

January 11, 2016

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, 2015."

Mayor Flynn led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mr. Elvidge, seconded by Mr. Levante and carried, the minutes of December 28, 2015 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 from the public to be heard, Mayor Flynn closed the meeting to the public.

### **A. SWEARING-IN CEREMONY**

#### **Newton Fire Departments 2016 Officers**

At this time, Mayor Flynn sworn in the 2016 Newton Fire Department Officers. The Town Manager and Governing Body thanked the Newton Fire Department members for their service.

### **COUNCIL & MANAGER REPORTS**

#### **a. Dates for Budget Hearings- Saturday, February 6<sup>th</sup> and Thursday, February 11<sup>th</sup>.**

Mr. Russo presented dates to the Governing Body for Budget Hearings. After a brief discussion, the Council agreed to hold the Budget Hearings on Saturday, February 6<sup>th</sup> at 9 am and Thursday, February 11<sup>th</sup> at 6 pm. Both hearings will be held at the Newton Municipal Building, 39 Trinity Street. Mrs. Read will advertise accordingly.

#### **b. Date for Annual Joint TC/BOE Meeting - Tuesday, February 23, 2016.**

Mr. Russo proposed Tuesday, February 23, 2016 as the date to hold the annual joint meeting with the Newton Board of Education. After a brief discussion, Council agreed to hold the joint meeting on Tuesday, February 23<sup>rd</sup> at 6pm the Newton Board of Education office, 57 Trinity Street. Mrs. Read with advertise accordingly.

Mr. Russo advised the Municipal Building will be closed on Monday, January 18<sup>th</sup> in observation of Dr. Martin Luther King Jr. Day.

### **ORDINANCES**

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

**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**

**WHEREAS**, pursuant to the New Jersey Division of Local Government Services Modernization and Local Mandate Relief Act of 2015, the statutory provision requiring a municipality to canvass all dogs within the municipality (N.J.S.A. 4:19-15.15) was repealed; and

**WHEREAS**, Section 57-17 of the Newton Code requires an annual or biennial dog canvass, as was required by N.J.S.A. 4:19-15.15; and

**WHEREAS**, the Town Council of the Town of Newton desires to eliminate the dog canvass requirement from its Code, in accordance with State law;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey, that Chapter 57, "Animals", of the Code of the Town of Newton is hereby amended as follows:

**Section 1.** Existing §57-17 "Dog Canvass" is hereby deleted in its entirety, and the following is inserted in its place:

57-17. Dog Canvass. To be conducted if and as required by applicable State law.

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

**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 will take effect after publication and passage according to law.

Mayor Flynn opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, 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 Clerk will advertise the above Ordinance according to law.

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

**ORDINANCE 2015-3 9**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE PATERSON AVENUE REDEVELOPMENT PLAN**

**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**, by Ordinance 2011-18 adopted on August 22, 2011, the Town has previously amended the Redevelopment Plan; and

**WHEREAS**, the Town wishes to further amend the Redevelopment Plan to 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 (the "Proposed Amendment"); and

**WHEREAS**, the Town Council by Resolution No. 185-2015 adopted on November 9, 2015, referred the Proposed Amendment to the Planning Board for its review and comment in accordance with N.J.S.A. 40A:12A-7(e) of the Act; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on December 16, 2015, Jessica Caldwell, P.P., A.I.C.P. (the "Planning Consultant") presented the Proposed Amendment and further addressed any questions and comments presented by the Planning Board; and

**WHEREAS**, after due consideration of the Proposed Amendment, testimony regarding the Proposed Amendment, and discussion of the foregoing, the Planning Board by Resolution dated December 16, 2015, recommended certain changes to the Proposed Amendment, found that the Proposed Amendment (both with and without such recommendations) is consistent with the Town's Master Plan, and that the Town adopt the Proposed Amendment, as revised, as an amendment to the Redevelopment Plan; and

**WHEREAS**, the Town wishes to adopt the Proposed Amendment with the recommended changes contained in the Planning Board Resolution and has incorporated the Planning Board's recommended changes into the Proposed Amendment (the "Amended Redevelopment Plan" attached hereto as **Exhibit A**);

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS :**

Section 1. The Town concurs with the Planning Board's determination that the Proposed Amendment, including as modified by the revisions requested by the Planning Board, is consistent with the Master Plan. The Amended Redevelopment Plan as filed in the Office of the Town Clerk, and attached hereto as **Exhibit A**, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Amended Redevelopment Plan.

Section 3. This Ordinance shall take effect as provided in law.

Mayor Flynn opened the hearing to the public.

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

January 11, 2016

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

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

**OLD BUSINESS**

There was no Old Business to be discussed.

**CONSENT AGENDA**

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.”

Mayor Flynn requested Resolution 13-2016 be removed from the Consent Agenda for separate discussion.

**RESOLUTION # 1-2016\***

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2015 NEWTON FIRE DEPARTMENT LOSAP PARTICIPANTS**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2015 as per the 2015 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 32, for a total contribution of \$27,772.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2015 to cover the cost of this contract;

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Newton Fire Department dated January 11, 2016.

**RESOLUTION # 2-2016\***

**FINAL ACCEPTANCE OF THE 85 SPARTA, LLC PROJECT**

**WHEREAS**, the Town of Newton had easements and water transmission mains that cross property in the Township of Sparta shown as Lot 16, Block 35 on the Sparta Township Tax Map with a street address of 85 Sparta Avenue (the “Property”); and

**WHEREAS**, on May 28, 2014 by way of adoption of Resolution #87-2014, the Newton Town Council entered into an agreement to restate the existing Newton easement and relocate the Newton easements and waterline; and

January 11, 2016

**WHEREAS**, in a memo to the Deputy Town Manager dated December 22, 2015, Town Water Engineer, David B. Simmons, Jr., P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc., states that 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 Town Water Engineer's recommendation and accepts the project to relocate the 10" and 16" water transmission at 85 Sparta Avenue, Sparta, NJ as final and complete so that final paperwork can be started and a two (2) year Maintenance Bond secured by 85 Sparta, LLC.; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to 85 Sparta, LLC and the Town Water Engineer.

**RESOLUTION # 3-2016\***

**ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR THE TOWN OF NEWTON FOR 2016**

**WHEREAS**, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2016; and

**WHEREAS**, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the total of the appropriations made for all purposes in the budget for the preceding year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2016 Temporary Operating Budget and the 2016 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2016 Annual Municipal Budget and the 2016 Water and Sewer Utility Budget.

**RESOLUTION # 4-2016\***

**RESOLUTION APPOINTING A HEARING OFFICER AND ALTERNATE PURSUANT TO CHAPTER 213, ARTICLE III OF THE CODE OF THE TOWN OF NEWTON RELATED TO HOLDING CERTAIN LANDLORDS RESPONSIBLE FOR DISORDERLY TENANT BEHAVIOR**

**WHEREAS**, Chapter 213, Article III of the Code of the Town of Newton, "Holding Certain Landlords Responsible for Disorderly Tenant Behavior", provides that a Hearing Officer, who is a New Jersey licensed attorney who does not own or lease any property within the Town of Newton or hold any interest in the assets or profits arising from the ownership or lease of such property within the Town of Newton, shall be appointed by the Town Council; and

**WHEREAS**, said legal services are needed for calendar year 2016, which professional services are awarded under non-fair and open contracts pursuant to N.J.S.A. 40A:11-5;

**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 an agreement reappointing Kellen F. Murphy, Esq. of Riker, Danzig, Scherer, Hyland, Perretti, as the Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and Glenn T. Gavan, Esq. of the Law Offices of Criscuoli & Gavan, LLC as the alternate Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and

**BE IT FURTHER RESOLVED**, that this Resolution and a copy of each agreement is to be provided to each attorney and shall be advertised and is on file and available for public inspection in the office of the Municipal Clerk.

**RESOLUTION # 5-2016\***

**RECOMMENDING SUBMISSION OF THE TOWN OF NEWTON'S HOUSING ELEMENT AND FAIR SHARE PLAN DATED DECEMBER 2015, PREPARED BY J. CALDWELL & ASSOCIATES, LLC, TO THE SUPERIOR COURT OF NEW JERSEY**

**WHEREAS**, the Town of Newton, County of Sussex, State of New Jersey, filed a declaratory judgment action in the Superior Court of New Jersey, Docket No. SSX-L-418-15,

January 11, 2016

seeking, inter alia, judicial approval of its affordable housing plan and immunity from builder's remedies suits; and

**WHEREAS**, the Town Council finds it is prudent to submit to the Court the Town's December 2015 draft Housing Element and Fair Share Plan for approval; and

**WHEREAS**, the Planning Board of the Town of Newton has reviewed the December 2015 Housing Element and Fair Share Plan, prepared by Jessica Caldwell & Associates, LLC and believes the Plan is consistent with the goals and objectives of the Town of Newton 2008 Master Plan and adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare; and

**WHEREAS**, upon Court approval of the Town's Housing Element and Fair Share Plan, the Planning Board shall hold a noticed public hearing to adopt such Plan;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton, County of Sussex, State of New Jersey, hereby approves of submission of the December 2015 Housing Element and Fair Share Plan for approval by the Superior Court of New Jersey.

**RESOLUTION # 6-2016\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER 'S LICENSE FOR LUIS I. ARRAZOLA T/A CHAMPION LIMO SERVICE CORP.**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**, "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Owner's License application is complete and accurate; and

**WHEREAS**, in accordance with **§283.6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Luis I. Arrazola t/a Champion Limo Service Corp., 6 Paulinskill Lake Road, Fredon, NJ 07822 which shall expire December 8, 2016; and

**BE IT FURTHER RESOLVED that** the applicant must remain in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

**RESOLUTION # 7-2016\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER 'S LICENSE FOR LUIS I. ARRAZOLA**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**. "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver's license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Luis I. Arrazola, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corp., which expires on December 8, 2016.

January 11, 2016

**RESOLUTION # 8-2016\***

**APPROVAL OF AN INITIAL APPLICATION FOR TAXICAB DRIVER'S LICENSE FOR CARMEN MEDRANO**

**WHEREAS**, the Code of the Town of Newton requires under §283-2, **License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police", and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the initial Taxicab Driver's license application is complete and accurate; and

**NOW THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the initial Taxicab Driver's License submitted by Carmen Medrano, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corp., which expires on December 8, 2016.

**RESOLUTION # 9-2016\***

**ACCEPT THE PROPOSED IMPROVEMENTS TO SPRING STREET PROJECT AS FINAL AND COMPLETE**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Improvements to Spring Street to Tony's Concrete Construction Co. by Resolution #87-2015, which was adopted on June 8, 2015; and

**WHEREAS**, the Town Council approved Change Order No. 1 for said project by the adoption of Resolution #242-2015 on December 14, 2015; and

**WHEREAS**, the Town Engineer, Harold E. Pellow & Associates, Inc., recommends the project be accepted as final and complete in a memo dated January 5, 2016;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Proposed Improvements to Spring Street Project as final and complete based on the recommendation of Harold E. Pellow and Associates and the final paperwork be processed.

**RESOLUTION #10-2016\***

**ACCEPT THE MILLING AND PAVING OF TRINITY STREET PROJECT AS FINAL AND COMPLETE**

**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

**WHEREAS**, the Town Council approved Change Order No. 1 for the Milling and Paving of Trinity Street Project by the adoption of Resolution 187-2015 on November 9, 2015; and

**WHEREAS**, the Town Engineer, Harold E. Pellow & Associates, Inc., recommends the project be accepted as final and complete in a memo dated January 5, 2016;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Proposed Milling & Paving of Trinity Street Project as final and complete based on the recommendation of Harold E. Pellow and Associates and the final paperwork be processed.

**RESOLUTION #11-2016\***

**APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY**

**WHEREAS**, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" require

January 11, 2016

that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as George's Salvage Company Inc. at 10 South Park Drive, Newton, New Jersey; and

**WHEREAS**, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, George's Salvage Company Inc. has been inspected and approved as required in Section 156-8; and

**WHEREAS**, George's Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, 10 South Park Drive, Newton, N.J which shall expire on December 31, 2016.

**RESOLUTION #12-2016\***

**APPOINTMENT OF ADP AS PAYROLL COMPANY**

**WHEREAS**, the Town of Newton requires the services of a qualified Payroll Company in order to process payroll for the Town of Newton; and

**WHEREAS**, various quotes were obtained by the Human Resources Director; and

**WHEREAS**, ADP of Roseland, NJ was the most responsive quote and is recommended by the Human Resources Director and Q.P.A. for the Town to enter into a two (2) year contract with ADP based on their investment summary dated December 9, 2015;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby appoints ADP of Roseland, New Jersey, as the Town of Newton's payroll company for the next two years based on the attached contract and investment summary attached hereto; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to ADP; and

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

**RESOLUTION # 14-2016\***

**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 2015 and 2016 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.

**NO BILLS FOR RESOLUTION #14-2016**

The Clerk presented an application for membership into the Newton Fire Department from Jose Guillermo Urena, 127 High Street, Newton. It was noted the applications were in order and signed by the Fire Chief.

January 11, 2016

The Clerk presented an application for membership into the Newton Fire Department from Thomas E. Brahs, 336 Longview Acres Court, Newton. It was noted the applications were in order and signed by the Fire Chief.

The Clerk presented an application for membership into the Newton Fire Department from James J. Finan, 52 Dogwood Drive, Newton. It was noted the applications were in order and signed by the Fire Chief.

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

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

Mayor Flynn had questions regarding the contract with Lyons Environmental Services LLC which was addressed by Mrs. Millikin.

**RESOLUTION #13-2016**

**AWARDING CONTRACT TO LYONS ENVIRONMENTAL SERVICES, LLC AS T-3 WATER SYSTEM OPERATOR THROUGH JUNE 30, 2016**

**WHEREAS**, there exists a need for a T-3 licensed operator for the Town of Newton’s water system through June 30, 2016; and

**WHEREAS**, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

**WHEREAS**, Lyons Environmental Services, LLC, has indicated all such services will be rendered to the Town of Newton on the basis of a 35 hour work week consisting of five (5) days per week for the sum of \$2,625 per week for a total monthly fee of \$10,500 for said professional services; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. the “Local Public Contracts law” permits governing bodies to contract for certain professional services without competitive bidding, and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection;

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

- 1) The Agreement for Professional Services between the Town of Newton and Lyons Environmental Service, LLC is hereby approved. The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute the Agreement for Professional Services between the Town of Newton and Lyons Environmental, LLC, upon the Agreement being finalized to the satisfaction of the Town Manager and Town Attorney. A draft copy of the Agreement is attached to this Resolution.
- 2) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law, because Lyons Environmental Service, LLC is a licensed water and sewer operator under the laws and regulations of 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.
- 3) Political Contribution Disclosure. This contract has been awarded to Lyons Environmental Services, LLC. based on the merits and abilities of Lyons Environmental Services, LLC to provide the goods or services as described herein. This contract was not

awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest he and all those who control in excess of 10% of the LLC in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

4) Vendors performing work for and on behalf of the Town of Newton must conduct business according to the highest ethical standards. The Town recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Town’s interests.

Prior to becoming a vendor for the Town, all vendors are required to disclose possible conflicts so the municipality may assess and prevent potential conflicts. Vendors, after being engaged by the Town, shall not engage in matters that create a conflict of interest for the Town. If a potential conflict arises, a vendor is required to promptly notify the Town Manager of the possible conflict of interest. The vendor shall not take any action that will be adverse to the Town.

5) Notice of this action shall be published once in the New Jersey Herald.

6) A copy of this Resolution as well as the contract shall be placed on file with the Municipal Clerk of the Town.

7) This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Lyons Environmental Services, LLC does not sign the Agreement.

8) If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

After a brief discussion, a motion was made by Mayor Flynn to approve the

**RESOLUTION #13-2016**, 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	

**INTERMISSION** - None

**DISCUSSION** -

**a. Fees and Costs - Draft Ordinance**

Mrs. Read, Municipal Clerk and Mrs. Millikin, Deputy Town Manager outlined the proposed fees changes as recommended.

After a brief discussion, the Town Council agreed to the proposed fees and costs as recommended. An Ordinance for introduction will be submitted at the next Council meeting.

**b. Property Maintenance Board of Appeals - Draft Procedures**

Ursula Leo, Esq, outlined the proposed procedures for the Property Maintenance Board of Appeals.

January 11, 2016

After a brief discussion, Council agreed to move forward with the Property Maintenance Board of Appeals procedures. Mrs. Leo will prepare a Resolution for the next meeting. Mrs. Leo noted the Board of Appeals is currently vacant and is in need of three members.

**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**

Councilwoman Becker congratulated the 2016 Newton Fire Department officers on their newly elected positions.

Councilman Levante recently attended an event at the Newton Fire House and noted the deteriorated ceiling tile and asked for repair of same. Mr. Russo will address same and asked Council to email him with these repair items and not wait until a Council meeting.

Mayor Flynn congratulated newly elected Sussex County Freeholder members: Jonathan Rose, Carl Lazzaro and Freeholder Director, George Graham. We look forward to working with them.

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 7:33 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk