

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Diglio, Mrs. Becker, Mr. Levante, Deputy Mayor Flynn, Mayor Elvidge, Thomas S. Russo, Jr., Town Manager 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 Mrs. Diglio, seconded by Mrs. Becker, and carried, the minutes of November 24, 2014 Special Meeting, November 24, 2014 Regular Meeting, and November 24, 2014 Executive Session were approved.

**OPEN TO THE PUBLIC**

Mayor Elvidge read the following statement:

*"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."*

Paul Johnson, 427 West Shore Trail, Sparta, addressed a recent article in the NJH regarding the waiver of fees for Dr. Liegner's free medical clinic. After a brief discussion, Mr. Johnson asked the Town Council to consider waiving the fees in order to assist with the worthy cause of allowing uninsured patients to receive free medical care.

Marie Raf, Sandyston, also commended Dr. Liegner on his accomplishments with providing a free clinic to uninsured patients. Mrs. Raf pleaded with the Council to not allow this free clinic to close. She believes the medical service provided is necessary to many in the community and should not be closed.

Mr. Russo read the following letter from Dan Perez's into the minutes:

"Dear Mr. Russo:

Please be advised that I represent Free Clinic Newton in connection with the above-referenced matter. I appreciated our conversations this afternoon and look forward to resolving all open issues. This letter will serve to memorialize my understanding of our discussions.

December 8, 2014

As of today, the Free Clinic has applied for, paid for, and received an appropriate zoning permit from the Town of Newton Zoning Office.

Minor construction and electrical work is currently being performed at the Free Clinic. As soon as that work has been completed, which is expected to happen later this week, the Free Clinic will contact Mr. Butto and arrange for an inspection.

The Free Clinic has contracted with a licensed fire protection service which is in the process of connecting the fire alarm system. The Free Clinic will timely apprise Fire Marshal Inga of any updates. It is anticipated that the fire alarm service will issue a certificate of compliance in the very near future.

Since all of the necessary permits and certifications either have been received or are in process, the Free Clinic does not intend to appear at the Newton Town Council meeting tonight. The Free Clinic remains focused on maintaining its proud tradition of providing free medical services to the uninsured and neediest residents of Sussex County.

Please do not hesitate to contact me if you have any additional questions or concerns. Kindly share this correspondence with the Mayor, Deputy Mayor and Town Council.

Sincerely Yours,  
Daniel M. Perez"

Mr. Russo outlined the final items necessary for the clinic to open and advised Council the Town is satisfied with the progress of Free Clinic Newton.

Jonathan Andrews, Springboard Shoppes, 145 Spring Street, read from a prepared statement:

"Selective Enforcement

Too many rules to enforce them all.

Recently chose to cite STS Auto and The Table Coffee Shop for professional signs which were bringing business. When these firms complained they were told it would take until next year to even consider changing the rules.

But other rules are ignored. Why couldn't these sign rules be ignored?

Example: On my recent walk with Councilman Flynn and Mayor Elvidge I pointed out a number of unsightly violations. I believe that they, or others, feel that my observations were somewhat overblown and unimportant.

The downed light pole in Parking Lot 2, tree vines and weeds growing up the side of the Post Office, weeds and broken planters in Art Alley, etc. These are the kinds of things your February 2013 Strategic Vision Plan identified as the first priority- quickly and easily rectified.

As Admiral (and Navy Seal) William McRaven said in his May Commencement address at the University of Texas, "If you can't do the little things right, you will never do the big things right."

One comment on the walk was that the painting on some of the downtown windows was not in very good shape. This is absolutely correct. But let's look at why the painting is there in the first place.

After Bula closed, the interior was in very unsightly shape. When the Town did nothing, finally Don Meng and Tracey DeWaal enlisted some youngsters and painted the windows. This was a volunteer effort. They were repainted several times.

In 2014, in conjunction with the 150<sup>th</sup> celebration, a similar painting was done for the same reason at the former Smoke Shop across the square.

Both buildings have been in clear violation for years of the municipal code, quote, "The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition." Further, "All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking and abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected."

Why have these conditions been allowed to continue uncited, while local businesses, among the best maintained, are cited for using signs which demonstrably improved their customer flow? Why the selective enforcement?

Having been across the street from the vacant Bula since SpringBoard opened, I assure you that it has not encouraged traffic on the street.

Beyond correcting the conditions allowed to exist at Bula, the Smoke Shop, or 11 High Street, why has Newton not taken action on the first and last of these under the Abandoned Property chapter of your code? The two properties clearly qualify, and clearly are substantially decaying.

At least you got the feather flag removed!

Before a SID is further considered, will the Council please consider taking action on some of these conditions, as laid out in the Vision Plan?

Again, "If you can't do the little things right, you will never do the big things right. Thank you".

Mr. Russo addressed the comments by Mr. Andrews. Mr. Russo noted some of the actions taken, to date, and will address issues at the Bula building and Smoke Shop with Code Enforcement.

Councilwoman Becker noted the abandoned building laws do not qualify if the property taxes are up to date.

Mr. Andrews disagreed with Mrs. Becker's statement regarding abandoned buildings and indicated he will bring the Town information regarding the Abandoned Building Act. He feels that vacant buildings that are deteriorating should fall under the Act.

Karen Harden-Kitchell, 58 West End Avenue, Newton, recently utilized the Newton Police Vacation Watch Request program and was thrilled by the service provided by Newton P.D. She suggested Newton Police have "coffee with a kid". Mrs.

Harden-Kitchell made several suggestions for improvements to the Town and also suggested televising the Town Council meeting for those who cannot attend them.

Mr. Russo noted McGuire's property has been issued a violation notice regarding their code enforcement issues. In addition, the Post Office was contacted regarding their property issues. Mr. Russo noted televising Council meeting could not be done, but he is looking at streaming the meetings next year.

Theresa Iliff, 280 Spring Street, (5 Babbitt Avenue), recapped her thoughts on the SID presentation from the last Council meeting. She believes reducing the budget will hinder the SID and suggested the Town Council "stay strong" on their path to creating the SID program. She supports the SID program and believes it will be successful.

Mr. Russo noted the Town added information on the Town website regarding the SID. This will allow property owners/residents/merchants to be kept in the loop on any SID updates. In addition, any interested parties are invited to attend the SID community tours in the near future.

Anwar Qarmout, 45 Woodside Avenue, noted the Town has plans to incorporate \$30,000 into the SID budget and suggested the Town split the donation three ways and give it to existing organizations. The Greater Newton Chamber Commerce (GNCC); Economic Development Commission (EDC); and Newton Merchants Group, could use the funds and the Town wouldn't have to create a SID. Mr. Qarmout also questioned several Resolutions on the Consent Agenda which were addressed by Mr. Russo. Mr. Qarmout addressed a code enforcement issue in his neighborhood and was advised to provide the address and Mr. Russo will forward the complaint to Code Enforcement.

Karen Harden-Kitchell, 58 West End Avenue, requested an update on the landlord/tenant law, surrounding the rooming house, which was addressed by the Town Attorney.

Dr. Ken Greene, Superintendent of Newton Schools, thanked the Governing Body for their partnership in the many shared services with the Newton Board of Education. Dr. Greene outlined some of the recent events and commended the Council for their continued support. Dr. Greene noted the significant increase in enrollment at Newton Public Schools and advised of the changes to accommodate

same. Dr. Greene advised Council of the various ways to obtain updated information regarding the Newton Public Schools and again thanked them for their support.

**COUNCIL & MANAGER REPORTS**

**A. Waiver of Fees Request**

Mr. Russo noted this item for waiver of fees has been addressed and no discussion is necessary.

Mr. Russo thanked everyone for their participation in the tree lighting ceremony which took place this evening at 6:00 p.m.

Mr. Russo reminded Council of the Town Holiday party for employees will take place on Friday, December 19<sup>th</sup> from 12-2 p.m. at Town Hall. The Municipal Building will reopen at 2:00 p.m. He also noted the 1<sup>st</sup> annual Volunteer reception will take place on Monday, December 22<sup>nd</sup> at 5:30 p.m. Mr. Russo updated Council on Nixle, which is a program to receive community information instantly. Residents can sign up on the Town Hall website and receive all information disseminated to the community.

Finally, Mr. Russo advised Council of the additional Resolution #260-2014 on the consent agenda.

**ORDINANCES**

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

**ORDINANCE #2014-23**

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

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

**WHEREAS**, municipal engineering 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 Engineer and received several responses; and

**WHEREAS**, Harold E. Pellow & Associates, Inc., has submitted a proposal outlining the services to be provided; and

**WHEREAS**, after review of all submitted proposals by the RFP Review Committee, and interviews by the Governing Body, the Town Council has determined that Harold E. Pellow & Associates, Inc., is the best firm for the position; and

**WHEREAS**, the anticipated term of this contract is three (3) years ending December 31, 2017;

**NOW, THEREFORE BE IT ORDAINED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Harold E. Pellow & Associates, Inc., for services as Municipal Engineer for calendar years 2015, 2016 and 2017; and

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

Mayor Elvidge opened the hearing to the public.

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

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

Mrs. Becker	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
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 #2014-24**

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

**WHEREAS**, a determination by the Town Council has been made to amend parking restrictions for the municipal parking lots within the Town of Newton;

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

**Section 1. §307-10.A and B "Parking time limited in municipal parking lots"** shall be and is hereby amended to read as follows:

- A. No vehicle shall be parked for longer than the time limit shown, between the hours listed on any day, upon any Town-owned parking lot described in Schedule IV-B attached to and made a part of this chapter (see §307-53).
- B. No vehicle shall be permitted to remain in any public parking lots between the hours off 4:00 a.m. and 6:00 a.m., except:
  - i. 14 spaces located at the easterly side of the Central Plaza;
  - ii. 12 spaces located at the westerly side of Central Plaza; and

- iii. Vehicles parked in the municipal building parking lot, after first obtaining a parking pass pursuant to §307-38.F and paying the required fee per §100-15.

Vehicles may be parked in public parking lots for up to 72 consecutive hours, after which time they may be removed by the Police Department and the owner shall pay reasonable costs for removal and storage before regaining possession of the vehicle.

**Section 2. §307-33.A.** shall be and is hereby revised to read as follows:

- A. Municipal building parking lot located to the rear of the present municipal building, located at 39 Trinity Street, limited to Town employees and visitors up to a maximum period of nine (9) hours, except for those obtaining valid parking passes, pursuant to §307-38 and §100-15.

**Section 3. §307-38** shall be and is hereby revised to add a new Section F to read as follows:

- F. An annual parking pass is available for up to six parking spaces in the municipal building parking lot. The municipal building parking pass permits vehicles to be parked for a twelve (12) hour period, either 8:00 a.m. to 8:00 p.m. or 8:00 p.m. to 8:00 a.m. Each twelve hour period requires a separate pass to permit parking in the municipal building parking lot. The cost for such municipal building parking lot pass is as set forth in §100-15.C. There is a maximum allotment of six (6) passes for the municipal building parking lot per year. The annual pass is valid from January 1 to December 31 only, and all passes shall be renewed upon expiration. The Town Manager or his designee shall be authorized to limit the purchase of said municipal building parking lot passes based on the parking needs of municipal staff and visitors.

**Section 4. §100-15** shall be and is hereby revised to add a new section to read as follows:

D. Municipal Lot Annual Parking Pass.

- \$150 per month for a twelve hour period of 8:00 a.m. to 8:00 p.m.
- \$150 per month for the twelve hour period of 8:00 p.m. to 8:00 a.m.

Annual passes must be purchased and paid for, for the entire year, but may be pro-rated if passes are available. (see §307-38.F.)

**Section 5. 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 6. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 7. Effective Date.** This Ordinance will take effect after publication and passage according to law.

Mayor Elvidge opened the hearing to the public.

There being no one from the public to be heard, upon motion of 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. Becker and roll call resulted as follows:

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

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

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

**ORDINANCE #2014-25**

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

**WHEREAS**, N.J.S.A. 40A:9-165 permits a municipality to establish salaries, wages or compensation to be paid to the officers and employees of the municipality; and

**WHEREAS**, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees;

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

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2015 as shown in Schedules "A" and "B" attached hereto in accordance with §25-12 of the Code of the Town of Newton.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Those employees at wage level 4 serving in the position of Deputy Municipal Court Administrator may be compensated with a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out requiring written certification.

Section 5. Those officers and employees at wage level 17 shall be paid their annual salary in equal quarterly payments during the last pay of each quarter.

Section 6. All Ordinances or parts of Ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be

unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective retroactive to January 1, 2015.

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 Mr. Levante and unanimously carried, the hearing was closed. Mrs. Diglio had a question and it was addressed by Mr. Russo.

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

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

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

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

**ORDINANCE #2014-26**

**AN ORDINANCE AMENDING CHAPTER 3 "ADMINISTRATIVE CODE" TO RELOCATE THE DEPARTMENT OF WATER AND SEWER AS A DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS**

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

Mrs. Becker	Yes	Mrs. Diglio	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 22, 2014.

**OLD BUSINESS**

Councilwoman Becker congratulated Harold Pellow and Associates for being reappointed for three years. Mr. Pellow thanked the Governing Body for the

reappointment of his firm and looks forward to completing the Spring Street one-way project this year.

**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."*

Council requested Resolution #220-2014 and Resolution #255-2014 be removed for separate discussion.

**RESOLUTION #218-2014\***

**RESOLUTION OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING ESCROW WITH NEWTON DONUTS, INC.**

**WHEREAS**, Newton Donuts Inc. (the "**Entity**") is the contract purchaser of certain real property located at Sparta Avenue, Newton, New Jersey (the "**Property**"); and

**WHEREAS**, the Property has been designated by the municipality as an area in need of rehabilitation pursuant to Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), and a redevelopment plan has been adopted for the Property; and

**WHEREAS**, the Entity and the Town desire to explore the potential for the redevelopment of the Property, and the Entity recognizes that the Town will incur costs and expenses in connection therewith, and is willing to defray those costs, with no assurance of a particular result from the Town; and

**WHEREAS**, the Entity has agreed to deposit funds with the Town to be administered in accordance with the terms of the form of escrow agreement set forth at Exhibit A hereto;

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Town hereby authorizes the execution of the Agreement in substantially the form attached hereto as Exhibit A and by this reference incorporated herein. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto.

**Section 3.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 4.** A copy of this resolution shall be available for public inspection at the offices of the Town Clerk.

**Section 5.** This Resolution shall take effect immediately.

**RESOLUTION #219-2014\***

**ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2015**

**WHEREAS**, Section 13 of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to post and maintain posted throughout the year a schedule of the meetings of said public body;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, New Jersey that the following schedule for 2015 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month, except July and August, at 7:00pm, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey; and

**Council Meetings**

7:00pm

January	12	and	26	July	20		
February	9	and	23	August	24		
March	9	and	23	September	16*	and	28
April	13	and	27	October	14*	and	26
May	11	and	27*	November	9	and	23
June	8	and	22	December	14	and	28

\*Held Wednesday

**Reorganizational Meeting**

6:00pm

Wednesday, July 1, 2015

**BE IT FURTHER RESOLVED**, that, for the purposes of the Act, the official bulletin board for posting notices shall be the bulletin board in the first floor lobby of the Municipal Building at 39 Trinity Street, Newton, New Jersey, with said board being just outside the door of the Municipal Clerk's Office; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to the New Jersey Herald and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

**RESOLUTION #221-2014\***

**APPOINTMENT OF JOSEPH CARR AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the Assistant Supervisor Water and Sewer, Joseph Carr, is hereby appointed as the municipality's representative to the Sussex County Water Quality Policy Advisory Committee for 2015 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

**BE IT FURTHER RESOLVED**, that, if required, the Newton Assistant Supervisor Water and Sewer may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Chairman of the Sussex Water Quality PAC.

**RESOLUTION #222-2014\***

**DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR CALENDAR YEAR 2015**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Debra J. Millikin is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2015; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

**RESOLUTION #223-2014\***

**APPOINTMENT OF ADAM VOUGH AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE FOR 2015**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the Assistant Public Works Supervisor, Adam Vough, is hereby appointed as the municipality's representative to the Sussex County Solid Waste Advisory Committee to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

**BE IT FURTHER RESOLVED** that, if required, the Assistant Public Works Supervisor or his designee may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Chairman of the Sussex County SWAC.

**RESOLUTION #224-2014\***

**DESIGNATION OF LINDA A. ROTH AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2015**

**WHEREAS**, N.J.S.A. 54:5-11 provides that each municipality within the State of New Jersey shall designate a person to act as the Tax Search Officer for the municipality; and

**WHEREAS**, Linda A. Roth, as Certified Tax Collector for the Town of Newton, is qualified to make examinations of the municipalities records as to unpaid municipal liens and to certify the results of that examination;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby designates Linda A. Roth as the Tax Search Officer for the Town of Newton.

**RESOLUTION #225-2014\***

**APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON FOR CALENDAR YEAR 2015**

**WHEREAS**, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

December 8, 2014

**WHEREAS**, Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the calendar year 2015.

**RESOLUTION #226-2014\***

**APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2015**

**WHEREAS**, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the anticipated term of this contract is for calendar year 2015; and

**WHEREAS**, auditing service 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**, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 6, 2014 indicating they will provide the 2015 auditing services for \$25,470.00; and

**WHEREAS**, Ferraioli, Wielkotz, Cerullo & Cuva, P.A has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkotz, Cerullo & Cuva, P.A from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A in an amount of \$25,470.00;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A as described herein; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #227-2014\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR (LOSAP) WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA**

**WHEREAS**, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2014; and

**WHEREAS**, auditing service 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**, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkocz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

**WHEREAS**, Ferraioli, Wielkocz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

**WHEREAS**, the anticipated term of this contract is for calendar year 2015;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

**BE IT FURTHER RESOLVED**, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

**RESOLUTION #228-2014\***

**AUTHORIZE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY**

**WHEREAS**, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

**WHEREAS**, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

**WHEREAS**, at a regular meeting of the Newton Parking Authority conducted on December 4, 2014, the members of the Authority approved an appropriate agreement for calendar year 2015 and authorized the Chairman and the Secretary to execute said agreement;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2015.

**RESOLUTION #229-2014\***

**DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ OPEN PUBLIC MEETINGS ACT FOR 2015**

**WHEREAS**, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed or hand delivered;

December 8, 2014

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

**RESOLUTION #230-2014\***

**DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2015**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the newspapers listed below be designated as the official newspapers for the Town of Newton for legal advertising during the 2015 calendar year:

New Jersey Herald

New Jersey Sunday Herald

**RESOLUTION #231-2014\***

**DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION OF DISABILITY REPRESENTATIVE**

**WHEREAS**, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton; and

**BE IT FURTHER RESOLVED** that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

**RESOLUTION #232-2014\***

**ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE**

**WHEREAS**, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

**WHEREAS**, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 31<sup>st</sup> of each calendar year; and

**BE IT FURTHER RESOLVED**, that the ten (10) day grace period for quarterly tax payments shall remain in effect, that any payment of taxes not made on or before the due date in accordance with this Resolution shall be charged interest from the due date as set forth by law, and that this Resolution shall take effect immediately.

**RESOLUTION #233-2014\***

**CANCELLATION OF SMALL BALANCES**

**WHEREAS**, N.J.S.A. 40A: 5-17.1 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than ten (\$10.00) dollars; and

**WHEREAS**, the Town Council of the Town of Newton may authorize the Tax Collector to process, without any further action on the part of the Governing Body, any cancellation of property tax refunds or delinquencies of less than ten (\$10.00) dollars;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton in the County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized to process the cancellation of any property tax refunds or delinquencies of less than ten (\$10.00) dollars.

**RESOLUTION #234-2014\***

**APPOINT LOCAL EMERGENCY PLANNING COMMITTEE**

**WHEREAS**, Appendix A:9-41 of the NJ Statutes Annotated, and N.J.A.C. 13:64-2.3 pertaining to Emergency Management, require that every New Jersey municipality create a Local Emergency Planning Committee; and

**WHEREAS**, the individual appointed as the local Emergency Management Coordinator shall also be a member of, and shall serve as Chairman of, said Local Emergency Planning Committee;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2015 as listed below:

- |                           |  |
|---------------------------|--|
| Kenneth A. Teets          | Emergency Management Coordinator                 |
| Dan Finkle                | Deputy Emergency Management Coordinator          |
| Deborah Danielson         | Assistant Emergency Management Coordinator       |
| Chief Michael S. Richards | Newton Police Department                         |
| Thomas S. Russo, Jr.      | Newton Town Manager                              |
| Jason Miller, Chief       | Newton Fire Chief                                |
| Captain, To be determined | Newton Vol. First Aid and Rescue Squad           |
| Ken Jaekel                | Newton Public Works Supervisor                   |
| Joseph Carr               | Assistant Supervisor Water and Sewer             |
| Lorraine Read             | Newton Municipal Clerk                           |
| Debra Millikin            | Deputy Town Manager                              |
| Terri Oswin               | Deputy Municipal Clerk/Assistant to Town Manager |
| Joseph Butto              | Newton/Hardyston Construction Official           |
| Dr. Kennedy Greene        | Newton School Superintendent                     |
| Robert Moorehead          | Radio Station WNNJ                               |

**RESOLUTION #235-2014\***

**DESIGNATE OFFICIALS TO SIGN CHECKS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2015.

**RESOLUTION #236-2014\***

**RESOLUTION APPOINTING A HEARING OFFICER AND ALTERNATE PURSUANT TO CHAPTER 213, ARTICLE III OF THE CODE OF THE TOWN OF NEWTON RELATED TO HOLDING CERTAIN LANDLORDS RESPONSIBLE FOR DISORDERLY TENANT BEHAVIOR**

**WHEREAS**, Chapter 213, Article III of the Code of the Town of Newton, "Holding Certain Landlords Responsible for Disorderly Tenant Behavior", provides that a Hearing Officer, who is a New Jersey licensed attorney who does not own or lease any property within the Town of Newton or hold any interest in the assets or profits arising from the ownership or lease of such property within the Town of Newton, shall be appointed by the Town Council; and

**WHEREAS**, said legal services are needed for calendar year 2015, which professional services are awarded under non-fair and open contracts pursuant to N.J.S.A. 40A:11-5;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the Town Council authorizes the Mayor and Municipal Clerk to execute an agreement reappointing Kellen F. Murphy, Esq. of Riker, Danzig, Scherer, Hyland, Perretti, as the Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and Glenn T. Gavan, Esq. of the Law Office of Glenn T. Gavan, Esq., LLC as the alternate Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and

**BE IT FURTHER RESOLVED**, that this Resolution and a copy of each agreement is to be provided to each attorney and shall be advertised and is on file and available for public inspection in the office of the Municipal Clerk.

**RESOLUTION #237-2014\***

**AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2015 WITH REGARD TO TAX APPEALS**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the Municipal Tax Assessor and the Town Attorney are hereby authorized to defend all contest appeals before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey; and

**BE IT FURTHER RESOLVED**, that the Municipal Tax Assessor and the Town Attorney are also hereby authorized to initiate municipal appeals to correct the Town of Newton tax listing including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as may be necessary to correct the assessments for the Town of Newton; and

**BE IT FURTHER RESOLVED**, that the Municipal Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the

purpose of signing settlements of the foregoing matters by stipulation for the 2015 Calendar Year.

**RESOLUTION #238-2014\***

**DESIGNATE CHIEF FINANCIAL OFFICER/ FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES**

**WHEREAS**, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

**WHEREAS**, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

- 1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.
- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.
- 3) This Resolution shall take effect immediately upon its adoption.

**RESOLUTION #239-2014\***

**AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL AND POUND SERVICES WITH THE TOWNSHIP OF WANTAGE COVERING CALENDAR YEAR 2015**

**WHEREAS**, the Town of Newton desires to enter into a shared service agreement with the Township of Wantage for animal control and pound services; and

**WHEREAS**, the annual fee for the calendar year 2014 is \$16,360; and

**WHEREAS**, sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2015 for said services;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement for animal control and pound services, in duplicate, with the Township of Wantage for calendar year 2015; and

**BE IT FURTHER RESOLVED** that a copy of said agreement shall be placed on file in the Municipal Clerk's office and available for public viewing.

**RESOLUTION #240-2014\***

**APPOINTMENT OF HELEN R. LE FROIS AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD**

**WHEREAS**, there is currently a vacancy on the Town of Newton Planning Board for Alternate Position #2; and

**WHEREAS**, Helen R. Le Frois has expressed an interest in serving on the Planning Board as an Alternate Member;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Helen R. Le Frois is hereby appointed to an unexpired two-year term as Alternate Member #2 of the Newton Planning Board, effective immediately with said term continuing to December 31, 2015.

**RESOLUTION #241-2014\***

**REAPPOINTMENT OF DR. NANCY CRADDOCK TO THE ADVISORY BOARD OF HEALTH**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Dr. Nancy Craddock is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2015 and continuing through December 31, 2019.

**RESOLUTION #242-2014\***

**TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JANUARY 1, 2015 TO JUNE 30, 2015**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$6,068,528.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted (Exclusive of Debt Service)	\$12,137,057.00
Amount Received to Date	6,068,529.00
Amount of This Request	<u>6,068,528.00</u>
Balance Due Board of Education	.00

**RESOLUTION #243-2014\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR CALENDAR YEAR 2015 WITH DEPUTY MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2015; and

**WHEREAS**, Daniel P. Agatino, J.D., Ph.D., has expressed an interest in serving as Deputy Municipal Public Defender; and

**WHEREAS**, an appropriate agreement for said services has been prepared for execution by both parties; and

**WHEREAS**, legal services are 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 the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate, with Daniel P. Agatino, J.D., Ph.D. to permit him to perform the services of Deputy Municipal Public Defender during 2015; and

**BE IT FURTHER RESOLVED** that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel P. Agatino, J.D., Ph.D. and the Municipal Judge, the Hon. John E. Mulhern.

**RESOLUTION #244-2014\***

**DESIGNATE BANKS AS DEPOSITORIES FOR CALENDAR YEAR 2015**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2015:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

- PNC Bank
- Bank of New York Mellon (Chase)
- New Jersey Cash Management Fund
- Sussex Bank
- Lakeland Bank
- First Hope Bank
- Santander Bank (Sovereign Bank)
- TD Bank
- Highland State Bank
- Valley National Bank
- Wells Fargo Bank, N.A.

Beginning with the filing of September 30, 2010 a list of banks that participate in the Governmental Unit Deposit Protection Act (GUDPA) and the type of certificate of eligibility is available quarterly from the State of New Jersey, Department of Banking and Insurance website: [http://www.state.nj.us/dobi/division\\_banking/depositories/gudpa.htm](http://www.state.nj.us/dobi/division_banking/depositories/gudpa.htm). The Chief Financial Officer/Finance Director will review this site and provide the Town Auditor with a copy of this list.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year. This may also be satisfied electronically.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include: a) Bonds or other

obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

**RESOLUTION #245-2014\***

**APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT**

**WHEREAS**, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

**WHEREAS**, said insurance services will be needed during calendar year 2015;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860 be named as agent of record effective January 1, 2015 for the following insurance policies:

- |                             |                  |
|-----------------------------|------------------|
| a) Package                  | SIF2015-07860NEW |
| b) Workers' Compensation    | WC1407860NEW     |
| c) Umbrella Policy          | S1730038         |
| d) Fire Accident Insurance  | VFP-4231-8172D-0 |
| e) Fire Life AD&D Insurance | G600592-0001     |

**BE IT FURTHER RESOLVED**, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #246-2014\***

**APPOINTMENT OF MARGE CAFFREY AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2015**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Marge Caffrey be and is hereby appointed as the Senior Citizen Coordinator for the Town of Newton during calendar year 2015.

**RESOLUTION #247-2014\***

**REAPPOINTMENT OF HARRY KAPLAN AS A CLASS C MEMBER OF THE HISTORIC PRESERVATION ADVISORY COMMISSION**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Harry Kaplan is hereby reappointed to a four (4) year term on the Historic Preservation Advisory Commission as a Class C member effective January 1, 2015 with said term continuing to December 31, 2018.

**RESOLUTION #248-2014\***

**REAPPOINTMENT OF GARY MARION AND KENT HARDMEYER TO THE NEWTON PLANNING BOARD**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Gary Marion and Kent Hardmeyer are each hereby reappointed to the Newton Planning Board, effective January 1, 2015 as follows:

- a. Gary Marion – Regular Member, four (4) year appointment expiring on December 31, 2018.
- b. Kent Hardmeyer – Regular Member, four (4) year appointment expiring on December 31, 2018.

**RESOLUTION #249-2014\***

**REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES**

**WHEREAS**, certain Town of Newton employees use their private vehicles in connection with Town business; and

**WHEREAS**, such employees routinely use their vehicles for travel within Sussex County; and

**WHEREAS**, it is appropriate to reimburse said Town employees for use of their personal vehicles;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2015:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Debra Millikin	Deputy Town Manager	250 miles	\$140.00
Scott Holzhauer	Tax Assessor	200 miles	\$112.00
Michael Teets	Deputy Fire Chief	200 miles	\$112.00

Kerry Deckert                      Recreation Supervisor              150 miles                      \$84.00

**BE IT FURTHER RESOLVED** that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2015.

**RESOLUTION #250-2014\***

**AUTHORIZE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC**

**WHEREAS**, the Newton Mayor and Council met in Executive Session on certain occasions; and

**WHEREAS**, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

**WHEREAS**, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

- 9/10/14
- 9/22/14
- 10/27/14

**BE IT FURTHER RESOLVED** that these specified minutes may be released to the public upon request.

**RESOLUTION #252-2014\***

**REAPPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR**

**BE IT RESOLVED** by the Town Council of the Town of Newton that Kenneth A. Teets is hereby reappointed to a three-year term as Emergency Management Coordinator for the Town of Newton, in accordance with State law. Said term will expire on December 31, 2017.

**RESOLUTION #253-2014\***

**APPOINTMENT OF JARROD C. CONFRANCESCO, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2015**

**WHEREAS**, Jonathan E. McMeen, Esq., currently serving as the Town of Newton's Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2015; and

**WHEREAS**, Jarrod C. Cofrancesco, Esq., has expressed an interest in serving as Newton's Alternate Municipal Prosecutor; and

**WHEREAS**, compensation for said services will be the sole responsibility of Jonathan E. McMeen, Esq.; and

**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);

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby appoint Jarrod C. Cofrancesco, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2015; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to Jarrod C. Cofrancesco, Esq., Jonathan E. McMeen, Esq., Frances Koch, Sussex County Prosecutor and the Town of Newton Municipal Judge, the Hon. John E. Mulhern.

**RESOLUTION #254-2014\***

**APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR CALENDAR YEAR 2015**

**WHEREAS**, the Town of Newton requires the services of a qualified Planning Consultant for the Town of Newton on an annual basis; and

**WHEREAS**, planning 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**, Jessica C. Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates has submitted a *Scope of Services* 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 reappoints Ms. Jessica Caldwell of J. Caldwell & Associates, LLC as Town Planner for calendar year 2015 based on her *Scope of Services* proposal attached hereto dated December 3, 2014; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Ms. Caldwell, at J. Caldwell & Associates, LLC; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #256-2014\***

**APPROVAL OF AN INITIAL APPLICATION FOR TAXICAB OWNER'S LICENSE**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**, "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising the initial Taxicab Owner's License application is complete and accurate; and

**WHEREAS**, in accordance with **§283.6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected.....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the initial Taxicab Owner's License application submitted by Luis I. Arrazola, 43 Clinton Street, Newton, NJ 07860, t/a Champion Limo Service Corp., which shall expire December 8, 2015;

**BE IT FURTHER RESOLVED** that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

**RESOLUTION #257-2014\***

**APPROVAL OF AN INITIAL APPLICATION FOR TAXICAB OWNER'S LICENSE**

**WHEREAS**, the Code of the Town of Newton requires that under **283-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the initial Taxicab Driver's license application is complete and accurate; and

**NOW THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the initial Taxicab Driver's License submitted by Luis I. Arrazola, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corp., which expires on December 8, 2015.

**RESOLUTION #258-2014\***

**APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., P.P., C.M.E., AS WATER ENGINEER FOR CALENDAR YEAR 2015**

**WHEREAS**, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; and

**WHEREAS**, engineering 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**, David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, of Harold E. Pellow & Associates, Inc., has submitted a *Scope of Services* 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 reappoints David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, of Harold E. Pellow & Associates, Inc., as Water Engineer for calendar year 2015 based on the *Scope of Services* proposal attached hereto dated December 3, 2014; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, at Harold E. Pellow & Associates, Inc.; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

Council agreed to add on Resolution #260-2014 to the consent agenda.

**RESOLUTION #260-2014\***

**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**

526.33	Quill Corporation	34406
126.16	Montague Tool & Supply, Inc.	34407
2,346.75	Pellow, Harold & Assoc., Inc.	34408
291.29	Elizabethtown Gas	34409
629.40	Furgiuele, Camille	34410
2,095.31	G & G Diesel Service Inc.	34411
6,247.96	JCP&L	34412
375.00	New Jersey Herald, Inc.	34413
663.69	SCMUA	34414
112.00	Teets, Michael D.	34415
125.85	Centurylink Communications, Inc.	34416
35.00	Centurylink Communications, Inc.	34417
250.00	AHS Hospital Corp.	34418
1,258.80	Frisbie, Arthur & Rita	34419
1,258.80	Iliff, John and Terry	34420
304.00	Neopost Leasing, Inc.	34421
345.00	Lock & Key World	34422
2,679.40	Timmerman Company, Inc.	34423
6,043.50	Newton First Aid Squad	34424
112.00	Holzhauer, Scott	34425
2,606.00	Willco, Inc.	34426
790.16	Vital Computer Resources, Inc.	34427
89.22	J & D Sales & Service, LLC.	34428
37.50	Kithcart, Brock	34429
629.40	Garris, Jean	34430
56.73	Weis Markets, Inc.	34431
622.64	Dempsey Uniform & Supply Inc.	34432
312.29	Millikin, Debra	34433
5,234.00	L-3 Comm. Mobile-Vision	34434
157.38	Elvidge, E. Kevin	34435
629.40	Richards, Jean	34436
1,263.81	Boonton Tire Supply Inc.	34437
476.02	McGuire, Inc.	34438
746.99	Vision Service Plan	34439
112.00	Miller, Jason	34440
629.40	Ransnorth, James & Nancy	34441
191.64	Verizon Wireless, Inc.	34442
1,440.00	Orr's	34443
812.50	Alternate Power Inc.	34444
4,656.33	Cooper Electric Supply Co.	34445
100.00	Morris County Police Academy	34446
235.69	Teresa Ann Oswin	34447
86.87	Linda Roth	34448
4.09	Advance Auto Parts	34449

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633.10	Home Depot, Inc.	34450
5,166.33	Fire & Safety Services, LTD., Inc.	34451
629.40	Romyns, Larry E.	34452
1,258.80	Morris, Thomas & Bulah	34453
120.00	Mid-Atlantic For Safety &	34454
12,350.00	Newton Fire Department	34455
1,049.01	Staples Business Advantage, Inc.	34456
21.89	Staples Business Advantage, Inc.	34457
629.40	Douglas Cummins	34458
80.85	Spectrum Communications, Inc.	34459
70.72	Nestle Waters, Inc.	34460
2,261.83	Rachles/Michele's Oil Company	34461
2,231.20	Taylor Oil Co., Inc.	34462
1,450.00	Firefigther One, LLC.	34463
2,250.00	Laddey, Clark & Ryan, LLP.	34464
1,258.80	Nancy Clouse	34465
495.00	Kieffer Electric, Inc.	34466
1,600.00	Weather Works, Inc.	34467
847.15	Jersey Central Power & Light, Inc.	34468
2,033.58	Atlantic Tactical Inc.	34469
789.02	Code 96 LLC	34470
629.40	James J Kilduff	34471
1,770.00	Chelbus Cleaning Company	34472
629.40	Steve Mills	34473
629.40	Michael A Pandiscia	34474
397.30	Thyssenkrupp Elevator Corp.	34475
1,573.06	Extra Tech Data Services, LLC.	34476
121.50	Kerry Deckert	34477
253.36	D. Lovenberg's Portable Toilet Rent	34478
230.00	J. Caldwell & Associates, LLC.	34479
2,527.00	Facility Dude	34480
30.00	Somerset County Police Academy	34481
125.28	United Telephone/ Century Link	34482
420.00	USA Hoistco., Inc.	34483
551.55	LOGOUP	34484
419.60	Ann Rosellen	34485
125.00	Newton Gulf LLC.	34486
1,173,295.50	Newton Board of Education	141081
-135.87	Elavon	141079
205,542.01	Payroll Account	141080
28.80	Thomas S Russo Jr.	34405
135.87	Elavon	141079

**CAPITAL**

9,231.25	Pellow, Harold & Assoc., Inc.	8369
63.60	New Jersey Herald, Inc.	8370
500.98	Code 96 LLC	8371
241.96	Harter Equipment Inc.	8372
725.00	J. Caldwell & Associates, LLC.	8373
46,011.00	Edge Property Maintenance, Inc.	8374
1,606.95	Blinds.com	8375
6,775.00	NJ Fence LLC.	8376
2,860.00	Cell Construction, Inc.	8377

**Total TOWN BILLS \$1,542,422.15**

**WATER AND SEWER ACCOUNT**

8,696.25	Pellow, Harold & Assoc., Inc.	14604
110.74	Hach Company	14605
6,629.68	JCP&L	14606
14.40	New Jersey Herald, Inc.	14607
658.95	SCMUA	14608
18,521.11	Coyne Chemical Corp., Inc.	14609
288.00	Lock & Key World	14610
286.90	Newton Trophy	14611
629.40	Wagner, William	14612
286,500.00	Water & Sewer Capital Account	14613
260.45	Dempsey Uniform & Supply Inc.	14614
211.90	Vision Service Plan	14615
91.00	Environmental Resource Assoc.	14616
5,440.00	Passaic Valley Sewerage Comm.	14617
2,508.80	Smalley, John	14618
1,335.00	Alternate Power Inc.	14619
23.84	Advance Auto Parts	14620
12,743.86	Pall Corporation	14621
1,078.06	Extra Tech Data Services, LLC.	14622
11,337.58	Hatch Mott Macdonald	14623
472.08	Toyota Motor Credit Corp.	14624
26.98	LOGOUP	14625
628.65	Miracle Chemical Co.	14626
34,809.97	Payroll Account	146038
28.80	Thomas S Russo Jr.	14603
941.04	Sparta Postmaster	14602

**CAPITAL**

2,827.50	Pellow, Harold & Assoc., Inc.	2363
36.30	New Jersey Herald, Inc.	2364
2,549.25	Hatch Mott Macdonald	2365

**Total WATER & SEWER BILLS \$399,686.49**

**TRUST ACCOUNT**

593.75	Pellow, Harold & Assoc., Inc.	3313
160.00	Irene Melchione	3314
2,458.75	Payroll Account	147122
650.00	Lakeland Bus Lines, Inc.	3312

**Total TRUST ACCOUNT BILLS \$3,862.50**

**FEDERAL/ STATE GRANTS**

66.43	Current Account	1242
120.00	Lisa Bechtel	1243
90.00	Nancy Van Horn	1244
90.00	Mike Grifone	1245
90.00	Mary Licata	1246
120.00	Lisa Casamassina	1247
120.00	Jack Choma	1248
56.00	Clarke Caton Hintz	1249

**Total FEDERAL/ STATE GRANTS BILLS \$752.43**

A motion was made by Mrs. Becker to approve the modified **COMBINED ACTION RESOLUTIONS**, including Resolution#260-2014, seconded by Deputy Mayor Flynn and roll call resulted as follows:

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

Deputy Mayor Flynn asked a question regarding Resolution #220-2014 which was addressed by Mr. Russo.

**RESOLUTION #220-2014**

**CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL POLICE OFFICERS**

**WHEREAS**, within Chapter Thirty, Police Department, of the Revised General Ordinances of the Town of Newton, it indicates the Town Manager may appoint Special Police Officers for a term not to exceed 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 Special Police Officers for calendar year 2015:

**Class II**

Raul Couce

Donald Donofrio

Kyle J. Phlegar

Upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio to approve Resolution #220-2014 and roll call resulted as follows:

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

Councilwoman Diglio asked a question regarding Resolution #255-2014 which was addressed by Mr. Russo.

**RESOLUTION #255-2014**

**AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWN OF NEWTON AND GREEN TOWNSHIP FOR THE CONSOLIDATION OF THEIR MUNICIPAL COURTS**

**WHEREAS**, the Town of Newton and the Township of Green each presently have independent municipal courts; and

**WHEREAS**, Newton and Green have determined it is in their best interests for purposes of economy and efficiency, to consolidate operations, including the daily functions and court sessions of both municipalities' courts; and

**WHEREAS**, pursuant to N.J.S.A. 2B:12-1(c), two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint the same persons and judges and administrators without establishing a "joint municipal court"; and

**WHEREAS**, where municipal courts share facilities in such a manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

**WHEREAS**, pursuant to the *Uniform Shared Services and Consolidation Act*, N.J.S.A. 40A:65-1, Newton and Green have authority to enter into an agreement to provide for the sharing of such municipal court services; and

**WHEREAS**, each municipality desires to maintain their respective municipal courts and not create a Joint Municipal Court; but share municipal services as set forth in the attached "Interlocal Services Agreement between the Town of Newton and Green Township for the Consolidation of their Municipal Courts";

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that the Mayor and Municipal Clerk are hereby authorized to execute the attached "Interlocal Services Agreement between the Town of Newton and Green Township for the Consolidation of their Municipal Courts".

Upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio to approve

Resolution #255-2014 and roll call resulted as follows:

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

**RESOLUTION**

**RESOLUTION #251-2014**

**AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC**

**WHEREAS**, the Newton Mayor and Council met in Executive Session on certain occasions; and

**WHEREAS**, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

**WHEREAS**, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

3/10/14  
3/24/14

**BE IT FURTHER RESOLVED** that these specified minutes may be released to the public upon request.

A motion was made by Mrs. Diglio to approve Resolution #251-2014, seconded by Mrs. Becker and roll call resulted as follows:

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

**DISCUSSION**

**A. AMENDMENT TO THE HOUSING CODE**

Angelo J. Bolcato, Esq., of Laddey, Clark and Ryan, addressed Council and outlined a meeting which took place with several departments involved: County Board of Health; Code Enforcement; Fire Marshall; Construction Official; Zoning Officer as well as Deputy Town Manager. Mr. Bolcato advised the current Housing Code Ordinance is in need of strengthening and clarification. After a lengthy discussion, Council agreed to move forward with the proposed amendment and introduce the Ordinance at the December 22, 2014 Council meeting.

**OPEN TO THE PUBLIC**

Harry Dunleavy, 16 Price Road, Augusta, addressed Council and advised today is a Holy Day of Obligation and suggested Council should not meet on these days. Mr. Dunleavy addressed his concern with regard to the Free Health Clinic not opening up to assist those people who are in need due to outstanding permits. After a brief discussion, Mayor Elvidge advised Mr. Dunleavy the fees for the clinic were paid and the issue has been resolved.

Anwar Qarmout, 45 Woodside Avenue, suggested negative press is not good for the Town of Newton. Mayor Elvidge agreed and advised the Governing Body was disheartened with the negative publicity as well. Mr. Russo noted he too was

disappointed by the negative article, but does not have any control over the New Jersey Herald.

Mr. Qarmout believes the Town's violation letters should have better verbiage and not be so harsh. Mr. Russo outlined the many good things the Town is doing and supports his staff through the good and the bad times.

Councilman Levante believes the Town has no control over the media, but suggested the residents can call them and voice their opinion to the media regarding the negative publicity.

Mr. Dunleavy noted under the new editorship, the New Jersey Herald is doing a very good job.

**COUNCIL & MANAGER COMMENTS**

Councilman Levante recently spoke to some of the merchants regarding the one-way Spring Street. He noted the merchants concern is ample open parking spaces for short-term parking. Mr. Russo believes it is a good suggestion and outlined the plan for open parking spaces with the one-way Spring Street implementation.

Council held a brief discussion and questions were addressed by Mr. Pellow, Town Engineer.

**EXECUTIVE SESSION**

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

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

Mr. Russo read the following Resolution for Executive Session.

**RESOLUTION #259-2014**

**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

December 8, 2014

**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 December 8, 2014, that an Executive Session closed to the public shall be held on December 8, 2014, at 8:24 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 returned from Executive Session at 11:24 p.m.

There being no further business to be conducted, upon motion of Deputy Mayor Flynn, seconded by Mr. Levante and unanimously carried, the meeting was adjourned at 11:24 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