

September 28, 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 Deputy Mayor Diglio, Mrs. Becker, Mr. Levante, Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq. Councilman Elvidge was absent.

Mayor Flynn made the following declaration "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 Flynn led the Pledge of Allegiance to the flag and the Clerk called the roll and, upon motion of Deputy Mayor Diglio, seconded by Mr. Levante and carried, the minutes of the September 16, 2015 Regular Meeting was unanimously approved.

OPEN TO THE PUBLIC

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."

Neil Flaherty, 154 Sparta Avenue, requested clarification on Ordinance 2015-29 with regard to the direction in which the "no parking" regulations are established on Jefferson Street. He believes the direction is incorrect. Mr. Russo directed the Town Attorney to check with the Town Engineer, who established the directions on Ordinance 2015-29.

Dr. Hector Cordero, President of St. Joseph's Home and School Association (HAS), addressed Council and asked for reconsideration on eliminating the crossing guard in front of St. Joseph's School. He understands the crossing guard was eliminated due to budget constraints; but feels that it is a safety issue for all of the children who attend St. Joseph's School. Dr. Cordero made several suggestions if a crossing guard cannot be brought back to this post. Dr. Cordero thanked the Governing Body for their reconsideration.

Mayor Flynn noted the Newton Police Department have been on-site and will review the options for this request.

Father ST Sutton, Pastor at St. Joseph's Church, addressed Council and asked for clarification on Ordinance 2015-29 regarding "no parking" on Jefferson Street. Fr. Sutton addressed concerns with the buses as well as the parents dropping off students in the morning. He wanted to ensure the police would not be issuing summonses for those parents dropping off students for school or CCD classes. Mayor Flynn advised the Ordinance is for "no parking" on Jefferson Street only.

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

COUNCIL & MANAGER REPORTS

Mr. Russo advised Council the Chief of Police visited with the Principal of St. Joseph's School this morning to address the concern of no crossing guard. Chief Richards is working with the school for a solution.

a. **Best Practices Worksheet - Dawn Babcock, CFO**

Mr. Russo and Ms. Babcock, CFO, made a lengthy presentation and outlined the Best Practices Worksheet and the mandated requirements on same. The Town scored 48 out of 50 which qualifies the Town for 100% State Aid. Ms. Babcock noted last year's score was lower than 48, therefore the Town is improving each year.

After a brief discussion, the Governing Body addressed a few minor corrections which will be updated by Ms. Babcock. The Governing Body thanked Ms. Babcock for her presentation.

Mr. Russo noted the next Council meeting will be held on Wednesday, October 14, 2015 due to the Columbus Day holiday on Monday, October 12th. Town Hall will be closed on October 12, 2015.

Mr. Russo read a communication from Debra Lynn Nicholson, Esq. who requested a waiver of fees in connection with the application submitted by Sussex County Habitat for Humanity to the Planning Board.

After a brief discussion, the Governing Body denied the request to waive fees in connection with the application submitted by Sussex County Habitat for Humanity.

Mr. Russo advised that members of the Newton Fire Department will be representing the Town of Newton at the Sussex County Firemen's Inspection Parade in Hopatcong on October 3rd. In addition, they requested to host an Open House Celebration for fellow firefighters on said date, at the #1 Firehouse on Mill Street from 7:00 pm to 11:00pm. The Fire Chief and Department President will be responsible for this event where beer and wine is permitted to be served to anyone that is of legal age. Arrangements have been made for coverage of any and all fire calls during and after said event.

Mr. Russo noted Mrs. Read will update Council on the added Resolution to the agenda.

ORDINANCES

Mayor Flynn directed the Clerk to read aloud the following Ordinances relative to introduction of the same.

ORDINANCE 2015-2 6

AN ORDINANCE AMENDING CHAPTER 200 ENTITLED "PARKS AND RECREATION AREAS" OF THE CODE OF THE TOWN OF NEWTON TO REVISE PROHIBITED ACTIVITIES IN PARKS AND RECREATION AREAS IN THE TOWN OF NEWTON

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

Mr. Elvidge	Absent	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 14, 2015.

ORDINANCE 2015-2 7

AN ORDINANCE AMENDING SECTION 320-30 OF THE CODE OF THE TOWN OF NEWTON, ENTITLED "WIRELESS COMMUNICATION FACILITIES ," AND SECTION 100-23 ZONING FEES, REGARDING COLLOCATION REQUIREMENTS

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

Mr. Elvidge	Absent	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 14, 2015.

ORDINANCE 201 5-28

AN ORDINANCE TO AMEND CHAPTER 307 "VEHICLES AND TRAFFIC " OF THE CODE BOOK OF THE TOWN OF NEWTON

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

Mr. Elvidge	Absent	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 14, 2015.

ORDINANCE 2015-2 9

AN ORDINANCE TO AMEND CHAPTER 307-48 SCHEDULE I "NO PARKING " OF THE CODE OF THE TOWN OF NEWTON

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

Mr. Elvidge	Absent	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 14, 2015.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

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 reviewed the resolutions on the Consent Agenda.

Mayor Flynn and Councilman Levante requested Resolutions 161-2015 and 162-2015, respectively, be removed from the Consent Agenda for separate discussions.

RESOLUTION # 160-2015*

RESOLUTION APPROVING VACATION AND SICK LEAVE PAYOUT FOR DANIEL SMITH

WHEREAS, Daniel Smith, Police Officer with the Newton Police Department retired effective September 1, 2015, and as such is entitled to a payout for his unused and accrued vacation and sick leave, pursuant to applicable law, Town ordinances and the Town of Newton Personnel Policies and Procedures Manual and Employee Handbook;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Council authorizes the following estimated payment for unused and accrued vacation and sick leave to Daniel Smith, who has retired effective September 1, 2015:

<u>Employee total</u>	<u>Retirement date</u>	<u>Estimated payout</u>
Daniel Smith	09/01/2015	\$16,801.51

BE IT FURTHER RESOLVED, that appropriate Town employees are hereby authorized to make the estimated payments as set forth above, with any required revisions to the payout amounts.

RESOLUTION # 163-2015*

**GRANT AGREEMENT BETWEEN TOWN OF NEWTON AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
GRANT IDENTIFIER: FS16-109**

The governing body of Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund following project:

**Green Communities Grant
Community Forestry Management Plan**

Therefore, the governing body resolves that Daniel G. Flynn or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto S any amendments thereto which do not increase the Grantee’s obligations.

The Town of Newton Town Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

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The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performances pursuant to the agreement.

RESOLUTION #1 64-2015*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING AN ESCROW AGREEMENT WITH KROGH'S BREWING COMPANY

WHEREAS, Krogh's Brewing Company (the "**Entity**") is a tenant of certain real property located at 56 Paterson Avenue, Newton, New Jersey (the "**Property**"); and

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

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

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

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

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

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

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

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

Section 5. This Resolution shall take effect immediately.

RESOLUTION #1 65-2015*

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

56.77	Quill Corporation	35660
463.19	Montague Tool & Supply, Inc.	35661
796.75	Pellow, Harold & Assoc., Inc.	35662
134.95	Elizabethtown Gas	35663
13,013.08	JCP&L	35664
292.80	New Jersey Herald, Inc.	35665
871.59	SCMUA	35666
112.00	Teets, Michael D	35667
285.30	Centurylink Communications, Inc.	35668
3,641.15	Centurylink Communications, Inc.	35669
813.45	Campbell's Small Engine Inc.	35670
104.00	Lock & Key World	35671
487.59	Tri-State Rentals, Inc.	35672

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6,043.50	Newton First Aid Squad	35673
112.00	Holzhauser, Scott	35674
25.00	NJLM	35675
3,332.00	Mitchell Agency, Inc.	35676
37.50	Kithcart, Brock	35677
219.10	Galls Incorporated	35678
1,650.00	Bank of New York	35679
208.51	Sebring Auto Parts, Inc.	35680
429.28	Sherwin-Williams, Inc.	35681
1,282.54	Dempsey Uniform & Supply Inc	35682
140.00	Millikin, Debra	35683
180.13	Airgas East	35684
2,711.56	Boonton Tire Supply Inc.	35685
28.95	McGuire, Inc.	35686
1,388.22	Verizon Wireless, Inc.	35687
165.00	Accurate Door, Inc.	35688
409.20	Walmart	35689
73.33	Mr. John, Inc.	35690
469.40	Gold Type Business Machines	35691
37.50	Teresa Ann Oswin	35692
870.00	Vogel, Chait, Collins, Schneider, PC,	35693
84.00	Danielson, Deborah	35694
696.46	Staples Business Advantage	35695
4.73	Spectrum Communications, Inc.	35696
64.82	Nestle Waters, Inc.	35697
5,550.00	Pinnacle Wireless FBO Unitek Global	35698
1,115.55	Rachels/Michele's Oil Company, Inc.	35699
1,602.49	Taylor Oil Co., Inc.	35700
2,609.24	Power DMS, Inc.	35701
1,624.78	FireFighter One, LLC.	35702
2,458.33	Laddey, Clark & Ryan, LLP	35703
301.00	Sussex County Chamber of Commerce	35704
2,717.03	General Code, LLC	35705
390.99	B & M Aquatic Gardens & KO	35706
593.09	Jersey Central Power & Light, Inc.	35707
689.70	Penteledata	35708
144.19	Woodruff Energy US, Inc.	35709
1,003.00	J. Caldwell & Associates, LLC.	35710
300.00	Movies In Motion	35711
167.90	Recreation Supply Company, Inc.	35712
171.25	Tri-State Rentals/Party World Inc	35713
126.37	United Telephone/Century Link	35714
4,142.50	Fireflow Services, LLC.	35715
50.71	V.E. Ralph & Son, Inc.	35716
120.50	Transaction Publishers	35717
475.00	Johnny On The Spot, LLC.	35718
867.20	Schenck, Price, Smith & King, LLP	35719
54.44	Reisinger Oxygen Service, Inc.	35720
3,791.67	John Mulhern	35721
2,162.00	Newton Medical Center	35722
300.00	Walter M. Luers, Esq.	35723
192,383.01	Payroll Account	151057
336.00	Mall Chevrolet	35659

CAPITAL

17,910.71	Pellow, Harold & Assoc., Inc.	8462
95.00	Tri-State Rentals, Inc.	8463
5,045.27	Spectrum Communications, Inc.	8464
597.50	Gravity Design Works, Inc.	8465
108.74	FKA Architects Inc.	8466
455.76	Blue Ridge Lumber, Inc.	8467
40,000.00	Mall Chevrolet	8461

Total TOWN BILLS \$ 332,196.27

WATER AND SEWER ACCOUNT

5,104.25	Pellow, Harold & Assoc., Inc.	15203
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112.00	Hach Company	15204
182.96	G & G Diesel Service Inc	15205
12,389.56	JCP&L	15206
365.00	New Jersey Herald, Inc.	15207
9,891.00	Pumping Service, Inc.	15208
477.08	SCMUA	15209
14,310.62	Coyne Chemical Corp., Inc.	15210
37.09	Centurylink Communications, Inc.	15211
400.00	Centurylink Communications, Inc.	15212
1,155.91	Centurylink Communications, Inc.	15213
85.00	American Water Works Assoc.	15214
250.00	T.A. Mountford Company, Inc.	15215
296.80	Dempsey Uniform & Supply Inc	15216
22.02	Airgas East	15217
1,330.50	Boonton Tire Supply Inc.	15218
1,215.00	JCI Jones Chemicals, Inc.	15219
133.14	Verizon Wireless, Inc.	15220
1,250.00	Smalley, John	15221
480.98	Walmart	480.98
405.00	Access Control Technology Inc.	15223
853.80	Kistler O'Brien Fire Protection, In	15224
1,975.92	Pall Corporation	15225
81.77	Staples Business Advantage, Inc.	15226
264.00	Accurate Waste Removal Inc.	15227
4,000.00	William Grennille, LLC.	15228
259.90	Penteledata	15229
17.00	Dustin McGarry	15230
208.38	One Call Concepts, Inc.	15231
156.45	Woodruff Energy US, Inc.	15232
472.08	Toyota Motor Credit Corp.	15233
83,251.00	P. Cipollini, Inc.	15234
32,709.04	Payroll Account	156029

CAPITAL

1,081.88	Pellow, Harold & Assoc., Inc.	2402
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Total WATER & SEWER Bills \$ 175,225.13

TRUST ACCOUNT

5,623.25	Pellow, Harold & Assoc., Inc.	3408
1,229.17	Sloan, James PPC.	3409
435.00	Vogel, Chait, Collins, Schneider, PC	3410
48.00	Laddey, Clark& Ryan, LLP	3411
5,653.00	NJ Fence LLC	3412
1,038.25	Richard Lance	3413
1,405.02	Payroll Account	157120

Total TRUST ACCOUNT Bills \$ 15,431.69

DEVELOPER'S ESCROW ACCOUNT

2,419.25	Pellow, Harold & Assoc., Inc.	1244
480.00	Vogel, Chait, Collins, Schneider, PC,	1245

Total DEVELOPER'S ESCROW ACCOUNT Bills \$ 2,899.25

FEDERAL/STATE GRANTS

206.50	Drager Safety Diagnostics, Inc.	1284
4,347.00	NJ Fence LLC	1285
2,975.00	AJ Images, Inc.	1286
1,260.58	Payroll Account	151107

Total FEDERAL/STATE/GRANTS \$ 8,789.08

The Clerk presented an application for an on-premise raffle (Tricky Tray) from the

Catholic Academy of Sussex County, to be held on October 23, 2015 from 5:00pm to 11:00pm at 20 Jefferson Street, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (50-50) from the Catholica Academy of Sussex County to be held on October 23, 2015 from 5:00pm to 11:00pm at 20 Jefferson Street, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise bingo raffle from the Newton Pride Foundation, to be held on December 4, 2015 from 6:00pm to 11:00pm at 44 Ryerson Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (50-50) from the Newton Pride Foundation, to be held on December 4, 2015 from 6:00pm to 11:00 pm at 44 Ryerson Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (merchandise) from the Newton Pride Foundation, to be held on December 4, 2015 from 6:00pm to 11:00pm at 44 Ryerson Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fee.

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

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

Mayor Flynn requested an update on this project surrounding Resolution #161-2015 which was addressed by Mrs. Millikin.

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RESOLUTION #161 -2015

Position 5

RUS BULLETIN 1780-27

APPROVED
OMB. No. 0572-0121

LOAN RESOLUTION #161-2015
(Public Bodies)

A RESOLUTION OF THE Governing Body
OF THE Town of Newton
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Water
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Newton, Town of
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
Eight Hundred Thirty-Nine Thousand & 00/100

pursuant to the provisions of N.J.S.A. 40A:62-1 et. seq.; and
WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture,
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event
that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 361,000.00

under the terms offered by the Government; that the the Mayor

and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

A motion was made by Mayor Flynn to approve the above **RESOLUTION #161-2015**, seconded by Deputy Mayor Diglio, and roll call resulted as follows:

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

Councilman Levante addressed a few questions regarding the roll-off dumpsters which were addressed by Mrs. Millikin.

RESOLUTION #1 62-2015

APPROVE PURCHASE OF NEW HEAVY DUTY ROLL-OFF DUMPSTERS FOR THE RECYCLING CENTER

WHEREAS, Custom Container Solutions, LLC, has provided a quote in the amount of \$21,500 for the purchase of:

Quantity	Size	Type	Amount
One	15 cubic-yard	Industry Standard Container	\$2,950.00
Two	20 cubic-yard	Heavy duty containers	\$4,475.00 each
Two	30 cubic-yard	Heavy duty containers	\$4,625.00 each
		Delivery Fee	<u>\$350.00</u>
			Total \$21,500.00

WHEREAS, the Purchasing Agent and the DPW Supervisor obtained two other quotes, one from Omaha Standard Inc, in the amount of \$22,395.00 and the other from Thompson Fabricating, Inc., in the amount of \$25,335.00 and therefore recommend the purchase of the heavy duty roll-off dumpsters from Custom Container Solutions, LLC., in the amount of \$21,500.00; and

WHEREAS, the Chief Financial Officer has certified 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 new heavy duty roll-off dumpsters be purchased from Custom Container Solutions, LLC, Lewisburg, P.A. in the amount of \$21,500.00.

A motion was made by Mr. Levante to approve the above **RESOLUTION #162-2015**, seconded by Mrs. Becker and roll call resulted as follows:

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

At this time, upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and carried, **RESOLUTION #166-2015** be added to the agenda and roll call resulted as follows:

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

Mrs. Read outlined and explained the reason for the Resolution #166-2015. She further explained the process in which to complete the transfer of the liquor license in accordance with the Div. of Alcoholic Beverage Control (ABC).

RESOLUTION #166-2015

RESCINDING A PORTION OF RESOLUTION #99-2015 REGARDING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO SAKEL-GRAPSAS, INC.

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey, adopted Resolution #99-2015 at its regular meeting on June 22, 2015, renewing several plenary retail consumption licenses; and

WHEREAS, the State of New Jersey Division of Alcoholic Beverage Control has requested that the resolution regarding Plenary Retail Consumption License No. 1915-33-009-004, issued to Sakel-Grapas, Inc., t/a Spring Pub and Grill, 144 Spring Street, Newton, New Jersey, be rescinded;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Resolution #99-2015 relating to Plenary Retail Consumption License No. 1915-33-009-004, issued to Sakel-Grapas, Inc., t/a Spring Pub and Grill, 144 Spring Street, Newton, New Jersey is hereby rescinded.

A motion was made by Mrs. Becker to approve the above **RESOLUTION #166-2015**, seconded Deputy Mayor Diglio by and roll call resulted as follows:

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

INTERMISSION - None

DISCUSSION

a. Police Hiring - Residency Requirement Change- Det. Sgt . Coppolella

Detective Sergeant Dean Coppolella outlined the current procedure for hiring of police officers in the Town of Newton. Det. Sgt. Coppolella feels it is more difficult to hire qualified

candidates because the classification of applicants allow for a smaller pool of candidates. After a lengthy presentation, Det. Sgt. Coppolella requested the Council consider drafting a new policy to allow the Town to move to the County list which would be a larger pool of candidates.

After a lengthy discussion, the Council unanimously agreed to move forward with amending the current policy for residency as outlined by Det. Sgt. Coppolella. Mr. Russo directed the Town Attorney to work with Chief Richards and Det. Sgt. Coppolella on the draft policy.

b. Ordinance Draft - Alarm - Sgt. King

Sergeant Scott King outlined the current ordinance on the Alarm Ordinance, under Chapter 45 of the Code. Sgt. King made a lengthy presentation on the recommended amendments to said Ordinance. Mrs. Leo indicated the amendments would streamline the current Ordinance.

After a lengthy discussion, Council unanimously agreed to proceed with the proposed amendments to the Alarm Ordinance as recommended by Sgt. King and Mrs. Leo.

OPEN TO THE PUBLIC

Daniel Hayek, owner of Hayek's Market, stated he is here in support of St. Joe's crossing guard issues. He also addressed concerns with the "false" alarms that are beyond his control.

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

COUNCIL & MANAGER COMMENTS

Mr. Russo reviewed additional amendments to the Alarm ordinances due to "false" alarms. After a brief discussion, Council unanimously agreed to permitting two (2) false alarms prior to implementing fines.

There being no further business to be conducted, upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:14 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk