

February 8, 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, Mr. Levante, Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq. Mrs. Becker was excused.

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 Deputy Mayor Diglio, seconded by Mr. Levante and carried, the minutes of January 25, 2016 Regular and Special 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.

COUNCIL & MANAGER REPORTS

Mr. Russo reminded Council of the budget hearing meeting to be held on Thursday, February 11, 2016 at 6 pm.

Mr. Russo advised Town Hall will be closed on Monday, February 15, 2016 in observance of Presidents Day.

ORDINANCES

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

ORDINANCE 201 6-1

AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, department heads of the Town of Newton have reviewed current fees and have suggested that fees be revised as set forth in this Ordinance;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter 100, Fees and Costs, be amended with the following changes in **bold** to read as follows:

Section 1:

§ 100-12. Alcoholic beverage control (Chapter 49, Article III) be amended as follows:

- A. Plenary retail consumption license [§49-15D(1)]: **\$1,500**
- B. Plenary retail distribution license [§49-15D(1)]: **\$1,500**

§ 100-17. Health codes (Chapters 133; 250, Article I; and 273) be amended as follows:

C. Retail food establishment code (§133-33):

(1) Annual license (less than 5,000 square feet): **\$150**

F. Body art license (§273-2)

(2) Renewal license, annually (§273-E): **\$325**

§ 100-19. Utilities (Chapter 228) be amended as follows:

R. Rental of sewer camera: **\$100 per hour**

S. Manpower for sewer camera: **\$50 per man per hour**

T. Truck rental for sewer camera: **\$100 per truck per hour**

§ 100-21. Property Maintenance Code (Chapter 213, Article II) be amended as follows:

A. Fee for application for inspection and certificate of compliance:

(1) Request for certificate of compliance received more than 10 business days prior to change of occupant: **\$75**

(4) Re-inspection Fee: **\$25**

§ 100-24. Miscellaneous fees and charges be amended as follows:

D. Certified copies of licenses and certificates issued by the Bureau of Vital Statistics:

(1) Marriage Certificate: **\$15 first copy, \$5 each additional copy**

(2) Birth Certificate: **\$15 first copy, \$5 each additional copy**

(3) Death Certificate: **\$15 first copy, \$5 each additional copy**

(4) Correction to birth certificates, marriage certificates, or death certificates: **\$25**

(5) Civil union: **\$15 first copy, \$5 each additional copy**

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 Mr. Elvidge, seconded by Mr. Levante and unanimously carried, the hearing was closed.

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

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

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

ORDINANCE 201 6-2

AN ORDINANCE TO EXCEED THE 2016 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Absent	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 February 22, 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.”

Mr. Russo outlined the resolutions on the Consent Agenda.

RESOLUTION #23-2016*

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.

TOWN BILLS

18,105.00	Access Control Technology Inc.	36196
2,079.00	Accurate Door, Inc.	36197
49.00	Adam Vough	36198
4,926.00	AG Choice, LLC.	36199
49.00	Alex Armstrong	36200
395.00	Alternate Power Inc.	36201
48.38	Campbell’s Small Engine Inc.	36202
125.85	Centurylink Communications, Inc.	36203
197.51	Centurylink Communications, Inc.	36204
3,540.00	Chelbus Cleaning Co., Inc.	36205
1,967.51	Compass Energy Gas Services, Inc.	36206
96.30	Cooper Electric Supply Co.	36207
20,738.85	County of Sussex	36208
48,016.45	County of Sussex	36209
3,670.75	County of Sussex	36210
758,491.86	County of Sussex	36211
50.00	CSS Test Inc.	36212
165.00	D & E Service Center, Inc.	36213
49.00	Dustin McGarry	36214
50.00	Eric Tompkins	36215
48.00	Federal Express	36216
1,090.00	Garden State Highway Products, Inc.	36217
250.00	Glock Professional, Inc.	36218
128.00	Gold Type Business Machines	36219
100.00	Gravity Design Works, Inc.	36220

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140.00	Greater Newton Chamber of Comm.	36221
1,687.22	Home Depot, Inc.	36222
59.00	J. Caldwell & Associates, LLC.	36223
41.00	Jaekel, Kenneth	36224
49.00	Jason Vandergroef	36225
693.00	JCP&L	36226
25.00	Joseph White	36227
236.09	Kay Printing	36228
1,632.70	Kieffer Electric, Inc.	36229
41.00	Kithcart, Brock	36230
2,400.00	Laddey, Clark & Ryan, LLP	36231
4,112.00	Laddey, Clark & Ryan, LLP	36232
8.00	Lasso, Ervin	36233
13.27	Lowe's, Inc.	36234
72.27	Matthew Bender & Co., Inc.	36235
273.18	McGuire, Inc.	36236
1,236.41	L-3 Comm. Mobile Vision	36237
550.00	Morris County Coop	36238
470.40	Munidex	36239
234.00	Neopost Leasing, Inc.	36240
380.70	New Jersey Herald, Inc.	36241
370.00	New Jersey Planning Officials	36242
11.00	Newton Trophy	36243
3,350.50	Pellow, Harold & Assoc., Inc.	36244
95.77	Quill Corporation	36245
1,639.24	Rachles/Michele's Oil Company, Inc.	36246
42.81	Ready Refresh By Nestle	36247
69.78	Reisinger Oxygen Service, Inc.	36248
49.00	Roy Leyman	36249
394.88	SCMUA	36250
146.57	Sebring Auto Parts, Inc.	36251
39.00	Seely Brothers, Inc.	36252
49.00	Sisco, James	36253
702.53	Staples Business Advantage, Inc.	36254
49.00	Steve Estler	36255
49.00	Straway, Richard A. Jr.	36256
32.00	Straway, Thomas	36257
125.00	Sussex & Warren Tax Collector	36258
125.00	Sussex County Detectives Assoc.	36259
250.00	Sussex County Economic	36260
1,561.39	Taylor Oil Co., Inc.	36261
38.56	Thomas S Russo Jr	36262
2,546.60	Tilcon New Jersey, Inc.	36263
380.20	Timmerman Company, Inc.	36264
684.00	Tire King, Inc.	36265
250.00	Treasurer, Petty Cash Fund	36266
205.00	Treasurer, State of New Jersey	36267
99.08	Tri-State Rentals, Inc.	36268
127.50	United Telephone/Century Link	36269
215.00	USA Hoistco., Inc.	36270
194.86	Verizon Wireless, Inc.	36271
45.00	Vogel, Chait, Collins, Schneider, PC,	36272
48.00	Walmart	36273
110.00	Wildflowers with Tami	36274
855.57	Willco, Inc.	36275
31.00	William Oswin III	36276
76.05	Zee Medical, Inc.	36277
315.00	Whentowork Inc.	36195
6.00	Thomas S. Russo Jr	36194
32.38	Coppolella, Dean M	36193
200,478.23	Payroll Account	161007
1,031,649.83	Newton Board of Education	161006

CAPITAL

236.00	J. Caldwell & Associates, LLC.	8512
2,600.00	Key-Tech, Inc.	8513
2,987.66	L-3 Comm. Mobile-Vision	8514
4,578.00	Pellow, Harold & Assoc., Inc.	8515

Total TOWN BILLS \$ 2,136,721.69

WATER AND SEWER ACCOUNT

1,650.00	American Aquatic Testing, Inc.	15433
37.32	Centurylink Communications, Inc.	15434
966.26	Compass Energy Gas Services, Inc.	15435
12,041.91	Coyne Chemical Corp., Inc.	15436
8.00	Eric Tompkins	15437
1,000.00	Frank Semeraro Construction, Inc.	15439
1,980.00	Garden State Laboratories Inc.	15439
187.95	Home Depot, Inc.	15440
300.00	Hydro Technology, LLC.	15441
46,305.00	Jo-Med Contracting Corp	15442
1,120.00	Laddey, Clark & Ryan, LLP	15443
47.68	Lowe's, Inc.	15444
7,350.00	Lyons Environmental Services, LLC.	15445
550.00	Morris County COOP	15446
35.10	New Jersey Herald, Inc.	15447
217.06	One Call Concepts, Inc.	15448
4,800.00	Passaic Valley Sewerage Comm.	15449
2,548.50	Pellow, Harold & Assoc., Inc.	15450
1,730.00	Pumping Services, Inc.	15451
7,743.39	Schmidt's Wholesale, Inc.	15452
316.25	SCMUA	15453
122.43	Staples Business Advantage, Inc.	15454
2,119.35	Suburban Propane, LP	15455
4,200.00	SUI Account	15456
50.00	Treasurer, Water & Sewer Petty Cash	15457
31,702.37	Payroll Account	166003

CAPITAL

740.00	Pellow, Harold & Assoc., Inc.	2414
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Total WATER & SEWER Bills \$ 129,868.57

TRUST ACCOUNT

590.00	J. Caldwell & Associates, LLC.	3444
112.00	Laddey, Clark & Ryan, LLP	3445
464.00	Laddey, Clark & Ryan, LLP	3446
27.90	New Jersey Herald, Inc.	3447
2,577.25	Pellow, Harold & Assoc., Inc.	3448
3,671.00	Pellow, Harold & Assoc., Inc.	3449
1,050.00	Vogel, Chait, Collins, Schneider, PC	3450
3,623.00	Payroll Account	167102

Total TRUST ACCOUNT Bills \$ 12,115.15

DOG RESERVE ACCOUNT

30.00	New Jersey Herald, Inc.	8555
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Total DOG RESERVE ACCOUNT Bills \$ 30.00

DEVELOPERS ESCROW (Fund 72)

195.00	Ferriero Engineering Inc.	1257
795.00	Vogel, Chait, Collins, Schneider, PC,	1258

Total DEVELOPERS ESCROW (Fund 72) ACCOUNT Bills \$ 990.00

HOUSING TRUST FUND(COAH) (FUND 75)

2,124.00	J. Caldwell & Associates, LLC.	140
402.00	Laddey, Clark & Ryan, LLP	142

Total HOUSING TRUST FUND (COAH) ACCOUNT Bills \$
2,526.00

FEDERAL/STATE GRANTS

120.00	Jack Choma	1306
90.00	Mike Grifone	1307
4,245.83	L-3 Comm. Mobile-Vision	1308
13.80	New Jersey Herald, Inc.	1309
896.72	Payroll Account	161102

Total FEDERAL/STATE/GRANTS \$ 5,366.35

RESOLUTION # 24-2016*

APPOINTMENT OF MS. VANGIE ROCHELLE TO THE NEWTON HOUSING AUTHORITY

WHEREAS, there currently exists a vacancy for a Regular Member on the Newton Housing Authority; and

WHEREAS, Ms. Vangie Rochelle has expressed interest in serving as a Regular Member; and

WHEREAS, Dr. Kimberly Iozzi, Executive Director of the Newton Housing Authority, recommends appointing Ms. Rochelle;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Ms. Vangie Rochelle is hereby appointed to an unexpired five-year term on the Newton Housing Authority, effective immediately with said term continuing to April 30, 2017.

RESOLUTION # 25-2016*

APPROVE 2015 APPROPRIATION RESERVE TRANSFERS

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

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Police SW 1074100A	Accumulated Absence 1094400A	\$120,000.00
Historic OE 1063216A	Planning Board OE 1062216A	\$2,000.00
Clerk SW 1051103A	Planning Board OE 1062216A	\$1,700.00
Clerk SW 1051103A	Manager OE 1050209A	\$400.00
Human Resource SW 1053103A	Manager OE 1050209A	\$3,800.00
TOTAL CURRENT TRANSFERS		<u>\$127,900.00</u>

RESOLUTION # 26-2016*

AUTHORIZE CHANGE ORDER NO. 1 FOR THE ROOF REPLACEMENT & RELATED WORK AT THE NEWTON WWTP

WHEREAS, on February 11, 2015 the Newton Town Council adopted Resolution #24-2015, awarding a contract to P. Cipollini, Inc., for the Roof Replacement and related work at the Newton WWTP in the amount of \$207,000.00; and

WHEREAS, the Project Engineer, Anthony R. Gagliostro, of Hatch Mott McDonald, recommends in his memo dated February 2, 2016, approving Change Order No. 1, for the Roof

Replacement and related work at the Newton WWTP with a credit \$3,000.00 for reduction in the contract total to \$204,000.00;

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. 1 for the Roof Replacement and related work at the Newton WWTP; and

BE IT FURTHER RESOLVED, that a copy of Change Order No. 1, and Mr. Gagliostro’s recommendation letter of February 2, 2016 be attached to and made part of this Resolution.

RESOLUTION # 27-2016*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK14.06, LOT 6 ALSO KNOWN AS 244 SPRING STREET

WHEREAS, at the Municipal Tax Sale held on October 9, 2013, a lien was sold on Block 14.06, Lot 6, also known as 244 Spring Street, for 2012 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1384, was sold to US Bank cust/Empire VI for 0% redemption fee; and

WHEREAS, Eric A. Wood, attorney for the owner of the property, has effected the redemption of Certificate #1384 in the amount of \$42,317.70 as well as the legal foreclosure fees in the amount of \$1,135.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust/Empire VI is entitled to a redemption in the amount of \$42,317.70 as well as the legal foreclosure fees of \$1,135.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$42,317.70 for the redemption of Certificate #1384 as well as the return of the legal foreclosure fees in the amount of \$1,135.00 to, US Bank cust/Empire VI, 50 So. 16th Street, Suite 1950, Philadelphia, PA 19102-2513.

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

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Absent	Mr. Levante	Yes
	Mayor Flynn	Yes (Recused on Check #1257)	

INTERMISSION - None

DISCUSSION -

a. Donated Leave Policy Draft Ordinance

Mr. Russo and Mrs. Leo, Esq. outlined the draft Ordinance for amending Chapter 25, Personnel, which would include a Donated Leave Program.

After a brief discussion, Council agreed to move forward with proposed Ordinance. Mr. Russo noted the draft Ordinance would be forwarded to Civil Service Commission for their approval prior to the Town Council introducing same.

b. Parking on Brick Pavers Draft Ordinance

Mr. Russo outlined the draft Ordinance which would prohibit certain parking on Spring Street except for Municipal and Emergency Vehicles.

After a brief discussion, Council agreed to move forward with the proposed Ordinance which will be introduced at the next Council meeting on February 22, 2016.

c. Morris Lake

Mrs. Millikin noted a recent meeting with Doug Tavella, Consulting Forester. She outlined the Forest Stewardship Plan submitted by Mr. Tavella at Morris Lake and the recommendations regarding Deer Management. Mr. Tavella will meet with Town Council this summer to further outline the proposed harvesting at Morris Lake in the fall.

Mrs. Leo addressed the hunting request on Town-owned property located at Morris Lake. She outlined her memo regarding creating an ordinance with the required rules and regulations, as well as an application process for hunting on Morris Lake. It was noted the Forest Stewardship Plan recommends Deer Management at Morris Lake.

After a lengthy discussion, the Town Council agreed to move forward with establishing a procedure for hunting at Morris Lake. Mr. Russo will move forward as directed and noted Mr. Tavella will update Council on the Forest Stewardship Plan as well as the Deer Management this summer. Mayor Flynn suggested bow hunting only because of our water source.

Mrs. Millikin and Dave Simmons, Water Engineer, updated Council on Fox Hollow Lake. Mrs. Millikin outlined the required mandates by DEP as well as the Fox Hollow Lake Association. Mr. Simmons outlined the necessary steps in order to replace the pipe under Fox Hollow.

After a lengthy discussion, Council thanked Mrs. Millikin and Mr. Simmons for the update.

Mrs. Millikin gave a brief update on the Gardner Avenue Well which is currently not operational. She noted the well may be required to be operational, as per the DEP, which would then require capital funds to be allocated. Mr. Simmons provided a brief history on the Gardner Avenue Well.

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

Councilman Levante addressed the Special Improvement District (SID), which would assess property owners in the SID District. Mr. Levante feels “the SID will be the catalyst that will spark the business and commercial industry” in this Town. He feels strongly about the SID program and asked the Town Council to consider implementing funds in the budget to address same.

Mr. Russo suggested the Council focus on the budget in its entirety and then review the SID afterwards.

A brief discussion ensued and Council unanimously agreed to discuss the SID at a later

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time, after budget hearings.

EXECUTIVE SESSION

Mr. Russo read Resolution #28-2016 and Council entered into Executive Session at 8:16 pm.

Upon motion of Deputy Mayor Diglio, seconded by Mr. Levante and unanimously carried, Council left Executive Session at 9:06 pm.

There being no further business to be conducted, upon motion of Deputy Mayor Diglio, seconded by Mr. Elvidge and unanimously carried, the meeting was adjourned at 9:06 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned to the right of the typed name.

Lorraine A. Read, RMC
Municipal Clerk