

April 27, 2015

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mrs. Becker, Mrs. Diglio, Mr. Levante, Deputy Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq. Mayor Elvidge was excused.

Deputy Mayor Flynn made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2014.”

Deputy Mayor Flynn led the Pledge of Allegiance to the flag and the Clerk called the roll and, upon motion of Mrs. Diglio, seconded by Mr. Levante and carried, the minutes of March 23, 2015 Executive Session and April 13, 2015 Regular Meeting were unanimously approved.

OPEN TO THE PUBLIC

Deputy Mayor Flynn read the following statement:

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

Jonathan Andrews, Springboard Shoppe, 145 Spring Street, provided an overview of the Downtown Newton Association (DNA). He outlined the events coming up sponsored by DNA. Mr. Andrews suggested the potential creation of a ‘pop up’ park, with grass and benches, at the location of 50 Trinity Street. He suggested it would be an asset to the community. Mr. Andrews also advised the Town representatives including the Town engineer will be attending the Merchants meeting on May 7th to review the one-way Spring Street plan. He also asked Council to forward a copy of the sign Ordinance to DNA for their review prior to being addressed at the May 11th Council meeting.

There being no one else from the public to be heard, Deputy Mayor Flynn closed the meeting to the public.

PRESENTATIONS

Deputy Mayor Flynn read a Proclamation for Child Abuse Prevention Month and presented it to Victoria Simeone of Ginnie’s House.

A. Child Abuse Prevention Month - Victoria Simeone

PROCLAMATION

Child Abuse Prevention Month

April 2015

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

April 27, 2015

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, health problems, and risky behavior; and

WHEREAS, the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim April as **Child Abuse Prevention Month**, and call upon our citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in the efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

In witness whereof I have hereunto set my Hand and caused this seal to be affixed.

Attest: _____
Date: April 27, 2015

Ms. Simeone thanked the Mayor and Town Council for the Proclamation. She believes this is a small step for recognition and awareness of child abuse within and around the community.

B. President's Volunteer Service Award - Mackenzie Genung

PROCLAMATION

Mackenzie Genung

WHEREAS, Mackenzie Genung, age nine, has dedicated her short life to volunteering to help others; and

WHEREAS, in the past two years she has spent almost 250 hours volunteering to help various organizations and her community; and

WHEREAS, some of the accomplishments Mackenzie has achieved include collecting school supplies for the new school year and holding a yard/bake sale resulting in her donating 31 stuffed backpacks to the community; she held two fundraisers for the Wantage Animal Pound, which services the Town of Newton, with the proceeds being their second largest donation on record; she also donated to "Stuff the Bus" as well as donated her allowance throughout the year to various organizations; and

WHEREAS, Mackenzie continues to volunteer wherever the need may be to benefit the Children's Miracle Network, Woodbridge Domestic Violence Response Team, or the National Multiple Sclerosis Society to name a few; and

WHEREAS, Mackenzie still finds time to be a kid by playing soccer, being a member of Brownie Troop 5688, and most notably being named USA National Miss Northern New Jersey Princess 2015;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim admiration and appreciation to **Mackenzie Genung** for her dedication and hard work in helping those in need and giving back to her community, for being a role-model to all children and leading by example.

In witness whereof I have hereunto set my Hand and caused this seal to be affixed.

Attest: _____
Date: April 27, 2015

COUNCIL & MANAGER REPORTS

A. Communicate Governance Letter - Town Auditor

April 27, 2015

Mr. Russo reviewed the memo from Thomas Ferry, Town Auditor, dated April 17, 2015. Mr. Russo noted the annual audit for 2014 has been completed and the Town is in compliance and clear of any recommendations. Mr. Russo thanked Ms. Babcock, CFO, and all departments involved in the audit process.

Mr. Russo reminded Council that Sussex County Day will be held on Sunday, May 3, 2015 from Noon to 4 p.m.

Mr. Russo advised Council he will be attending a meeting at the Sussex County Community College (SCCC) in order to provide feedback on the replacement of the President of SCCC.

ORDINANCES

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

ORDINANCE 2015-11

AN ORDINANCE CREATING SECTION 320-34 TO REGULATE EMERGENCY STANDBY GENERATORS IN THE TOWN OF NEWTON

WHEREAS, periods of severe weather have created more circumstances where properties within the Town of Newton experience prolonged power outages; and

WHEREAS, Town businesses and residents have begun to apply for permits to install permanent emergency standby generators on their property to supplement electrical power during power outages; and

WHEREAS, regulating the location and installation of permanent emergency standby generators to ensure that negative impacts to surrounding property owners is minimized, serves the public, health, safety and welfare of the community;

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: Section 320-34 shall be added to the Newton Form Based Code as follows:
320-34.A Title

This Article shall be referred to as the "Emergency Standby Generator Ordinance".

320-34.B Purpose

The purpose of this article is to establish guidelines for siting permanent Emergency Standby Generators, to ensure their safe operation and prevent a nuisance to neighboring properties.

320-34.C Definitions

Emergency Standby Generator means a fuel-powered generator which is permanently connected to the electrical system of a structure and primarily operates in the event of a power outage in order to provide backup power. In the event of a power outage Emergency Standby Generators automatically turn on, or are switched on by the owner and supply power. Once utility power is restored, the generator automatically transfers the electrical load back to the utilities, or is manually switched off and power is turned back to the utilities. Emergency Standby Generators are also operated occasionally for maintenance purposes.

Portable Generator is not permanently connected to a building's electrical system, uses a self-contained fuel source and is portable for storage. Portable generators shall be outside when they are being utilized in the event of a power outage emergency or occasionally for maintenance purposes, and are not required to obtain approval pursuant to this Article.

Emergency: Loss of power due to a power outage outside of the owner's control.

320 - 34.D Siting and Placement Requirements

- (1) Residential: Single Family/Duplex
 - (a) Emergency Standby Generators may be located in a secondary front yard, side yard or rear yard and may not be more than 20 feet from the structure it is serving.
 - (b) Minimum setbacks: 10 feet to secondary front yard; 5 feet to side or rear yard.
 - (c) Only one generator with maximum energy output of not more than 20 KW. The generator shall sit on a footprint no larger than 25 square feet and be no higher than 5 feet.
- (2) All Others: Commercial/Industrial/Multi-Family/Institutional
 - (a) Emergency Standby Generators may be located in a secondary front yard, side yard or rear yard and may not be more than 20 feet from the structure it is serving.
 - (b) Minimum setbacks: 10 feet to any property line; where adjacent to residential uses; minimum 15 feet.

320 - 34. E Permits

- (1) Residential Applicants for an Emergency Standby Generator must submit for an application for a zoning permit from the Zoning Officer. The Application must include a site drawing showing the proposed location of the standby generator and associated setbacks to all adjacent property lines. Noise in decibels based on distance from the unit must also be provided.
- (2) Commercial Applicants for an emergency standby generator must submit an application for a Minor Site Plan with the Planning Board, unless the generator is proposed in conjunction with a Major Site Plan application.
- (3) Zoning permits for generators are revocable if the owner does not continue to meet Emergency Standby Generator use requirements.

320 - 34.F Time of Use Regulations

- (1) Unlimited use during an Emergency.
- (2) Exercise of the generator is permitted as required for maintenance, but not more than once a week, on weekdays, between the hours of 10 a.m. and 5 p.m. and not to exceed 30 minutes at a time.

320 - 34.G Screening

- (1) Screening of the unit is required, if visible from any right of way or adjacent properties.
- (2) Natural screening shall be used wherever possible.
 - (a) If, due to the characteristics of the given lot, natural screening is not possible fences conforming to section 320 - 24.A are permitted.

320 - 34.H Noise attenuation

- (1) Generator operating sound output may not exceed the New Jersey Noise Control Act (N.J.S.A. 13: 1G-1) as measured from the closest property line.
- (2) Sound attenuation enclosures, screening and landscaping may be used to minimize noise on adjacent properties and bring noise output into compliance with the standards of the New Jersey Noise Control Act (N.J.S.A. 13: 1G-1).

320 - 34.I Fuel Storage

- (1) If a generator is utilizing diesel fuel, the fuel storage tank shall be double-walled.

320 - 34.J Regulatory Compliance

- (1) Emergency Standby Generators shall be installed and operated in accordance with manufacturer's requirements as well as all Federal, State and Local codes, whichever is most stringent.

320-34.K Application Fee

Every application for the installation of a permanent standby generator shall be accompanied by a fee of \$100.00, which fee shall be separate from and in addition to any other zoning and building permit fees.

320-3.L Violations and Penalties

Any person, firm, corporation or entity which shall violate any provision of this Article shall, upon conviction, be subject to a fine not exceeding \$500.00, and each day that such violation continues shall be deemed a separate offense.

SECTION 4: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5: NOTICE

Upon the adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Deputy Mayor Flynn opened the hearing to the public.

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

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

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

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

ORDINANCE 2015-13

AN ORDINANCE DIRECTING THE CLERK OF THE COUNTY OF SUSSEX TO SUBMIT THE FOLLOWING BINDING REFERENDUM TO THE VOTERS OF THE TOWN OF NEWTON AT THE NEXT GENERAL ELECTION

WHEREAS, the Town Council of the Town of Newton desires to propose to the voters the question of abandoning the current procedure for run-off elections pursuant to N.J.S.A. 40:45-18 and 19. By abandoning run-off elections the candidate(s) who receive the greatest number of votes cast shall be elected to the office in accordance with N.J.S.A. 40:45-17;

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

1. The following referendum be forwarded to the Sussex County Clerk for inclusion on the next General Election Ballot:

Shall the Ordinance adopted by the Newton Town Council, providing for the elimination of the holding of run-off elections, be adopted?

[] Yes

[] No

INTERPRETIVE STATEMENT

This referendum will eliminate the current procedure whereby one candidate has to receive 50% of the votes cast plus one (1) vote in order to be elected to office, otherwise a run-off election is required. For example, if 1,000 votes are cast and there are three (3) candidates for one seat, if Candidate A receives 450 votes, Candidate B receives 300 votes, and Candidate C receives 250 votes, since no one candidate received more than 501 votes, there would have to be a run-off election pursuant to N.J.S.A. 40:45-18 and 19.

If the run-off election requirement is abandoned, the winning candidate(s) are determined under N.J.S.A. 40:45-17 which essentially provides that the candidate(s) receiving the greatest number of votes cast will be elected to office. For example, if there are 1,000 votes cast and there are four (4) candidates for two open seats, and of the 1,000 votes cast Candidate A receives 450 votes, Candidate B receives 300 votes, Candidate C receives 150 and Candidate D receives 100 votes, Candidates A and B would be elected and take office. In this scenario under the Town's current run-off election requirement, neither Candidate A nor B would win the election and there would be a run-off election.

Eliminating run-off elections not only saves the added expense of a run-off election, but also reflects the sentiment of the voters at the election by putting into office the candidate(s) who receive the greatest number of votes.

A "Yes" vote on this referendum question will mean the voters desire that the candidate(s) with the greatest number of votes at the election would be elected to office.

2. The Sussex County Clerk is hereby requested to print the Referendum and Interpretive Statement on the Official Ballot for the next Election.

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

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

5. **Effective date.** This Ordinance shall take effect after its final passage and publication as required by law.

Deputy Mayor Flynn opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Mr. Levante, who moved its adoption, 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	Absent		

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

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

ORDINANCE 2015-16

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$970,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF

\$779,400 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS :

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$970,000 including the aggregate sum of \$65,600 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets, by moneys actually held by the Town and previously contributed for such purposes. For the improvements or purposes described in Section 3(b), there is hereby appropriated the sum of \$385,000, including a \$125,000 grant expected to be received from the State of New Jersey Department of Transportation.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or any applicable grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$779,400 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Paving of various streets, construction of curbing and sidewalks, and related engineering	\$50,000	\$47,500	10 years
b) NJDOT project grant for Repaving Trinity St. and any adjacent areas	\$385,000	\$240,750	10 years
c) Light Improvements for Central Business District and parking lots	\$70,000	\$66,500	15 years
d) Purchase of a Mason Dump Truck	\$82,000	\$77,900	15 years
e) Purchase of a Chevy Silverado or Equivalent 4-wheel drive vehicle	\$35,000	\$33,250	5 years
f) Purchase of SCBA air packs for Fire Department	\$50,000	\$47,500	10 years
g) Purchase of 4-wheel drive vehicle and associated appurtenances	\$41,000	\$38,950	5 years
h) Purchase of fire turnout gear	\$100,000	\$95,000	10 years
i) Various improvements and furnishings to/for the Municipal	\$17,000	\$16,150	5 years

Buildings				
j) Purchase of a 4-wheel drive Ford Expedition or equivalent	\$40,000		\$38,000	5 years
k) Purchase of body cameras	\$20,000		\$19,000	15 years
l) Various improvements to the Fire Museum	\$37,000		\$35,150	15 years
m) Redevelopment/Planning of Hicks Avenue and McGuire's Area properties	\$43,000		\$23,750	15 years
TOTAL:	\$970,000		\$779,400	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose and any applicable grants.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.61 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$779,400, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the

proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Deputy Mayor Flynn opened the hearing to the public.

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

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

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

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

OLD BUSINESS

There was no old business to be discussed.

CONSENT AGENDA

Deputy Mayor Flynn read the following statement:

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

Mr. Russo outlined the various Resolutions on the Consent Agenda.

RESOLUTION # 62-2015*

REAPPOINTMENT OF MARIA FIEDORCZYK TO THE NEWTON HOUSING AUTHORITY

BE IT RESOLVED by the Town Council of the Town of Newton that Maria Fiedorczyk is hereby reappointed to a full five-year term on the Newton Housing Authority, effective May 1, 2015 and continuing through April 30, 2020 based on the recommendation of the Housing Authority Executive Director, Dr. Kimberly Iozzi.

RESOLUTION # 63-2015*

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SUSSEX, NEW JERSEY FOR THE COUNTY FIRE MARSHAL TO ENFORCE THE UNIFORM FIRE SAFETY ACT, THE STATE FIRE SAFETY CODE AND RELEVANT REGULATIONS

WHEREAS, the Town of Newton is in need of an individual to work for the Town of Newton to enforce the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, et seq., the State Fire Safety Code, N.J.A.C. 5:70-4.1, et seq. and relevant regulations; and

WHEREAS, the Town of Newton and the County of Sussex have determined that it would be mutually beneficial to enter into a Shared Services Agreement whereby the County's Fire Marshal would perform the similar services to the Town; and

WHEREAS, the Town of Newton and the County of Sussex desire to enter into an Shared Services Agreement effective July 1, 2015 through June 30, 2019, which will allow the County's Fire Marshal to share office hours with the Town of Newton, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.; and

WHEREAS, the parties have the authority to enter into a Contract for the joint provision of the services pursuant to N.J.S.A. 40A:65-1, et seq.;

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

1. The Town Manager is hereby authorized to execute this Shared Services Agreement between the Town of Newton and the County of Sussex, New Jersey.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to the John H. Eskilson, Clerk of the Board of Chosen Freeholders, One Spring Street, Newton, NJ 07860; Joseph C. Inga, Sussex County Fire Marshall; Michael F. Strada, Sussex County Sheriff; John H. Eskilson, Sussex County Administrator; Dennis R. McConnell, Esq., Sussex County Counsel; Ursula H. Leo, Esq., Town Attorney; and Thomas H. Neff, Director, NJ Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625.

RESOLUTION # 64-2015*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

TOWN BILLS

719.91	Quill Corporation	35010
825.41	Staples Credit Plan, Inc.	35011
561.00	E.A. Morse & Company, Inc.	35012
108.85	Montague Tool & Supply, Inc.	35013
3,045.75	Harold Pellow & Assoc. Inc.	35014
117.00	ABCODE Security Inc.	35015
196.00	Sussex Car Wash Inc.	35016
1,990.15	Elizabethtown Gas	35017
34.50	New Jersey Herald, Inc.	35018
3,009.27	SCMUA	35019
210.32	Centurylink Communications, Inc.	35020
134.65	Centurylink Communcations, Inc.	35021
3,375.72	Centurylink Communications, Inc.	35022
1,000.00	Newton Board of Ed	35023
97.00	Rectifier Auto Electric	35024

April 27, 2015

504.00	Neopost Leasing, Inc.	35025
101.00	Lock & Key World	35026
2,373.02	Timmerman Company, Inc.	35027
30.53	Federal Express	35028
3,030.00	Ferraioli, Cerullo & Cuva	35029
195.00	McManimon, Scotland & Bauman, LLC	35030
200.00	Sisco, James	35031
200.00	Straway, Richard A. Jr.	35032
200.00	Straway, Thomas	35033
250.00	Treasurer, Petty Cash Fund	35034
200.00	Kithcart, Brock	35035
100.00	Treasurer, State of New Jersey	35036
2,508.00	Weldon Asphalt Company, inc.	35037
4,770.00	Newton Junior Athletic League	35038
278.00	Newton Hockey	35039
544.40	Dempsey Uniform & Supply Inc	35040
500.00	Greater Newton Chmbr of Comm.	35041
174.10	Airgas East	35042
104.75	L-3 Comm. Mobile-Vision	35043
95.00	G.F.O.A. of N.J.	35044
205.19	Boonton Tire Supply Inc.	35045
28.95	McGuire, Inc.	35046
55,790.39	Statewide Insurance Fund	35047
30.00	Sussex & Warren Tax Coll	35048
1,265.32	Verizon Wireless, Inc.	35049
675.00	Accurate Doors, Inc.	35050
74.03	Mr. John, Inc.	35051
87.57	Wildflowers With Tami	35052
200.00	Jaekel, Kenneth	35053
502.50	Vogel, Chait, Collins, Schneider, PC	35054
1,252.72	Home Depot, Inc.	35055
409.00	Treasurer State of NJ	35056
39.45	Danielson, Deborah	35057
25,300.00	Lincoln Financial Group	35058
208.00	Seely Brothers, Inc.	35059
629.78	Staples Business Advantage, Inc.	35060
22.10	Language Line Services, Inc.	35061
96.00	CSS Test Inc.	35062
200.00	Steve Estler	35063
5.00	Treasurer, State of NJ -Burial	35064
2,374.94	Rachles/Michele's Oil Company, Inc.	35065
2,397.82	Taylor Oil Co., Inc	35066
604.10	Laddey, Clark & Ryan, LLP	35067
176.00	Laddey, Clark & Ryan, LLP	35068
7,197.90	Laddey, Clark & Ryan, LLP	35069
2,458.33	Laddey, Clark & Ryan, LLP	35070
200.00	Adam Vough	35071
50.00	Lea Data Technologies	35072
120.00	Sussex County Chamber of Commerce	35073
1,755.83	Kiefer Electric, Inc.	35074
200.00	William Oswin III	35075
847.15	Jersey Central Power & Light, Inc.	35076
715.70	Penteledata	35077
138,851.00	NJMEBF	35078
200.00	Roy Leyman	35079
231.00	Rutgers, Center for Government Serv	35080
63.13	Janien N Roberts	35081
3,536.18	Woodruff Energy US, Inc.	35082
118.00	J. Caldwell & Associates, LLC.	35083
26.00	Frank Sebastiano - Franky's Café LL	35084
1,553.76	E-Z Facility, Inc.	35085
1,529.15	Public Engines, Inc.	35086
669.90	Route 23 Patio, Inc.	35087
346.43	Sunlight General	35088
210.00	USA Hoistco. Inc.	35089
81.00	The Graphic Department	35090
212.50	Resolutions	35091
493.72	STS Tire & Auto, Inc.	35092
330.00	Overlook Medical Center	35093

April 27, 2015

189.00	World of Fax & Copiers, Inc.	35094
680.00	International Institute of Municipal	35095
125.00	Jason Vandergroef	35096
200.00	Alex Armstrong	35097
18,913.14	Payroll	151023
25,000.00	Federal & State Grant	151022
101,1421.33	Newton Board of Education	151021
39,250.00	Capital Account	151020
125.05	Elavon	151019
390.96	Ocean Place Resort	35009

CAPITAL

3,300.00	Pellow, Harold & Asso, Inc.	8412
501.32	Current Account	8413
4,189.00	J. Caldwell & Associates, LLC.	8414

Total TOWN BILLS \$1,550,638.67

WATER AND SEWER ACCOUNT

87.83	Montague Tool & Supply, Inc.	14876
595.50	Pellow, Harold & Asso, Inc.	14877
1,419.75	Elizabethtown Gas	14878
5,235.33	JCP&L	14879
80.40	New Jersey Herald, Inc.	14880
10,434.80	Pumping Services, Inc.	14881
730.25	SCMUA	14882
1,331.17	Centurylink Communications, Inc.	14883
36.51	Centurylink Communications, Inc.	14884
3,489.00	Garden State Laboratories Inc.	14885
352.63	Hamburg Plumbing Supply Co Inc.	14886
3,212.50	Ferraioli, Cerullo & Cuva	14887
240.00	Willco, Inc.14888	
2,938.89	Current Account	14889
14,947.22	Sparta Township Tax Collector	14890
434.76	Pollard Water	14891
200.00	Carr, Joseph	14892
266.37	Dempsey Uniform & Supply Inc.	14893
750.00	Frank Semeraro Construction, Inc.	14894
3.67	Airgas East	14895
200.00	Lasso, Ervin	14896
50,355.36	Statewide Insurance Fund	14897
137.08	Verizon Wireless, Inc.	14898
1,530.70	Smalley, John	14899
594.96	Main Pool & Chemical Company, Inc.	14900
22.28	Advance Auto Parts	14901
3,028.92	Process Tech Sales and Service	14902
3,300.00	Pall Corporation	14903
225.00	Eric Tompkins	14904
568.00	Laddey, Clark & Ryan, LLP	14905
200.00	Joseph White	14906
5,599.92	William Grennille, Inc.	14907
119.90	Penteledata	14908
28,960.00	NJMEBF	14909
209.00	Dustin McGarry	14910
144.84	One Call Concepts, Inc.	14911
2,028.80	Woodruff Energy US, Inc	14912
279.39	Capital Supply Const Products, Inc.	14913
472.08	Toyota Motor Credit Corp.	14914
650.38	Sunlight General	14915
81.00	The Graphic Department	14916
362.50	Resolutions	14917
200.00	Jason Vandergroef	14918
31,315.42	Payroll	156010

CAPITAL

2,978.13	Pellow, Harold & Asso, Inc	2384
----------	----------------------------	------

April 27, 2015

224.00	Ladley, Clark & Ryan, LLP	2385
3,550.00	Treasurer, State of New Jersey	2383

Total WATER & SEWER BILLS \$184,124.24

TRUST ACCOUNT

2,668.00	Pellow, Harold & Asso, Inc	3345
1,229.17	Sloan, James PPC.	3346
157.50	Vogel, Chait, Collins, Schneider, PC	3347
177.00	J. Caldwell & Associates, LLC.	3348
700.00	Lakeland Bus Lines, Inc.	3349
357.78	Creative Product Sourcing, Inc.	3350
5,339.00	Payroll	157108

Total TRUST ACCOUNT BILLS \$10,628.45

DEVELOPER 'S ESCROW ACCOUNT

1,141.33	Ferriero Engineering Inc.	1228
300.00	Edward J Buzak	1229

Total DEV. ESCROW BILLS \$1,441.33

FEDERAL/STATE GRANTS

165.00	Drager Safety Diagnostics, Inc.	1264
401.00	Swank Motion Pictures	1265

Total FEDERAL/ STATE GRANTS \$566.00
RESOLUTION # 65-2015*

RESOLUTION SUPPORTING ASSEMBLY BILL A-4235 THE TRANSPARENT TAX ACT OF 2015

WHEREAS, Assembly Bill No. A-4325 supplementing Chapter 4 of Title 54, R.S. 54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and

WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for the municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and

WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount raised by taxes; and

WHEREAS, A-4325 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets; and

WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and

WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby support Assembly Bill A-4325 amending Title 54:4-65 and urge the Legislature to approve and pass the bill for the reasons expressed herein; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of the NJ Assembly, the members of the NJ Senate, and the Governor of the State of NJ, the New Jersey State League of Municipalities, and the Municipal Clerk's Association of New Jersey.

April 27, 2015

The Clerk presented an application for an off-premise raffle (50/50) from the Free Clinic Sussex County, 67 High Street, Newton to be held on October 12, 2015 at 7:00 pm at 67 High Street, Newton. It was noted the application was In order and accompanied by the prescribed fee.

Deputy Mayor Flynn recused himself from check #1228 on Resolution #64-2015.

A motion was made by Mrs. Becker to approve 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		Absent	

INTERMISSION - None

DISCUSSION - None

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Councilman Levante questioned when the Neighbors Helping Neighbors event would take place and was advised by Mr. Russo it will take place in the fall of 2015. The date will be determined shortly.

Deputy Mayor Flynn commended the Code Enforcement office for all their efforts on the various issues throughout the Town.

EXECUTIVE SESSION

Mr. Russo read Resolution #66-2015 and Council entered into Executive Session at 7:22 pm.

Upon motion of Mrs. Diglio, seconded by Mr. Levante and carried, Council left Executive Session at 7:56 pm.

Councilwoman Diglio asked questions with regard to LOSAP for the Newton First Aid Squad (NFAS) and was advised by Mrs. Leo to forward her the original question approved by referendum and she will review and address.

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk

April 27, 2015