxes are too high.

Let me address these one by one.

Main Street Newton failed because it was based on an inconsistent stream of funding – donations - rather than a consistent stream of funding via a SID assessment. Main Street Newton also failed because it became a social, political organization rather than a productive one. Any organization that fails to work towards its commonly stated objectives will fail, whether it is a Main Street or SID board, Town Council, Chamber of Commerce, or any group that does not have individuals working collaboratively.

The opinion that we cannot be like other communities is a straw man argument at best. The comparison to Morristown, Red Bank, Somerville and Westfield, hinges not on an exact comparison of demographic data or income. It is based on the reality that these four other communities had similar vacancy rates in their business community many years ago. After years of failure, they decided a special improvement district model would present the best pathway to success. And they were right. That does not mean to say that a SID is the right or only option for Newton, but it certainly means having an intelligent conversation based on fact and not emotion is appropriate if Newton has aspirational goals of becoming vibrant and successful like these aforementioned communities.

Taxes are too high. Please note that 1/3 of your tax dollar comes to the Newton municipal organization. Over ½ goes to the Board of Education, and the rest, to the County of Sussex. The municipal rate is above average in Newton predominantly due to the valuation of tax exempt properties in the community. As an organization, we have worked diligently to manage the costs we control – salaries and wages, healthcare, operating and capital budgets. We have worked on shared services, cooperative purchasing, and elimination of various employee legacy costs like longevity and lifetime medical benefits. These efforts will and must continue. But the municipal budget is a finite financial document, not infinite. In order to financially support the business community to the greatest extent possible, a separate stream of funding becomes necessary and worthy of consideration.

My goal this evening is to not to force anyone into believing a SID is the only course of action for Newton to become a regional destination. My goal is to open your minds about what is successful in other communities, continuing a conversation about what is best for Newton and the business community.

The status quo is not working. My concluding advice to the Council is this: when others are critical of this proposal or a SID in general; ask them to present a concrete alternative that has worked elsewhere. As I tell my staff, do not simply come to me with a problem, present a solution as well. Being against ideas without alternatives is neither productive nor acceptable.

Let's move forward into the next generation of solutions. Now onto the presentation."

NEWTON SPECIAL IMPROVEMENT DISTRICT (SID 2.0)



Benefits to Newton's Businesses & Community

Objectives



An ordinance to form a Special Improvement District (SID) in Newton was proposed in May 2014, but did not pass. A lack of information (and misinformation) about the SID was cited by many for a lack of support. In response, the Council charged the Manager's office with the review of SIDs in other communities and development of a revised proposal to address those concerns.

This presentation provides specific information, including a detailed Q&A and proposed budget, to outline the potential benefits a SID can contribute in Newton.

Universal Goals – increased retail sales, more employment opportunities, recruiting a better mix of stores/restaurants, higher real estate values, and quality of life improvements.

What is a Special Improvement District (SID)?



"The best hope for getting parts of America's cash-strapped cities working again..."

- Economist Magazine

A public/private partnership between a municipality and the business community responsible for improving the economic and social climate of a specific area.

Funded by an ordinance-driven assessment of property owners within the district's defined area.

Provides services, determined by district stakeholders, to address economic and quality of life needs and priorities.

Challenges Facing All Downtowns



Vacant stores



Loss of local jobs



Litter



Competition



Law Enforcement



How will a SID help Newton?



The main focus of Newton's SID will be:

- Grants for local businesses to include façade and signage improvements
- Attracting new customers with events & activities
- Filling Newton's vacant properties with attractive businesses
- Business Support Services and Retention Programs
- District branding – advertising & marketing for Newton and its merchants and businesses (City Style. Country Cool.)

Other services of Newton's SID:

- Street cleaning and other sanitation services
- Landscaping improvements
- Security and safety ambassador programs
- Parking optimization
- Capital improvements – including pedestrian & streetscape enhancements
- Ombudsman to the local municipality

Why form a Newton SID?



Property owners create SIDs to gain more control over their environment and future. A SID provides consistent levels of services across time and changing conditions.

By leveraging economies of scale through the SID, business & property owners can benefit on cost and quality of services.

SID stakeholders, comprised of merchants, property owners, Town officials, and residents, decide the priorities:

- Quality of life, business recruitment, special events?
- Capital improvements, marketing, safety services?
- What determines success, ROI (return on investment)?

Return on Investment (ROI) for SIDs



15% increase in commercial property value*

Approximately 1,200 SIDs exist across the country

SIDs have proven to be powerful and transformational vehicles

A study by NYU's Furman Center found that, on average, SIDs increase commercial property value by 15%*

* Source: "The Benefits of Business Improvement Districts: Evidence from New York City", Furman Center for Real Estate & Urban Policy, NYU (July 2007)

What contributes to positive ROI for the Newton SID?



ROI for individual business or property owners is difficult to predict. With the SID, Newton can focus on the following:

- More customer traffic throughout the Town of Newton
- Higher occupancy rates in the downtown
- Increased property values
- Ongoing marketing and promotion for Newton and its merchants and businesses
- Stronger downtown employment base
- Attention to planning for capital projects and future development
- Enhanced cleanliness, safety, curb appeal
- Greater awareness of Newton & what it has to offer
- Improved cooperation with key stakeholders (Town, County, Chambers of Commerce, etc.)

Achievement of these goals will help Newton gain its highest ROI.

How will the Newton SID be different from the Newton Main Street program?



1. **Main Street programs** rely on contributions/donations. This can cause the organization to be perpetually underfunded. As a result, they spend a large portion of their budget on administration with little left over for programming. **SIDs** solve this problem by creating a predictable funding source through municipal ordinance.
2. SIDs can access the authority of the local municipality through its private/public partnership. SIDs create programming with the ability to make change.
3. SIDs are subject to public review conducted at the municipal level. Its meetings and activities are part of the public record. Budgets are reviewed and approved on a yearly basis. That transparency means the **SID needs to show results to continue operating.**

Why will the Newton SID succeed?



The Newton SID will:

- Drive new revenue for local businesses and merchants
- Have consistent funding through property assessments
- Have authority to make changes through partnership with Town of Newton officials
- Have local community stakeholders on the Board of Directors
- Hire a dedicated Executive Director and Program Assistant
- Have accountability to local residents, businesses, property owners and merchants
- Create a vision & plan for the future of Newton
- Build social equity and local pride
- Provide a support network for local businesses to thrive and succeed

Examples of SID Success

Somerville Division Street Walking Mall:



Problem. No one wanted to walk or drive down Division Street in downtown area, which connects Main Street to train station.

Goal. Spur new investment, bring in new businesses to combat 30% vacancy rate (pre-2012).

Solution. Create a flexible public space to host special events.

Actions. Removed asphalt, curb cuts, etc. and replace with colorized, stamped concrete, landscaped area, added public amenities like trees for shade, tables/umbrellas/chairs, performance stage, created events to program the space year round, including concerts & movie nights, farmers market, holiday tree lighting, Halloween party.

Results.

- Significant private investment – currently 0% vacancy rate
- 14 new businesses on Division Street since 2012, 1 business expansion
- Continued public investment in additional umbrellas, tables, chairs and planters
- Ongoing maintenance of amenities, snow/trash removal, event planning/oversight
- Weekly events from May to October bringing thousands of visitors to Downtown Somerville
- Businesses reporting increased sales when open for additional hours of events, new customers & repeat customers generated for additional sales on non-event dates. SID advertising for events acknowledged as benefiting local businesses as well through increased customer visitation.

Examples of SID Success

Downtown Morristown Streetscape Project:



Problem. Downtown decay with loss of customers, businesses, investors. Empty storefronts, crime, homeless issues, depressed real estate market.

Objective. Streetscape enhancements including new sidewalks, crosswalks, decorative lamp posts.

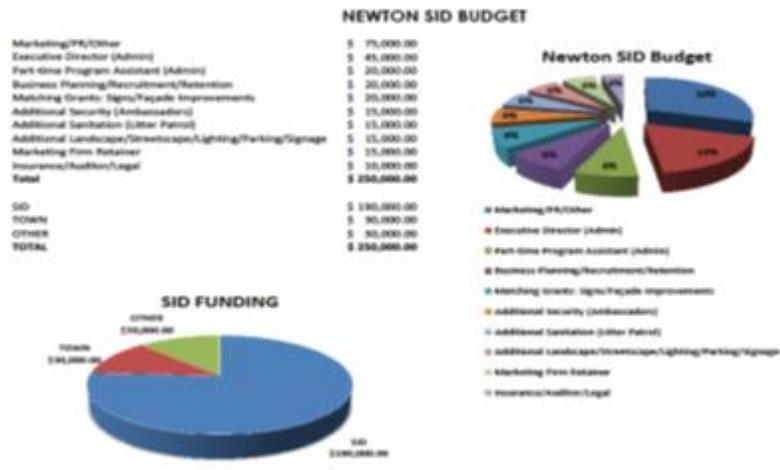
More than aesthetics. Providing better lighting, better defined crosswalks, attractive, well-maintained sidewalks made Morristown more pedestrian-friendly.

A catalyst for change. Efforts inspired individual property owners to upgrade and improve their buildings or land.

Results. NJ Transit kicked-off physical improvements on Morris Street with a million-dollar renovation of the train station and surrounding area to tie into streetscape improvements.

More results. SID awarded more than \$1.1 million in grants from NJDOT specifically for capital improvements to Morristown's streetscape. That is nearly two- and one-half year's worth of their SID assessment. Morristown now attracts more than 75,000 people each day for work, education, shopping, dining and entertainment.

Newton SID Cost Analysis – Total Budget \$250,000



Q & A



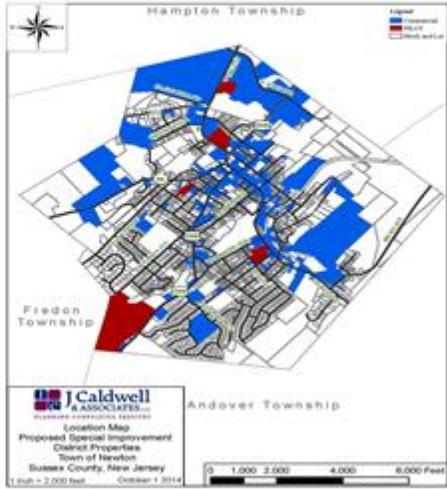
Q. Who pays for the Newton SID?

- The improvement activities of the SID are financed by the assessment of property owners within the district’s boundaries.
- SID revenue will come from 3 sources:
 - Added Assessment on all commercial properties in Newton and residential properties with 5 or more units
 - Financial/in-kind contributions from the Town of Newton
 - Partnerships/sponsorships

Q & A



Q. What does the map of the SID look like?



Q & A



Q. How much will property owners pay?

- **In New Jersey the average SID assessment** is \$0.40 per \$100 of assessed valuation.
- **The Newton SID assessment** is \$.08 per \$100 of valuation.
- Approximately 325 properties will be assessed as part of the Newton SID.
- The average annual assessment on properties recommended for the proposed Newton SID is estimated to be \$750.

Q & A



Q. Who determines programs, plans, spending?

- The District Management Corporation (DMC), which is created by ordinance by the Newton Town Council to run the Newton SID, sets policy for the SID.
- Business and property owners in the defined Improvement District will serve on the DMC Board of Directors.
- The DMC directs all programs, planning and spending.
- SID stakeholders who are in the district but are not on the DMC board can serve on volunteer committees that set and oversee implementation of programs, goals and objectives.
- SID meetings are open to the public; SID stakeholders can participate, contributing ideas, suggestions, feedback.
- DMC budget submitted to the Newton Town Council for review/approval on a yearly basis.

Q & A



Q. Is there a downside to creating a SID?

Like any other mechanism for working collectively, whether in the private or public sectors, the downside to creating a SID can come from a variety of sources:

- Lack of effective leadership
- Poor planning
- Ineffective management of projects or finances
- Politics
- Poor communication within the organization or with stakeholders

Q & A



Q. Why can't the Town provide grants for signage and façade improvements?

The Town is not legally permitted to provide grants to private property owners. However, a Newton SID would be properly positioned to do so.

In the proposed Newton SID budget, there is approximately \$20,000 budgeted for such grants. The application process would be fair and rigorous, and property owners would be expected to match the grant provided by the Newton SID.

This is but one example of how the Newton SID can successfully provide assistance to merchants and property owners independent of the legal limits of the Town.

Q & A



Q. What other towns like Newton have a SID?

There are several other communities who, whether based on population, geography, County Seat status, or rural character, provide a fair comparison to the Newton SID:

- Flemington – Pop. 4,540 – SID Budget is \$350,000
- Flemington SID implemented Summer music series in 2014
- 6 events held in different locations throughout the district
- Businesses in all geographic areas where events were promoted and staged reported increases in sales, customer visits and follow-up purchases at conclusion of series

Q & A



Q. What other towns like Newton have a SID?

There are several other communities who, whether based on population, geography, County Seat status, or rural character, provide a fair comparison to the Newton SID:

Hackettstown – Pop. 9,607 – SID Budget is \$218,000

-SID's 2-year business development campaign resulted in an increase of more than 10% in new restaurants and food/beverage businesses from 2012 to 2014

-In addition to the 10% increase, there are also 2 microbreweries representing nearly \$3 million in new investment coming in 2015

Q & A



Q. What types of events would the Newton SID manage?

There are several current or future events that the Newton SID would be expected to manage:

- Valentine's Day – Ladies Night Out
- Tour of Art
- Soapbox Derby
- Farmers' Market
- Music Festivals
- Movies in the Park
- Country Cool Festival
- City Style Festival
- Craft Fair
- German Christmas Market

Q & A



Q. What is the timeline for creation of the Newton SID?

- PowerPoint commences the dialogue tonight
- Council discusses in January/February as part of the budget process whether to move forward with a draft ordinance to create the SID
- If Council decides to move forward, special counsel is hired to develop and create the SID ordinance
- SID ordinance would be discussed in March (tentative)
- Ordinance introduced in April (tentative)
- Ordinance adopted in May (tentative)
- SID commences August 1, 2015

All dates subject to change.



THANK YOU!



Mayor Elvidge asked residents and merchants alike to keep an open-mind with the regard to the PowerPoint presentation. Mayor Elvidge elaborated on his strong support of the SID program. He feels with a strong Executive Director and a strong Board there will be a creation of a vibrant downtown for the community and the merchants. Mayor Elvidge indicated the Town would like to create a sub-committee to further review the SID program and invited the public to comment.

Mayor Elvidge opened the meeting to the public.

Kathy Messina, 17 Paterson Place, Newton, questioned who pays for the SID program and was advised by Mayor Elvidge it would be paid for by the commercial property owners.

John McChesney, Church Street, advised he has rehabilitated a few buildings in Newton and this SID would increase his taxes. He is against the proposed SID program and feels it's another layer of government, which is not necessary.

Donna Nixon, President of GNCC, offered their services to the Town of Newton to assist with the SID program. Ms. Nixon suggested the SID be incorporated into the Greater Newton Chamber of Commerce which is already established and work together.

John Hauck, owner/partner of Darlington properties, praised the Construction Department (Joe, Jackie and Kimberly) who he deals with on a regularly basis. He noted their professionalism and helpfulness. He is not in support of the SID program. He and his partner have invested a lot of money in their building and will not gain anything from the SID.

Theresa Iliff, Owner of Camp Iliff, 280 Spring Street, advised that she attended, along with the Council, the various Towns who have a successful SID program. Mrs. Iliff is in support of the SID and truly believes it can work with the right Executive Director at the helm.

Jim Ceravallo, owner of Kudzu Emporium, advised of his huge investment in his building on Spring Street. He feels that Newton is moving forward in a positive light and suggests that the SID work together with the Greater Newton Chamber of Commerce.

Patrick Wallace, Bergen County, potential investor on Spring Street, outlined his thoughts and asked several questions surrounding the SID which were addressed by Mr. Russo and Mayor Elvidge. Mr. Wallace expressed his concern with the marketing budget and suggested it be lowered or eliminated for the first year. Mr. Wallace supports the SID.

Vic Pocarobba, representative of Shop Rite, and a member of SCEDP, suggested the Council should "keep it simple". He believes if you shrink it down and start out small, the SID can be successful. Mr. Pocarobba feels that Economic Development is

important aspect of SID and in order to enhance the values you need to bring in new "unique" businesses not already here in Newton (i.e. microbrewery).

Sara Megletti, PB&J Stores, 219 Spring Street, Newton, agrees with the statements of the non-supporters, but also is pro change. She believes change is necessary for Newton, but feels there is more work to be done with SID. Mrs. Megletti believes a scaled down version of the SID would be a great beginning.

James Castimore, owner/partner of Darlington properties, questioned how the SID program will fill the vacant stores on Spring Street? Mr. Castimore believes investors are needed but feels there is nothing to attract them to Newton. Mr. Castimore is against the SID program.

Theresa Iliff, owner of Camp Iliff, believes the answers and concerns addressed tonight cannot be answered until the SID is created. Mrs. Iliff feels the SID will be successful if everyone works together.

Sara Megletti, owner of PB&J, clarified that her shop is typically busy every Saturday and noted that the economy is inconsistent. She noted Newton needs to attract new businesses with like-minded owners for positive change to happen.

Patrick Wallace, investor from Bergen County, feels the SID would be a benefit to investors because the Town would be behind the property owners.

Bonnie Bitondo, owner of Maxwell & Molly's Closet, noted she is in support of the SID with reservations. Her business has been very successful without the SID implementation. Mrs. Bitondo expressed her love of her business and love of Newton but noted her disappointment with Council for never asking for her opinion on the various changes (i.e. one-way Spring Street; events; SID), which would affect her business.

Anwar Qarmout, 45 Woodside Avenue, Newton, challenged the Town to create the SID without cost to taxpayers in Newton. He feels that communication is lacking between the Town and the residents and merchants.

Neil Flaherty, 154 Sparta Avenue, Newton, noted the downtown business successes have fluctuated throughout the years. He feels homeowners also have a stake in the SID and suggested the tax burden be placed over a greater population

resulting in less of a tax burden for businesses. He feels the homeowners would benefit with increased property value.

Mayor Elvidge thanked those in attendance for all the comments this evening. He outlined several positive projects going on throughout the Town.

ORDINANCES

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

ORDINANCE #2014-23

AN ORDINANCE FOR THE APPOINTMENT OF ENGINEER FOR CALENDAR YEARS 2015, 2016 & 2017

The following **ORDINANCE** was offered by Mrs. Diglio, who moved its introduction, 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	

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 December 8, 2014.

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

ORDINANCE #2014-24

AN ORDINANCE OF THE TOWN OF NEWTON AMENDING CHAPTER 307 AND 100, REGARDING PARKING IN THE MUNICIPAL BUILDING PARKING LOT

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 8, 2014.

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

ORDINANCE #2014-25

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2015

The following **ORDINANCE** was offered by Deputy Mayor Flynn, 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 December 8, 2014.

OLD BUSINESS

There was no old business to be discussed.

CONSENT AGENDA

Mayor Elvidge read the following statement:

“All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

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

RESOLUTION #210-2014*

REAPPOINTMENT OF MUNICIPAL JUDGE, HON. JOHN E. MULHERN, ESQ.

BE IT RESOLVED by the Town Council of the Town of Newton that the Hon. John E. Mulhern, Esq. be hereby reappointed to another 3-year term as Municipal Judge effective January 1, 2015 and continuing through December 31, 2017.

RESOLUTION #211-2014*

RESOLUTION APPROVING VACATION AND SICK LEAVE PAYOUTS FOR RETIRING EMPLOYEES

WHEREAS, several employees of the Town of Newton have already retired or will retire from September 30, 2014 through December 31, 2014, and such employees are entitled to payouts for their unused and accrued vacation and sick leave, pursuant to applicable law, Town ordinances and the Town of Newton Personnel Policies and Procedures Manual and Employee Handbook;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Council authorizes the following estimated payments for unused and accrued vacation and sick leave to the following employees, who have retired or will retire by December 31, 2014:

<u>Employee</u>	<u>Retirement date</u>	<u>Estimated payout total</u>
William Smith	09/30/14	\$7,994.19
Lisa Wolanski	12/01/14	\$5,073.34
Paul Baldwin	12/31/14	\$26,984.43
Darlene Cooper	12/31/14	\$4,209.26
Paul Havens	12/31/14	\$18,604.40
John Madden	12/31/14	\$19,692.15
Total		\$82,557.77

BE IT FURTHER RESOLVED, that appropriate authorized Town employees are hereby authorized to make the estimated payments as set forth above, with any required revisions to the payout amounts.

RESOLUTION #212-2014*

APPOINTMENT OF TAX APPEAL ATTORNEY FOR CALENDAR YEAR 2015

WHEREAS, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of a qualified Municipal Tax Appeal Attorney and received several responses; and

WHEREAS, Robert B. McBriar, Esq., of the firm Schenck Price Smith and King, LLP has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that, Robert B. McBriar, Esq., of the firm Schenck Price Smith & King, LLP, is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2015;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Robert B. McBriar, Esq., of the firm Schenck Price Smith & King, LLP, for services as Municipal Tax Appeal Attorney for calendar year 2015; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Robert B. McBriar, Esq., of the firm Schenck Price Smith & King, LLP; and

BE IT FURTHER RESOLVED, that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #213-2014*

APPOINTMENT OF PUBLIC DEFENDER FOR CALENDAR YEAR 2015

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of Public Defender and received only one response; and

WHEREAS, James P. Sloan, Esq., submitted a proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2015;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with James P. Sloan, Esq., for services as Public Defender for calendar year 2015; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to James P. Sloan, Esq.; and

BE IT FURTHER RESOLVED, that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #214-2014*

APPROVE APPROPRIATION TRANSFER

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>
Clerk SW 1051103	Assessment of Taxes OE 1055252	150.00
Clerk SW 1051103	Celebration Public Events OE 1092200	1,900.00
Workers Comp. Ins. OE 1067200	Stat. Expend. -DCRP 1098294	500.00
Clerk SW 1051103	Stat. Expend. -DCRP 1098294	150.00
TOTAL CURRENT TRANSFERS		\$2,700.00

RESOLUTION #215-2014*

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

406.25	Pellow, Harold & Assoc., Inc.	34346
1,576.37	Elizabethtown Gas	34347
2,965.35	G & G Diesel Service Inc.	34348
125.85	Centurylink Communications, Inc.	34349
35.00	Centurylink Communications, Inc.	34350
209.38	CenturyLink Communications, Inc.	34351
3,422.68	Centurylink Communications, Inc.	34352
700.00	Centurylink Communications, Inc.	34353
318.08	Campbell's Small Engine Inc.	34354
491.21	D & E Service Center, Inc.	34355
707.65	Timmerman Company, Inc.	34356
57.30	Federal Express	34357
220.00	Ambassador Medical Service	34358
628.38	Willco, Inc.	34359
483.33	Sloan, James P, P.C., Inc.	34360

38.00	Galls Incorporated	34361
2,200.00	Bank of New York	34362
1,000.00	Bank of New York	34363
590.00	Skylands Press	34364
7,000.00	SUI Account	34365
137.79	Boonton Tire Supply Inc.	34366
42.85	McGuire, Inc.	34367
1,311.05	Verizon Wireless, Inc.	34368
375.00	Accurate Door, Inc.	34369
226.46	Universal Supply Group Inc.	34370
1,851.93	Dell Marketing L.P.	34371
38.88	Walmart	34372
75.43	Mr. John, Inc.	34373
1,883.20	Mr. John, Inc.	34374
134.95	Gold Type Business Machines	34375
1,050.00	Vogel, Chait, Collins, Schneider, PC	34376
508.37	Staples Business Advantage, Inc.	34377
3.40	Language Line Services, Inc.	34378
300.95	Sussex County Engineering Division	34379
165.00	Dominick's Pizza LLC	34380
750.00	Black Lagoon	34381
3,054.66	Rachles/ Michele's Oil Company, Inc.	34382
1,998.21	Taylor Oil Co., Inc.	34383
7,293.78	Laddey, Clark & Ryan, LLP	34384
1,195.00	General Code, LLC.	34385
7,155.00	Trimboli & Prusinowski, LLC.	34386
689.70	Penteledata	34387
1,770.00	Chelbus Cleaning Co., Inc.	34388
382.50	Custom Products Corp.	34389
1,045.55	Woodruff Energy US, Inc.	34390
24.42	Grainger, Inc.	34391
564.00	AG Choice, LLC.	34392
1,423.83	NJ Div. Pension & Benefit	34393
15.16	Shop Rite, Inc.	34394
1,000.00	Frank Sebastiano- Franky's Café LLC	34395
304.03	Crafco, Inc.	34396
600.00	P.O.S. Solutions, NJ, LLC.	34397
373.00	Team Life, Inc.	34398
472.08	Toyota Motor Credit Corp.	34399
305.21	Sunlight General	34400
271.20	Cintas Fire Protection	34401
650.00	Phoenix Advisors, LLC.	34402
20.00	Commerce and Industry Association	34403
1,650.00	Bank of New York Mellon	34404
2.00	NJ Motor Vehicle Services	34345
190,857.74	Payroll Account	141078
1,011,421.50	Newton Board of Education	141077
362.32	Home Depot, Inc.	34343
2,687.29	Home Depot, Inc.	34342
132,313.50	NJMEBF	34341
2,852.41	County of Sussex	34340
67,189.30	County of Sussex	34339
35,625.23	County of Sussex	34338
642,369.95	County of Sussex	34337
11,879.32	JCP&L	34336
CAPITAL		
2,221.95	G & G Diesel Service Inc.	8359

9,899.31	McManimon, Scotland & Baumann, LLC	8360
452.30	Pinnacle Wireless FBO Unifek Global	8361
208.00	Laddey, Clark & Ryan, LLP	8362
1,605.00	Kieffer Electric, Inc.	8383
3,702.50	FKA Architects Inc.	8364
15,850.00	Harter Equipment Inc.	8365
525.00	J. Caldwell & Associates, LLC.	8366
625.00	Kylan, Inc.	8367
23,668.98	VMG Group, Inc.	8368

Total TOWN BILLS \$2,156,318.60

WATER AND SEWER ACCOUNT

436.80	Elizabethtown Gas	14579
4,257.00	Pumping Services, Inc.	14580
1,024.25	Sussex County P & H, Inc.	14581
17,655.45	Coyne Chemical Corp., Inc.	14582
36.45	Centurylink Communications, Inc.	14583
1,528.65	Centurylink Communications, Inc.	14584
890.00	Garden State Laboratories Inc.	14585
590.00	Skylands Press	14586
4,100.00	SUI Account	14587
192.45	Airgas East	14588
40.00	Lasso, Ervin	14589
179.04	Verizon Wireless, Inc.	14590
678.00	Univar USA Inc.	14591
1,250.00	Smalley, John	14592
156.03	Home Depot, Inc.	14593
1,384.08	Taylor Oil Co., Inc.	14594
56.00	Eric Tompkins	14595
768.00	Laddey, Clark & Ryan, LLP	14596
5,247.30	Accurate Waste Removal Inc.	14597
119.90	Penteledata	14598
198.98	One Call Concepts, Inc.	14599
372.77	Woodruff Energy US, Inc.	14600
599.14	Sunlight General	14601
33,409.53	Payroll Account	146037
7,822.44	JCP&L	14578
26,135.50	NJMEBF	14577

CAPITAL

530.75	Pellow, Harold & Asso, Inc.	2362
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Total WATER & SEWER BILLS \$67,898.22

TRUST ACCOUNT

1,137.50	McManimon, Scotland & Baumann, LLC.	3307
850.00	Sloan, James P, P.C., Inc.	3308
1,515.00	Vogel, Chait, Collins, Schneider, PC	3309
128.00	Laddey, Clark & Ryan, LLP	3310
1,207.50	J. Caldwell & Associates, LLC.	3311
1,826.52	Payroll Account	147121

Total TRUST ACCOUNT BILLS \$6,664.52

DEVELOPERS ESCROW ACCOUNT

465.00	Vogel, Chait, Collins, Schneider, PC	1204
390.73	Ferriero Engineering Inc.	1205
200.00	Edward J Buzak	1206

Total DEV. ESCROW BILLS \$1,055.73

FEDERAL/STATE GRANTS

500.00	Screen Creation Plus	1238
231.31	Shop Rite, Inc.	1239
250.00	Kerry Deckert	1240
2,325.00	J. Caldwell & Associates, LLC.	1241

Total FEDERAL/STATE GRANTS BILLS \$3,306.31

RESOLUTION #216-2014*

FINAL ACCEPTANCE OF THE IMPORVEMENTS TO THE MORRIS LAKE DAM- PHASE I PROJECT

WHEREAS, on April 28, 2014 by way of adoption of Resolution #77-2014, the Newton Town Council awarded a contract to Waterware Corporation for the Improvements to Morris Lake Dam – Phase I Project and for a contract amount of \$64,160.00; and

WHEREAS, the Newton Town Council adopted Resolution #188-2014 on October 15, 2014 authorizing Change Order No. 1 for the Improvements to Morris Lake Dam – Phase I Project, resulting in an overall reduction in the cost of the project to a new contract total of \$58,980.00; and

WHEREAS, in a memo to the Town Manager dated November 18, 2014, Town Water Engineer, David B. Simmons, P.E., L.S., 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 Water Engineer's recommendation and accepts the Improvements to Morris Lake Dam – Phase I Project as final and complete so that final paperwork can be started; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Waterware Corporation, and the Town Water Engineer.

The Clerk presented an application for an on-premise raffle (Pull Tab) from the Newton Moose Lodge, Loom Lodge #432, 4 Diller Avenue, Newton to be held from January 1, 2015 to December 31, 2015 during all hours of operation of the social quarters of the Moose Lodge at 4 Diller Avenue, Newton.

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

November 24, 2014

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

Deputy Mayor Flynn recused himself on check #1205.

DISCUSSION

A. CONSOLIDATION OF PUBLIC WORKS AND WATER/SEWER- DRAFT ORDINANCE

Mr. Russo reviewed the draft ordinance to amend Chapter 3 "Administrative Code" to relocate the Department of Water and Sewer as a Division within the Department of Public Works. Mr. Russo advised the introduction will take place on December 8th and adoption will be December 22nd.

Mr. Russo outlined the Department Heads and their responsibilities. He noted a meeting is set to review the internal operations with all parties.

The Council unanimously agreed to move forward with the introduction on December 8th.

OPEN TO THE PUBLIC

Anwar Qarmout, 45 Woodside Avenue, Newton, suggested the Town give recognition to organizations and/or individuals who have made contributions or accomplishments in the business district. He feels that "credit" should be given "where credit is due".

Mr. Russo noted the Town is providing a "thank you" reception prior to the December 22nd Council meeting at 5:30 p.m. for all volunteers on our boards and commissions.

COUNCIL & MANAGER COMMENTS

Mr. Russo noted the tree lighting ceremony will take place at 6:00 pm on December 8, 2014 with Santa's assistance. He noted the Town Manager's evaluation will also take place on December 8th following the regular meeting.

Mr. Russo indicated the Town will have their first annual volunteer reception on December 22, 2014 at 5:30 p.m. with refreshments. The Town has invited all volunteers from the boards and commissions as well as the Newton Fire Department and Newton First Aid Squad members. This will be an annual tradition beginning this year, Mr. Russo

concluded.

Councilman Levante agreed with some of the comments this evening regarding the SID program. He agrees with spreading the SID tax over the entire community rather than just the businesses.

Deputy Mayor Flynn feels the SID tax should be divided among the businesses and not the entire community. He feels that would be problematic and suggested the SID budget could be reduced.

Councilwoman Becker suggested a SID tax over the entire community would be a worthwhile review.

Mayor Elvidge believes the SID tax should be concentrated on the businesses and feels the SID budget should not be trimmed too much.

EXECUTIVE SESSION

RESOLUTION #217-2014

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) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on November 24, 2014, that an Executive Session closed to the public shall be held on November 24, 2014, at 9:34 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 10:05 p.m.

DISCUSSION

The Council held a lengthy discussion on the current sign ordinance in the Newton Code. Mayor Elvidge noted the sign ordinance, recently amended, is better but feels it needs to be reviewed for further improvement.

Mr. Russo advised that the amendment is a costly project and agreed to put funds in the budget for 2015 to review the sign ordinance.

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 10:13 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 above the printed name and title.

Lorraine A. Read, RMC
Municipal Clerk