

May 11, 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, Mayor Elvidge, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq.

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 Mrs. Diglio, seconded by Deputy Mayor Flynn and carried, the minutes of April 27, 2015 Regular Meeting and April 27, 2015 Executive Meeting were unanimously 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, Springboard Shoppes, 145 Spring Street, outlined several reasons for the Town Council to reconsider the one-way Spring Street project. Mr. Andrews suggested the funds not used for the one-way project could go toward the development of a way-finding directory, which would direct people around the Town. He indicated that a design was created by Mr. Maruska, owner of Gravity Design Works. Mr. Andrews stated the Town is in need of improvement with its buildings in the downtown district. He believes “we should pay more attention to the way our Town looks”.

Mark Maruska, owner of Gravity Design Works, 262 Spring Street, addressed Council and suggested if the Town does proceed with the one-way Spring Street project, then the Town should be responsible for making residents aware the stores are open for business, even with all the construction. He suggested signs be posted at both ends of Spring Street.

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

COUNCIL & MANAGER REPORTS

Mr. Russo addressed Mr. Maruska and advised the Town has allocated several thousand dollars for the promotion of the businesses during the construction of Spring Street. Mr. Russo noted he hired a company to update our Town website and that will include promotions for businesses in Newton. Our digital sign boards will also be used during construction.

ORDINANCES

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

ORDINANCE 2015- 10

AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on May 27, 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 outlined the various Resolutions on the Consent Agenda.

RESOLUTION # 67-2015*

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH ELAVON, INC., TO PROVIDE MERCHANT SERVICES FOR THE TOWN OF NEWTON RECREATION DEPARTMENT

WHEREAS, the Town of Newton Recreation Department uses E-Z Facility, Inc. for membership and Point-of-Sale (POS) software (services) for the Pool and Recreation programs (Internet-based Application Service Provider); and

WHEREAS, in order to provide users (residents and non-residents) expanded ability to pay for pool and recreation memberships, goods and services with credit cards, the Town needs to establish a designated authorized merchant service processor to process credit card payments; and

WHEREAS, Elavon, Inc. currently provides this service to the Town of Newton, and Elavon, Inc., has an established partnership with Lakeland Bank in providing merchant services throughout northern New Jersey, therefore the Governing Body has determined that this is the best company to provide this service; and

WHEREAS, the Town of Newton’s fee ordinance permits the collection of fees by credit card or echeck for those individuals choosing to use the service for the payment of taxes, interest, penalties and municipal charges or other fees;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Elavon, Inc., to provide merchant services for the Town of Newton Recreation Department as proposed; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to

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both E-Z Facility, Inc. and Elavon, Inc.

RESOLUTION # 68-2015*

TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, the Chief Financial Officer has prepared, distributed and filed the Corrective Action Plan in accordance with Federal and State Guidelines; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION # 69-2015*

EXECUTE INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (HGACBUY)

WHEREAS, the Town of Newton wishes to enter into an inter-local agreement with the HGACBuy to join and purchase goods; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager and Municipal Clerk are hereby authorized to execute an Interlocal Contract for Cooperative Purchasing through the Houston-Galveston Area Council (HGACBuy).

RESOLUTION # 70-2015*

APPROVE PURCHASE OF FIRE TRUCK THROUGH HGACBUY

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #69-2015

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on May 11, 2015 in an effort to save budgeted monies and improve services for itself by joining the Houston-Galveston Area Council "HGACBuy"; and

WHEREAS, Pierce Manufacturing, Inc., 2600 American Drive, Appleton, WI 54915-3042, provided a price for a new fire apparatus for the Town of Newton, in the amount of \$539,975.00 based on HGACBuy Contract #FS12-13; and

WHEREAS, the Town of Newton has agreed to place 50% percent down payment in order to receive a credit in the amount of \$17,593.34 for a total contract price of \$522,381.66; and

WHEREAS, the Town of Newton Purchasing Agent, Debra J. Millikin and the Fire Chief Jason Miller have recommended the purchase of the Fire Truck through the HGACBuy in the amount of \$522,381.66; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Fire Truck be purchased through the HGACBuy in the amount of \$522,381.66 under Contract #FS12-13 through Pierce Manufacturing, Inc., Appleton, WI. A certified copy of this resolution shall be forwarded to Pierce Manufacturing, Inc.

RESOLUTION # 71-2015*

INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2015 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (C. 159, PL 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, the Town of Newton has been advised that they will receive a grant from the Statewide Insurance Fund in the amount of \$4,245.83 for the purchase of police body cameras for the Newton Police Department;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2015 Budget of the Town of Newton:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

Police Body Cameras Grant \$4,245.83

General Appropriations:

A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

Police Body Cameras Grant..... \$4,245.83

Local Match - Source:

None required.

BE IT FURTHER RESOLVED that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION #72-2015*

RESOLUTION RECOGNIZING MAY 3-9, 2015 AS MUNICIPAL CLERKS ' WEEK

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

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WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international profession organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton hereby recognize the week of May 3 through May 9, 2015, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Lorraine A. Read, Deputy Municipal Clerk, Teresa A. Oswin and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

RESOLUTION #73-2015*

DIRECTING USE OF AFFORDABLE HOUSING TRUST FUND MONIES

WHEREAS, the Newton Planning Board adopted a resolution, memorialized on January 21, 2015 (Application No. FSP-07-2014), granting final site plan approval to Newton Town Centre Urban Renewal Associates, L.P. ("Newton Town Centre") for a development at the corner of Spring Street and Union Place, Block 8.05, Lots 4, 7, 8 and 9 in the Town of Newton; and

WHEREAS, Newton Town Centre's project includes construction of a mixed-use building, including 65 age-restricted residential apartments; and

WHEREAS, Newton Town Centre has requested the Newton Town Council consider contributing affordable housing trust fund monies towards its project in order to assist it in obtaining funding through New Jersey's Housing and Mortgage Finance Agency's Low Income Housing Tax Credit program; and

WHEREAS, the Newton Town Council has considered the request and has determined there are sufficient funds in its affordable housing trust fund to earmark a \$50,000.00 contribution to Newton Town Centre; and

WHEREAS, the Newton Town Council believes the contribution towards Newton Town Centre's project will be beneficial in providing for affordable age-restricted housing to Town residents; and

WHEREAS, the Town's professionals are in the process of preparing a declaratory judgment action seeking constitutional compliance and substantive certification, including the eventual submission of a revised Housing Plan and Spending Plan; and

WHEREAS, the Newton Town Council has determined it is appropriate to include within the revised Spending Plan a proposed \$50,000.00 contribution from the Town's affordable housing trust fund toward the Newton Town Centre project;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town professionals are directed to prepare and submit a revised Spending Plan, which includes a \$50,000.00 contribution from the Town's affordable housing trust fund to Newton Town Centre's proposed affordable age-restricted residential housing project.

RESOLUTION #74-2015*

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

1,290.69	Montague Tool & Supply, Inc.	35100
121.00	MGL Forms - Systems, LLC.	35101
281.25	Pellow, Harold & Assoc., Inc.	35102
39.25	G & G Diesel Service Inc	35103
7,673.49	JCP&L	35104
125.85	Centurylink Communications, Inc	35105
825.00	Newton Board of Education	35106
125.00	D & E Service Center, Inc.	35107
28.51	Federal Express	35108
7,560.00	Ferraioli, Cerullo & Cuva	35109
75.00	Sussex County League Of	35110
963.00	Minisink Press Inc	35111
166.00	Gann Law Books	35112
52.72	Sebring Auto Parts, Inc	35113
50.00	Weis Markets, Inc	35114
30.00	Greater Newton Chamber of Comm.	35115
197.85	Boonton Tire Supply Inc.	35116
1,294.22	McGuire, Inc.	35117
694.91	Vision Service Plan	35118
193.67	Verizon Wireless, Inc.	35119
107.50	Medtronic Physio-Contrl Corp	35120
73.85	Mr. John, Inc.	35121
3,000.00	Prime Time Newton Seniors	35122
199.95	Teresa Ann Oswin	35123
669.63	Home Depot, Inc.	35124
1,085.92	Fire & Safety Services, LTD., Inc.	35125
97.45	Rogo Fastener Co., Inc.	35126
628.38	Staples Business Advantage, Inc.	35127
96.00	CSS Test Inc.	35128
55.00	Krave Café	35129
71.06	Nestle Waters, Inc.	35130
2,497.32	Rachles/Michele's Oil Company, Inc	35131
177.00	Ricciardi Brothers, Inc.	35132
150.00	Code 96 LLC	35133
2,245.00	Trimboli & Prusinowski, LLC.	35134
1,770.00	Chelbus Cleaning Co., Inc.	35135
675.00	NJ Homicide Investigator's Assoc.	35136
100.00	GPANJ	35137
875.00	IACP NET/Login, Inc.	35138
205.11	THYSSENKRUPP Elevator Corp.	35139
220.00	Sparta Postmaster	35140
720.00	Extra Tech Data Services, LLC.	35141
90.00	Lucy Delorto	35142
383.50	J. Caldwell & Associates, LLC.	35143
1,425.00	Facility Dude	35144
90.00	Somerset County Police Academy	35145
462.77	Sunlight General	35146
112.50	V.E. Ralph & Son, Inc.	35147
30.40	Spring Street Pub & Grill	35148
1,053.68	Schenck, Price, Smith, & King, LLP	35149
120.15	Elavon	151028
178,723.03	Payroll Account	151027
240.00	MCAA of New Jersey	35099
48.95	Spring Street Pub & Grill	35098
110,000.00	JP Morgan Chase Bank	151026
26,712.50	JP Morgan Chase Bank	151025
870,354.57	Payroll Agency	151024

CAPITAL

1,416.00	J. Caldwell & Associates, LLC.	8415
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Total TOWN BILLS \$1,228,769.63

WATER AND SEWER ACCOUNT

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210.32	Schmidt's Wholesale, Inc	14920
2,851.25	Pellow, Harold & Assoc., Inc.	14921
598.67	Hach Company	14922
8,838.07	JCP&L	14923
93.56	Sussex County P & H, Inc.	14924
844.28	Township of Sparta	14925
22,908.77	Coyne Chemical Corp., Inc.	14926
1,350.42	Hamburg Plumbing Supply Co Inc	14927
6,425.00	Ferraioli, Cerullo & Cuva	14928
55.00	Minisink Press Inc	14929
1,729.09	Pollard Water	14930
85,000.00	Water & Sewer Capital Account	14931
33.00	Lasso, Ervin	14932
176.00	Vision Service Plan	14933
559.97	JCI Jones Chemicals, Inc	14934
66.91	Environmental Resource Assoc.	14935
594.00	Univar USA Inc.	14936
7,840.00	Passaic Valley Sewerage Comm.	14937
1,371.25	Main Pool & Chemical Company, Inc.	14938
155.50	Home Depot, Inc.	14939
3,643.69	Suburban Propane, LP	14940
1,200.00	Hydro Technology, LLC.	14941
596.00	Process Tech Sales and Service	14942
32.00	Eric Tompkins	14943
264.00	Accurate Waste Removal Inc.	14944
4,000.00	William Grennille, LLC.	14945
220.00	Sparta Postmaster	14946
337.50	Extra Tech Data Services, LLC.	14947
2,807.32	Hatch Mott MacDonald	14948
750.00	Kozdeba & Son LLC.	14949
475.00	Facility Dude	14950
209.64	Braen Stone Sparta	14951
845.89	Sunlight General	14952
7,050.00	Liquid Engineering Corporation	14953
12,000.00	Martorana Enterprises	14954
80.00	Mohawk House	14955
29,637.74	Payroll Account	156014
500.00	Delaware River Basin Commission	14919
194,784.19	JP Morgan Chase Bank	156013
154,031.25	JP Morgan Chase Bank	156012
14,500.00	Payroll Agency	156011

CAPITAL

50,000.00	Water Sewer Operating Acct	2386
4,468.19	Hatch Mott MacDonald	2387

Total WATER & SEWER BILLS \$624,133.47

TRUST ACCOUNT

531.25	Pellow, Harold & Assoc., Inc	3357
2,000.00	Zion Grove Trout Hatchery	3358
4,168.74	Payroll Account	157109

Total TRUST ACCOUNT BILLS \$6,699.99

SUI ACCOUNT

20,617.53	S/NJ Employer Accounts	1102
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Total DEV. ESCROW BILLS \$20,617.53

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

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

INTERMISSION - None

DISCUSSION

A. SIGN ORDINANCE DRAFT

Jessica Caldwell, Town Planner, outlined the amendments for the Sign Ordinance, Signs and Banners as well as the Sign Standards.

Council had a question and answer period with Mrs. Caldwell.

Mayor Elvidge opened the meeting to the public.

Mark Maruska, owner of Gravity Design Works, asked for clarification so he can guide his clients on sign design and was addressed by Mrs. Caldwell.

Tammy Westra, owner of Wildflowers, questioned whether neon signs, which already exist, would be grandfathered in.

Bob Woods, owner of STS, thanked the Council for addressing the sign ordinance. He inquired about the banners he has at his business. This would be amended to allow for five (5) banners instead of four (4).

After a lengthy discussion, the Town Council agreed to further modifications. Mrs. Caldwell will make additional amendments and submit for review.

INTERMISSION - 8:03 pm - 8:14 pm

B. LOSAP ORDINANCE DRAFT

Ursula Leo, Esq. and Sandra Diglio, Secretary of NFAS, outlined the proposed draft Ordinance for the Length of Service Award Program (LOSAP). She advised the major change was the revisions in Schedule "A" which set forth how the points are earned for LOSAP contributions for the Newton Volunteer First Aid Squad members.

Mrs. Leo noted this change is related to the point system calculations therefore does not require the Ordinance to go to referendum again.

After a brief discussion, Council agreed to the proposed changes and directed Mr. Russo to move forward as discussed.

OPEN TO THE PUBLIC

Bonnie Bitondo, owner of Maxwell & Molly's Closet Pet Boutique, 218 Spring Street, strongly disagreed with the one-way street project proposed for Spring Street. Mrs. Bitondo outlined several concerns with making Spring Street a one-way street and was truly concerned with the negative impact it would have on her business.

Joe Talerico, owner of Style Shop, 178 Spring Street, addressed the Council and

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expressed his concerns with making Spring Street a one-way street. He strongly believes it will be detrimental to the businesses on Spring Street.

Jon Andrews, owner of Springboard Shoppes, also against the one-way street on Spring Street, suggested the one-way street will only allow for vehicles to speed through our downtown district, which is a danger to the community. He indicated it will also be a negative impact on the businesses in the downtown district.

There being no one else from the public to be heard, Mayor Elvidge closed the hearing to the public.

COUNCIL & MANAGER COMMENTS

Councilwoman Diglio reminded Council the Memorial Day Parade will take place on Monday, May 25, 2015 at 10:00 am. Mrs. Diglio also suggested if the business owners do not want the park benches in front of their business; the Town should relocate them to a business willing to accept the bench. Mrs. Diglio inquired whether the benches could be turned around facing the street and Mr. Russo indicated it would be a safety issue if faced toward the street. Mr. Russo noted the benches could be relocated upon the completion of the Spring Street project.

Councilman Levante suggested the construction on Spring Street be done at night and was advised by Mr. Russo that it is additional cost at night but we can review that option during the bid process.

Debra Millikin, Deputy Manager, provided an outline and timeline for the construction of the one-way Spring Street project.

There being no further business to be conducted, upon motion of Mayor Elvidge, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 8:38 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk