

February 22, 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 Mrs. Becker, Mr. Elvidge, Mr. Levante, Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq. Deputy Mayor Diglio 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 Mr. Levante, seconded by Mrs. Becker and carried, the minutes of February 6, 2016 Budget Meeting, were unanimously approved. Upon motion of Mr. Elvidge, seconded by Mr. Levante and carried, the minutes of February 8, 2016 Regular, Special and Executive Meetings, were approved with Mrs. Becker abstaining. Upon motion of Mr. Elvidge, seconded by Mrs. Becker and carried, the minutes of February 11, 2016 Budget Meeting, 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."

Jackie Espinoza, Area Manager of JCP&L, addressed the Council and indicated she recently attended a redevelopment meeting regarding the proposed project on Union Place. She updated Council on the project and provided a list of recommended trees related to new development and the power lines.

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

COUNCIL & MANAGER REPORTS

Mr. Russo reminded Council of the upcoming annual Board of Education Joint meeting to be held on Tuesday, February 23rd at 6:00 pm at the Newton High School cafeteria.

ORDINANCES

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

ORDINANCE 2016-2

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$314,287.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$314,287.16, and that the CY 2016 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 Mrs. Becker and unanimously carried, the hearing was closed.

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

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Mr. Elvidge	Yes	Deputy Mayor Diglio	Absent
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 Ordinance relative to introduction of same.

ORDINANCE 2016-3

AN ORDINANCE TO ADD A NEW SECTION 307-5.1 AND AMEND SECTION 307-48, SCHEDULE I, NO PARKING, OF THE CODE OF THE TOWN OF NEWTON, TO PROHIBIT CERTAIN PARKING ON SPRING STREET EXCEPT FOR MUNICIPAL AND EMERGENCY VEHICLES

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

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

BE IT RESOLVED, by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on March 14, 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 #30-2016*

AWARD THE CONTRACT FOR THE PROPOSED SPRING STREET LIGHTING UPGRADES

WHEREAS, Harold E. Pellow & Associates, Inc., received quotes on behalf of the Town of Newton for the Proposed Spring Street Lighting Upgrades on Tuesday, February 16, 2016 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Base Quote</u>
High Point Electric, Inc. 719 Route 519 Wantage, NJ 07461	\$18,450.00

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Facility Solutions Group, Inc.
224 Washington Street
Perth Amboy, NJ 08861
\$32,800.00

Wire's Electrical Shop
107 W. Valley View Avenue
Hackettstown, NJ 07840
\$34,030.00

WHEREAS, based on review of the quotes submitted, Mr. Pellow recommends in his letter dated February 17, 2016, awarding the contract for the Proposed Spring Street Lighting Upgrades to High Point Electric, Inc., in the amount of \$18,450.00; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the contract for the Proposed Spring Street Lighting Upgrades is hereby awarded to High Point Electric, Inc., in the amount of \$18,450.00.

RESOLUTION #31-2016*

APPOINTMENT OF MR. RICHARD KRASNOMOWITZ AND MRS. PATRICK MCKERNAN TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

WHEREAS, there currently exists several vacancies on the Economic Development Advisory Commission; and

WHEREAS, Mr. Richard Krasnomowitz and Mr. Patrick Mckernan have both expressed interest in serving on said Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Richard Krasnomowitz and Mr. Patrick Mckernan are each hereby appointed to an unexpired three-year term on the Economic Development Advisory Commission, effective immediately with said terms continuing to December 31, 2017.

RESOLUTION #32-2016*

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>		
Group Health Insurance OE 1066201A	Defined Contrib. Retirement 1098294A	\$600.00
TOTAL CURRENT TRANSFERS		\$600.00

RESOLUTION #33-2016*

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:

UTILITY ADVISORY BOARD RECOMMENDS CREDIT FOR METER MALFUNCTION:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9860	30 Plainfield Avenue	\$436.90

UTILITY ADVISORY BOARD RECOMMENDS CREDIT FOR SEWER CHARGES DUE TO A LEAK:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9275	5 Ashford Street	\$498.00
18431	4 Diller Avenue	\$148.88
21875	1 College Hill Road	\$2,458.00

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 reason(s) stated.

RESOLUTION #34-2016*

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

200.00	200 Club of Sussex County	36280
235.00	A&S Hydraulics	36281
560.00	Accurate Door, Inc.	36282
311.13	Advance Auto Parts	36283
567.71	Airgas East	36284
110.38	AlSCO Industrial Products Inc.	36285
37.50	Between the Bread	36286
2,195.66	Boonton Tire Supply Inc.	36287
152.18	Centurylink Communications, Inc.	36288
1,040.00	Code 96 LLC	36289
24.68	Dominick's Pizza LLC	36290
561.00	E.A. Morse & Company, Inc.	36291
60.00	EM Signs, LLC	36292
12,000.00	Enforsys Police System, Inc.	36293
742.50	Extra Tech Data Services, LLC.	36294
209.16	Fastenal Company, Inc.	36295
62.83	Federal Express	36296
1,979.39	G & G Diesel Service Inc.	36297
4,356.79	General Code, LLC	36298
100.00	GPANJ	36299
995.00	Gramco Business Communications Inc.	36300
300.00	Gruber, Colabella & Liuzza	36301
1,892.60	Hampton Body Works, Inc.	36302
114.95	Harter Equipment Inc.	36303
78.75	Holzauer, Scott	36304
82.80	Home Depot, Inc.	36305
518.15	High Point Electric Inc.	36306
150.00	IACP – Membership	36307
683.84	IAMRESPONDING.COM	36308
629.51	J & P Crushing, LLC.	36309
885.00	J. Caldwell & Associates, LLC.	36310
2,916.67	John Mulhern	36311
2,015.00	Kieffer Electric, Inc.	36312
5,203.98	Laddey, Clark & Ryan, LLP	36313
2,250.00	Laddey, Clark & Ryan, LLP	36314
11.20	Lafayette Auto Parts	36315
84.00	Lawyers Diary & Manual	36316
725.00	Leda C Gonzalez	36317
2,000.00	McGuire, Inc.	36318

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82.80	Mr. John, Inc.	36319
59.95	Muller, Thomas	36320
264.76	Municipal Graphics Inc.	36321
1,349.00	Municipal Record Service	36322
6,744.00	Municipal Software, Inc.	36323
137.00	Nena	36324
395.00	New Jersey Conference of Mayors	36325
106.20	New Jersey Herald, Inc.	36326
226.00	New Jersey Planning Officials	36327
500.00	NJMMA	36328
2,266.41	Elizabethtown Gas	36329
1,218.75	Pellow, Harold & Assoc., Inc.	36330
900.00	Pennsylvania State University	36331
1,472.32	Penteledata	36332
5,275.45	Pinnacle Wireless FBO Unitek Global	36333
172.50	Poster Compliance Center	36334
855.16	Prime Lube, Inc.	36335
5.88	Quill Corporation	36336
2,086.94	Rachles/Michele's Oil Company Inc.	36337
50.00	Registrar's Assoc. Of New Jersey	36338
750.00	SC Dept. Environmental & Public Health	36339
2,494.00	Schenck, Price, Smith, & King, LLP	36340
101.57	Sebring Auto Parts, Inc.	36341
19.58	Service Electric Cable TV	36342
1,750.00	Skylands Performing Arts Center	36343
1,333.34	Sloan, James PPC.	36344
336.07	Staples Business Advantage, Inc.	36345
58,059.36	Statewide Insurance Fund	36346
29.83	Stationers Inc.	36347
222.48	Sunlight General	36348
189.00	Sussex Car Wash Inc.	36349
1,240.00	T.A. Mountford Company, Inc.	36350
2,589.01	Taylor Oil Co., Inc.	36351
100.00	TCTANJ	36352
424.36	Thyssenkrupp Elevator Corp.	36353
649.20	Timmerman Company, Inc.	36354
3,160.00	Treasurer, State of New Jersey	36355
2,509.74	Trimboli & Prusinoowski, LLC.	36356
125,000.00	Trust Account, Town of Newton	36357
215.00	USA Hoistco., Inc.	36358
1,444.35	Verizon Wireless, Inc.	36359
3,330.00	Vogel, Chait, Collins, Schneider, PC,	36360
32.58	Walmart	36361
488.06	Weldon Asphalt Company, Inc.	36362
3,952.38	West Chester Machinery	36363
44.95	Witmer Public Safety Group, Inc.	36364
-43.43	Toyota/Subaru/Scion of Morristown I	36018
179.64	Toyota/Subaru/Scion of Morristown I	36279
43.43	Toyota/Subaru/Scion of Morristown I	36278
189,636.88	Payroll Account	161009
57.02	Elavon	161008

CAPITAL

8,342.58	Denville Line Painting, Inc.	8516
88.40	J. Caldwell & Associates, LLC.	8517
459.98	McManimon, Scotland & Baumann, LLC	8518
1,113.45	Pinnacle Wireless FBO Unitek Global	8519
2,438.79	Tilcon New Jersey, Inc.	8520

Total TOWN BILLS \$ 483,992.08

WATER AND SEWER ACCOUNT

35.01	Advance Auto Parts	15458
11.01	Airgas East	15459
32.00	Allied Meter Service Inc.	15460
37.55	Aurora Electrical Supply, LLC.	15461
37.50	Between The Bread	15462
127.80	Boonton Tire Supply Inc.	15463
945.74	CCP Industries, Inc.	15464
194.58	Cooper Electric Supply Co.	15465
10,747.28	Coyne Chemical Corp., Inc.	15466
237.84	Dempsey Uniform & Supply Inc.	15467
24.67	Dominick's Pizza LLC	15468
2,824.15	Envirosight	15469
34.00	Fairclough Fuel	15470
1,250.00	Frank Semeraro Construction, Inc.	15471
168.69	Hach Company	15472
90.00	Hanna Instruments, United States, I	15473
3,931.20	Hatch Mott MacDonald	15474
162.74	Home Depot, Inc.	15475
1,215.00	JCI Jones Chemicals, Inc.	15476
928.00	Laddey, Clark & Ryan, LLP	15477
10,500.00	Lyons Environmental Services, LLC.	15478
379.16	McGuire, Inc.	15479
143.17	Montague Tool & Supply, Inc.	15480
6,151.80	Municipal Software, Inc.	15481
430.00	New Jersey Water Association	15482
1,082.03	Elizabethtown Gas	15483
70.72	One Call Concepts, Inc.	15484
439.80	Penteledata	15485
172.50	Poster Compliance Center	15486
1,267.95	Process Tech Sales and Service	15487
4,855.00	Pumping Services, Inc.	15488
4,354.92	Schneider Electric, Inc.	15489
264.93	Sebring Auto Parts, Inc.	15490
1,750.00	Skylands Performing Arts Center, IN	15491
1,250.00	Smalley, John H	15492
10.19	Staples Business Advantage, Inc.	15493
52,743.64	Statewide Insurance Fund	15494
2,017.88	Suburban Propane, LP.	15495
488.51	Sunlight General	15496
440.35	Sussex County P & H, Inc.	15497
472.08	Toyota Motor Credit Corp.	15498
41.96	Tractor Supply Co	15499
20,000.00	Trust Account, Town of Newton	15500
147.41	Verizon Wireless, Inc.	15501
32.58	Walmart	15502
30,432.83	Payroll Account	166004

CAPITAL

1,162.00	Hatch Mott MacDonald	2415
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Total WATER & SEWER Bills \$ 164,136.17

TRUST ACCOUNT

1,651.10	J. Caldwell & Associates, LLC.	3451
576.00	Laddey, Clark & Ryan, LLP	3452
51.25	Todd Masker	3453
780.00	Vogel, Chait, Collins, Schneider, PC	3454
592.50	Payroll Account	167103

Total TRUST ACCOUNT Bills \$ 3,650.85

DEVELOPERS ESCROW (Fund 72)

689.80 McManimon, Scotland & Baumann, LLC 1259

Total DEVELOPERS ESCROW (Fund 72) ACCOUNT Bills \$ 689.80

HOUSING TRUST FUND (COAH) (FUND 75)

480.00 Laddey, Clark & Ryan, LLP 143

Total HOUSING TRUST FUND (COAH) ACCOUNT Bills \$ 480.00

The Clerk presented an application for an on-premise raffle (50/50) from the Sussex County Police Athletic League to be held on April 30, 2016 from 8:00 am to 3:00 pm at One College Hill Road, Newton. It was noted the application was in order and accompanied by the prescribed fees.

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

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

INTERMISSION - None

DISCUSSION –

a. 2016 Budget Review

Mr. Russo outlined additional proposed budget cuts to the 2016 Municipal budget. He also provided some figures for the revenue increases for 2016.

The Governing Body reviewed and addressed various areas of the budget with Mr. Russo and Ms. Babcock, CFO. Mr. Russo also outlined and reviewed the changes in the CIF.

After a lengthy discussion, Council thanked Mr. Russo and his team for their due diligence on the additional cuts to the Municipal budget.

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 Elvidge advised of a recent meeting with Municipal Court personnel surrounding changes in bail procedure. He asked for an updated meeting and

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suggested Mr. Russo to attend as well.

Councilman Elvidge also asked for a meeting with the Code Enforcement Department due to all the recent code violations. Mr. Russo will schedule and advise Council of same.

EXECUTIVE SESSION

Mr. Russo read Resolution #35-2016 and Council entered into Executive Session at 7:43 pm.

Upon motion of Mrs. Becker, seconded by Mr. Levante and unanimously carried, Council left Executive Session at 8:40 pm.

Councilman Levante expressed concern with the comments on Facebook related to the recent incident on Pine Street. Mr. Russo noted the negative comments are unfortunate but are also a reality in today's world.

There being no further business to be conducted, upon motion of Mr. Levante, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 8:46 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk