

May 23, 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 May 11, 2016 Regular meeting was approved.

## **PRESENTATION**

### **a. Police Department Presentations – Chief Richards & Mayor Flynn**

Police Chief Richards read from a prepared statement:

"Peace Officers Memorial Day is held on May 15th each year since 1962 – it recognizes that law enforcement officers play an important role in protecting the lives and property of our citizens, in safeguarding the rights and freedoms which are guaranteed by the Constitution and it honors those courageous Officers who make the ultimate sacrifice each year in the line of duty.

Each May, we also take the opportunity to reflect on Officers' achievements and performance over the past year that deserves special recognition. There is always something that really stands out and this year is no different. This year we will recount an event that occurred just last month.

On April 6, 2016 at about 5:27 a.m., Newton PD received a report of an unconscious/unresponsive 48-year-old male at a residence on Ryerson Avenue. Sgt. Scott King and Ptl. Jose Morales were dispatched and responded immediately, arriving within 3 minutes. They found a man identified as Mr. Michael Heller laying on the floor in his bathroom where he had collapsed after suffering a major cardiac arrest. He had just gotten up to get ready for work when his wife heard him collapse and immediately called the Police station. Mr. Heller was unresponsive, not breathing and no pulse.

Officers immediately began CPR, beginning with chest compressions. They connected the AED and began administering oxygen, filling his lungs and breathing for him. The first shock of the AED occurred only within a minute or so of their arrival on scene. All the while, the Officers were calming to the family and encouraging the victim, hoping that he could hear them. A total of 3 shocks were administered while the Officers continued several cycles of CPR. He eventually regained a pulse and after a little while longer, his breathing was restored. Newton First Aid Squad and paramedics arrived on scene during the CPR and began assisting during the third AED shock. Officers assisted carrying Mr. Heller to the ambulance and he was transported to Newton Medical Center.

His continued care and treatment at the Newton Medical Center was surely critical to his recovery which we weren't always sure would have a favorable outcome. However, I believe the prompt actions of these Officers gave him the best chance of survival. Fortunately, within a couple of days, he began showing signs of significant improvement and eventually was released from the hospital, expected to make a full recovery.

In recognition of their prompt and exceptional performance under emergency conditions resulting in the sustaining of a person's life – I award Sgt. Scott King and

May 23, 2016

Ptl. Jose Morales with the department's Life Saving Award signified by this citation bar and certificate."

At this time, Chief Richards then presented a commendation citation bar and a certificate each to Sgt. Scott King and Ptl. Jose Morales, for performing CPR and using an AED to help save the life of Michael Heller, a resident of Newton.

"While we are all proud of them and they are proud to wear this on their uniform, there is no doubt that the greatest reward is to see Mr. Heller alive today with his family. We are glad that as Police Officers we are given opportunities such as this to make such a positive impact in our community.

I know that the public and the members of the Newton Town Council will join with me in expressing how proud we are of these officers and of the entire police department for the great work that they do every day as they go about their work. Thank you."

Officer King acknowledged Mr. Heller's older son who assisted the police during the incident with his Dad.

Mayor Flynn commended both police officers for a job well done. Council expressed their pride and appreciation for these officers and the entire police department for the great work they do every day.

#### **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 Espinosa, JCP&L, updated Council on the property owned by JCP&L located on East Clinton Street. Ms. Espinosa also advised Council of the upcoming tree trimming in the area as well as the scheduled meeting with the Town finance officials to review their electric bills.

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

#### **COUNCIL & MANAGER REPORTS**

Ursula Leo, Esq. provided an update on the COAH court case which recently concluded. Mrs. Leo congratulated Council on the verdict and outlined the details.

After a lengthy discussion, Council thanked Mrs. Leo, Mrs. Millikin and Jessica Caldwell, Town Planner, for the successful COAH court verdict.

May 23, 2016

Mr. Russo noted Town Hall will be closed on Monday, May 30<sup>th</sup> in observance of Memorial Day.

Deputy Mayor Diglio then provided the details surrounding the annual Memorial Day parade to be held on Monday, May 30, 2016 beginning at 10:00 am.

Mr. Russo reminded everyone of upcoming events. The Miss Newton contest is taking place on Wednesday, June 8<sup>th</sup> at 5:00 pm at Town Hall. Little Mr. and Little Miss Newton will be held at Project Self Sufficiency on Friday, June 10<sup>th</sup> at 5:30 pm.

Mr. Russo also reminded Council of Newton Day on Saturday, June 11, 2016 beginning at 11:00 am. Festivities will begin on Spring Street and continue at Memory Park after 4:00 pm. He indicated he is looking for Councilmembers to volunteer for the Town Hall table.

Mayor Flynn, liaison to the Planning Board, updated Council on the most recent Planning Board projects.

**ORDINANCES**

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

**ORDINANCE 2016-5**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$1,190,000 THEREFOR, INCLUDING AN \$80,000 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT EXPECTED TO BE RECEIVED, AND AUTHORIZING THE ISSUANCE OF \$1,050,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

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 same to be held on June 13, 2016.

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

**ORDINANCE 2016-6**

**ORDINANCE REAPPROPRIATING \$64,290 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE**

May 23, 2016

**PURCHASE AND INSTALLATION OF JAWS OF LIFE FOR FIRE ENGINE #3 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

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	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 June 13, 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 #81-2016\***

**TOWN OF NEWTON CAPITAL BUDGET AMENDMENT**

<b>Whereas</b> , the local capital budget for the year 2016 was adopted on April 25, 2016; and						
<b>Whereas</b> , it is desired to amend the capital budget section;						
<b>Now, Therefore Be It Resolved</b> , by a majority of the full membership of the Governing Body of the Town of Newton, County of Sussex that the following capital budget amendment of 2016 be made:						
RECORDED VOTE:	AYES	(		NAYS	(	
(Insert last name)		(			(	
ABSTAIN		(			(	
ABSENT		(			(	
					<b>Funding as Amended</b>	
<b>Project Title</b>	<b>Project Number</b>	<b>Cost Estimate as Adopted</b>	<b>Cost Estimate as Amended</b>	<b>Capital Improvement Fund</b>	<b>Capital Surplus</b>	<b>Debt Authorized</b>
<b>Reappropriated from:</b>						
Acquisition of Firefighter Bailout Kits	#2013-11 3(h)	\$ 10,000.00				
Acq. Firefighter equip/turnout gear/air masks/packs	#2014-6 3(j)	\$ 166,000.00	\$ 164,341.00			
Purchase Fire Turnout Gear	#2015-16 3(h)	\$ 100,000.00	\$ 47,369.00			
<b>Reappropriate to:</b>						
Purchase/Install Jaws of Life for Fire Engine #3	#2016-6		\$ 64,290.00			
<b>Total - All Projects</b>		<b>\$ 276,000.00</b>	<b>\$ 276,000.00</b>			
<b>Be It Further Resolved</b> , that one certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and filed with the Chief Financial Officer.						
It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 23rd day of May 2016.						

**RESOLUTION #82-2016\***

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is **govdeals.com**.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
  - a) 1999 Seagrave Pumper Fire Truck  
VIN: 1F9E028T9XCST2060  
Condition: Fair
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

**RESOLUTION #83-2016\***

**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**

75.00	Adriana P Ellsworth	36695
180.34	Airgas East	36696
75.00	Anthony, Joseph J.	36697
176.95	B & R Uniform, Inc.	36698
75.00	Barbara E Schwarz	36699
873.37	Boonton Tire Supply Inc.	36700
37.99	Campbell's Small Engine Inc.	36701
87.50	Carly Griffiths	36702
183.02	Centurylink Communications, Inc.	36703
125.85	Centurylink Communications, Inc.	36704
3,417.54	Centurylink Communications, Inc.	36705
13,680.00	Code 96 LLC	36706
81.25	Colleen A Russell	36707
2,166.82	Compass Energy Gas Services, Inc.	36708
24.32	Cooper Electric Supply Co.	36709
779.72	Crafco, Inc.	36710
75.00	Craudell, Florence E.	36711
614.31	Dempsey Uniform & Supply Inc.	36712
75.00	Dewitt T Budd	36713
87.50	Diane P Bell	36714
24.50	Dominick's Pizza LLC	36715

May 23, 2016

1,614.00	E-Z Facility, Inc.	36716
2,183.80	E.A. Morse & Company, Inc.	36717
1,188.00	Emergency Reporting, Inc.	36718
3,000.00	Federal & State Grant	36719
23.83	Federal Express	36720
7,220.51	Fire & Safety Services, LTD., Inc.	36721
477.50	Garden State Highway Products, Inc.	36722
396.86	Harter Equipment Inc.	36723
2,850.00	Holzauer & Holenstein, LLC	36724
75.00	Irene E. Blauvelt	36725
472.00	J. Caldwell & Associates, LLC.	36726
11,504.91	JCP&L	36727
2,916.67	John Mulhern	36728
475.00	Johnny On The Spot, LLC.	36729
75.00	Kathleen M. Talmadge	36730
69.50	Krave Café	36731
2,458.33	Laddey, Clark & Ryan, LLP	36732
667.00	Laddey, Clark & Ryan, LLP	36733
336.00	Laddey, Clark & Ryan, LLP	36734
2,504.00	Laddey, Clark & Ryan, LLP	36735
2,300.00	Lincoln Financial Group	36736
12,650.00	Lincoln Financial Group	36737
87.50	Linn Clouse	36738
75.00	Martyn Mazuryk	36739
2,500.00	Max Spann Auctions Company	36740
66.30	Medtronic Physio-Contrl Corp	36741
87.50	Mikhail Mazuryk	36742
85.00	Minisink Press	36743
82.60	Mr. John, Inc.	36744
75.00	Muccilli, Albert J.	36745
75.00	Nass, Laura	36746
200.00	Newton Board of Education	36747
37.55	Newton Citgo, Inc.	36748
168,771.00	NJMEBF	36749
1,172.04	Elizabethtown Gas	36750
685.00	Office Business Systems Inc.	36751
729.70	Penteledata	36752
12,695.00	Petro-Mechanics, Inc.	36753
2,697.25	Printing Center, Inc.	36754
75.00	Ragsdale, Janet A.	36755
75.00	Robert F Ford Jr	36756
75.00	Roy C Orcutt	36757
73.50	RR Donnelley	36758
33.13	Service Electric Cable TV	36759
299.97	Simon Peter Sport, Inc.	36760
104.17	Sloan, James PPC.	36761
215.00	Sparta Postmaster	36762
75.00	Squires, Lauren A.	36763
726.77	Staples Business Advantage, Inc.	36764
34.85	Steve Van Nieuwland	36765
35.00	Steve Van Nieuwland	36766
112.00	Sussex Car Wash Inc.	36767
87.50	Suzanne M. Kimble	36768
618.00	T.A. Mountford Company, Inc.	36769
88.00	Team Life, Inc.	36770
212.18	ThyssenKrupp Elevator Corp.	36771
24.95	Toyota/Subaru/Scion Of Morristown I	36772
3,265.00	Trimboli & Prusinowski, LLC.	36773
215.00	USA Hoistco., Inc.	36774
75.00	Ventricelli, Christina	36775
75.00	Ventricelli, Gerard P.	36776
1,503.06	Verizon Wireless, Inc.	36777
802.46	Verizon Wireless, Inc.	36778

May 23, 2016

1,095.00	Vogel, Chait, Collins, Schneider, PC,	36779
81.25	Yolanda Casta	36780
500.00	Greater Newton Chamber of Comm.	36694
6,000.00	Greater Newton Chamber of Comm.	36693
20,664.70	County of Sussex	36692
3,650.76	County of Sussex	36690
47,834.70	County of Sussex	36689
755,144.86	County of Sussex	36688
7,875.00	BNY Mellon	161030
192,245.00	BNY Mellon	161029
110.49	Elavon	161028

**CAPITAL**

3,750.00	FKA Architects Inc.	8547
1,243.86	McManimon, Scotland & Baumann, LLC	8548
3,310.00	Pellow, Harold & Assoc., Inc.	8549

**Total TOWN BILLS    \$ 1,320,901.49**

**WATER AND SEWER ACCOUNT**

22.02	Airgas East	15639
1,954.17	Airmatic Compressor Systems, Inc.	15640
1,045.00	Alternate Power Inc.	15641
140.06	Capitol Supply Const Products, Inc.	15642
37.29	Centurylink Communications, Inc.	15643
1,165.27	Centurylink Communications, Inc.	15644
1,592.12	Compass Energy Gas Services, Inc.	15645
252.98	Dempsey Uniform & Supply Inc.	15646
750.00	Frank Semeraro Construction, Inc.	15647
378.11	Harter Equipment Inc.	15648
4,820.00	Hatch Mott MacDonald	15649
33,474.60	Jo-Med Contracting Corp	15650
562.50	Kozdeba & Son LLC.	15651
328.50	Laddey, Clark & Ryan, LLP	15652
10,500.00	Lyons Environmental Services, LLC.	15653
645.00	Minisink Press Inc.	15654
768.15	Elizabethtown Gas	15655
263.75	One Call Concepts, Inc.	15656
9,230.00	Pall Corporation	15657
219.90	Penteledata	15658
10,880.00	R7D Trucking Inc.	15659
498.50	Schmidt's Wholesale, Inc.	15660
1,250.00	Smalley, John H	15661
215.00	Sparta Postmaster	15662
3,992.10	Suburban Propane, LP.	15663
472.08	Toyota Motor Credit Corp.	15664
188.53	United States Plastic Corp	15665
271.53	Verizon Wireless, Inc.	15666
1,439.90	Verizon Wireless, Inc.	15667
76.64	Walmart	15668
244.69	Sussex County P & H, Inc.	15638

**Total WATER & SEWER Bills    \$ 87,678.39**

**TRUST ACCOUNT**

150.00	Gruber, Colabella & Liuzza	3477
4,436.00	J. Caldwell & Associates, LLC.	3478
3,977.75	Pellow, Harold & Assoc., Inc.	3479
1,125.00	Sloan, James PPC.	3480
1,590.00	Vogel, Chait, Collins, Schneider, PC,	3481

285.00                      Vogel, Chait, Collins, Schneider, PC                      3482

**Total TRUST ACCOUNT Bills    \$ 11,563.75**

**HOUSING TRUST FUND COAH ACCOUNT**

328.50                      Laddey, Clark & Ryan, LLP                      148

**Total HOUSING TRUST FUND (COAH) ACCOUNT Bills    \$ 328.50**

**DEVELOPERS ESCROW (FUND 72) ACCOUNT**

450.00                      Ferrero Engineering Inc.                      1260

**Total DEVELOPERS ESCROW(FUND 72) ACCOUNT Bills    \$ 450.00**

The Clerk presented an application for a Special Permit for a Social Affair from the Newton Fire Department to be held on Saturday, June 4, 2016 from 4:00 pm to 7:00 pm at 85 Mill Street, 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 Mrs. Becker and roll call resulted as follows:

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	Yes (Recused Check #1260)	

**INTERMISSION** – None

**DISCUSSION**

**a.    Town/College Shuttle**

Mr. Russo advised Council the Town Shuttle, which transports people from the college to various stops throughout Town, is not being utilized to full capacity. He recommended revisiting the bus schedule and creating a new plan for this second shuttle. Mr. Russo suggested brainstorming with various members of Council and staff and reinstate the shuttle in the near future.

After a brief discussion, Council agreed to cease the current bus schedule and implement a new plan in the near future. Councilman Levante recommended advertisements be placed on the shuttle when it is placed back into service.

Mayor Flynn suggested future Mayors should continue to give updates regarding all Planning Board projects. He noted the Council rotates the Mayor every July 1<sup>st</sup> and the Mayor is the Planning Board liaison to the Town Council.

Councilman Levante suggested a Councilmember be a liaison to the County Freeholder Board. He feels communication is a key component to making sound

May 23, 2016

decisions at the municipal level and knowing what's going on is important. Councilwoman-elect Le Frois was suggested as a liaison to the County government and will be asked to serve.

**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**

Mayor Flynn noted Joe Carr, Water/Sewer Licensed Operator, passed his T-3 test and now holds all licenses required by NJDEP. Mrs. Millikin updated Council on the Water/Sewer staff.

After a brief discussion, Council thanked Mrs. Millikin for the updates.

Deputy Mayor Diglio questioned the Morris Lake level and was advised it's 20 inches below spillway.

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 7:49 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk