

November 9, 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 Mr. Elvidge, Deputy Mayor Diglio, Mrs. Becker, Mr. Levante, Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq.

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. Upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and carried, the minutes of the October 26, 2015 Regular and Executive Meeting minutes were 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."

Marvin Feil, 69 Sparta Avenue, Newton, addressed the Council and advised of a "Greenlight" campaign in support of our veterans. GreenLight A Vet is a campaign to establish visible national support for our veterans by changing one light to green. A display of a green light should take place on Wednesday, November 11, 2015. Mr. Feil asked Council to support this event and suggested the Town ask Walmart for a donation of green lights for residents who want to participate. More information can be found at <http://greenlightavet.com/>.

Jackie Espinoza, JCP&L Area Manager, advised Council of the upcoming tree trimming in and around Newton. She also reminded Council of a nationwide utility scam still in effect and cautioned residents to be aware of this telephone scam.

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

### **COUNCIL & MANAGER REPORTS**

Mr. Russo thanked Mr. Feil for his comments. Mr. Russo indicated the Department of Public Works will be setting up green lights on the Municipal Building tomorrow, in observation of Veterans Day.

Mr. Russo noted Town Hall will be closed on Wednesday, November 11, 2015 in observation of Veterans Day. He thanked all who have served.

Mr. Russo thanked all who worked on the RPM Development project as the Town has received word the project was approved and will move forward.

### **ORDINANCES**

November 9, 2015

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

**ORDINANCE 2015- 33**

**AN ORDINANCE AMENDING CHAPTER 139, ENTITLED "HISTORIC PRESERVATION ", OF THE CODE OF THE TOWN OF NEWTON, IN ORDER TO DESIGNATE 3 DUNN PLACE, BLOCK 7.09, LOT 4 AS A LOCAL HISTORIC LANDMARK**

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

Mr. Elvidge	Yes	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 November 23, 2015.

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

**ORDINANCE 2015-3 4**

**AN ORDINANCE REVISING CHAPTER 307, "VEHICLES AND TRAFFIC " OF THE NEWTON TOWN CODE TO PROVIDE FOR THE INSTALLATION AND OPERATION OF TRAFFIC SIGNALS WITHIN 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	Yes	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 November 23, 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 outlined the resolutions on the Consent Agenda.

Councilman Levante and Mayor Flynn requested Resolutions 186-2015 and 191-2015, respectively, be removed from the Consent Agenda for separate discussions.

**RESOLUTION # 183-2015\***

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Town Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk’s Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
  - 1. 2001 Ford Expedition  
VIN: 1FMPU16L91LA91811  
Condition: Fair  
Mileage: 47,080
- 5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

**RESOLUTION # 184-2015\***

**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 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 received a payment in the amount of \$2,352.27 from the State of New Jersey, Division of Criminal Justice for the 2015 Body Armor Grant- State Body Armor Replacement Fund (BARF) Program;

**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 which is now available as revenue from:

Miscellaneous Revenues:	
Section F: Special Items of Revenue	
Public and Private Revenues Off-set with Appropriations:	
State Body Armor Grant .....	\$2,352.27
General Appropriations:	
(A) Operations - Excluded from CAPS	
Public and Private Programs Off-Set by Revenues:	
State Body Armor Grant.....	\$2,352.27

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

**RESOLUTION # 185-2015\***

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW PROPOSED AMENDMENTS TO THE PATERSON AVENUE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

**WHEREAS**, on December 10, 2007, the Town of Newton (the “Town”), designated Block 12.02, Lots 2 and 2.01 together with the public rights-of-way along Paterson Avenue, Stratford Lane and Jersey Place as an area in need of redevelopment in accordance with the Act (hereinafter, the “Redevelopment Area”); and

**WHEREAS**, on November 10, 2008, after review and comment by the Town’s Planning Board in accordance with the Act, the Town implemented the Paterson Avenue Redevelopment Plan (as thereafter amended from time to time, the “Redevelopment Plan”); and

**WHEREAS**, the Town wishes to amend the Redevelopment Plan to further encourage the rehabilitation and expansion of the existing industrial buildings on the site, and improve the appearance and compatibility of the industrial uses with the surrounding residential neighborhood by providing for a greater variety of light industrial uses than previously proposed, specifically food and beverage production and microbreweries with accessory taproom, retail sales, tours and special events; and

**WHEREAS**, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the “Proposed Amendment”); and

**WHEREAS**, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment;

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

I. **GENERAL**

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

II. **PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT**

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

III. **SEVERABILITY**

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

IV. **AVAILABILITY OF THE RESOLUTION**

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

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

**RESOLUTION # 187-2015\***

**APPROVE CHANGE ORDER NO. 1 FOR THE MILLING AND PAVING OF TRINITY STREET PROJECT**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #147-2015 on August 24, 2015 awarding the contract for the Milling and Paving of Trinity Street Project to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey through Contract #6 Road Resurfacing for District #2 in the Morris County Co-Op’s portion for municipalities with regard to resurfacing of roads; and

November 9, 2015

**WHEREAS**, the Town Engineer recommends the approval of Change Order No. 1 for the Milling and Paving of Trinity Street Project. This change order will result in a \$15,136.01 decrease in the contract amount to a new contract total of \$121,939.54;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Milling and Paving of Trinity Street Project for a new contract total of \$121,939.54; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1 be attached to and made part of this resolution.

**RESOLUTION # 188-2015\***

**APPROVE PURCHASE OF FOURTEEN (14) SCBA PACKS FOR THE NEWTON FIRE DEPARTMENT**

**WHEREAS**, Witmer Public Safety Group has supplied a quote dated September 27, 2015, under NJ State Contract #A80953 to the Newton Fire Department for the purchase of fourteen (14) SCBA Packs in the amount of \$99,627.20; and

**WHEREAS**, the Purchasing Agent and the Chief of the Fire Department recommend the purchase of fourteen (14) SCBA Packs in the amount of \$99,627.20; 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 fourteen (14) SCBA packs be purchased from Witmer Public Safety Group, Coatesville, PA through NJ State Contract #A80953, in the amount of \$99,627.20.

**RESOLUTION # 189-2015\***

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON HOUSING AUTHORITY FOR THE USE OF DEPARTMENT OF PUBLIC WORKS PERSONNEL**

**WHEREAS**, the Town of Newton and the Newton Housing Authority have agreed to enter into a Shared Services Agreement for the use of Town personnel to assist the Housing Authority with its paving project 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, that:

1. The Shared Services Agreement between the Town of Newton and the Newton Housing Authority whereby the Town of Newton will assist the Newton Housing Authority with its paving project through the use of Town Department of Public Works personnel is approved pursuant to N.J.S.A. 40A:65-1 et seq. The terms and conditions of the Agreement (Exhibit "A") are made a part of this Resolution.

2. The Mayor and Town Clerk are authorized to sign the Agreement on behalf of the Town.

3. This Resolution shall take effect immediately, and the Agreement shall take effect upon execution by both Parties. However, the Resolution and the Agreement shall be null and void in the event that the Agreement is not approved and signed by the Newton Housing Authority.

4. A copy of this Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 40A:65-4.

**RESOLUTION #190-2015\***

**RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON HOUSING AUTHORITY FOR THE USE OF TOWN ENGINEERING SERVICES**

**WHEREAS**, the Town of Newton and the Newton Housing Authority have agreed to enter into a Shared Services Agreement for the use of Town engineering services to assist the Housing Authority with its water system project 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, that:

1. The Shared Services Agreement between the Town of Newton and the Newton Housing Authority whereby the Town of Newton will assist the Newton Housing Authority with its water system project through the use of Town engineering services is approved pursuant to N.J.S.A. 40A:65-1 et seq. The terms and conditions of the Agreement (Exhibit "A") are made a part of this Resolution.
2. The Mayor and Town Clerk are authorized to sign the Agreement on behalf of the Town.
3. This Resolution shall take effect immediately, and the Agreement shall take effect upon execution by both Parties. However, the Resolution and the Agreement shall be null and void in the event that the Agreement is not approved and signed by the Newton Housing Authority.
4. A copy of this Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 40A:65-4.

**RESOLUTION # 192-2015\***

**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**

49.47	Quill Corporation	35842
720.00	Municipal Software, Inc.	35843
246.11	JCP&L	35844
63.00	New Jersey Herald, Inc.	35845
125.85	Centurylink Communications, Inc.	35846
777,736.96	County of Sussex	35847
6,951.20	County of Sussex	35848
26,310.85	County of Sussex	35849
540.00	Garden State Laboratories Inc	35850
16.00	Lock & Key World	35851
61.62	Federal Express	35852
100.00	First United Methodist Church	35853
89.00	R.S. Phillips Steel LLC	35854
25.00	NJLM	35855
369.04	Galls Incorporated	35856
615.00	Minisink Press Inc	35857
88.84	Sebring Auto Parts, Inc.	35858
413.40	Sherwin-Williams, Inc.	35859
3,541.20	Stamp Fulfillment	35860
5,820.00	Greater Newton Chmbr of Comm.	35861
562.37	Boonton Tire Supply Inc.	35862
712.30	Vision Service Plan	35863
30.00	Sussex & Warren Tax Collectors	35864
192.72	Verizon Wireless, Inc.	35865
160.00	Petro-Mechanics, Inc.	35866
3,714.08	County of Sussex	35867
759.96	Dell Marketing L.P.	35868
7.47	Teresa Ann Oswin	35869
104.69	Advance Auto Parts	35870
1,192.80	International Code Council, Inc	35871
1,401.28	Staples Business Advantage, Inc.	35872
196.93	Staples Business Advantage, Inc.	35873
144.00	CSS Test Inc.	35874
77.30	Nestle Waters, Inc.	35875

November 9, 2015

757.75	Pinnacle Wireless FBO Unitek Global	35876
127.76	Dawn Babcock	35877
6,845.83	County of Sussex	35878
1,012.00	Tire King, Inc.	35879
840.00	Porter Lee Corporation	35880
1,925.00	Trimboli & Prusinowski, LLC.	35881
130,828.00	NJMEBF	35882
1,770.00	Chelbus Cleaning Co., Inc.	35883
2,026.33	Harter Equipment Inc.	35884
205.11	Thyssenkrupp Elevator Corp.	35885
330.00	The NJ Shade Tree Federation	35886
438.00	Extra Tech Data Services, LLC.	35887
187.50	Kozdeba & Son LLC.	35888
300.00	Somerset County Police Academy	35889
391.90	Sunlight General	35890
189.25	Morris Asphalt Co.	35891
235.56	Rosenn Jenkins & Greenwalk LLP	35892
235.50	V.E. Ralph & Son, Inc.	35893
28,918.36	Morton Salt, Inc.	35894
925.50	Schenck, Price, Smith, & King, LLP	35895
1,500.00	Everbridge, Inc.	35896
369.99	Azul Core	35897
27.10	Builders Book, Inc.	35898
190,126.11	Payroll Account	151067
25,062.50	JP Morgan Chase Bank	151066
1,031,649.83	Newton Board of Education	151065
93,750.00	Capital Account	151110

**CAPITAL**

54.34	Bennett Sand & Grave, LLC	8481
1,539.75	Sparta Ready Mix, Inc.	8482
119,500.75	Tilcon New Jersey, Inc.	8483
4,000.00	Treasurer, State of New Jersey	8480

**Total TOWN BILLS    \$ 2,479,208.16**

**WATER AND SEWER ACCOUNT**

5,164.13	Pellow, Harold & Assoc., Inc.	15283
720.00	Municipal Software, Inc.	15284
4,661.09	JCP&L	15285
4,503.90	Pumping Services, Inc.	15286
13,865.58	Coyne Chemical Corp., Inc.	15287
3,429.00	Garden State Laboratories Inc.	15288
21.00	Lock & Key World	15289
24.99	Hamburg Plumbing Supply Co Inc	15290
377.62	Lubrication Engineers Inc	15291
615.00	Minisink Press Inc	15292
2,065.70	Stamp Fulfillment	15293
176.00	Vision Service Plan	15294
1,117.50	JCI Jones Chemicals, Inc.	15295
7,280.00	Passaic Valley Sewerage Comm.	15296
722.20	Main Pool & Chemical Company, Inc.	15297
245.92	Paint Spot	15298
16.00	Eric Tompkins	15299
18.00	Joseph White	15300
8,285.60	William Grennille, LLC.	15301
28,861.00	NJMEBF	15302
33.00	Dustin McGarry	15303
1,662.25	Eagle Equipment, Inc.	15304
395.00	Extra Tech Data Services, LLC.	15305
8,324.74	Hatch Mott MacDonald	15306
778.05	Sunlight General	15307
252.76	Morris Asphalt Co.	15308
1,100.00	Everbridge, Inc.	15309
33,768.23	Payroll Account	156034
150,881.25	JP Morgan Chase Bank	156033

**CAPITAL**

1,702.60 Hatch Mott MacDonald 2407

**Total WATER & SEWER BILLS \$ 281,068.11**

**TRUST ACCOUNT**

86.00 McManimon, Scotland & Baumann, LLC 3427  
 2,840.00 Dominick's Pizza LLC 3428  
 354.00 J. Caldwell & Associates, LLC. 3429  
 7,446.52 Payroll Account 157123

**Total TRUST ACCOUNT BILLS \$ 10,726.52**

**SUI (Fund 73) ACCOUNT**

8,142.00 S/NJ Employer Accounts 1105

**Total SUI (FUND 73) ACCOUNT BILLS \$ 8,142.00**

**FEDERAL/STATE GRANTS**

900.00 S K Office Supply 1291  
 311.15 Dominick's Pizza LLC 1292  
 21,500.00 Custom Container Solutions, LLC 1293  
 966.70 Payroll Account 151110

**Total FEDERAL/STATE/GRANTS \$ 23,677.85**

**RESOLUTION #193-2015\***

**APPROVE 2015 APPROPRIATION TRANSFERS**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2015 appropriation transfers be approved effective this date:

<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Amount</u></b>
<b><u>CURRENT</u></b>		
Group Insurance OE	Assessment of Taxes SW	21,900.00
1066201	1055103	
Group Insurance OE	Health Benefit Waiver	2,415.00
1066201	1066300	
Police SW	Snow SW	5,000.00
1074112	1081102	
Recreation OE	Swimming Pool SW	2,000.00
1087218	1090103	
Parks OE	Swimming Pool SW	2,160.00
1091226	1090103	
<b>TOTAL CURRENT TRANSFERS</b>		<b>\$33,475.00</b>

The Clerk presented an application for an on-premise raffle (50-50) from the Sussex County Community College Foundation to be held on December 5, 2015 from 2:30 pm to 7:30

pm at One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fees.

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

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

Mayor Flynn requested to review the prototype street light prior to the installation of all the street lights on Spring Street.

Councilman Levante also addressing concern with lighting, suggested additional lighting on Jefferson Street (off of Spring Street) by Plates Restaurant.

**RESOLUTION # 186-2015**

**REJECT BIDS FOR SPRING STREET LIGHT UPGRADES**

**WHEREAS**, the Town of Newton accepted and opened bids on September 9, 2015 for the Spring Street Light Upgrades; and

**WHEREAS**, all bids received were over the proposed budget for the Spring Street Light Upgrades; and

**WHEREAS**, the Purchasing Agent and the Town Engineer recommend rejection of all bids for the Spring Street Light Upgrades;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the bids for the Spring Street Light upgrades be rejected.

A motion was made by Deputy Mayor Diglio to approve the above **RESOLUTION #186-2015**, seconded by Mr. Levante, and roll call resulted as follows:

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

Mayor Flynn requested additional information on the amended Resolution #191-2015. Mr. Russo read a communication dated November 9, 2015, from Hatch Mott MacDonald, Town Sewer Engineer, which outlined the amended cost and the details of the work to be completed.

**RESOLUTION #191-2015**

**PROVIDE EMERGENCY APPROPRIATION IN THE TOWN OF NEWTON WATER SEWER UTILITY 2015 BUDGET**

**WHEREAS**, an emergency has arisen with respect to a Sewer Main Break and no adequate provision was made in the 2015 Water Sewer Utility Budget for the aforesaid purpose; and

**WHEREAS**, N.J.S. 40A:4-48 provides for the creation of an emergency appropriation for the purpose mentioned above; and

**WHEREAS**, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$220,000.00 and three percent (3%) of the total operations in the budget for the year is \$366,380.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-48 that:

- 1) An emergency appropriation be and the same is hereby made for in the amount of \$220,000.00.
- 2) Said emergency appropriation shall be provided in full in the 2016 budget.
- 3) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 4) That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of NJSA 40A:4-51.
- 5) That such note shall be executed by the Chief Financial Officer and by the Town Clerk.
- 6) That said note be dated after November 9, 2015, and may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 2016.
- 7) A certified copy of this resolution be filed with the Director of the Division of Local Government Services.

STATEMENT RE:  
EMERGENCY RESOLUTION

This statement must be prepared in duplicate by the Chief Financial Officer or other responsible official, and must be filed with the Municipal Clerk prior to the adoption of the emergency resolution. The duplicate thereof must be filed with the Director of Local Government Services at the time of filing the emergency resolution.

Need of Emergency Appropriation:

**On October 30, 2015, the Town of Newton Department of Public Works responded to a sewer block on Stuart Street. Upon further investigation with the Town's camera the block in the main is built up grease, which cannot be dislodged. Also during the inspection there are numerous breaks in the clay sewer main allowing for rock and debris to penetrate through the holes. This is a cause for concern in relation to infiltration and potential undermining of the roadway. The Town Sewer Engineer, Hatch Mott MacDonald, was on site on Monday, November 2<sup>nd</sup> and felt this work needs to be repaired immediately for public health, safety, and welfare. The Town of Newton will be required to replace about 260 feet of sewer main approximately 15' below the roadway along with replacing a manhole at the intersection of Stuart Street and Palmer Street. A bypass of the sewer system will be required in relation to the work. This is work that will be completed by a contractor.**

Date of Occurrence: **October 30, 2015**

Have any contracts been awarded or purchase orders place in connection with this emergency appropriation? **A quote for the bypass has been obtained. Quotes have been sent out to 4 contractors due in by Friday, November 6<sup>th</sup> for approval.**

Have any payments been made in connection with this emergency appropriation? **No.**

If costs are in excess of \$17,500 for either labor or materials, or both, will bids be advertised for? **No. Quotes have been sent out to 4 contractors due in by Friday, November 6<sup>th</sup> for approval.**

If not, have resolutions been adopted declaring an emergency to exist which will not permit the advertisement for public bids? **Yes as Resolution #191-2015.**

Will work be performed by contract, force account or otherwise? **Contract.**

A motion was made by Mrs. Becker to approve the above **RESOLUTION #191-2015**, seconded by Mr. Levante, and roll call resulted as follows:

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

November 9, 2015

Mayor Flynn                      Yes

**INTERMISSION** - None

**DISCUSSION**

**a. Parking Violations Recommendations-Draft Ordinance**

Sgt. Dean Coppolella and Ursula Leo, Esq. outlined a draft ordinance to amend Chapter 307, "Vehicles and Traffic" of the Code of the Town of Newton to revise parking violations.

After a brief discussion, the Town Council unanimously agreed to move forward as recommended by Mrs. Leo and Sgt. Coppolella.

**OPEN TO THE PUBLIC**

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

**COUNCIL & MANAGER COMMENTS**

Mayor Flynn thanked Bruce Scruton, NJ Herald reporter, for being a fair and genuine reporter to the Town of Newton. It was noted Mr. Scruton is being sent to another municipality.

Mr. Russo advised Council of a Special Meeting at 6:45 pm on November 23, 2015 prior to the regular Council meeting at 7:00 pm. He noted there will be Executive Session as well.

Mayor Flynn noted the Mayor and Deputy Mayor will be meeting with Red Cross administration on November 23, 2015 for information on the moving of their facility.

Councilman Elvidge questioned the times and dates for the budget hearings which was addressed by Mr. Russo.

Deputy Mayor Diglio advised the Holiday Parade is scheduled for Saturday, November 28<sup>th</sup> and invited all to attend. Mayor Flynn and Councilman Levante confirmed their attendance.

There being no further business to be conducted, upon motion of Mr. Levante, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 7:26 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk