

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, Mr. Levante, Deputy Mayor Flynn, Mayor Elvidge, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Esq., Town Attorney. Mrs. Becker was excused.

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 Deputy Clerk called the roll and upon motion of Deputy Mayor Flynn, seconded by Mr. Levante, and carried, the minutes of December 8, 2014 Regular Meeting and December 8, 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."

Jonathan Andrews, 145 Spring Street, owner of the Spring Board Shoppes. Mr. Andrews stated little things in town are improving, but some are not. He went on to give examples: He has counted cigarette butts on the sidewalk in front of the post office, liquor store and Legal Lane. Newton's code states the fronts of abandoned stores should be kept neat and orderly and they are not. The old directory signs were removed and not replaced several years ago. He feels the merchants are ignored on a lot of issues, for example they are opposed to the benches. He went on to say the building owners are being slammed by the tax increases. He feels the Town continues to ask for more staff and more government resulting in higher taxes. Mr. Andrews feels his janitorial company could save the Town money because their rates are lower than what they were five years ago. He questioned the proposed SID budget, he hopes the Town Council chooses the lowest budget option. Finally, he offered his displeasure at the Town's website.

Mr. Russo offered to address Mr. Andrews' comments. The cigarette butt issue is a Public Works matter and they will take care of this when available, however the Public Works personnel are not being paid to pick up cigarette butts. If the merchants are able to assist with this, it would be appreciated. He will have the Code Enforcement Department look into the abandoned property matter. As for the benches, Mr. Russo means no disrespect, however, the benches will remain. The benches enhance the downtown, and just because those that utilize the benches may not look a certain way, does not make them bad people. Mr. Russo stated no

one on the Council nor in his office has called for more staff and more government. The taxes shifted from residential to commercial properties because of the hybrid reassessment, not because of increase in staff. Finally, Mr. Russo said, with all due respect, the Town had used Mr. Andrew's janitorial company in the past and was not happy with the services provided, so it would make no sense to consider using them again.

COUNCIL & MANAGER REPORTS

A. Presentation to Winner of Holiday Decorating Contest

Mayor Elvidge presented a certificate of appreciation and a \$75 gift certificate to Mr. & Mrs. Garcia, 16 Woodridge Court as the winners of Holiday House Decorating Contest. Mayor Elvidge read "The Mayor and Town Council would like to acknowledge their appreciation and applaud the efforts of the residents of this wonderful Town for their devotion to keeping the holiday spirit alive within the community". Mrs. Garcia accepted the certificate on behalf on her and her husband and thanked the Town Council and said she was happy to receive this honor.

B. Presentation to Retirees- Lisa Wolanski and Darlene Cooper

Chief Richards made a presentation to Darlene Cooper, Records Clerk who is retiring after 25 years of dedicated service and Lisa Wolanski who worked 23 years for the Newton Police Department. Chief Richards acknowledged and thanked Mrs. Cooper and Mrs. Wolanski for their dedication and contribution to the Police Department and service to the community.

Mrs. Wolanski thanked the Town Council, Chief and fellow co-workers for being like a family to her.

Mr. Russo then went over a few items of interest. The Municipal Offices will be closed for Christmas Eve and Christmas, there will be a 3:00 pm closing of the Municipal Offices on December 31st and closed on New Year's Day. The Newton Fire Department swearing-in ceremony will be at noon to 4:00 pm on New Year's Day, January 1st at the #1 Firehouse. Mr. Russo thanked all the staff and volunteers that helped support the Volunteer Reception. Lastly, Mr. Russo on behalf of himself, his family, the Newton staff and professionals, he wished everyone a Merry Christmas and a safe, happy and healthy New Year.

ORDINANCES

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

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

WHEREAS, the Mayor and Town Council of the Town of Newton desire to amend various sections of the Administrative Code to relocate the Department of Water and Sewer as a Division within the Department of Public Works;

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

SECTION 1. Any references to the “Water and Sewer Department” of the Town of Newton shall be revised to instead read the “Division of Water and Sewer”. Any mention of “Water and Sewer Department” within the Town Code shall mean the “Division of Water and Sewer”, including within Chapter 228, Sewer and Water. Future codification of the Town Code shall reflect these changes.

SECTION 2. Any references to the “Superintendent of the Water and Sewer Department” of the Town of Newton shall be revised to also include “Water and Sewer Supervisor” and “Assistant Supervisor, Licensed Operator for the Water and Sewer Division”. Future codification of the Town Code shall reflect these changes.

SECTION 3. §3-26.A.8 “Department of Water and Sewer” shall be deleted in its entirety.

SECTION 4. Chapter 3, Article XIV “Department of Water-Sewer” shall be and is hereby deleted in its entirety.

SECTION 5. Chapter 3, Article X, “Department of Public Works” shall be and is hereby deleted in its entirety and is replaced in its entirety as follows.

§3-41. There shall be a Department of Public Works, the head of which shall be the Department Head known as the Director of Public Works or Supervisor of Public Works. Within the Department of Public Works, there shall be a Division of Public Works and a Division of Water and Sewer.

§3-42 Duties of Director of Public Works or Supervisor of Public Works:

The Director of Public Works or Supervisor of Public Works, subject to the direction and supervision of the Manager or his designee, shall be responsible for the proper and efficient conduct of all public works functions of the Town government and shall supervise and direct the work of the Public Works Department. Also established will be the Assistant Director of Public Works, Assistant Supervisor of Public Works, Water and Sewer Superintendent, Water and Sewer Supervisor, and an Assistant Supervisor, Licensed Operator for the Water and Sewer Division. Such positions shall be filled by the Manager as necessary for the thorough and efficient operation of the Public Works Department. The Department shall:

- A. Be responsible for all matters relating to the construction, management, maintenance and operation of the physical properties of the Town, other than office supplies, furniture and equipment.
- B. Provide mechanical services required by any department, office or agency of the Town government, except as otherwise directed by the Manager or Council.
- C. Oversee the water system and sewer system of the Town, which are consolidated pursuant to provisions of N.J.S.A. 40:62-106, as may be amended. The Council shall from time to time establish such charges, rentals, rates, fees, rules and regulations for the benefit of the Division of Water and Sewer as may be deemed necessary and proper.
- D. Maintain and repair all streets.
- E. Construct and reconstruct streets and roads, treat road surfaces and resurface streets and roads according to such standards and schedules directed or approved by the Engineer.

- F. Maintain all streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice therefrom as required.
- G. Trim, plant, care for and preserve public parks, greens, grounds and trees in the public way.
- H. Operate, maintain and repair Town buildings and properties and provide custodial and janitorial services therefor.
- I. Control the care, use and disposition of motor vehicles owned by the Town, and, for this purpose, the Division shall:
 - (1) Operate or supervise the operation of a garage or garages for the storage, servicing, repair and maintenance of Town-owned motor vehicles.
 - (2) Supervise any work done by contract for the storage, repair, servicing and maintenance of Town-owned motor vehicles or equipment.
 - (3) Control the maintenance of motor vehicles owned by the Town by maintaining individual vehicle records of mileage, costs of operation and maintenance and replacement schedules.

§3-43 Division of Water and Sewer

Within the Department of Public Works, there shall be a Division of Water and Sewer. Under the direction and supervision of the Manager, the Director of Public Works, Assistant Director of Public Works, Assistant Supervisor for Public Works, Water and Sewer Superintendent, Water and Sewer Supervisor, and the Assistant Supervisor, Licensed Operator for the Water and Sewer Division, the Division of Water and Sewer shall:

- A. Operate, maintain, and repair all components of the Town water system and the Town’s sewer system.
- B. Be responsible for all matters relating to the construction, maintenance, and operation of the water system and sewer system of the Town.

SECTION 6. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 7. 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 8. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Elvidge opened the hearing to the public.

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

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

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

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

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

ORDINANCE #2014-27

AN ORDINANCE REVISING SECTION 307-57 OF THE CODE OF THE TOWN OF NEWTON TO DESIGNATE A PORTION OF SPRING STREET AS ONE-WAY AND A SEPARATE PORTION OF SPRING STREET FOR TWO-WAY TRAFFIC

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

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

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 January 12, 2015.

ORDINANCE #2014-28

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$110,000.00 FOR WASTE WATER TREATMENT PLANT BUILDING ROOFS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

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

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

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 January 12, 2015.

OLD BUSINESS

Mr. Russo updated the Town Council on the SID visits scheduled. Participants can signup through the Town’s website. Visits are planned to Washington Borough and Montclair.

At the January 12, 2015 meeting, Nanette Crift, from the Property Maintenance/Code Enforcement Department, will be in attendance to brief the Council on updates to the Property Maintenance Code and answer any questions the Council may have.

At the January 26, 2015 meeting, Town Planner, Jessica Caldwell will be in attendance to discuss all things generator, vaping, and signage. Terri will send an email to the merchants and Chamber for their input.

Mayor Elvidge read a statement from a CIANJ newsletter. CIANJ President, John Galandike wrote "I know it may sound strange to announce that a town is member of CIANJ, and indeed Newton is the first. I am excited about N decision because the catalyst for joining CIANJ was the Town's desire to transform its image into one that welcomes business. We want to help Newton to be the kind of Town that businesses want to relocate to and I am proud to be working with Newton's leaders, and Mayor Elvidge went on to acknowledge it as noteworthy, that Newton is the first municipality to be a member of this organization and hope it reaps some benefits.

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 following resolutions:

RESOLUTION # 261-2014*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW AND COMMENT ON THE PROPOSED MCGUIRE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, after investigation of a delineated area and recommendation of the Planning Board in accordance with the Act, on October 28, 2013, the Town Council, acting by Resolution, designated the area identified on the official tax map of the Town as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

WHEREAS, in accordance with the Act, the Town has prepared a proposed Redevelopment Plan for the Redevelopment Area, which is attached hereto as Exhibit A; and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in crafting a redevelopment plan for the Redevelopment Area;

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

I. GENERAL

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

II. PLANNING BOARD DIRECTED TO REVIEW THE DRAFT REDEVELOPMENT PLAN

The Town Council hereby authorizes and directs the Planning Board to review the draft Redevelopment Plan attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by N.J.S.A. 40A:12A-7(e).

III. SEVERABILITY

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.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

RESOLUTION #262-2014*

APPROVE PURCHASE OF 32 SETS OF TURN OUT GEAR FOR THE NEWTON FIRE DEPARTMENT

WHEREAS, Skylands Area Fire Equipment & Training has supplied a quote under NJ State Contract #80948 to the Newton Fire Department for the purchase of 32 sets of turn out gear in the amount of \$114,526.72; and

WHEREAS, the Purchasing Agent and the Chief of the Fire Department recommend the purchase of 32 sets of turn out gear in the amount of \$114,562.72; and

WHEREAS, the Chief Financial Officer has certified funds are available to support this purchase as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 32 sets of turn out gear be purchased through Skylands Area Fire Equipment and Training, Riverdale, New Jersey through NJ State Contract #80948 in the amount of \$114,562.72.

RESOLUTION #263 -2014*

ACCEPTANCE OF MAIN POOL FILTRATION SYSTEM RENOVATIONS MEMORY PARK SWIMMING POOL

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Main Pool Filtration System Renovations Memory Park Swimming Pool to Cypreco Industries, Inc., Neptune, NJ by the adoption of Resolution #48-2014 on March 10, 2014; and

WHEREAS, the Newton Town Council approved Change Order No. 2 for said project by adoption of Resolution #138-2014 on July 1, 2014 in accordance with the recommendations of the Consulting Engineer, Wade Associates; and

WHEREAS, Wayne W. Wade, of Wade Associates, has recommended in his letter dated December 4, 2014, that the project be accepted as complete by the Town Council so the final payment can be made;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Main Pool Filtration System Renovations Memory Park Swimming Pool Project as complete based on the recommendation of the consulting engineer, so the final paperwork can be completed.

RESOLUTION #264-2014*

TO CANCEL RESERVE BALANCE IN THE WATER SEWER CAPITAL FUND

WHEREAS, a balance of \$158,057.25 exists on the Water Sewer Capital Trial Balance for Reserve for Plainfield Avenue Watermain; and

WHEREAS, the Deputy Town Manager has reviewed and determined that there are no additional costs for this project and the Town Manager has concurred; and

WHEREAS, it is necessary to formally cancel said balance to Fund Balance;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the Reserve for Plainfield Avenue Watermain in the Water Sewer Capital Fund in the amount of \$158,057.25 be cancelled to Water Sewer Capital Fund Balance.

RESOLUTION #265-2014*

APPROVING THE SALE OF 7 STUART STREET, BLOCK 19.01, LOT 6

WHEREAS, the Town Council adopted Resolution#177-2014 authorizing the sale of 7 Stuart Street, Block 19.01, Lot 6 (the "Property") pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the sale took place on December 11, 2014, and the high bidder was Marc Parette with a bid of Fifty Five Thousand and 00/100 (\$55,000.00) dollars. Mr. Parette also paid a deposit of Ten Thousand and 00/100 (\$10,000.00) dollars; and

WHEREAS, one of the conditions of sale is that the high bidder must pay a buyer's premium equal to ten (10%) of the bid amount in order to pay the auction company's commission. Therefore, the total bid including the buyer's premium is Sixty Thousand Five Hundred and 00/100 (\$60,500.00) dollars; and

WHEREAS, Mr. Parette signed the "New Jersey Contract for Sale of Real Estate" ("the Contract"), a copy of which is attached to this Resolution;

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council that the sale of the Property to Marc Parette is hereby approved; and

BE IT FURTHER RESOLVED that the Town Manager, in consultation with the Town Attorney, is authorized to address reasonable requests of the Buyer or his legal counsel in regard to modifying the terms of the Contract, in order to complete the sale of the Property; and

BE IT FURTHER RESOLVED that the Mayor and Town Clerk are authorized to sign the Contract and any documents necessary to complete the sale, including the Deed for the Property, upon receipt of the balance of the purchase price and the advertising, realty transfer and recording fees, as well as the Town's legal fee reimbursement of \$450.00.

RESOLUTION #266 -2014*

AUTHORIZING THE SALE OF BRINE SOLUTION TO MUNICIPALITIES

WHEREAS, the Town of Newton has the equipment necessary to make a brine solution which is used on roadways in preparation for inclement weather; and

WHEREAS, in the past, other municipalities have purchased the brine solution from the Town of Newton; and

WHEREAS, the Newton Town Council desires to authorize the sale of brine solution to other municipalities to the extent it is available, subject to the terms and conditions of this Resolution; and

WHEREAS, the New Jersey Local Public Contracts Law authorizes the sale of items such as the brine solution to a local government agency in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-36(2), without the need for bids or public auctions;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that:

1. The Town of Newton may sell to other municipalities brine solution to the extent that the Town of Newton has the solution available.
2. The DPW Supervisor or his designee shall be responsible for monitoring the quantities of brine solution sold and provide the information to the Town of Newton CFO or his/her designee for invoicing purposes.
3. The sale price of the brine solution at the time of this Resolution is \$0.35 per gallon; however, the Town of Newton reserves the right to adjust the sale price in the event that the costs to the Town of Newton increase during the term of this Resolution. Upon receipt of the invoice, the purchasing municipality shall submit a purchase order or voucher to the Town of Newton. Payment of the invoice is expected within 30 days of the invoice date.
4. A copy of this Resolution shall be placed on file with the Clerk of the Town of Newton.
5. This Resolution shall take effect immediately and shall remain in effect through December 31, 2015, or as such time as the Town Council modifies or repeals this Resolution.

RESOLUTION #267 -2014*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 3.04, LOT 7

WHEREAS, at the Municipal Tax Sale held on November 5, 2014 a lien was sold on Block 3.04, Lot 7, also known as 149 Mill Street, for 2013 water and sewer charges; and

WHEREAS, this lien, which is known as Tax Sale Certificate #1392, was sold to US Bank Cust for PC4 Firstrust Bank for a 0% redemption fee with a premium of \$1,000.00; and

WHEREAS, Selene Finance, the owner’s mortgage company, has effected redemption of Tax Sale Certificate #1392 in the amount of \$900.44;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges US Bank Cust for PC4 Firstrust Bank is entitled to the redemption in the amount of \$900.44 as well as the premium in the amount of \$1,000.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$900.44 for the redemption of Certificate #1392 as well as a check in the premium in the amount of \$1,000.00 payable to US Bank Cust for PC4 Firstrust Bank, 50 S. 16th Street - Suite 2050, Philadelphia, PA 19102.

RESOLUTION #268 -2014*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

CREDIT FOR A PENALTY THAT WAS ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6500	3 Hillside Avenue	\$23.41

UTILITY BOARD RECOMMENDS CREDIT FOR SEWER CHARGES DUE TO A LEAK:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
17149	40 Sparta Avenue	\$700.00

RESOLUTION #269 -2014*

AUTHORIZE ENTERING INTO AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HARDYSTON FOR CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT SERVICES

WHEREAS, the Town of Newton desires to enter into a shared services agreement with the Township of Hardyston to furnish the Town of Newton with Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its subcodes; and

WHEREAS, the parties desire to enter into an Agreement pursuant to the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq., for the furnishing of such services;

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

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Township of Hardyston for the provision of Construction Code Administration and

Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its subcodes.

- 2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.
- 3. This Resolution shall take effect immediately.

RESOLUTION #2 70-2014*

APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2015

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2015, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Ursula H. Leo, Esq. of Laddey, Clark & Ryan, LLC	Municipal Attorney
Jonathan E. McMeen, Esq., of Laddey, Clark & Ryan, LLC	Municipal Prosecutor
Edward J. Buzak, Esq., of The Buzak Law Group, LLC	Environmental Attorney & Municipal Conflict Attorney
James T. Prusinowski, Esq., of Trimboli & Prusinowski, LLC	Labor Relations Attorney

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

RESOLUTION #271 -2014*

AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEAR 2015

WHEREAS, the Town of Newton anticipates the need for a professional appraiser and consultant in connection with emerging and ongoing tax appeals litigation within the Town of Newton; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

WHEREAS, appraisal 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, the anticipated term of this contract is one (1) year, January 1, 2015 through December 31, 2015; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Holzhauer & Holenstein, LLC, for appraisal services in an amount not to exceed \$17,500;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein’s proposal dated December 5, 2014; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Holzhauer & Holenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

RESOLUTION #272 -2014*

APPOINTMENT OF HATCH MOTT MACDONALD AS SEWER ENGINEER FOR CALENDAR YEAR 2015

WHEREAS, the Town of Newton requires the services of a qualified Engineering Consultant for the Newton Sewer Utility on an annual basis; and

WHEREAS, Sewer 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, Hatch Mott MacDonald has 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 reappoints Hatch Mott MacDonald, as Sewer Engineer for calendar year 2015 based on the Proposal for Professional Engineering Services dated December 10, 2014 attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Hatch Mott MacDonald; and

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

RESOLUTION #273 -2014*

APPROVE 2014 APPROPRIATION TRANSFERS

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

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Clerk SW 1051103	Town Manager SW 1050101	20.00
Clerk SW 1051103	Assessment of Taxes SW 1055103	50.00
Clerk SW 1051103	Inspection of Bldgs SW 1077106	950.00
Clerk SW 1051103	Town Manager OE 1050242	550.00
Group Health Ins. OE 1066202	Building & Grounds OE 1061255	5,000.00
Court SW 1059100	Court OE 1059200	2,500.00
Court SW 1059100	Snow Removal SW 1081101	14,000.00

Clerk SW 1051103	Code Enforcement OE 10775247	50.00
Group Health Ins. OE 1066202	Interlocal - Construction OE 1094796	21,520.00
Parks & Playgrounds SW 1091100	Stormwater OE 1082250	2,080.00
Clerk SW 1051103	Emergency Management OE 1078263	340.00
Clerk SW 1051103	Celebration Pub. Event 1092200	550.00
Social Security 1097298	DCRP - Define Contrib Retirement Program	500.00
Group Health Ins. OE 1066202	Other Insurance OE 1069205	2,500.00
TOTAL CURRENT TRANSFERS		\$50,610.00

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>WATER / SEWER</u>		
PERS contribution OE 6093296	Social Security 6093298	350.00

RESOLUTION #274 -2014*

REAPPOINTMENT OF DANIEL HAYEK AND CRYSTAL DROSSEL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Daniel Hayek and Crystal Drossel are each hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2015 and continuing through December 31, 2017.

RESOLUTION #275 -2014*

TO CANCEL APPROPRIATION BALANCES IN THE WATER AND SEWER CAPITAL FUND

WHEREAS, certain Water Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, the Town Manager and other Town Officials have reviewed and determined there are no additional costs for these projects; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund (CIF) or credited to Fund Balance, and unused debt authorizations may be cancelled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that the following unexpended and dedicated balances of the Water Sewer Capital appropriations totaling \$245,469.31 be cancelled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled Funded</u>
			<u>Unfunded</u>
2013-10	4/22/13	Inlet building Upgrade (to CIF)	\$110,774.89
2012-10	4/9/12	Maple Avenue Project (to CIF)	\$134,694.42

RESOLUTION #276 -2014*

AMENDMENT TO THE WATER/ SEWER CAPITAL BUDGET

WHEREAS, the local water sewer capital budget for the year 2014 was adopted on the 14th day of April, 2014; and
 WHEREAS, it is desired to amend said capital budget section,
NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, the following
 amendment(s) to the adopted capital budget section of Water/Sewer Capital Fund be made.

Recorded Vote (Insert Names)

(Elvidge
 (Flynn
 Ayes (Diglio
 (Levante
 (

(
 (
 Nays (
 (
 (

Abstain (
 (
 (
 Absent (Becker
 (

WATER/SEWER CAPITAL BUDGET (Current Year Action)
 2014

1 Project	2 Project Num.	3 Est. Total Cost	4 Amt. Res. In Prior Years	Planned Funding Services for Current Year 2014					Total Funded In Future Year
				5a 2014 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid/Other Fund	5f Debt Authorized	
Waste Water Treatment Plant Building Roofs	2014-U14	\$ 110,000.00			\$ 110,000.00				
Total All Projects		\$ 110,000.00	\$ -	\$ -	\$ 110,000.00	\$ -	\$ -	\$ -	\$ -

SIX YEAR CAPITAL PROGRAM 2014 TO 2019
 ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

1 Project	2 Project Number	3 Est. Total Cost	4 Estimated Completion Time	5 Capital Improvement Fund 2014 Budget	Funding Amounts Per Year					
					2014	2015	2016	2017	2018	2019
Waste Water Treatment Plant Building Roofs	2014-U14	\$ 110,000.00	2015		\$ 110,000.00					
Total All Projects		\$ 110,000.00		\$ -	\$ 110,000.00	\$ -	\$ -	\$ -	\$ -	\$ -

RESOLUTION #277 -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

403.90	B & R Uniform, Inc.	34493
59.98	Quill Corporation	34494
1,561.82	E.A. Morse & Company, Inc.	34495
3,623.00	Pellow, Harold & Asso, Inc.	34496
169.00	Sussex Car Wash Inc.	34497
2,554.90	Elizabethtown Gas	34498
2,293.88	JCP&L	34499
164.66	Centurylink Communications, Inc.	34500
3,467.39	Centurylink Communications, Inc.	34501
1,649.55	Timmerman Company, Inc.	34502
303.58	Tri-State Rentals, Inc.	34503
502.00	West Group, Inc.	34504
31.54	Federal Express	34505
79.30	Hayek's Market, Inc.	34506
79.00	Lawyers Diary & Manual	34507
3,030.00	Ferraioli, Cerullo & Cuva	34508
107.50	McManimon, Scotland & Baumann, LLC.	34509
37.32	Lafayette Auto Parts	34510
5,000.00	Dog Reserve Account	34511
682.62	Willco, Inc. 34512	
818.37	Sloan, James P, P.C., Inc.	34513
185.30	Treasurer, Petty Cash Fund	34514
5,975.92	Weldon Asphalt Company, Inc.	34515
665.00	Minisink Press Inc.	34516
17.00	Carr, Joseph	34517
15.00	Sussex County Assessors Assoc.	34518
72.16	Sebring Auto Parts, Inc.	34519
173.69	Zee Medical, Inc.	34520
507.10	Elvidge, E. Kevin	34521
205.65	Sirchie Finger Print Labs, LLC.	34522

922.38	Boonton Tire Supply Inc.	34523
72.75	McGuire, Inc.	34524
1,307.51	Verizon Wireless, Inc.	34525
16.91	Walmart	34526
75.08	Mr. John, Inc.	34527
101.40	Cooper Electric Supply Co.	34528
510.00	Vogel, Chait, Collins, Schneider, PC	34529
55.96	Advance Auto Parts	34530
873.44	Home Depot, Inc.	34531
220.27	Rogo Fastener Co., Inc.	34532
681.62	Sussex County Mailing Service	34533
706.36	Staples Business Advantage, Inc.	34534
103.33	Staples Business Advantage, Inc.	34535
10.20	Language Line Services, Inc.	34536
203.00	Spectrum Communications, Inc.	34537
126.00	Krave Café	34538
649.00	The Emblem Authority	34539
56.55	Pinnacle Wireless FBO Unitek Global	34540
2,285.14	Rachles/ Michele's Oil Company, Inc.	34541
3,476.01	Taylor Oil Co., Inc.	34542
2,385.10	Strutural Metal Fabricators, Inc.	34543
5,928.00	Laddey, Clark & Ryan, LLP	34544
385.24	Northwest Building Supply, Inc.	34545
1,694.30	Jersey Central Power & Light, Inc.	34546
19.11	FKA Architects Inc.	34547
875.00	Code 96 LLC	34548
4,962.00	Trimboli & Prusinowski, LLC.	34549
689.78	Penteledata	34550
132,195.50	NJMEBF	34551
3,078.22	Woodruff Energy US, Inc.	34552
150.00	Edward J Buzak	34553
4,344.0	AG Choice, LLC.	34554
157.58	Cartridge World	34555
447.11	Lucy DeLoreto	34556
190.00	D. Lovenberg's Portable Toilet Rent	34557
172.50	J. Caldwell & Associates, LLC.	34558
304.03	Crafco, Inc.	34559
167.91	Toyota/ Subaru/ Scion of Morristown	34560
335.00	Texas Canvas	34561
223.44	Sunlight General	34562
99.57	Cintas Fire Protection	34563
963.24	J & P Crushing, LLC.	34564
1,069.00	The Graphic Department	34565
285.00	Tropicana Atlantic City Corp	34566
75.00	Municipal Court of Livingston	34567
203.70	V.E. Ralph & Son, Inc.	34568
25,515.15	Hardyston Township	34569
359.50	Capital Account	141084
194,779.12	Payroll Account	141083
1,258.80	Ronald Clouse	34492
75.00	Spring Street Pub & Grill	34491
-75.00	Applebee's	34490

CAPITAL

8,664.50	Pellow, Harold & Asso, Inc.	8378
4,260.20	McManimon, Scotland & Baumann, LLC	8379
962.40	Weldon Asphalt Company, Inc.	8380
8,109.50	Pinnacle Wireless FBO Unitek Global	8381
640.00	Laddey, Clark & Ryan, LLP.	8382
2,400.00	FKA Architects Inc.	8383
2,667.50	J. Caldwell & Associates, LLC.	8384
575.00	Wade Associates	8385
4,980.00	Cypreco Industries, Inc.	8386

Total TOWN BILLS \$463,535.04

WATER AND SEWER ACCOUNT

29.99	Quill Corporation	14627
3,387.00	Pellow, Harold & Asso, Inc.	14628
1,146.53	Elizabethtown Gas	14629
6,821.87	JCP&L	14630
1,670.20	Coyne Chemical Corp., Inc.	14631
36.39	Centruylink Communications, Inc.	14632
1,328.65	Centurylink Communciations, Inc.	14633
50.45	Hayek's Market Inc.	14634
3,212.50	Ferraiolo, Cerullo & Cuva	14635
6,143.36	Current Account	14636
9.98	Water & Sewer Petty Cash Fund	14637
2,664.75	Weldon Asphalt Company, Inc.	14638
148.40	Carr, Joseph	14639
48.29	Sebring Auto Parts, Inc.	14640
294.43	Boonton Tire Supply Inc.	14641
109.33	Verizon Wireless, Inc.	14642
720.00	ORR's	14643
90.64	Advance Auto Parts	14644
347.43	Home Depot, Inc.	14645
681.61	Sussex County Mailing Service	14646
114.91	Staples Business Advantage, Inc.	14647
1,152.00	Laddey, Clark & Ryan, LLP.	14648
119.90	Penteledata	14649
26,135.50	NJMEBF	14650
138.28	One Call Concepts, Inc.	14651
1,440.48	Woodruff Energy US, Inc.	14652
7,078.31	Hatch Mott MacDonald	14653
463.83	Sunlight General	14654
35,702.21	Payroll Account	146040
503.43	State of New Jersey- PWT	146039

CAPITAL

4,215.50	Pellow, Harold & Asso, Inc.	2366
705.54	Tony's Concrete Constr Co, Inc.	2367
272.00	Laddey, Clark & Ryan, LLP	2368
5,843.22	Hatch Mott MacDonald	2369

Total WATER & SEWER BILLS \$112,826.91

TRUST

3,493.75	Pellow, Harold & Asso, Inc.	3315
2,218.75	Pellow, Harold & Asso, Inc.	3316
260.00	McManimon, Scotland & Baumann, LLC	3317
515.00	Sloan, James P, P.C. Inc.	3318
795.00	Vogel, Chait, Collins, Schneider, PC	3319
272.00	Laddey, Clark & Ryan, LLP	3320
2,760.00	J. Caldwell & Associates, LLC.	3321
604.95	National Law Enforcement Officers	3322
1,545.50	Payroll Account	147123

Total TRUST ACCOUNT BILLS \$12,464.95

DEVELOPERS ESCROW ACCOUNT

218.75	Pellow, Harold & Asso, Inc.	1208
58.80	Dolan & Dolan, Inc.	1209
495.00	Vogel, Chait, Collins, Schneider, PC	1210
536.73	Ferriero Engineering, Inc.	1211
300.00	Edward J Buzak	1212

Total DEV. ESCROW BILLS \$1,609.28

FEDERAL/ STATE GRANTS

350.00	Center for Prevention & Counseling	1250
1,897.50	J. Caldwell & Associates, LLC.	1251

Total FEDERAL/ STATE GRANTS BILLS \$2,247.50

DOG RESERVE

249.00 MGL Forms- Systems, LLC. 8544

Total DOG RESERVE BILLS \$249.00

RESOLUTION #278 -2014*

APPOINTMENT OF JOSEPH A. RICCIARDO AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD

WHEREAS, there is currently a vacancy on the Town of Newton Planning Board due to the resignation of Melissa Logan; and

WHEREAS, Joseph A. Ricciardo, has expressed an interest in serving as a member of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Joseph A. Riccardo is hereby appointed to an unexpired four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2015.

RESOLUTION #279 -2014*

APPOINTMENT OF MARK MARUSKA TO ECONOMIC DEVELOPMENT ADVISORY COMMISSION

WHEREAS, there is currently a vacancy on the Economic Development Advisory Commission; and

WHEREAS, Mark Maruska, has expressed an interest in serving as a member of the Economic Development Advisory Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mark Maruska is hereby appointed to an unexpired three-year term as a member of the Economic Development Advisory Commission, effective immediately with said term continuing to December 31, 2015.

Before a vote was taken Mrs. Diglio questioned who purchased the 7 Stuart Street property. Mrs. Leo advised it was Mark Parette of Rockaway. Mrs. Leo went on further to explain the purchase price is \$60, 500, there is some room for the attorney and manager to negotiate as there is a provision regarding the removal of the oil tank. The tank will be removed at the buyer’s expense, if there is a leak issue the sale/offer may be removed.

Deputy Mayor Flynn recused himself from check #1211 on the bill list.

Mayor Elvidge recused himself from voucher #34521 on the bill list.

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

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

DISCUSSION

No discussion items were brought forth.

OPEN TO THE PUBLIC

COUNCIL & MANAGER COMMENTS

Deputy Mayor Flynn advised the Council he recently attended the Brewfest fundraiser. He stated it was a very nice event, well attended and there were many people from Newton that attended to support the Fire Museum.

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 7:34pm.

Respectfully submitted,



Teresa A. Oswin , RMC
Deputy Municipal Clerk