

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, Deputy Mayor Flynn, Mr. Levante, 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, 2014.”

Mayor Elvidge led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Deputy Mayor Flynn, seconded by Mr. Levante and carried, the minutes of December 22, 2014 Regular Meeting and December 22, 2014 Special Meeting were approved. Mrs. Becker abstained from the minutes due to her absence.

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.”

Nanette Thomas, 7 Orchard Street, questioned Ordinance 2005-1, which was explained and addressed by Mrs. Leo.

Jonathan Andrews, 145 Spring Street, owner of the Spring Board Shoppes, had various questions. He questioned whether the Town will enforce interior code violations. He questioned whether the Town will take action on abandoned buildings. (i.e. Bula Bldg. and 11 High St.) Mr. Andrews indicated that Mr. Russo advised the Town will not enforce the clean-up of cigarette butts on the sidewalk because it is a property owner issue. Mr. Andrews questioned whether the Town will enforce the snow removal and asked what he can do when the property owners continue to leave their property with unsightly conditions.

COUNCIL & MANAGER REPORTS

Mr. Russo addressed the questions of Mr. Andrews. Mr. Russo advised the Property Maintenance code enforcement issues are only addressed for exterior. Mr. Russo advised letters were mailed to property owners regarding abandoned buildings. Mr. Russo advised snow removal is addressed by code enforcement.

The Governing Body members had questions regarding code enforcement which were addressed by Mrs. Leo.

A. Budget Hearing Dates

Mr. Russo addressed Council to recommend possible dates for Budget Hearings. The dates and times suggested are Saturday, February 7, 2015 at 9:00 a.m., and Thursday, February 12, 2015 at 6:00 p.m.

After a brief discussion, Council agreed to the suggested dates. Mr. Russo directed Mrs. Read to advertise accordingly.

B. Town Council & Board of Education Joint Meeting, February 24, 2015 at 6:00 p.m.

Mr. Russo advised Council that the Newton Board of Education would like to hold their annual joint meeting with the Governing Body on Tuesday, February 24, 2015 at 6:00 p.m.

Council unanimously agreed to hold their annual joint meeting on February 24, 2015 at 6:00 p.m. Mrs. Read will communicate with Donna Snyder, Business Administrator, to advertise said meeting to be held at the Board of Education offices.

ORDINANCES

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

ORDINANCE #201 4-27

AN ORDINANCE REVISING SECTION 307-55 and 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 VEHICULAR TRAFFIC

WHEREAS, the Town Council has determined a portion of Spring Street should be designated as one-way to allow for additional parking along Spring Street for the benefit to the downtown business community; and

WHEREAS, N.J.S.A. 39:4-85.1 permits governing bodies of municipalities to designate local roadways for one-way traffic; and

WHEREAS, the Town engineer has recommended that Spring Street be one-way from Madison Street running northwesterly approximately 982 feet to Route 206/94; and two-way vehicular traffic from Sparta Avenue to Madison Street;

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

Section 1. Spring Street shall be designated one-way to vehicular traffic from Madison Street to Route 206/94, running northwesterly a distance of 982 feet. Spring Street shall be open to two-way vehicular traffic from Sparta Avenue to Madison Street.

Section 2. Section 307-55, of the Code of the Town of Newton, entitled "Schedule VI: One-Way Streets" shall be revised to include the following:

Name of Street	Direction	Location
Spring Street	Northwesterly	From Madison Street to Route 206/94

Section 3. Section 307-57, of the Code of the Town of Newton, entitled "Schedule VII: Through Streets" shall be revised to include the following:

Name of Street	Location
Spring Street	Between Sparta Avenue and Madison Street

Section 4. 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 5. 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 6. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Elvidge opened the hearing to the public.

Neil Flaherty, 154 Sparta Avenue, stated concerns with regard to traffic congestion on Trinity Street. Mr. Flaherty questioned whether a traffic study was done on eliminating the right hand turn onto Spring Street. Mr. Russo advised that Mr. Pellow has completed said study which will be addressed in his presentation this evening.

Mike Alvarez, 8 Hillside Avenue, addressed concerns with the ability of emergency vehicles to quickly respond to emergency calls on Spring Street due to the one-way access. He suggested the Town revisit the one-way option.

Roger Kent, 5 Ridgeview Road, also addressed concerns with allowing Spring Street to be a one-way street. He feels this will enable traffic congestion on Trinity Street, with the possibility of congestion on surrounding streets as well.

Prior to the adoption of this Ordinance, Mayor Elvidge directed Mr. Pellow to make his presentation regarding the study completed on the one-way Spring Street.

Mr. Pellow, Town Engineer, made a lengthy presentation on the proposed resurfacing and improvements to Spring Street. Mr. Pellow outlined the details of making Spring Street a one-way street from Madison Street to Route 206/94. Spring Street shall be open to two-way vehicular traffic from Sparta Avenue to Madison Street. Designating Spring Street as a one-way will allow an additional 22 parking spaces on Spring Street. Mr. Pellow indicated that two additional traffic lights will be incorporated into the project and two new directional signs will be erected for "Newton Business District".

Neil Flaherty, 154 Sparta Avenue, questioned where the traffic lights are being installed and was advised that one will be at Trinity Street and Union Place and one will be at Trinity Street and Moran Street.

Mike Alvarez, 8 Hillside Terrace, addressed concerns with traffic on Diller Avenue and inquired if a study was done and Mr. Pellow said "no".

Wayne McCabe, 125 High Street, questioned whether the two traffic lights will be timed with the one at the intersection of Trinity Street/Water Street and was advised that the lights will be timed to coincide with other traffic lights. Mr. McCabe questioned the material used on the new crosswalks which was addressed by Mr. Pellow. Mr. Pellow also addressed the proposed cobblestone pavers to be placed in front of the fire museum.

Nanette Thomas, 7 Orchard Street, questioned the additional parking spaces on Spring Street, which was addressed by Mr. Pellow.

Neil Flaherty, 154 Sparta Avenue, questioned the timing on the traffic lights and was advised the Department of Transportation (DOT) handles the timing of traffic lights.

Mayor Elvidge questioned the peak days for traffic heading eastbound on Spring Street and Mr. Pellow indicated Mondays were the peak days but noted the study shows weekends are extremely heavy traffic.

Councilwoman Becker expressed encouragement with the proposed one-way Spring Street project and feels it will be good for the downtown merchants.

Mayor Elvidge questioned the timing on the two new traffic lights which was addressed by Mr. Stoner, P.E.

Deputy Mayor Flynn noted concern with the left-hand parking on Spring Street. It was noted that left-hand parking is currently on Moran Street and people will get used to this change.

Wayne McCabe, 125 High Street, inquired whether the new proposed parking on the south side of Spring Street would be similar to the current parking spaces provided and Mr. Pellow said "yes".

Wayne McCabe, 125 High Street, noted as a Professional Planner, he feels the proposed one-way Spring Street is a good plan and suggested the Town Council vote in favor of this project.

There being no one else 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. Diglio	No	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

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

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

ORDINANCE #201 4-28

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

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

Section 1. \$110,000.00 is hereby appropriated for Waste Water Treatment Plant Building Roofs and all costs necessary therefore or incidental thereto from the following sources:
Water Sewer Capital - Capital Improvement Fund \$110,000.00

Section 2. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with

the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services and is filed and available for public inspection in the office of the Municipal Clerk.

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

Mayor Elvidge opened the hearing to the public.

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

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

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 #2015-1

AN ORDINANCE AMENDING SECTION 320-2.C "PERMITTED USES" OF THE NEWTON TOWN CODE TO PERMIT PUBLIC, PRIVATE AND PAROCHIAL SCHOOLS IN THE T-3, T-4 and T-5 ZONES

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on January 26, 2015.

OLD BUSINESS

There was no old business to be discussed.

CONSENT AGENDA

Mayor Elvidge read the following statement:

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

Mr. Russo reviewed the following resolutions.

Councilwoman Diglio requested Resolution #2-2015 and #8-2015 be removed from the Consent Agenda for further discussion.

RESOLUTION # 1-2015*

TO CANCEL PRELIMINARY ENGINEERING FOR MERRIAM AVENUE WATERMAIN BALANCE IN THE WATER SEWER CAPITAL FUND

WHEREAS, preliminary engineering costs for Merriam Avenue Watermain Improvements were authorized by Resolution #86-2010 on June 28, 2010; and

WHEREAS, a balance of \$15,232.77 exists on the Water Sewer Capital Budget Trial Balance for Preliminary Engineering Merriam Avenue Watermain; and

WHEREAS, the Deputy Town Manager has reviewed and determined 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 Capital Improvement Fund;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the Preliminary Engineering Costs for Merriam Avenue Watermain Improvements in the Water Sewer Capital Fund in the amount of \$15,232.77 be cancelled to Water Sewer Capital - Capital Improvement Fund.

RESOLUTION #3-2015 *

ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2015

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2015; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the preceding year's Budget;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2015 Temporary Operating Budget and the 2015 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2015 Annual Municipal Budget and the 2015 Water and Sewer Utility Budget.

RESOLUTION #4-2015 *

DESIGNATE OFFICIALS TO SIGN CHECKS FOR THE TOWN OF NEWTON - TOWNSHIP OF GREEN CONSOLIDATED MUNICIPAL COURT

BE IT RESOLVED by the Town Council of the Town of Newton that the Municipal Court Administrator, Lucy M. DeLoreto, and the Municipal Court Judge, John E. Mulhern are hereby authorized to sign General Account checks and Bail Account checks for the Town of Newton and Green Township Consolidated Municipal Court.

RESOLUTION #5-2015 *

ACCEPTANCE OF THE PAVING OF VARIOUS STREETS PROJECT FOR DILLER AVENUE, STUART STREET AND TOWNSEND STREET

WHEREAS, the Town Council of the Town of Newton awarded a contract for the paving of various streets to Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey through Contract #6 Road Resurfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads by the adoption of Resolution #140-2014 on July 28, 2014; and

WHEREAS, the original contract amount was \$123,362.54, and the Governing Body approved Change Order No. 1 for said project by the adoption of Resolution #195-2014 on October 27, 2014 resulting in a new contract amount of \$122,078.50; and

WHEREAS, Harold E. Pellow of Harold E. Pellow & Associates, Inc., the Town Engineer, has recommended in his letter dated December 18, 2014 the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Paving of Various Streets Project for Diller Avenue, Stuart Street and Townsend Street as complete based on the recommendation of the Town Engineer, so final paperwork can be started.

RESOLUTION #6-2015 *

APPOINTMENT OF HELEN LE FROIS AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD

WHEREAS, there is currently a vacancy for a Regular Member on the Town of Newton Planning Board; and

WHEREAS, Helen Le Frois, currently an Alternate on the Planning Board, has expressed interest in serving as a Regular Member of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Helen Le Frois is hereby appointed to a four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2018.

RESOLUTION #7-2015 *

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF NEWTON AUTHORIZING AN AGREEMENT FOR CERTAIN LEGAL SERVICES

WHEREAS, there exists a need for specialized legal services in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations of the Town of Newton (the "Town") in the County of Sussex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by an experienced law firm and recognized Bond Counsel firm, and the law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey has the experience and is so recognized by the financial and legal community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

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

1. The law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations by the Town in accordance with an Agreement dated January 12, 2015 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.

A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the New Jersey Herald.

RESOLUTION #9-2015 *

APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Town of Newton wishes to apply for funding for a project under the New Jersey Safe and Secure Communities Program (Grant # P-6402-15); and

WHEREAS, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

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

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

BE IT FURTHER RESOLVED, that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-6402-15.

RESOLUTION #10-2015 *

AUTHORIZE AGREEMENT WITH NJDOT REGARDING ROUTE 206 MILLING AND PAVING PROJECT

WHEREAS, the Town of Newton received a Utility Agreement from NJDOT regarding the NJDOT covering the Town of Newton's costs associated with the relocation of water and sewer utilities in relation to the milling and paving of Route 206; and

WHEREAS, the Town Attorney has reviewed said Agreement and feels it is acceptable for the Town of Newton to execute; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes the Mayor, Town Manager, and Municipal Clerk to execute the Agreement with NJDOT for the Route 206 Milling and Paving Project in relation to the water and sewer utility relocation; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to NJDOT with the executed Agreement.

RESOLUTION #11-2015 *

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 2014 and 2015 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
(PREPAID)

3.58	2014 Interest Electronic Fee- Tax	141337
908.34	2014 Interest - Cashier	141436
14.16	2014 Interest - Tax Lien Trust	141602
162.58	2014 Interest - Tax Lien Premium	141601
18.17	2014 Interest - P/R Agency (Interest)	148233
38.79	2013 Retro - P/R Agency	148234
57.80	2014 Interest - Payroll	148186
16.34	2014 Interest - Housing Rehab Revolving Trust	147401
0.10	2014 Interest - Health FSA	148507

January 12, 2015

5,964.74	JCP&L	34570
696.79	Vision Service Plan	34571
1,140.06	Walmart	34572

CAPITAL

2,082.14	2014 Interest - Capital	143004
4,653.02	VMG Group, Inc.	8387

Total TOWN BILLS \$15,756.61

WATER AND SEWER ACCOUNT

4.44	2014 Interest - W/S Utility Trust Assessment	146403
3.90	2014 Interest - W/S Electronic Fee	1463142
5,288.83	JCP&L	14656
30.00	Allied Meter Service, Inc.	14657
211.90	Vision Service Plan	14658
3,275.00	William Grenville, LLC	14659
200.00	NJ Dept. of Environmental Protection	14660
36,244.32	Waterware Corporation	14661

CAPITAL

2,176.96	2014 Interest - W/S Capital	126117
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Total WATER & SEWER BILLS \$47,435.35

TRUST ACCOUNT

4,981.23	2014 Interest	147125
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Total TRUST ACCOUNT BILLS \$4,981.23

DEVELOPER'S ESCROW ACCOUNT

22.07	2014 Interest	147201
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Total DEV. ESCROW BILLS \$22.07

FEDERAL/STATE GRANTS

41.65	2014 Interest	141112
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Total FEDERAL/ STATE GRANTS \$41.65

DOG ACCOUNT

27.55	2014 Interest	142102
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Total DOG ACCOUNT \$27.55

An application for an on-premise raffle (50/50 Raffle) from the Sussex County Community College Foundation to be held on Thursday, April 16, 2015 at 9:00 p.m. at One College Hill Road, Newton. It was noted that the application was in order and accompanied by the prescribed fees.

A motion was made by Mrs. Becker to approve, as amended, the **COMBINED ACTION RESOLUTIONS** , seconded by Mr. Levante and roll call resulted as follows:

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

Councilman Diglio questioned the fee schedule for Excel Environmental Resources which was addressed by Mr. Russo.

RESOLUTION #2-2015

APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC. AS ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2015

WHEREAS, the Town of Newton has a need for a qualified Environmental Engineer to provide consulting and engineering services throughout the year as matters arise; and

WHEREAS, engineering services is a professional service as defined by the Local Public Contracts Laws and is, therefore, exempt from public bidding requirements in accordance with for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

WHEREAS, the Newton Town Council appointed Excel Environmental Resources, Inc., in 2013 and 2014 to provide environmental engineering on some specific parcels in the Town of Newton, and said professional services may be needed by the Town of Newton during calendar year 2015; and

WHEREAS, Excel Environmental Resources, Inc., has submitted a Scope of Services proposal for environmental engineering services; and

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

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Excel Environmental Resources, Inc., is a licensed Environmental Engineering Firm in the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby appoints Excel Environmental Resources Inc., as Environmental Engineer for the Town of Newton for calendar year 2015; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Excel Environmental Resources, Inc., and that a notice of this award be published in the newspaper of record published in accordance with the Local Public Contracts Law.

A motion was made by Mrs. Diglio to approve **RESOLUTION #2-2015**, 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		

Councilwoman Diglio questioned if the flashing was completed on the roof of the fire museum and was advised by Mr. Stoner, Town Engineer, that the approval and inspection was completed by Tom Kosten, Architect for the Newton Fire Museum project.

RESOLUTION #8-2015

FINAL ACCEPTANCE OF THE ROOF REPLACEMENT PROJECT AT THE NEWTON FIRE MUSEUM

WHEREAS, on August 25, 2014 by way of adoption of Resolution #161-2014, the Newton Town Council awarded a contract to VMG Group, for the Roof Replacement Project at the Newton Fire Museum; and

WHEREAS, in a memo to the Town Manager dated December 17, 2014, Town Engineer, Cory L. Stoner, P.E., C.M.E., of Harold E. Pellow & Associates, Inc., states that said project has been completed and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer’s recommendation and accepts the Roof Replacement Project at the Newton Fire Museum as final and complete so that final paperwork can be started; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to VMG Group and the Town Engineer.

A motion was made by Mrs. Diglio to approve **RESOLUTION #8-2015**, 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		

Upon the request of Councilwoman Becker, Jessica Caldwell, Town Planner, reviewed Ordinance 2015-1 for public’s knowledge.

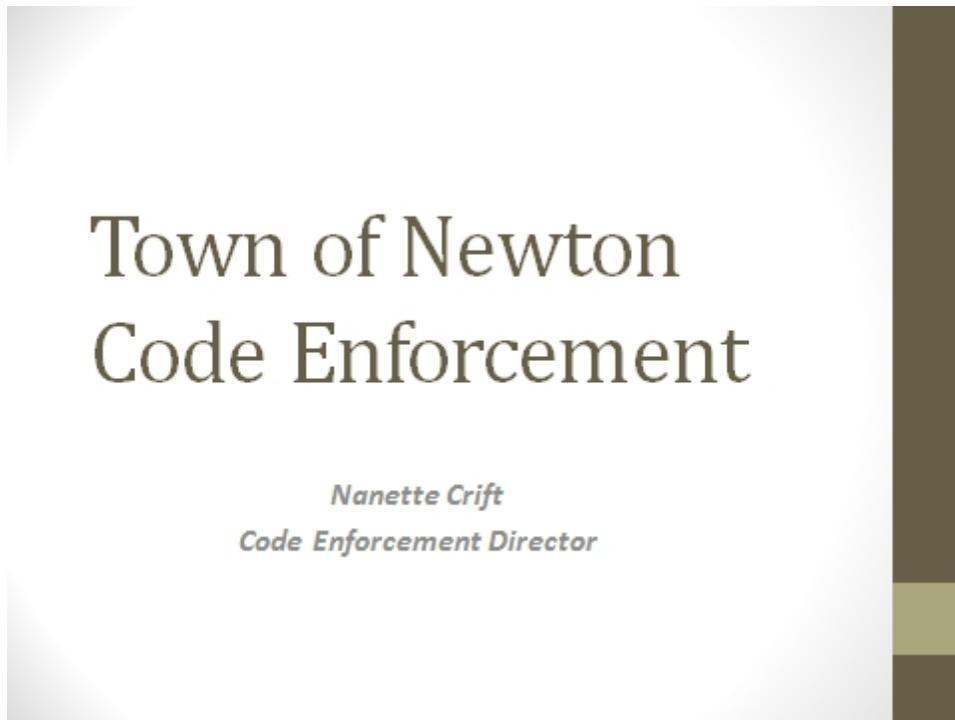
Nanette Thomas, 7 Orchard Street, questioned charter schools under this Ordinance and was advised by Mrs. Caldwell that charter schools would fall under the private and parochial category.

INTERMISSION - 5 minutes

DISCUSSION

A. PROPERTY MAINTENANCE - DRAFT ORDINANCE

Nanette Crift, Code Enforcement Director, read from a prepared statement as she shared a PowerPoint presentation with the Town Council.



Mission

The members of the Newton Code Enforcement Department aspire to perform these challenging tasks in a fair, professional, and courteous manner. Reasonable time extensions are granted as a balance to satisfy compliance.

Our mission is to develop community pride for a better Newton.

Code Enforcement Team Members

Nanette Crift

Code Enforcement Director
Hours: 24 per week
Part-time: 4-5 days 8:30am-2:30pm
973-383-3521 ext. 256
ncrift@newtontownhall.com

Gary Govier

Code Enforcement Officer Trainee
Hours: 15 per week
Part-time: Tues, Wed, Thurs
9:30am-2:30pm
973-383-3521 ext. 231
ggovier@newtontownhall.com

Jeff Schiffner

Deputy Code Enforcement Officer
Part-time: Certificates of Compliance
jschiffner@newtontownhall.com

Development of the International Property Maintenance Code

- The first edition of the International Property Maintenance Code (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI).
- The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time.
- The 2006 edition presents the code as originally issued, with changes reflected through the previous 2003 editions and further changes developed through the ICC Code Development Process through 2005. A new edition of the code is promulgated every three years.

Adopted: International Property Maintenance Code

- Adopted by the Town of Newton in 2006.
- The intent of these codes is to adequately protect public health, safety, and welfare.
- These are the defining tools as to what a violation is and what is not. They coincide with town ordinances that apply to property maintenance.
- The Newton Code Enforcement Department reviews and monitors **exterior** property maintenance issues.

Function

The function of the Code Enforcement Department is to carry out exterior property maintenance ordinances. It is frequently mistaken with the Zoning and Construction Departments.

- *The Zoning Department* is responsible for changes and improvements to property with the issuance of zoning permits, as well as, land use (i.e. signs, sheds, dumpsters). Examples of a Zoning violation would be prohibited parking, overfilled and uncovered dumpsters.
- *The Construction Department* is beginning- to-end review of building construction and alterations. Issuance of permits, as well as inspections. Code enforcement may bring a building safety concern to the Construction Official.

Levels of Violations

Basic:

- Overgrown grass and weeds
- Debris and inappropriate disposal
- Sanitation
- Premises identification

Moderate:

- Hand rails and guards
- Protective treatment
- Stairways, decks, and porches
- Roofs and drainage

Complex:

- Foreclosures
- Retaining walls
- Unearthed/abandoned fuel tanks
- Open excavations
- Sidewalks
- Vacant structures

The following photos provide examples:

Overgrown Grass and Weeds



Debris and Inappropriate Disposal



Sanitation



Handrails and Guards



Stairways, Decks & Porches



Foreclosures



Retaining Walls



Vacant Structures



Most Common Violations

The three most common violations are:

1. Duty to remove (Code 213.1) – 25%
2. Accumulation of rubbish (Code 307.1) – 13%
3. Weeds (Code 302.4) – 11%

280 violations cited in 2014.

191 violations cited in 2013.

Note there are 2,005 residential properties and 294 commercial properties in Newton.

The Process

- Complaints are received via email, phone, letter or on-site inspections by this office.
- An inspection is made of the subject property by a member of the Code Enforcement Department.
- If there is a violation of the Town ordinance/IPMC, a notice of violation is sent with photo and an abatement timeframe of 7, 10, or 30 days given.
- In the case of foreclosures, weeks or months can be added to that timeframe.
- If compliance is not achieved, a final notice is sent with a provision of 7 or 10 days to comply.
- If compliance is still not achieved, a summons with mandatory court appearance is served.
- Typically a court appearance is scheduled within 3 weeks. Often times they are scheduled and rescheduled. Code Enforcement staff members participate in court hearings as needed.
- The entire process from complaint to adjudication can typically take 1 to 3 months.
- A monthly report of all code enforcement activities is provided to the Town Manager for dissemination to the governing body.

Seasonal Adjustments:

- Door tags
- Target zones

Proposed Ordinance Modifications

- Currently we are unable to hold the creditor accountable on foreclosed properties that have property maintenance violations.
- Along with the Town Manager and Town Attorney, our department is recommending a change to Chapter 213 which will be discussed this evening.
- The modification is to enable the Town to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the enforcement officer determines that the creditor has violated the Ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property.
- Other changes relate to the Duty to Remove Section 213-1.

Conclusion

- The Code Enforcement Department staff welcomes feedback from residents and business owners both on process and problem properties that need to be addressed.
- Though staff hours are limited, the Department strives to review both commercial and residential property areas on a constant and consistent basis.
- The Department takes great pride in working with property owners on improvements, knowing that improving the quality of life in Town is critical to the long-term success of the community.
- Thank you for your time and attention.

After a lengthy discussion, the Mayor and Town Council posed several questions which were addressed by Mrs. Crift.

Ursula Leo, Esq. outlined the recommended changes to Chapter 213, Property Maintenance.

Mayor Elvidge thanked Mrs. Crift for her presentation and found the information very informative. He offered to tag along on code enforcement inspections in the near future.

Mrs. Crift stated, for the purpose of clarification, that sidewalk snow removal violations are enforced by the Newton Police and not by the Code Enforcement Department.

Councilman Levante commended the changes proposed to Chapter 213, Property Maintenance.

Deputy Mayor Flynn also commended Mrs. Crift on her department and the work they perform.

B. Park Hours - Draft Ordinance

Ursula Leo, Esq. briefly outlined the draft ordinance amending Chapter 200, "Parks and Recreation Areas". Council had no objection to same.

OPEN TO THE PUBLIC

Roger Kent, 5 Ridgeview Road, questioned when the one-way would be implemented and was advised by Mrs. Millikin it would be some time in the summer of 2015.

COUNCIL & MANAGER COMMENTS

Councilman Levante stated his concern with the traffic on Water Street/206 heading north especially on weekends. He suggested the Town be proactive to address traffic problems and feels these issues affect the "quality of life".

EXECUTIVE SESSION

A motion was offered by Deputy Mayor Flynn, seconded by Mrs. Becker 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 # 12-2015

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

January 12, 2015

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) Potential Litigation
- (2) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on January 12, 2015, that an Executive Session closed to the public shall be held on January 12, 2015 at 8:28 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 9:34 p.m.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Flynn by Mr. Levante and unanimously carried, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk