

December 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 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 Deputy Clerk called the roll. Upon motion of Deputy Mayor Diglio, seconded by Mr. Levante and carried, the minutes of December 14, 2015 Special, Regular and Executive Meetings 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."

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

SWEARING-IN CEREMONY

Mr. Russo gave a brief bio on Edward R. Sperling and Russell Post, listing their qualifications for position of police officer.

Edward R. Sperling, badge #39 is a resident of Stanhope. He is 24 years old and married to his wife Brittany. He is currently attending Rutgers University. He was previously employed with the County of Sussex as a Corrections Officer. He also has prior experience working with the Federal Bureau of Prisons at their facility in Otisville, NY. Officer Sperling is an active duty member of the United States National Guard and is currently a Military Police Sergeant. His military experience includes operating in combat environments while he was deployed in Kabul, Afghanistan.

At this time, Deputy Clerk, Teresa A. Oswin swore in Edward, as his wife Brittany held the bible.

Russell J. Post, badge #40, is a resident of Hardyston. He is 23 years old and is currently single. Office Post earned a bachelor's degree from Stockton College of NJ in Criminal Justice with a minor in Historical Studies. He was previously employed with the County of Sussex as a Corrections Officer, a position he held briefly since he had been a State Corrections Officer at the Edna Mahan Correctional Facility in Clinton, NJ.

Deputy Clerk Oswin swore in Russell Post as Police Officer while his Mother, Eileen held the bible, Russell was also accompanied by his father, Russell.

Chief Michael Richards spoke briefly thanking the Town Council and Town Manager for their continued support. Chief Richards stated the Town is making a significant investment in these officers and likewise they're committing themselves to the Town. The duties of a police officer are great - no one is compelled to choose this profession, but having chosen it they're obligated to live up to the required standards.

Chief Richards also stated the Police Department prides itself on maintaining high standards while continually looking for ways to improve. These two men underwent a very rigorous selection process and he is confident that these bright, young, competent men will meet our expectations.

Chief Richards recognized his detectives, led by Sgt. Coppolella for their hard work conducting numerous background investigations to get to this point, and the patrol officers for their extra work taking up the slack caused by the manpower that was lost over the last couple of years. The patrol officers may be the happiest to see these positions filled.

Chief Richards went further to say, Officers Sperling and Post are the first officers to be hired since 2008, and as such they'll be working with a lot of seasoned veterans, the average age of the department officers is now 44 years old. They represent the future of the department and judging by what they've already achieved, the department will continue to maintain a professional reputation.

Chief Richards offered his congratulations to them on their appointments and looks forward to their academy training.

Mayor Flynn welcomed the two new officers and wished them good luck, and offered a five minute intermission for congratulations and photos.

COUNCIL & MANAGER REPORTS

A. Presentation to Winner s of Holiday Decorating Contest

- a.** Mayor Flynn presented certificates and prizes for the annual Holiday House Decorating Contest. Mayor Flynn announced 3rd Place went to Ronnie and Ellen Lehmers of 22 Douma Drive. Mayor Flynn presented a gift certificate for the Barrell House restaurant and a certificate for 2nd Place to Christopher and Leslie Ann Blakely of 61 Paterson Avenue, the Mayor noted the address was incorrect on the certificate, a corrected one will be mailed to the Blakelys. Mayor Flynn then presented a gift certificate for Plates World Cuisine restaurant and a certificate for 1st Place to Ryan Boyle of 38 Kory Road. The Council as a whole thanked all the participants for their holiday spirit.
- b.** Mr. Russo reminded Council the Municipal Building will be closing at 3:30 pm on Thursday, December 31, 2015 for New Year's Eve and will be closed on Friday,

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January 1, 2016 for the New Year's Day Holiday. Mr. Russo went on further to remind the Council the Newton Fire Department will be hosting a social gathering on Saturday, January 2, 2016 at the #1 Firehouse and hopes they are able to stop by, it begins at noon. This year, the Newton Fire Department will be swearing-in their new officers at the January 11th Council meeting. Mr. Russo noted on the website there is a new schedule for the Town Shuttle, running between Thorlabs, the college and area businesses, that will begin on Tuesday, January 5, 2016. Mr. Elvidge inquired on the changes. Mr. Russo advised the changes made were to help accommodate Thorlabs and the college schedules.

ORDINANCES

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

ORDINANCE 2015-37

AN ORDINANCE AMENDING SECTION 30-7A.(1) OF THE NEWTON TOWN CODE REGARDING POLICE DEPARTMENT APPOINTMENTS

WHEREAS, the Town Council of the Town of Newton has determined that ~~§30-7A.(1)~~ of the Code of the Town of Newton, regarding Police Department appointments, requires amendment to revise residency classes of appointment, to be consistent with the underlying statute, N.J.S.A. 40A:14-123.1a.;

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 30-7.A.(1) "Classification of Applicants" shall be and is hereby deleted in its entirety and shall read as follows:

- (1) The following classes are hereby established for appointment of all members of the Police Department of the Town of Newton:
 - (a) Class 1: residents of the Town of Newton.
 - (b) Class 2: residents of other municipalities in the County of Sussex.
 - (c) Class 3: residents of any other county than Sussex in the State of New Jersey.
 - (d) Class 4: all other qualified persons.

Section 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date. This Ordinance shall take effect after adoption and publication in accordance with law.

Mayor Flynn opened the hearing to the public.

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

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

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

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

ORDINANCE 2015-3 8

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO DELETE THE PROVISION REQUIRING AN ANNUAL OR BIENNIAL DOG CANVASS

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	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 the same to be held on January 11, 2016.

ORDINANCE 2015-39

AN ORDINANCE ADOPTING AMENDMENTS TO THE PATERSON AVENUE REDEVELOPMENT PLAN

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 the same to be held on January 11, 2016.

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.”

RESOLUTION # 260-2015*

APPOINTMENT OF SPECIAL COUNSEL FOR TAX APPEALS, PUBLIC DEFENDER AND DEPUTY PUBLIC DEFENDER FOR CALENDAR YEAR 2016

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2016, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Robert B. McBriar, Esq.	Special Counsel for Tax Appeals Schenck, Price, Smith & King, LLP
James P. Sloan, P.C.	Public Defender Attorney-At-Law
Daniel P. Agatino, J.D., Ph.D.,	Deputy Public Defender Gruber, Colabella, Liuzza & Thompson

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

RESOLUTION # 261-2015*

REAPPOINTMENT OF EDWARD DUDES TO THE NEWTON PARKING AUTHORITY

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Edward Dudes is hereby reappointed to a five (5) year term on the Newton Parking Authority, effective immediately with said term continuing to December 31, 2020.

RESOLUTION # 262-2015*

REAPPOINTMENT OF MARK MARUSKA AND KEVIN PRENDERGAST TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Mark Maruska and Kevin Prendergast are each hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2016 and continuing through December 31, 2018.

RESOLUTION # 263-2015*

APPOINTMENT OF KACIE MEMBER AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD

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

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WHEREAS, Kacie Member, has expressed an interest in serving on the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Kacie Member is hereby appointed to a two-year term as an Alternate Member of the Newton Planning Board, effective January 1, 2016 with said term continuing to December 31, 2017.

RESOLUTION # 264-2015*

REAPPOINTMENT OF DONALD VRAHNOS TO THE UTILITY ADVISORY BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Donald Vrahnos is hereby reappointed to a five-year term on the Utility Advisory Board, effective January 1, 2016 and continuing through December 31, 2020.

RESOLUTION # 265-2015*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated:

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned accounts for amounts billed incorrectly due to the reasons stated:

Utility Board Recommends Credit of Sewer Charges Due to Water Leaks :

<u>Account</u>	<u>Address</u>	<u>Amount</u>
7408	37 Linwood Ave.	\$150.00
1974	75 Trinity St.	\$2,097.00

RESOLUTION # 266-2015*

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

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

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

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

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

1. The law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations by the Town in accordance with an Agreement dated December 10, 2015 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of

the Town.

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

RESOLUTION #2 67-2015*

AUTHORIZING THE PUBLIC SALE OF REAL PROPERTY LOCATED AT 27 ORCHARD STREET, BLOCK 22.09, LOT 7 (FORMERLY BLOCK 1208, LOT 11), PURSUANT TO N.J.S.A. 40A:12-13

WHEREAS, the Town of Newton is the owner of property set forth in Schedule "A" which property is no longer needed or required for municipal use; and

WHEREAS, the Newton Town Council deems it in the best interest of the Town of Newton to sell the property by public auction sale in accordance with the provisions of N.J.S.A. 40A:12-13(a) et seq.; and

WHEREAS, the Town of Newton is utilizing the services of Max Spann Real Estate & Auction Company, an auction company in order to market the property. A condition of the sale as reflected below is that the successful bidder shall be responsible for paying the "Buyer's Premium" to Max Spann Real Estate & Auction Company equal to ten percent (10%) of the sales price, this fee shall be added to the successful bidder's bid;

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

1. The Town of Newton shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(a), the property listed on Schedule "A". If a minimum sale price is set for the property it is reflected in Schedule "A", which sum is not less than the fair market value.
2. The sale shall be conducted as an auction and shall take place as published per paragraph 3 below (hereinafter referred to as "sale date") at the Town of Newton Municipal Building, 39 Trinity Street, Newton, New Jersey 07860.
3. A copy of this resolution shall be posted on the bulletin board or other conspicuous place in the Municipal Building. Notice of the public sale shall be published in the official Town of Newton newspaper by two insertions at least once a week during two consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.
4. In the event any of the properties being sold are less than the minimum size required for development under the Town of Newton Zoning Ordinance and are without any capital improvements, contiguous property owner(s) shall have the right of first refusal as provided for in N.J.S.A. 40A:12-13.2. In order to exercise the right of first refusal, the contiguous property owner(s) must appear at the public sale and exercise their right of first refusal by bidding on the property. For properties subject to N.J.S.A. 40A:12-13.2, a copy of this Resolution shall be mailed to the contiguous property owners at their last known address as reflected on the tax duplicates. The Resolution shall be mailed at the time that Notice is first published as provided for in paragraph three of this Resolution.
5. The property shall be sold subject to the following terms and conditions:
 - (a) The descriptions of the property are intended as a general guide only and may not be accurate. No representations of any kind are made by the Town of Newton as to the conditions of the property; the premises are being sold in the present condition "as is".
 - (b) The property shall be sold for not less than the amount, if any set forth in Schedule "A".
 - (c) The Town of Newton does not warrant or certify title to the property and in no event shall the Town of Newton be liable for any damages to the purchaser/successful bidder if title is found unmarketable and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Town of Newton. The sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the Town of Newton shall not be

responsible for the same nor shall it be required to refund money or correct any defect in title or be held liable for damages.

- (d) Acceptance of the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale contained in this resolution.
- (e) Bidder shall deposit with the Town cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Town of Newton will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
- (f) The Purchaser must pay the balance of the purchase price, plus (1) the sum of \$450 for the legal services incurred by the Town, (2) a Buyer's Premium directly to the auctioneer, Max Spann Real Estate & Auction Company, which is equal to ten percent (10%) of the successful bidder's bid, (3) the Town of Newton's advertising and recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s). and (4) realty transfer fees, if any. The balance shall be paid by certified funds. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Town Attorney and, after execution by the Town Officials, shall be recorded with the Sussex County Clerk's Office by the Town Attorney. Additional work performed by the Town Attorneys beyond the standard preparation of the sale resolutions, Deed and closing statement shall be billed at the rate charged by the Town Attorney's and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.
- (g) The Deed will be subject to all matters of record which may affect title, including what an accurate survey may reveal, as well as the requirements of the Ordinances of the Town of Newton. The Town of Newton reserves an easement for all natural or constructed drainage systems or waterways on the premises and the continued right of maintenance and flow.

Property in Schedule "A", the real property located at 27 Orchard Street, Block 22.09, Lot 7 (formerly Block 1208, Lot 11).
- (h) The property will be sold subject to the current year taxes, pro rated from the date of sale.
- (i) The Town Council reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for the property or to waive any informality.
- (j) All bidders currently owning property within the Town of Newton must have their taxes, as well as sewer and water charges, paid to date in order to be a qualified bidder. In the event the bidder's taxes or sewer or water charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.
- (k) This sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Town of Newton.
- (l) No employee, agent or officer of the Town of Newton has any authority to waive, modify or amend any of the conditions of sale.
- (m) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code and agrees that this sale will not be used as grounds to support any variance from or realization of the regulations.
- (n) The failure of the Purchaser to close on title within the time provided for in Subsection 5(f) of this Resolution shall constitute a breach of this Agreement unless the Town agrees in writing prior to that date to extend the time of the closing. In the event the Purchaser fails to close within the dates provided for in Section 5(f) or such date as maybe extended by the Town, the deposit paid by the Purchaser shall be retained by the Town as liquidated damages. The Town of Newton is entitled to retain the

Purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorneys fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the Purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit as provided for in Section 5(c) of this Resolution.

- (o) The purchase shall not be used for any County Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.
 - (p) The sale shall be subject to final approval by the Newton Town Council who may accept or reject any bid in their absolute discretion.
 - (q) Acceptance of the highest bid by the Town shall constitute a binding agreement of sale and purchaser shall be deemed to agree to comply with the terms and conditions of this resolution.
 - (r) In the event the property being sold to a contiguous property owner is less than the minimum size required for development under the municipal zoning ordinances and is without capital improvements, it shall merge with the successful bidder's existing adjoining property. The deeded conveyance shall contain a restriction that there shall be no subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. The successful bidder shall provide a copy of their existing property Deed to the Town Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.
6. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.
7. Potential Bidders are advised:
- (a) To conduct all necessary title searches prior to the date of sale.
 - (b) No representations of any kind are made by the Town of Newton as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".
 - (c) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.
 - (d) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.
8. Additional Terms the Successful Bidder must comply with:
- (a) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
 - (b) That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
9. This resolution shall take effect immediately.

SCHEDULE "A"

Block/Lot	Street Address	Size	Status of Property	Zone
22.09/7 (formerly 1208/11)	27 Orchard St	0.344 acres	vacant land	T-3

RESOLUTION #2 68-2015*

RESOLUTION AUTHORIZING PROFESSIONAL SERVICE AGREEMENT WITH MAX SPANN REAL ESTATE & AUCTION COMPANY

WHEREAS, the Town of Newton previously attempted to sell the municipally owned property located at 27 Orchard Street, as listed on Schedule “A” attached, as shown on the Town of Newton Tax Map (“Property”) and there were no bidders for the Property; and

WHEREAS, the Town Council desires to use the services of a professional real estate auction company in order to market and auction the Property, which professional services are awarded under non-fair and open contracts pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Town Council desires to hire Max Spann Real Estate & Auction Company to market the Property and conduct the auction. Max Spann Real Estate & Auction Company shall be paid by the buyers of the Property through a 10% buyer’s premium to be added to the successful bid amount. However, in the event that the Property is sold and the sale is approved by the Town Council, and the buyer’s premium does not equal or exceed \$4,000, the Town shall be responsible for paying the difference between the auction company’s marketing investment of \$4,000 and the buyer’s premium paid. In the event the Property does not sell, the Town is not responsible for paying the marketing investment;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the Town Council authorizes the Mayor and Municipal Clerk to execute a professional services agreement with Max Spann Real Estate & Auction Company; and

BE IT FURTHER RESOLVED, that this Resolution and a copy of the professional services agreement shall be provided to Max Spann Real Estate & Auction Company, and shall be advertised, and is on file and available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and shall be void and of no effect in the event that Max Spann Real Estate & Auction Company does not sign the professional services agreement.

SCHEDULE “A”

Block/Lot	Street Address	Size	Status of Property	Zone
22.09/7 (formerly 1208/11)	27 Orchard St	0.344 acres	vacant land	T-3

RESOLUTION #2 69-2015*

TO CANCEL CAPITAL APPROPRIATION BALANCES IN THE GENERAL CAPITAL FUND

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WHEREAS, the Town of Newton adopted Bond Ordinance #2009-29 on 12/14/2009, which was later amended by Bond Ordinance #2010-13 on 8/23/2010 to provide for the Redevelopment of Sparta Avenue in the amount of \$4,660,000; and

WHEREAS, the above stated General Capital Improvement appropriation balance remains dedicated to a project which is now complete; and

WHEREAS, there have been no expenditures against Bond Ordinance #2009-29 since 5/14/2012 and the Town Manager and other Town Officials have reviewed and determined there are no additional costs for these projects; and

WHEREAS, it is necessary to formally cancel said balances so the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be cancelled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that the following unexpended and dedicated balances of the General Capital appropriations totaling \$399,414.21 be cancelled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount to be Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
2009-29	12/14/09	Redevelopment of Sparta Avenue	\$ 89,414.21	\$310,000.00

RESOLUTION #2 70-2015*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 9.04, LOT 5 ALSO KNOWN AS 40 MORAN STREET

WHEREAS, at the Municipal Tax Sale held on November 5, 2014, a lien was sold on Block 9.04, Lot 5, also known as 40 Moran Street, for 2013 taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1397, and was sold to Sunshine State Certificates V/BankUnited TTE for 0% redemption fee as well as a premium of \$30,000.00; and

WHEREAS, Provident Bank, owner of said property, has effected the redemption of Certificate #1397 in the amount of \$39,924.09;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that, Sunshine State Certificates V/BankUnited TTE is entitled to a redemption in the amount of \$39,924.09; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$39,294.09 for the redemption of Certificate #1397 as well as the return of the premium in the amount of \$30,000.00 to Sunshine State Certificates V/BankUnited TTE, 7900 Miami Lakes Drive W, 3rd Floor, Miami Lakes, Florida 33016.

RESOLUTION #2 71-2015*

APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC. AS ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2016

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

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

WHEREAS, the Newton Town Council appointed Excel Environmental Resources, Inc., in previous years to provide environmental engineering on some specific parcels in the Town of Newton, and said professional services may be needed by the Town of Newton during calendar year 2016; and

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

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2016; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby appoints Excel Environmental Resources Inc., as Environmental Engineer for the Town of Newton for calendar year 2016; and

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

RESOLUTION # 272-2015*

CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN ALLOCATING WATER GALLONAGE AND FEES FOR 178-180 SPRING STREET

WHEREAS, at a regular meeting of the Newton Utility Advisory Board conducted on December 15, 2015, Mr. Wayne McCabe, representing Mr. John Kweselait and Mr. Gercino Soares proposed installation of a 2” water service line from the existing 4” water main on Adams Street to provide adequate domestic water for six one-bedroom apartments with a usage of 100 gallons each per day, and two studio apartments with a usage of 80 gallons each per day on the second and third floors. Two commercial units on the first floor consisting of one 884 square-foot unit and another of 1,251 square feet, totaling 2,135 square feet. Total water connection fees for the first floor of \$5,200, and \$14,060 for the second and third floors, totaling \$19,260.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and conditionally approves the fees set forth above.

RESOLUTION #2 73-2015*

AUTHORIZE CHANGE ORDER NO. 2 FOR THE REPLACEMENT OF THE PRIMARY SETTLING TANK DRIVE AND COVERS AT THE NEWTON WWTP AND FINAL ACCEPTANCE OF THE PROJECT

WHEREAS, on January 28, 2015 the Newton Town Council adopted Resolution #14-2015, awarding a contract to JEV Constructions, LLC., for the Replacement of the Primary Settling Tank Drive and Covers at the Newton WWTP in the amount of \$156,000.00; and

WHEREAS, on October 26, 2015 the Newton Town Council adopted Resolution #180-2015 which approved Change Order #1 increasing the total contract to \$166,450.00; and

WHEREAS, the Project Engineer, Anthony R. Gagliostro, of Hatch Mott McDonald, recommends in his memo dated December 15, 2015, approving Change Order No. 2, for the Replacement of the Primary Settling Tank Drive and Covers at the Newton WWTP when the contractor values and the unused allowance item amount results in a credit with a total value of \$4,025.00 for a total contract of \$162,425.00; and

WHEREAS, in a letter to the Deputy Town Manager dated December 16, 2015, Project Engineer, Anthony R. Gagliostro, of Hatch Mott McDonald, states said project has been completed and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Project Engineer’s recommendation and accepts Change Order No. 2 for the Replacement of the Primary Settling Tank Drive and Covers at the Newton WWTP, and accepts the project as final and complete; and

December 28, 2015

BE IT FURTHER RESOLVED, that a copy of Change Order No. 2, and Mr. Gagliostro's recommendation letters of December 15, 2015 and December 16, 2015, be attached to and made part of this Resolution.

RESOLUTION #2 74-2015*

APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., P.P., C.M.E., AS WATER ENGINEER FOR CALENDAR YEAR 2016

WHEREAS, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; and

WHEREAS, engineering services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, of Harold E. Pellow & Associates, Inc., has submitted a Scope of Services proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2016;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby reappoints David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, of Harold E. Pellow & Associates, Inc., as Water Engineer for calendar year 2016 based on the Scope of Services proposal attached hereto dated December 17, 2015; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #2 75-2015*

APPOINTMENT OF KEITH MITCHELL AS RISK MANAGEMENT CONSULTANT FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2016

WHEREAS, the Town of Newton (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The Town of Newton hereby appoints Keith Mitchell its local Risk Management Consultant.
2. The Town Manager and Municipal Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2016 in the form attached hereto.

December 28, 2015

Name of Entity: Town of Newton

Attest:

Daniel G. Flynn, Mayor

RESOLUTION #2 76-2015*

APPOINTMENT OF FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER FOR STATEWIDE INSURANCE FUND

WHEREAS, the Town of Newton (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Newton that Thomas S. Russo, Jr., Town Manager is hereby appointed as the Fund Commissioner for the Local Unit for the year 2016; and

BE IT FURTHER RESOLVED that Jennifer A. Dodd, Human Resources Director is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2016; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund. .

Name of Entity: Town of Newton

By: _____

Daniel G. Flynn, Mayor

RESOLUTION #2 77-2015*

APPROVAL OF THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BYRAM TOWNSHIP TO PROVIDE CERTIFIED TAX COLLECTION SERVICES FOR JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

WHEREAS, the Township of Byram ("Byram") required the services of a Certified Tax Collector on an occasional and part-time basis; and

WHEREAS, the Town of Newton ("Newton"), under Resolution #164-2014, approved a shared services agreement dated August 25, 2014 whereby Newton provided the services of its Certified Tax Collector, Linda A. Roth, on an occasional and part-time basis to Byram; and

WHEREAS, Newton, on March 9, 2015 adopted Resolution #35-2015, extended said agreement which expires December 31, 2015; and

WHEREAS, Newton has submitted to Byram the attached agreement dated January 1, 2016 which outlines the terms and conditions of a new shared services agreement between Newton and Byram for Newton's Certified Tax Collector, Linda A. Roth, to perform tax collection duties for Byram on an occasional and part-time basis from January 1, 2016 through December 31, 2016; and

WHEREAS, the State of New Jersey strongly encourages municipalities to enter into Shared Services Agreements such as this;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby approves and authorizes the execution of a new Shared Services Agreement with the Township of Byram for the provision of certified tax collection services.

RESOLUTION #2 78-2015*

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

416.92	Quill Corporation	36030
310.00	MGL Forms - Systems, LLC.	36031
556.25	Pellow, Harold & Asso, Inc.	36032
105.00	Sussex Car Wash Inc.	36033
1,362.55	Elizabethtown Gas	36034
86.23	G & G Diesel Service Inc	36035
13,450.87	JCP&L	36036
92.70	New Jersey Herald, Inc.	36037
593.36	SCMUA	36038
175.08	Centurylink Communications, Inc.	36039
3,362.67	Centurylink Communications, Inc.	36040
40.60	Campbell's Small Engine Inc.	36041
145.00	Fire Fighter's Equipment Co. Inc.	36042
264.60	Lock & Key World	36043
48.40	Federal Express	36044
39.95	Hayek's Market Inc.	36045
3,103.00	Ferraioli, Cerullo & Cuva	36046
50.00	State Treasurer	36047
200.00	Willco, Inc.	36048
835.80	Vital Computer Resources, Inc.	36049
3,200.00	Bank of New York Mellon	36050
60.00	Sussex County Community College	36051
104.02	Sherwin-Williams, Inc.	36052
1,750.71	Dempsey Uniform & Supply Inc	36053
35.00	Millikin, Debra	36054
163.04	Airgas East	36055
17.60	Service Electric Cable TV	36056
1,285.60	Boonton Tire Supply Inc.	36057
447.77	McGuire, Inc.	36058
705.00	Treasurer, State of New Jersey	36059
1,472.06	Verizon Wireless, Inc.	36060
3,475.20	Dell Marketing L.P.	36061
36.22	Walmart	36062
72.98	Mr. John, Inc.	36063
159.99	Gold Type Business Machines	36064
112.96	Cooper Electric Supply Co.	36065
5,343.75	Holzhauer & Holenstein, LLC	36066
150.00	Linda Roth	36067
1,245.00	Vogel, Chait, Collins, Schneider, PC	36068
149.50	Advance Auto Parts	36069
808.92	Home Depot, Inc.	36070
938.07	Home Depot, Inc.	36071
286.26	Home Depot, Inc.	36072
50.00	International Code Council, Inc	36073
633.92	Rogo Fastener Co., Inc.	36074
960.00	Access Control Technology Inc.	36075
4,715.00	Lincoln Financial Group	36076
1,165.23	Staples Business Advantage, Inc.	36077
15.30	Language Line Services, Inc.	36078

December 28, 2015

189.96	Lowe's, Inc.	36079
226.36	Sussex County Engineering Division	36080
96.00	CSS Test Inc.	36081
21.78	Federal & State Grant	36082
165.00	Pinnacle Wireless FBO Unitek Global	36083
2,235.63	Rachels/Michele's Oil Company, Inc.	36084
1,131.13	Taylor Oil Co, Inc.	36085
113.85	Dawn Babcock	36086
350.00	Kieffer Electric, Inc.	36087
892.50	JMC Environmental Consultants, inc.	36088
319.99	B & H Inc.	36089
945.84	Atlantic Tactical Inc.	36090
702.72	Penteledata	36091
128,917.00	NJMEBF	36092
978.00	Rutgers, Center for Government Serv	36093
2,990.56	Excel Environmental Resources, Inc.	36094
450.00	Extra Tech Data Services, LLC.	36095
190.00	Crafco, Inc.	36096
125.98	United Telephone/Century Link	36097
40.00	Resolutions	36098
1,000.00	Spring Street Pub & Grill	36099
481.36	Johnny On The Spot, LLC.	36100
59.00	Schenck, Price, Smith, & King, LLP	36101
54.44	Reisinger Oxygen Service, Inc.	36102
4,311.79	US Saws, Inc.	36103
138.00	Kyle Bucenec	36104
306.00	Strausnews	36105
25.10	Katherine Walker	36106
50.00	Law Office of John D Williams	36107
150.00	Jacki Shackleton	36108
700.00	McClullough Tree Experts, LLC.	36109
198,726.01	Payroll Account	151079
1,187,649.85	Newton Board of Education	151078
396.45	Payroll Account	151077
139.56	Elavon	151076
179,705.11	Payroll Account	151075
28,462.79	Payroll Account	151074
-1,452.19	Payroll Account	151072
-1,452.19	Payroll Account	151072
1,452.19	Payroll Account	151072
1,452.19	Payroll Account	151072
1,452.19	Payroll Account	151072
5,000.00	Federal & State Grant	151073
182,640.21	Payroll Account	151072
-107.00	Payroll Account	151067
286.00	Payroll Account	151067
1,000.00	Frank Sebastiano - Franky's Café LL	35943
54.00	Thomas S. Russo Jr	35942
1,031,649.83	Newton Board of Education	151071
250.00	DLS Health Works, LLC	35940
77.22	Elavon	151070
7,875.00	BNY Mellon	151069
92,245.00	BNY Mellon	151068
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
4,850.00	Federal & State Grant	151063

CAPITAL

8,726.21	Pellow, Harold & Asso, Inc.	8501
5,512.56	McManimon, Scotland & Baumann, LLC	8502
1,160.62	Weldon Asphalt Company, Inc.	8503
589.25	Sparta Ready Mix, Inc.	8504
998.69	Home Depot, Inc.	8505
236.00	Schenck, Price, Smith, & King, LLP	8506

Total TOWN BILLS \$ 4,280,163.89

WATER AND SEWER ACCOUNT

94.03	Quill Corporation	15360
3,040.63	Schmidt's Wholesale, Inc	15361
1,130.00	Pellow, Harold & Asso, Inc.	15362
41.51	Aurora Electrical Supply, LLC.	15363
545.00	Elizabethtown Gas	15364
13,311.41	JCP&L	15365
4,786.00	Pumping Services	15366
530.15	SCMUA	15367
13,600.98	Coyne Chemical Corp., Inc.	15368
74.36	Centurylink Communications, Inc.	15369
1,156.89	Centurylink Communications, Inc.	15370
1,445.00	Garden State Laboratories Inc	15371
31.00	Allied Meter Service Inc.	15372
3,264.50	Ferraioli, Cerullo & Cuva	15373
55,000.00	Water & Sewer Capital Account	15374
52,500.00	Water & Sewer Capital Account	15375
534.64	Dempsey Uniform & Supply Inc	15376
22.02	Airgas East	15377
1,215.00	JCI Jones Chemicals, Inc	15378
147.05	Verizon Wireless, Inc.	15379
5,120.00	Passaic Valley Sewerage Comm.	15380
1,242.90	Main Pool & Chemical Company, Inc.	15381
13.99	Advance Auto Parts	15382
203.98	Home Depot, Inc.	15383
163.49	Suburban Propane, LP.	15384
765.51	Airmatic Compressor Systems, Inc.	15385
9.60	Staples Business Advantage, Inc.	15386
700.00	Kieffer Electric, Inc.	15387
1,553.25	Accurate Waste Removal Inc.	15388
219.90	Penteledata	15389
30,856.00	NJMEBF	15390
204.66	One Call Concepts, Inc.	15391
2,053.99	Hatch Mott MacDonald	15392
300.00	JJ Avenue Productions	15393
306.00	Strausnews	15394
39,674.83	Payroll Account	156038
472.72	State of New Jersey - PWT	156037
39,422.26	Payroll Account	156036
971.10	Sparta Postmaster	15327
33,315.88	Payroll Account	156035
33,768.23	Payroll Account	156034
150,881.25	JP Morgan Chase Bank	156033

CAPITAL

3,446.38	Pellow, Harold & Asso, Inc.	2409
2,782.88	Hatch Mott MacDonald	2410
21,329.50	JEV Construction, LLC.	2411

Total WATER & SEWER Bills \$ 522,248.47

TRUST ACCOUNT

4,366.00	J. Caldwell & Associates, LLC.	3440
562.50	Pellow, Harold & Asso, Inc.	3441

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1,275.00	Vogel, Chait, Collins, Schneider, PC,	3442
210.75	Payroll Account	151073
-1,452.19	Payroll Account	151072
3,208.57	Payroll Account	157124
-1,686.00	Payroll Account	157123
7,446.52	Payroll Account	157123

Total TRUST ACCOUNT Bills \$ 13,931.15

DOG RESERVE ACCOUNT

4,090.00	Township of Wantage	8552
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Total DOG RESERVE ACCOUNT Bills \$ 4,090.00

DEVELOPERS ESCROW (Fund 72)

1,830.00	Vogel, Chait, Collins, Schneider, PC	1254
219.48	Ferriero Engineering Inc.	1255
354.00	Laddey, Clark & Ryan, LLP	1256

Total DEVELOPERS ESCROW (Fund 72) ACCOUNT Bills \$ 2,403.48

FEDERAL/STATE GRANTS

5,000.00	Current Account	1297
25.46	Staples Business Advantage, Inc.	1298
72.34	Lowe's, Inc.	1299
224.40	Shop Rite, Inc.	1300
120.00	Lisa Bechtel	1301
120.00	Mary Licata	1302
120.00	Lisa Casamassina	1303
2,000.00	Clarke Caton Hintz	1304
966.70	Payroll Account	151114
696.00	Screen Creation Plus	1296
938.71	Payroll Account	151113
966.70	Payroll Account	151112
-966.70	Payroll Account	151111
966.70	Payroll Account	151111
1,400.00	Payroll Account	151111
966.70	Payroll Account	151110

Total FEDERAL/STATE/GRANTS \$ 13,617.01

The Deputy Clerk presented an application for a Social Permit for a Social Affair from the Sussex County Arts and Heritage Council to be held on February 6, 2016 with a rain date of February 13, 2016 from 5:00pm to 7:00pm. It was noted the application was in order and accompanied by the prescribed fees.

Mayor Flynn recused himself from check #1255 on Resolution #278-2015.

A motion was made by Mr. Levante to approve the **COMBINED ACTION RESOLUTIONS**, 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	

INTERMISSION - None

DISCUSSION - None

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

Mr. Russo gave a brief update on the RPM Mangement project stating the closing for the property at the corner of Trinity Street and Union Place is scheduled for January 8, 2016. RPM will be meeting with JCP&L on January 7th to talk about the relocation of utility poles and they are working on construction drawings. They anticipate breaking ground this summer.

Mayor Flynn inquired if there was an update on the Armory. Mr. Russo advised he sent an email to the State and is waiting to hear back from Chuck Applebee, who is our contact and is spearheading the environmental work.

Mayor Flynn asked the Council if they had any questions on the Paterson Avenue Redevelopment Plan. He advised the Planning Board had a lengthy discussion on the proposed amendments. Mr. Russo advised he will distribute the information the Planning Board questioned to the Council and Planning Board on January 4th.

EXECUTIVE SESSION

Mr. Russo read Resolution #279-2015 and Council entered into Executive Session at 7:28 pm.

Upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and unanimously carried, Council left Executive Session at 8:57 pm.

Mr. Levante questioned the paving of Stuart Street. He advised he has received some complaints that the paving is a mess after the recent repair work. Mr. Russo advised he believed it was the contractor's responsibility and will look into the matter.

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 9:01 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Deputy Municipal Clerk