

April 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 Mrs. Becker, Deputy Mayor Diglio, Mr. Elvidge, 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 Deputy Mayor Diglio, seconded by Mrs. Becker and carried, the minutes of March 28, 2016 Regular meeting and March 28, 2016 Executive Session meeting were 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, updated Council on the recent safety demo provided by JCP&L. She indicated she will be meeting with Ginny Raftery, Newton Treasurer, to review all of the JCP&L bills. Mrs. Espinoza also advised that Newton had no issues during the recent storm.

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

COUNCIL & MANAGER REPORTS

a. Louise Wilson - New Jersey Future

Louise Wilson, Green Infrastructure Manager of New Jersey Future, made a Power Point presentation on Mainstreaming Green Infrastructure. The program objective is to improve water quality in New Jersey by making the use of green infrastructure a mainstream practice in growth and redevelopment areas through innovative designs and strong public-private partnership. Mrs. Wilson strongly encouraged the Town to participate in this program and believes Newton could be a leader based on the strong foundation of forward-thinking planning, policies and stewardship.

Nathanial Sajdak, Watershed Director of Sussex County Municipal Utilities Authority, updated the Council on his projects with the Town of Newton. The Town of Newton has the opportunity to become a leader in the watershed areas and truly make a difference, he indicated

After a lengthy discussion, the Town Council unanimously agreed to move forward with a Resolution as well as a Memorandum of Understanding with Louise Wilson of New Jersey Future. Mr. Russo will work with Ms. Wilson on same.

Mayor Flynn opened the meeting to the public.

Anwar Qarmout, 45 Woodside Avenue, expressed his approval with the proposed Mainstream Green Infrastructure program. He noted his contributions with water conservation and recycling of water. Mr. Qarmout suggested any funding obtained by the Town could be used to provide residents with rain barrels for recycled water efforts.

ORDINANCES

There were no ordinances.

OLD BUSINESS

RESOLUTION #52-2016

RESOLUTION AUTHORIZING MAYOR AND TOWN CLERK TO ENTER INTO AN EASEMENT AGREEMENT WITH TIMOTHY G. & HEATHER E. RYAN, OWNERS OF 14 BRIARWOOD COURT (BLOCK 8001, LOT 12), SPARTA, NJ, REGARDING AN EXISTING WATERLINE EASEMENT

WHEREAS, the Town of Newton was granted an easement providing for a thirty (30) foot wide right-of-way easement in 1957 by the predecessor in title to Timothy and Heather Ryan (the Ryans), granting the Town the right to construct, maintain and operate the Town’s water main line within the easement area located in Sparta Township Block 8001, Lot 12 (14 Briarwood Court); and

WHEREAS, an existing deck and patio have been constructed on the property within said easement area, without notice and in violation of the existing easement; and

WHEREAS, the Ryans have requested approval to construct a stepping stones walkway, temporary in nature, within said easement area; and

WHEREAS, the Town is prepared to allow the Ryans to maintain the existing deck and patio and place the temporary stepping stones walkway within the easement area, upon certain terms and conditions; and

WHEREAS, the Ryans have agreed to enter into an Easement Agreement with the Town of Newton, agreeing they will not place any structures in the easement area, including any expansion of the existing deck and patio; and providing the Town is not responsible for any damage that may occur to the existing deck or patio, anything located on or near the existing deck or existing patio, or stones, and holding harmless the Town, its agents, contractors, professionals, and/or employees from any damage to such deck, patio, anything located on or near the existing deck or existing patio, or stepping stones pursuant to the attached Easement Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that the Mayor and Town Clerk are hereby authorized to execute the Easement Agreement.

A motion was made by Mr. Elvidge to approve the **RESOLUTION #52-2016**, 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	

CONSENT AGENDA

Mayor Flynn read the following statement:

April 11, 2016

“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 remaining resolutions on the Consent Agenda.

RESOLUTION # 60-2016*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 17.01, LOT 6 ALSO KNOWN AS 99 WOODSIDE AVENUE

WHEREAS, at the Municipal Tax Sale held on November 5, 2014, a lien was sold on Block 17.01, Lot 6, also known as 99 Woodside Avenue, for 2013 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #1399, was sold to Sunshine St Cert V/BankUnited TTE for 0% redemption fee with a premium of \$100.00; and

WHEREAS, CoreLogic Tax Services, LLC, Mortgage representative for the owner of the property, has effected the redemption of Certificate #1399 in the amount of \$690.27;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Sunshine St Cert V/BankUnited TTE is entitled to a redemption in the amount of \$690.27 as well as the premium of \$100.00; and

BE IT FURTHER RESOLVED, the Tax Collector be authorized to issue a check, in the amount of \$690.27 for the redemption of Certificate #1399 as well as the return of the premium in the amount of \$100.00 to Sunshine St Cert V/BankUnited TTE, 7900 Miami Lks Dr. W., 3rd Fl., Miami Lakes, Florida 33016.

RESOLUTION #61-2016*

RESOLUTION TO SUPPORT THE SUBMISSION OF A TONNAGE GRANT APPLICATION FOR RECYCLING TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Newton Town Council of the Town of Newton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, a resolution should designate the individual authorized to ensure the application is properly completed and timely filed; and

WHEREAS, the Newton Town Council adopted Resolution #44-2016, authorizing entering into a Shared Services Agreement with the Sussex County Municipal Utilities Authority to provide a Certified Recycling Professional for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reenee Casapulla, Recycling Coordinator for SCMUA, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

RESOLUTION #62-2016*

“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

80.00	ABCCode Security Inc.	36506
169.75	Airgas East	36507
4,221.50	Auto Body Connection	36508
1,147.04	Boonton Tire Supply Inc.	36509
1,153.50	Campbell’s Small Engine Inc.	36510
125.85	Centurylink Communications, Inc.	36511
4,060.65	Compass Energy Gas Services, Inc.	36512
587.94	CSS Test Inc.	36513
48.35	Dominick’s Pizza LLC.	36514
5,872.84	Fire & Safety Services, LTD., Inc.	36515
416.00	Galls Incorporated	36516
1,290.00	Garden State Laboratories Inc.	36517
425.55	Harter Equipment Inc.	36518
10.62	Hayek’s Market Inc.	36519
358.82	Home Depot, Inc.	36520
351.64	JCP&L	36521
246.36	Kenneth Sybers	36522
64.50	Krave Café	36523
30.00	Linda Roth	36524
3.50	Lock & Key World	36525
435.41	Magarino Ford, LLC.	36526
28.95	McGuire, Inc.	36527
207.50	Minisink Press Inc.	36528
120.72	Montague Tool & Supply, Inc.	36529
15,701.14	Morton Salt, Inc.	36530
82.20	Mr. John, Inc.	36531
81.90	New Jersey Herald, Inc.	36532
31.00	Newton Citgo, Inc.	36533
170.75	Newton Trophy	36534
1,875.63	Pellow, Harold & Assoc., Inc.	36535
320.00	Petro-Mechanics, Inc.	36536
180.00	Professional Govt Educators Inc.	36537
1,613.60	Rachles/Michele’s Oil Company, Inc.	36538
104.44	Ready Refresh By Nestle	36539
1,472.75	Schenck, Price, Smith, & King LLP	36540
854.17	SCMUA	36541
5.61	Sebring Auto Parts, Inc.	36542
818.16	Staples Business Advantage, Inc.	36543
338.98	STS Tire & Auto, Inc.	36544
30.00	Sussex & Warren Tax Collectors	36545
30.00	Sussex County Chamber of Commerce	36546
1,156.25	Taylor Oil Co., Inc.	36547
212.18	Thyssenkrupp Elevator Corp.	36548
36.50	Tri-State Rentals, Inc.	36549
127.55	United Telephone/Century Link	36550
215.00	USA Hoistco., Inc.	36551
195.02	Verizon Wireless, Inc.	36552
46.36	W.B. Mason, Inc.	36553
32.33	Walmart	36554
148.00	Willco, Inc.	36555
225,000.00	JP Morgan Chase Bank	161018
50,375.00	JP Morgan Chase Bank	161017

CAPITAL

923.45	Harter Equipment Inc.	8536
4,407.80	Pellow, Harold & Assoc., Inc.	8537
895.00	Sussex County Soil Conservation	8535

Total TOWN BILLS \$ 322,711.51

WATER AND SEWER ACCOUNT

134.39	Montague Tool & Supply, Inc.	15556
2,962.00	Pellow, Harold & Assoc., Inc.	15557
251.84	Fisher Scientific	15558
58.20	New Jersey Herald, Inc.	15559
7,274.00	Pumping Services, Inc.	15560
292.10	SCMUA	15561
410.13	Sussex County P & H, Inc.	15562
27.00	Lock & Key World	15563
10.62	Hayek's Market Inc.	15564
1,795.00	Chlorinator & Instrument., Inc.	15565
198.80	Lubrication Engineers Inc.	15566
207.50	Minisink Press Inc.	15567
5,049.00	R&D Trucking Inc.	15568
22.02	Airgas East	15569
2,300.00	Treasurer, State of New Jersey	15570
1,117.50	JCI Jones Chemicals, Inc.	15571
92.40	Environmental Resource Assoc.	15572
207.80	Home Depot, Inc.	15573
877.60	Kistler O'Brien Fire Protection, In	15574
1,267.95	Process Tech Sales and Service	15575
4,455.90	PALL Corporation	15576
64.50	Krave Café	15577
75.00	Firefighter One, LLC.	15578
30.00	Sussex County Chamber of Commerce	15579
46.36	W.B. Mason, Inc.	15580
13,848.02	Hatch Mott MacDonald	15581
1,989.26	Compass Energy Gas Services, Inc.	15582
90,000.00	JP Morgan Chase Bank	166010
23,975.00	JP Morgan Chase Bank	166009

CAPITAL

1,976.10	Pellow, Harold & Assoc., Inc.	2419
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Total WATER & SEWER Bills \$ 161,015.99

TRUST ACCOUNT

1,320.25	Noelle Little	3461
2,862.50	Pellow, Harold & Assoc., Inc.	3462
1,182.00	Pellow, Harold & Assoc., Inc.	3463

Total TRUST ACCOUNT Bills \$ 5,364.75

RESOLUTION #63-2016*

CERTIFY SELF-EXAMINATION OF 2016 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Newton has been declared eligible to participate in the program by the Division of Local Government Services, and

the Chief Financial Officer has determined the local government meets the necessary conditions to participate in the program for the 2016 budget year;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. An itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments (if any) have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION #64-2016*

AUTHORIZING MAYOR AND CLERK TO ENTER INTO A WATER CONNECTION FEE AGREEMENT WITH THE DEVELOPER OF 178-180 SPRING STREET

WHEREAS, John Kweselait and Gercino Soares, the owners ("Developer") of 178-180 Spring Street have requested the Town of Newton agree to allow the Developer to pay the water connection fees in installments as construction permits are issued for each unit to be constructed, rather than paying the water connection fee(s) in full prior to the issuance of the first construction permit; and

WHEREAS, the Newton Town Council is agreeable to the Developer's proposal for paying the water connection fee(s) as provided for in the proposed Water Connection Fee Agreement between the parties, a copy of which is attached;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton approves the proposed Water Connection Fee Agreement between the Town and the Developer; and further authorizes the Mayor and Clerk to execute such Agreement on the Town's behalf.

A copy of this Resolution shall be placed on file with the Clerk of the Town of Newton.

This Resolution shall take effect immediately.

April 11, 2016

The Clerk presented an application for a permit for a social affair from the Newton Fire Department to be held on Saturday, April 30, 2016 from 4:00 p.m. to 7:00 p.m. at 56 Woodside Avenue, Newton. It was noted the application was in order.

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	

INTERMISSION - None

DISCUSSION -

There were no items for discussion.

OPEN TO THE PUBLIC

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

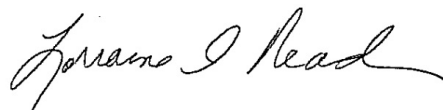
COUNCIL & MANAGER COMMENTS

Councilman Levante updated Council on the upcoming Economic Development Advisory Commission (EDC) meeting on May 10th. The main topic will be the parking on Spring Street. Mr. Levante asked for a breakdown of parking revenues received at the various parking lots as well as Trinity Street. It was noted Finance creates a monthly report which will provide the figures.

Mr. Russo indicated the new fire truck (E-803) will arrive on Friday, April 15th and invited the Town Council to view it at Fire House #1 (Mill Street). A wetdown is scheduled for June 4th.

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 7:53 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk