

August 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 Deputy Mayor Levante, Mr. Elvidge, Mr. Flynn, Mayor Diglio, Mrs. Le Frois and Thomas S. Russo, Jr., Town Manager and Angelo J. Bolcato, Esq., Town Attorney.

Mayor Diglio 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 Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mr. Elvidge, seconded by Mr. Flynn and carried, the minutes of July 18, 2016 Regular and August 10, 2016 Executive meetings were approved.

### **OPEN TO THE PUBLIC**

Mayor Diglio 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."

Debra Hollinrake, Director of Public Relations of Tree of Health Center, updated Council on the upcoming Universal Health Fair to be held on Saturday, September 24, 2016. The Universal Health Fair is an event for all ages. Ms. Hollinrake outlined all of the vendors and entertainment which will take place on Spring Street and in "The Green" from Noon-5 pm.

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

### **COUNCIL & MANAGER REPORTS**

#### **a. New Jersey Courts - Criminal Justice Reform - Tricia Nikiel, Municipal Division Manager**

Tricia Nikiel, Municipal Division Manager and Judge Andrew Wubbenhorst, representatives of Morris/Sussex Vicinage, appeared before the Town Council to outline the changes to the Criminal Justice Bail Reform which will begin on January 1, 2017. This Reform will provide information related to the efforts of the Judiciary and its criminal justice reform partners in state, county and municipal government to implement bail and speedy trial reform and to form a pretrial services unit. The state will shift from a system that relies principally on setting monetary bail as a condition of release to a risk-based system that is more objective, and thus fairer to defendants. The statute also sets deadlines for the timely filing of an indictment and the disposition of criminal charges for incarcerated defendants. Ms. Nikiel advised the Police Departments, Municipal Courts and Municipal Court Administrators will all be trained on

this new reform. Ms. Nikiel also noted the cooperation from the Newton Police Department as well as the Municipal Court.

After a question and answer period, the Council thanked Judge Wubbenhorst and Ms. Nikiel for their presentation.

## **ORDINANCES**

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

### **ORDINANCE 2016-8 (Amended 7-22-16)**

#### **AN ORDINANCE AMENDING NEWTON TOWN CODE §213-7.A REGARDING CERTIFICATE OF COMPLIANCE REQUIREMENTS AND §213-9.E, F AND G, REGARDING PROPERTY MAINTENANCE STANDARDS**

**WHEREAS**, the Newton Town Council and Town employees and professionals have reviewed current certificate of compliance requirements and have determined that revisions need to be made to the current Town Code regarding certificates of compliance for smoke detector and carbon monoxide compliance, §213-7.A; and

**WHEREAS**, Newton Town Code, §§213-9.E, F and G are in need of revision to clarify and provide for renumbering consistent with the current International Property Maintenance Code;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey that Sections 213-7.A and 213-9.E, F, and G of Chapter 213 of the Code of the Town of Newton entitled "Property Maintenance" are hereby amended as follows:

**Section 1.** §213-7.A of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

**§213-7.A.** Certificate of compliance is required. Every property owner in the Town of Newton of a building or structure of Use Group R-3 and R-4, as defined by the Uniform Fire Code (which includes attached and detached townhouses, one and two-family dwellings, and mixed-use buildings with two or less residential units) must obtain a certificate of smoke detector and carbon monoxide compliance ("certificate of compliance") prior to a change in occupancy or ownership due to sale, resale, rental or re-rental. In each situation in which a property owner is required to obtain a certificate of occupancy, as required by the Uniform Construction Code, a certificate of compliance shall not be required in addition to the certificate of occupancy.

**Section 2.** §213-9.E of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

E. Section 308. Insert:

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers to be provided by the owner of the structure. No trash or rubbish shall overflow from containers or dumpsters.

308.3.1 Garbage facilities. Every owner of every dwelling unit shall supply at least one of the following: an approved dumpster unit of adequate size outside of the structure available to the occupants in each dwelling unit or at least one approved leak-proof, covered outside garbage container for every two occupants of each dwelling unit.

308.4 Method of disposal. Every owner of every dwelling unit shall provide at least weekly private or contracted disposal service for owner-provided containers or dumpsters.

**Section 3.** §213-9.F of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

F. Section 602.3. Insert: October 1 through May 1 of each year.

**Section 4.** §213-9.G of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

G. Section 602.4. Insert: October 1 through May 1 of each year.

**Section 5.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 6.** All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 7.** This Ordinance shall take effect after publication and passage according to law.

Mayor Diglio opened the hearing to the public.

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

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
	Mayor Diglio	Yes	

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

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

**ORDINANCE 2016- 10**

**AN ORDINANCE AUTHORIZING THE TOWN OF NEWTON TO IMPLEMENT THE FIVE-YEAR EXEMPTION AND ABATEMENT LAW, GRANTING TAX EXEMPTIONS FOR CERTAIN IMPROVEMENTS TO, AND CONSTRUCTION OF, RESIDENTIAL DWELLINGS, CERTAIN IMPROVEMENTS TO MULTIPLE DWELLINGS, CERTAIN IMPROVEMENTS TO INDUSTRIAL STRUCTURES AND CERTAIN IMPROVEMENTS TO COMMERCIAL STRUCTURES, ALL WITHIN THE DOWNTOWN HISTORIC DISTRICT, AND SUPERSEDING ANY OTHER ORDINANCE GRANTING SUCH EXEMPTIONS**

**WHEREAS**, the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "**Exemption Law**") enables municipalities which contain an area that has been designated as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"), to provide for the short-term exemption or abatement of local property taxes imposed upon eligible dwellings, commercial and industrial structures within such rehabilitation area; and

**WHEREAS**, on April 23, 2007, the Town of Newton (the "**Town**") designated certain properties within its borders as an area in need of rehabilitation in accordance with the Redevelopment Law (the "**Rehabilitation Area** "); and

**WHEREAS**, Section 20A-1 et seq. of the Newton Municipal Code (the “**Historic Preservation Ordinance**”) provides that the Town may create one or more historic districts; and

**WHEREAS**, the Historic Preservation Ordinance further provides that proposed construction, improvements, relocation or renovation of properties lying within such historic districts may be subject to review by the Newton Historic Preservation Advisory Commission under certain circumstances, in addition to review by the Town Planning Board, where appropriate; and

**WHEREAS**, at this time, the Town has designated one historic district within its boundaries (as set forth at Exhibit A, attached hereto, as may be thereafter amended or supplemented, the “**Downtown Historic District**”); and

**WHEREAS**, the Downtown Historic District is wholly within the Rehabilitation Area; and

**WHEREAS**, the Town believes the historic preservation of the properties within the Downtown Historic District is of great importance to the Town as a whole; and

**WHEREAS**, the Town, in recognizing improvements to or construction of properties within the Downtown Historic District to historic standards may be more costly than such improvements or construction would be otherwise, previously adopted Ordinance 2011-15 (the “**2011 Ordinance**”) to encourage such investment in the Downtown Historic District by alleviating a portion of the costs of such improvements or construction in certain circumstances; and

**WHEREAS**, in accordance with Section 10 of the 2011 Ordinance, said ordinance was to lapse, unless readopted, on September 30, 2016, and no exemptions were to be granted after September 30, 2016, without such re adoption; and

**WHEREAS**, the Town believes the historic preservation of the properties within the Downtown Historic District continues to be of great importance to the Town as a whole and that the granting of short-term tax exemptions would continue to encourage much-needed private investment in the Downtown Historic District; and

**WHEREAS**, the Town now desires to readopt the 2011 Ordinance for an additional five years, in accordance with Section 4 of the Exemption Law,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Newton as follows:

**Section 1.** General. The recitals set forth above are incorporated herein as if set forth at length.

**Section 2.** Definitions. All terms utilized in this ordinance not specifically defined herein shall conform to the meanings set forth in the Exemption Law. For ease of reference, the definitions set forth in the Exemption Law as of the date of the adoption of this Ordinance are attached hereto as Exhibit B. However, if the definitions set forth in the Exemption Law shall be subsequently amended, then the Exemption Law, and not Exhibit B, shall control.

**Section 3.** Statement of Purpose. The Town hereby determines to utilize the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution to establish the eligibility of certain dwellings, commercial structures and industrial structures for exemptions, as provided in this ordinance and as permitted by the Exemption Law, throughout the Downtown Historic District.

**Section 4.** Exemptions Authorized to be Implemented by Tax Assessor. The Town hereby determines to provide for the exemption from taxation of certain improvements and certain new construction occurring within the Downtown Historic District. To the extent that a property owner shall apply to the Town’s Tax Assessor (the “**Tax Assessor**”) within the time period prescribed by the New Jersey Department of Treasury in accordance with the Exemption Law, which currently requires submission within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought, and shall provide documentation to the Tax Assessor, in a form and manner acceptable to the Tax Assessor and consistent with the Exemption Law, of compliance with this section, such property owner shall be entitled to the relevant exemption enumerated herein without any need for action by the Town Council.

(a) Residential - Improvements. The Town hereby determines to provide for the exemption from taxation of certain improvements made to dwellings, on the following terms

and conditions:

(1) The term “dwelling,” for purposes of this Section 4(a), shall include condominium residential units but not cooperative type residential properties.

(2) The term “dwelling,” for purposes of this Section 4(a), shall not include “multiple dwellings,” as defined by the Exemption Law.

(3) Only dwellings that are more than twenty (20) years old shall be eligible for exemption.

(4) The term “improvements,” for purposes of this subsection, shall mean a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the structure as a place for human habitation, and which does not change its permitted use.

(5) To the extent that a dwelling shall comply with the requirements set forth at subsections (1) through (5), above, in determining the value of real property for each dwelling unit, the Town shall regard the first \$15,000 in the Tax Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvements as not increasing the value of the property for a period of five years, notwithstanding the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on any property pursuant to this paragraph shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

(b) Residential - New Construction. The Town hereby determines to provide for an exemption of 30% of the Tax Assessor's full and true value for a period of five years following construction of new dwellings. The term “dwelling,” for purposes of this Section 4(b), shall include condominium residential units but not cooperative type residential units, and shall not include multiple dwellings. This exemption is to be granted notwithstanding that the value of the property upon which the construction occurs is increased thereby.

(c) Residential - Multiple Dwellings - Improvements. (1) The Town hereby determines to provide for an exemption of 100% of the Tax Assessor's full and true value for a period of five years following the construction of improvements to multiple dwellings. The term “multiple dwelling” shall have that meaning ascribed to it by the Exemption Law. The definition of “multiple dwelling” set forth in the Exemption Law as of the date of adoption of this ordinance is set forth at Exhibit B, attached hereto.

(2) This exemption is to be granted notwithstanding the value of the property upon which the construction occurs is increased thereby. During the exemption period, the assessment on any property pursuant to this Section 4(c) shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

(d) Commercial - Improvements. The Town hereby determines to provide for the exemption from taxation of certain improvements made to commercial structures, on the following terms and conditions:

(1) For purposes of this ordinance, the term “commercial structure” relates to office, retail and like uses, but does not include multiple dwellings.

(2) For purposes of this ordinance, the term “commercial structure” shall include a structure which contains both residential units and some other commercial use (for example, retail), provided that the structure is not part of a condominium or cooperative regime and further provided that the structure does not qualify as a multiple dwelling under the Exemption Law.

(3) To the extent that improvements to a commercial structure shall comply with the requirements set forth at subsections (1) and (2), above, the Town hereby determines to provide for an exemption of 100% of the Tax Assessor's full and true value for a period of five years following the construction of the improvements. This exemption is to be granted notwithstanding that the value of the property upon which the construction of the improvement occurs is increased thereby.

(e) Industrial - Improvements. The Town hereby determines to provide for the exemption from taxation of certain improvements made to industrial structures, on the following terms and conditions:

(1) Improvements must be made to both the interior and exterior of a structure in order to qualify for exemption under this section.

(2) Only improvements with a cost of less than \$1,000,000 shall be eligible for exemption under this section.

(3) No less than 25% of the improvement cost shall be attributable to the exterior improvements.

(4) To the extent that improvements to an industrial structure shall comply with the requirements set forth at subsections (1) through (3), above, the Town hereby determines to provide for an exemption of 100% of the Tax Assessor's full and true value for a period of five years following the construction of the improvements. This exemption is to be granted notwithstanding that the value of the property upon which the construction of the improvement occurs is increased thereby.

(5) To the extent that improvements to a commercial structure do not comply with one or more of subsections (1) through (3), above, a property owner is not eligible for exemption under this section but may apply to the Town for consideration of the proposed exemption in accordance with Section 5 hereof.

**Section 5.** Exemptions Requiring Application to the Town Council. (a) Exemptions for Which Application is Required. The Town hereby determines that any property owner seeking exemption from taxation with respect to industrial improvements which do not meet the requirements of Section 4(e)(1) through Section 4(e)(3), respectively, shall make application to the Town Council in accordance with this section, within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought. However, nothing in this ordinance shall prohibit a property owner who has made more than \$1,000,000 in industrial improvements which otherwise comply with the applicable requirements of Section 4 from foregoing exemption of the improvements in excess of \$1,000,000 and seeking instead an as of right exemption from the Tax Assessor to the limits permitted by Section 4 above.

(b) Contents of Application. Applicants for an exemption under this section shall provide the Town Council and the Tax Assessor with the following information:

(1) A general description of the project for which exemption is sought, and an estimated schedule of completion for the project;

(2) A legal description of all real estate necessary for the project;

(3) Plans, drawings and other documents as may be required by the Town Council to demonstrate the structure and design of the project;

(4) A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project;

(5) A statement of the reasons for seeking an exemption on the project, and a description of the benefits to be realized by the Town and the property owner if an exemption is granted;

(6) Estimates of the cost of completing the project;

(7) A statement showing (i) the real property taxes currently being assessed at the project site; (ii) estimated tax payments that would be made annually by the property owner with respect to the project during the period of the exemption, and (iii) estimated tax payments that would be made by the property owner with respect to the project during the first full year following the termination of the exemption;

(8) A description of any lease agreements between the property owners and proposed users of the project, and a history and description of the users' businesses;

(9) A certification by the property owner listing (i) all properties within the Town owned by the property owner or in which the property owner has an interest and (ii) all agreements with the Town to which the property owner is a party; and

(10) Such other pertinent information as the Town may require.

(c) Review and Recommendation by Tax Assessor. Within thirty (30) days of receipt of the information set forth at Section 5(b), above, the Tax Assessor shall review the information provided and shall provide written recommendations to the Town Council with respect to same.

(d) Action by Town Council. Within sixty (60) days of receipt of the Tax Assessor's recommendations, the Town Council shall consider the application for exemption, and shall by resolution either disapprove the exemption or approve an exemption of 100% of the value of the improvements for a five year period following the completion of construction.

**Section 6.** Additional Exemptions When Property Already Subject to Exemption. The Town hereby determines that an additional improvement or construction completed on a property already granted a previous exemption pursuant to this ordinance during the period in which the previous exemption is in effect, shall be eligible to qualify for an additional exemption under the standards identified in this ordinance. The additional improvement or construction shall be considered as separate for purposes of calculating the exemption, except the assessed value of any previous improvement or construction shall be added to the assessed valuation as it was prior to that improvement or construction for the purpose of determining the assessed value of the property for which any additional exemption is to be subtracted.

**Section 7.** Tax Delinquency. No exemption shall be granted pursuant to this ordinance with respect to any property for which real estate taxes or other municipal charges are delinquent or remain unpaid, or for which penalties and interest for non-payment of taxes are due.

**Section 8.** Revaluation During Exemption Period. In the event the Town implements a revaluation or reassessment during the exemption period for any property, any exemptions granted hereunder shall continue to apply but at a valuation level consistent with the revaluation or reassessment.

**Section 9.** Revision of Base Assessment During Exemption Period. The granting of an exemption for a particular property shall not prejudice the right of the Town to appropriately examine and revise the assessment during the five-year exemption period in the event the base assessment is found to be improperly valued and assessed.

**Section 10.** Effective Date; Sunset Provision. Upon final passage and publication as provided by law, this ordinance shall take effect on October 1, 2016, and shall authorize the Town to grant exemptions up to a five-year period. This ordinance shall lapse, unless readopted, on September 30, 2021, and no exemptions shall be granted after September 30, 2021, without such readoption.

**Section 11.** Prior Actions Superseded. Any and all previous ordinances adopted by the Town relating to the Exemption Law are hereby superseded by this ordinance.

Mayor Diglio opened the hearing to the public.

James Ciaravolo, owner of Kudzu Emporium, 124 Spring Street, commended the Council for the proposed Ordinance, noting it will be beneficial for the improvements to the business district.

There being no one else from the public to be heard, upon motion of Mrs. Le Frois, seconded by Deputy Mayor Levante and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE**, was offered by Mr. Flynn, who moved its adoption, seconded by Mrs. Le Frois and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
	Mayor Diglio	Yes	

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

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

Mr. Russo advised Council that Police Chief Richards is in attendance to address any questions regarding this Ordinance.

Mayor Diglio addressed concerns with parking on both sides of Straway Blvd.

Deputy Mayor Levante feels it should remain open for access to Recycling Center or Memory Park.

Councilman Elvidge feels it should be a secured recreational area as initially intended.

Chief Richards outlined his recommendations allowing parking on one side and allowing use of the road for park use and emergency vehicles only. Approving this Ordinance would provide the Police with the tools to enforce the closing of Straway Blvd. to the public.

Mr. Flynn feels the Ordinance needs more work and feels the access should not be eliminated.

**ORDINANCE 2016-1 1**

**AN ORDINANCE TO AMEND SECTION 307-48, SCHEDULE I, NO PARKING AND ADOPT NEW SECTION 307-17.3, STRAWAY BOULEVARD, OF THE CODE OF THE TOWN OF NEWTON, TO PROHIBIT GENERAL THROUGH TRAFFIC AND PARKING ON CERTAIN PORTIONS OF A PARK ACCESS WAY, STRAWAY BOULEVARD**

After a lengthy discussion, the aforementioned **ORDINANCE** was offered by Mrs. Le Frois, who moved its introduction, seconded by Mr. Elvidge and roll call resulted as follows:

Deputy Mayor Levante	No	Mr. Elvidge	Yes
Mr. Flynn	No	Mrs. Le Frois	Yes
Mayor Diglio	No		

**THIS ORDINANCE IS DEFEATED**

Chief Richards expressed his concern with the safety of the children at Memory Park.

Mr. Russo indicated he is sending an email to DPW directing them to close the gates on Straway Boulevard effective immediately.

Councilwoman Le Frois noted by the Council defeating this Ordinance, the public does not have the opportunity to discuss this Ordinance.

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

**ORDINANCE 2016-1 2**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$50,000.00 FOR IMPROVEMENTS TO MADISON STREET SIDEWALKS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
	Mayor Diglio	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 September 14, 2016.

**OLD BUSINESS**

There was no Old Business to be discussed.

**CONSENT AGENDA**

Mayor Diglio 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.

Mr. Flynn requested Resolutions #134-2016, #142-2016, #143-2016, #149-2016, and #150-2016 be removed for discussion.

**RESOLUTION # 133-2016\***

**TO CANCEL OUTSTANDING CHECKS IN THE MUNICIPAL COURT ACCOUNTS**

**WHEREAS**, there are checks which have not been cashed in both the Town of Newton Court General Account for overpayments and/or restitution and in the Bail Account for refunds; and

**WHEREAS**, those checks have been reviewed to determine if they should be canceled and the amount paid over to the Town Treasurer to be deposited into the Town of Newton Current Fund Balance;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton, that the outstanding checks totaling \$1,348.57 as per the attached memos from Lucy M. DeLoreto, Court Administrator, are hereby canceled.

**RESOLUTION # 135-2016\***

**AUTHORIZE CREDIT DUE A WATER AND SEWER UTILITY ACCOUNT**

**WHEREAS**, the Water and Sewer Collector has determined the following Water and Sewer Utility Account is due credit for the reason stated;

**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 following account for the amount billed incorrectly due to the reason stated:

**Utility Board Recommends Waiver of Delinquent Penalty:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
23304	2 Club Road	\$45.86

**RESOLUTION # 136-2016\***

August 22, 2016

**CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN  
ALLOCATING WATER AND SEWER FEES FOR DUNKIN ' DONUTS**

**WHEREAS**, at a regular meeting of the Newton Utility Advisory Board conducted on July 25, 2016, Newton Donuts Inc., proposed an increased 1 ¼" line for a proposed Dunkin Donuts at 65 Sparta Avenue, estimating 995 GPD at \$18.50/gallon, totaling \$18,407.50; and

**WHEREAS**, the Newton Utility Advisory Board recommends the increase from a ¾" line to a 1 ¼" line for a proposed Dunkin' Donuts with estimated usage at 995 GPD for a total hook-up cost of \$18,407.50;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and approves the fees set forth above.

**RESOLUTION # 137-2016\***

**AUTHORIZE APPROVAL OF POSITIVE PAY SERVICES AGREEMENT WITH LAKELAND  
BANK**

**WHEREAS**, the Town of Newton utilizes Lakeland Bank for most of its banking services and Lakeland Bank offers a Positive Pay Service whereby Lakeland Bank, at no cost for designated accounts, provides assistance for the payment of checks from the Town; and

**WHEREAS**, a Positive Pay Services Agreement has been reviewed and agreed to, to provide for the Positive Pay services; and

**NOW, THEREFORE BE IT RESOLVED**, by the Newton Town Council that it designates and authorizes the Town Manager and Chief Financial Officer to execute the Positive Pay Services Agreement and other related documents necessary to enter into this agreement with Lakeland Bank.

**RESOLUTION # 138-2016\***

**FINAL ACCEPTANCE OF THE LIGHT PROJECT SPRING STREET, MORAN STREET,  
UNION PLACE AND MAIN STREET**

**WHEREAS**, on February 22, 2016 by way of adoption of Resolution #30-2016, and on April 25, 2016 by way of adoption of Resolution #72-2016, the Newton Town Council awarded the contract for retrofitting lights with LED lights and new lenses on Spring Street, Moran Street, Union Place, and Main Street; and

**WHEREAS**, in a memo to the Deputy Town Manager dated August 8, 2016, Town Engineer, Harold E. Pellow, P.E., L.S., 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 Engineer's recommendation and accepts the project for retrofitting lights with LED lights and new lenses on Spring Street, Moran Street, Union Place, and Main Street;

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to High Point Electric and the Town Engineer.

**RESOLUTION #1 39-2016\***

**APPROVE PURCHASE OF 700 ' OF 6 ' HIGH BLACK CHAIN LINK FENCE FOR  
BALANCING RESE RVOIR AT 150 HIGH STREET**

**WHEREAS**, two quotes were obtained to complete fencing per the agreement with NJDEP Green Acres to place 700' of 6' high black chain link fence around the Town's portion of the balancing reservoir at 150 High Street; and

**WHEREAS**, NJ Fence LLC., provided the lowest quote at \$28,000; and

**WHEREAS**, the Purchasing Agent recommends award of 700' of 6' high black chain link fence project to NJ Fence, LLC., in the amount of \$28,000.00; and

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this project as per attached certification;

August 22, 2016

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that 700' of 6' high black chain link fence be purchased and installed by NJ Fence, LLC, Newton, NJ in the amount of \$28,000.

**RESOLUTION # 140-2016\***

**AUTHORIZE PROFESSIONAL SERVICES AGREEMENT WITH FKA ARCHITECTS FOR FIREHOUSE #2**

**WHEREAS**, the Town Council desires to use the services of a professional Architect for the Firehouse #2 construction project; and

**WHEREAS**, FKA Architects has provided a proposal for services dated July 8, 2016 regarding the Firehouse#2 project. The cost for said services is \$98,710.00; and

**WHEREAS**, the Purchasing Agent recommends the award for a professional services agreement in the amount of \$98,710.00; and

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, the Town Council of the Town of Newton hereby authorizes the Mayor, Town Manager and Municipal Clerk to execute a professional services agreement with FKA Architects, and shall be advertised, and is on file and available for public inspection in the office of the Municipal Clerk.

**RESOLUTION # 141-2016\***

**AUTHORIZE PROFESSIONAL SERVICES AGREEMENT WITH HAROLD E. PELLOW & ASSOCIATES FOR FIREHOUSE #2**

**WHEREAS**, the Town Council desires to use the services of a professional Engineer for the Firehouse #2 construction project; and

**WHEREAS**, Harold E. Pellow & Associates has provided a proposal for services dated August 11, 2016 (Revised August 15, 2016) regarding the Firehouse#2 project. The cost for said services is \$40,000.00; and

**WHEREAS**, the Purchasing Agent recommends the award of professional services agreement in the amount of \$40,000.00; and

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, the Town Council of the Town of Newton hereby authorizes the Mayor, Town Manager and Municipal Clerk to execute a professional services agreement with Harold E. Pellow & Associates, and shall be advertised, and is on file and available for public inspection in the office of the Municipal Clerk.

**RESOLUTION # 144-2016\***

**RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY SERVICE CONTRIBUTION AGREEMENT BETWEEN THE TOWN OF NEWTON AND AHS HOSPITAL CORP./NEWTON MEDICAL CENTER**

**WHEREAS**, the Town of Newton ("Town") and AHS Hospital Corp./Newton Medical Center ("Newton Medical Center") have negotiated a Community Service Contribution Agreement with respect to Property known and designated as Block 1.01, Lot 4 (175 High Street) in the Town of Newton ("Agreement"); and

**WHEREAS**, the Town desires to authorize the execution of the Agreement subsequent to its execution by Newton Medical Center;

**NOW, THEREFORE BE IT RESOLVED**, that all terms and conditions of a certain Community Service Agreement by and between the Town of Newton and AHS Hospital Corp./Newton Medical Center are hereby approved, ratified and confirmed by the Town of Newton; and

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**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to execute said Agreement subsequent to its execution by Newton Medical Center and, together with other appropriate officers and employees of the Town, are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**RESOLUTION # 145-2016\***

**CONCUR WITH THE TOWN MANAGER 'S APPOINTMENT OF SCHOOL CROSSING GUARDS**

**WHEREAS**, New Jersey Statute 40A:9-154.1 states "The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2016-2017 school year:

Deborah A. Alger  
Carol E. Blanchard  
June Bowne  
Carolyn Dippel  
Elizabeth Francis  
Nuell Higgins  
Peter J. Kays  
Gleanord I. Kinney

Debra McCarty  
Karen Mokrzycki  
Charles Reynolds  
Janet Simpson  
Wallace "Hank" Smith  
Ruth Stang  
Steven A. Stoll

**RESOLUTION # 146-2016\***

**APPROVING AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN THE TOWN OF NEWTON AND SUSSEX COUNTY HABITAT FOR HUMANITY**

**WHEREAS**, Sussex County Habitat for Humanity, a non-profit entity, has received approval from the Town of Newton Planning Board to construct a building within the Town of Newton on a site located at 82 Mount View Street, Block 19.05, Lot 33 (formerly Block 1306, Lot 17.01) on the Tax Maps of the Town of Newton to be used as an office and for the storage of building materials and supplies for its mission of providing affordable housing; and

**WHEREAS**, as a condition of the approval Sussex County Habitat for Humanity has agreed to enter into the attached Agreement for Payment In Lieu of Taxes ("Agreement") in which the Town agrees to accept payment in lieu of taxes in return for the tax exemption reflected in the Agreement;

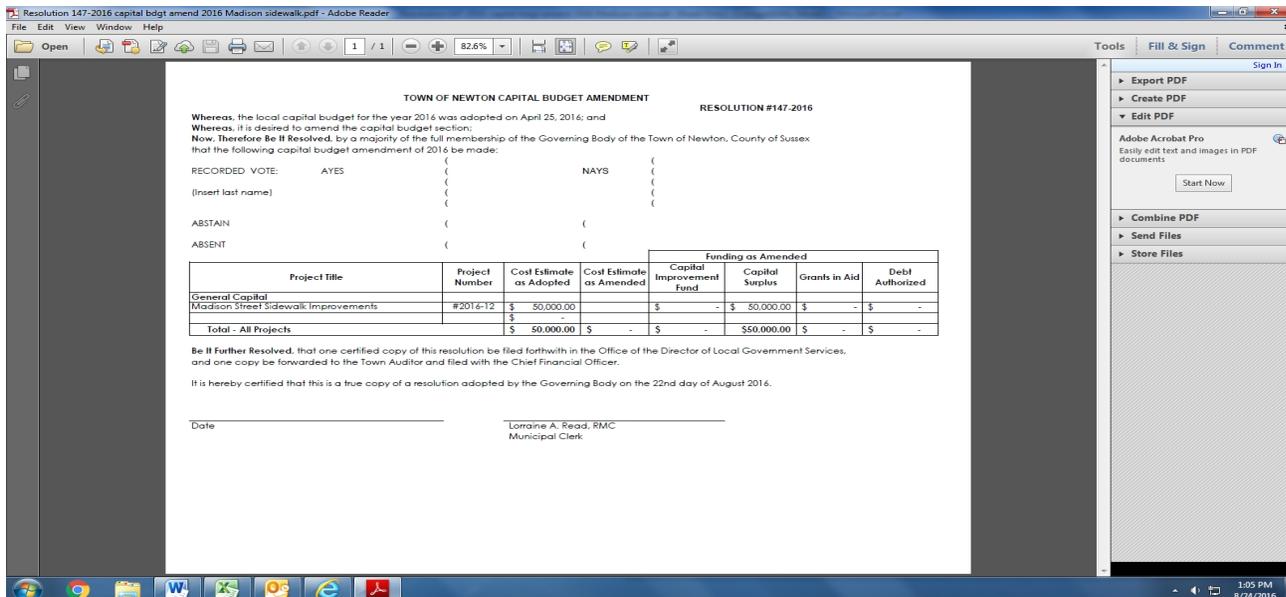
**NOW, THEREFORE BE IT RESOLVED**, by the Newton Town Council, County of Sussex, State of New Jersey, that:

1. The Agreement for Payment in Lieu of Taxes between the Town of Newton and Sussex County Habitat for Humanity attached to this Resolution as Exhibit A is hereby approved.
2. This Resolution is further conditioned upon Sussex County Habitat for Humanity executing the Agreement and complying with all terms and conditions within the Agreement.
3. The Mayor and Town Clerk are authorized to sign the Agreement on behalf of the Town.

This resolution shall take effect immediately; however, it shall be void and have no effect in the event that Sussex County Habitat for Humanity fails or refuses to sign the Agreement.

**RESOLUTION # 147-2016\***

**TOWN OF NEWTON CAPITAL BUDGET AMENDMENT**



**RESOLUTION # 148-2016\***

**CONFIRM THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 19.05, LOT 15**

**WHEREAS**, at the Municipal Tax Sale held on October 29, 2015, a lien was sold on Block 19.05, Lot 15, also known as 8-10 New Hampshire Street for 2014 delinquent utility charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2015-012, was sold to US Bank cust for PC6, LLC Sterling National for 18% redemption fee; and

**WHEREAS, CoreLogic**, the mortgage servicer, representing the owner, Norman, Robert & Julie, has effected the redemption of Certificate #2015-012 in the amount of \$698.46;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for PC6, LLC Sterling National is entitled to a redemption in the amount of \$698.46; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector has issued a check, in the amount of \$698.46 for the redemption of Certificate #2015-012 to US Bank cust for PC6, LLC Sterling National, 50 South Street - Suite 2050, Philadelphia, PA 19102.

**RESOLUTION # 151-2016\***

**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**

1,108.52	Quill Corporation	37030
1,431.94	E.A. Morse & Company, Inc.	37031
84.19	Montague Tool & Supply, Inc.	37032
1,508.00	MGL Forms - Systems, LLC	37033
1,262.80	Pellow, Harold & Assoc., Inc.	37034
255.00	ABCode Security Inc.	37035
133.00	Sussex Car Wash Inc.	37036
13,870.37	JCP&L	37037
25.80	New Jersey Herald, Inc.	37038
1,250.00	Pumping Services, Inc.	37039
653.98	SCMUA	37040

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125.85	Centurylink Communications, Inc.	37041
445.86	Centurylink Communications, Inc.	37042
7,085.73	Centurylink Communications, Inc.	37043
50.00	Read, Lorraine	37044
363.96	Campbell's Small Engine Inc.	37045
842.70	Fire Fighters Equipment Co. Inc.	37046
504.00	Neopost Leasing, Inc.	37047
566.00	Lock & Key World	37048
2,257.08	Timmerman Company, Inc.	37049
80.02	Federal Express	37050
61.28	Hayek's Market Inc.	37051
107.00	R.S. Phillips Steel LLC	37052
470.03	Lafayette Auto Parts	37053
184.00	Ambassador Medical Service	37054
200.00	Straway, Richard A. Jr.	37055
200.00	Straway, Thomas	37056
104.17	Sloan, James PPC.	37057
54.00	Richards, Michael	37058
200.00	Kithcart, Brock	37059
350.00	Treasurer, State of New Jersey	37060
1,150.00	T.A. Mountford Company, Inc.	37061
49.00	Galls, LLC	37062
125.00	Minisink Press Inc.	37063
512.41	Sussex County Clerk	37064
6.18	Sebring Auto Parts, Inc.	37065
73.52	Weis Markets, Inc.	37066
414.73	Airgas East	37067
7.90	Service Electric Cable TV	37068
750.60	L-3 Comm. Mobile-Vision	37069
2,250.00	McCullough Tree Experts LLC	37070
2,815.35	Boonton Tire Supply Inc.	37071
2,828.29	McGuire, Inc.	37072
58,059.40	Statewide Insurance Fund	37073
193.84	Verizon Wireless, Inc.	37074
1,529.19	Verizon Wireless, Inc.	37075
400.00	Maglocen	37076
150.00	Cerbo's Hampton Nursery Inc.	37077
23.31	Walmart	37078
83.20	Mr. John, Inc.	37079
270.00	Gold Type Business Machines	37080
812.50	GenServe Inc.	37081
75.00	Wildflowers With Tami	37082
125.00	Morris County Police Academy	37083
510.00	Vogel, Chait, Collins, Schneider, PC	37084
472.67	Home Depot, Inc.	37085
1,598.00	Sheraton Atlantic City	37086
462.00	Danielson, Deborah	37087
2,058.10	Buckman's Inc.	37088
1,445.64	Staples Business Advantage, Inc.	37089
35.07	Staples Business Advantage, Inc.	37090
13.60	Language Line Services, Inc.	37091
85.19	Lowe's , Inc.	37092
120.00	Screen Creation Plus	37093
885.61	Spectrum Communications, Inc.	37094
96.00	CSS Test Inc.	37095
970.65	County of Sussex	37096
200.00	Steve Estler	37097
1,219.77	Hampton Body Works, Inc.	37098
42.99	E-Z Pass	37099
1,917.52	Pinnacle Wireless FBO Unitek Global	37100
1,214.76	Municipal Graphics Inc.	37101
5.00	Treasurer, State of NJ -Burial	37102
4,594.36	Rachles/Michele's Oil Company, Inc.	37103
1,075.33	Taylor Oil Co., Inc.	37104
2,458.33	Laddey, Clark & Ryan, LLP	37105
3,166.00	Laddey, Clark & Ryan, LLP	37106
22.95	Laddey, Clark & Ryan, LLP	37107
799.00	Laddey, Clark & Ryan, LLP	37108
4,000.00	Laddey, Clark & Ryan, LLP	37109

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18.00	Laddey, Clark & Ryan, LLP	37110
200.00	Adam Vough	37111
2,006.00	Municipal Record Service	37112
396.78	Kieffer Electric, Inc.	37113
75.00	Sussex County Firemen's Association	37114
253.50	Sign-A-Rama, Inc.	37115
250.00	Tire King, Inc.	37116
187.50	Garden State Highway Products, Inc.	37117
140.00	NJLM	37118
200.00	William Oswin III	37119
165.00	Code 96 LLC	37120
1,140.00	Trimboli & Prusinowski, LLC	37121
1,459.40	Penteledata	37122
190,086.00	NJMETF	37123
1,770.00	Chelbus Cleaning Co., Inc.	37124
200.00	Roy Leyman	37125
354.97	Tractor Supply Co	37126
200.00	Shepard Kays, Esq.	37127
1,261.50	Rullo & Juliet Associates, Inc.	37128
1,248.89	The Buzak Law Group, LLC	37129
900.00	AG Choice, LLC	37130
214.53	Action Data Services, Inc.	37131
1,288.34	Harter Equipment Inc.	37132
212.18	Thyssenkrupp Elevator Corp.	37133
271.00	Some's World Wide Uniforms, Inc.	37134
2,139.30	Extra Tech Data Services, LLC	37135
533.91	Cartridge World	37136
1,087.50	Kozdeba & Son LLC	37137
507.00	J. Caldwell & Associates, LLC	37138
300.00	Movies In Motion	37139
51.20	Tri-State Rentals/Party World Inc.	37140
75.00	Municipal Clerks Association	37141
127.23	United Telephone/Century Link	37142
478.89	Sunlight General	37143
1,993.00	USA Hoistco., Inc.	37144
170.00	Mariola Mlekicki	37145
525.00	Commerce and Industry Association	37146
4,321.66	Schenck, Price, Smith, & King, LLP	37147
1,100.00	IHeartmedia + Entertainment Inc.	37148
100.00	Lea Date Tech	37149
68.96	Reisinger Oxygen Service, Inc.	37150
200.00	Alex Armstrong	37151
82.08	Jennifer Dodd	37152
2,916.67	John Mulhern	37153
6,780.00	Witmer Public Safety Group, Inc.	37154
100.50	Ready Refresh By Nestle	37155
197.59	ADP, LLC	37156
1,667.21	ADP, LLC	37157
264.81	Compass Energy Gas Services, Inc.	37158
69.31	Cintas Corporation No. 2	37159
135.00	JK HVAC Service, LLC.	37160
165.00	Haydee Ballester	37161
259.00	John Maxwell Company, LLC.	37162
315.00	Newton EMA	37163
135.19	Aquatic Technology, Inc.	37164
335.88	ONTIME Telecom Inc.	37165
67.50	Stephen Moran	37166
786.00	Mary Mancuso	37167
203,883.56	Payroll Account	161049
20.00	Elavon	161048
31,250.00	Capital Account	161047
3,674.80	County Of Sussex	37029
51,315.21	County Of Sussex	37028
21,970.83	County Of Sussex	37027
818,388.81	County Of Sussex	37026
60.53	Elavon	161046
708,283.00	Newton Board of Education	161045
206,821.74	Payroll Account	161044
170.00	NJMVC	37025

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78.97 Elavon 161043

**CAPITAL**

942.28	Home Depot, Inc.	8561
17,550.00	High Point Electric Inc.	8562
118.00	J. Caldwell & Associates, LLC	8563
1,500.00	McCullough Tree Experts LLC	8564
2,378.19	McManimon, Scotland & Baumann, LLC	8565
3,667.88	Pellow, Harold & Assoc., Inc.	8566
11,000.00	S&P Global Ratings	8567
1,453.94	Spectrum Communications, Inc.	8568
1,640.09	Payroll Account	163007

**Total TOWN BILLS \$ 2,456,730.05**

**WATER AND SEWER ACCOUNT**

1,260.00	Accurate Waste Removal Inc.	15776
38.08	Advance Auto Parts	15777
149.13	Airgas East	15778
105.18	Aurora Electrical Supply, LLC	15779
369.99	Azul Core	15780
547.80	Boonton Tire Supply Inc.	15781
1,125.60	Capitol Supply Const Products, Inc.	15782
200.00	Carr, Joseph	15783
78.37	Centurylink Communications, Inc.	15784
2,401.52	Centurylink Communications, Inc.	15785
1,500.00	Civic Plus Inc.	15786
178.55	Compass Energy Gas Services, Inc.	15787
1,100.33	Cooper Electric Supply Co.	15788
11,043.81	Coyne Chemical Corp., Inc.	15789
69.00	Dominick's Pizza LLC	15790
250.00	Dustin McGarry	15791
300.00	Envirosight	15792
1,275.00	Extra Tech Data Services, LLC	15793
600.00	Frank Semeraro Construction, Inc.	15794
1,701.00	Garden State Laboratories Inc.	15795
1,755.00	Genservice Inc.	15796
472.77	Hach Company	15797
181.28	Hayek's Market Inc.	15798
372.70	Home Depot, Inc.	15799
300.00	Hydro Technology, LLC	15800
1,100.00	IHeartmedia + Entertainment Inc.	15801
200.00	Jaekel, Kenneth	15802
200.00	Jason Vandergroef	15803
1,072.50	JCI Jones Chemicals, Inc.	15804
29,106.75	JCP&L	15805
1,063.62	JK HVAC Service, LLC	15806
200.00	Joseph White	15807
3,788.61	Kieffer Electric, Inc.	15808
1,290.00	Kusters Zima Corporation	15809
144.00	Laddey, Clark & Ryan, LLP	15810
32.00	Laddey, Clark & Ryan, LLP	15811
215.00	McManimon, Scotland & Baumann, LLC	15812
642.60	Montague Tool & Supply, Inc.	15813
659.23	Morris Asphalt Supply, LLC	15814
3,846.67	Mott MacDonald Group, Inc.	15815
1,501.67	Miracle Chemical Co	15816
465.00	One Call Concepts, Inc.	15817
7,280.00	Passaic Valley Sewerage Comm.	15818
1,274.00	Pellow, Harold & Association, Inc.	15819
439.80	Penteledata	15820
383.90	Polowy Stone Mason & Landscape Supp.	15821
6,010.00	Pumping Services, Inc.	15822
5,152.80	R&D Trucking Inc.	15823
1,261.50	Rullo & Juliet Associates, Inc.	15824
1,700.94	Schmidt's Wholesale, Inc.	15825
483.00	SCMUA	15826

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253.50	Sign-A-Rama, Inc.	15827
200.00	Sisco, James	15828
1,250.00	Smalley, John H.	15829
370.87	Staples Business Advantage, Inc.	15830
52,743.60	Statewide Insurance Fund	15831
979.30	Sunlight General	15832
75.00	Sussex County Firemen's Association	15833
420.23	Sussex County P & H, Inc.	15834
472.08	Toyota Motor Credit Corp.	15835
720.00	Treasurer, State of New Jersey	15836
260.95	Verizon Wireless, Inc.	15837
2,500.00	William Grennille, LLC	15838
31,523.10	Payroll Account	166023
33,971.99	Payroll Account	166022
176.00	Laddey, Clark & Ryan, LLP	2424
312.30	New Jersey Herald, Inc.	2425
2,181.25	Pellow, Harold & Association, Inc.	2426

**Total WATER & SEWER Bills    \$ 225,298.87**

**TRUST ACCOUNT**

200.00	Colfax, Daniel, Esq.	3504
939.69	Country Club Ice Cream, LLC	3505
200.00	Gruber, Colabella & Liuzza	3506
50.23	Hayek's Market Inc.	3507
916.00	J. Caldwell & Associates, LLC	3508
784.00	Laddey, Clark & Ryan, LLP	3509
384.00	Laddey, Clark & Ryan, LLP	3510
825.00	Lakeland Bus Lines, Inc.	3511
7,874.20	McManimon, Scotland & Baumann, LLC	3512
311.75	Pellow, Harold & Assoc., Inc.	3513
2,013.00	Pellow, Harold & Assoc., Inc.	3514
64.97	Shop Rite, Inc.	3515
1,125.00	Sloan, James PPC.	3516
1,500.00	Sussex Professional Baseball, LLC	3517
58.00	Tom Tosti	3518
1,755.00	Vogel, Chait, Collins, Schneider, PC,	3519
15.00	Vogel, Chait, Collins, Schneider, PC,	3520
22,159.50	Payroll Account	167116
14,694.00	Payroll Account	167115

**Total TRUST ACCOUNT Bills    \$ 55,869.34**

**FEDERAL/STATE GRANTS**

72.50	Clarke Caton Hintz	1326
371.13	Payroll Account	161116
371.13	Payroll Account	161115

**Total FEDERAL/STATE GRANTS    \$ 814.76**

**DEVELOPERS ESCROW(Fund 72) ACCOUNT**

9,774.00	Newton 213, LLC	1263
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**Total DEVELOPERS ESCROW(FUND 72) ACCOUNT Bills    \$ 9,774.00**

**HOUSING TRUST FUND COAH (FUND 75)**

80.00	Laddey, Clark & Ryan, LLP	152
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**Total HOUSING TRUST FUND COAH (FUND 75) Bills    \$ 80.00**

**SUI (FUND 73)**

240.00 S/NJ Dept. Of Labor & Workforce Dev 1107

**Total HOUSING TRUST FUND COAH (FUND 75) Bills \$ 240.00**

The Clerk presented an application for an on-premise raffle (50-50) from Pride Foundation, Inc. to be held on September 9, 2016 at 7:00 pm; September 23, 2016 at 7:00 pm; October 14, 2016 at 7:00 pm; October 28, 2016 at 7:00 pm; November 11, 2016 at 7:00 pm; November 18, 2016 at 7:00 pm; December 6, 2016 at 6:00 pm; December 13, 2016, at 6:00 pm; and December 20, 2016 at 6:00 pm at 44 Ryerson Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for an off-premise raffle (merchandise) from Newton Medical Center Foundation to be held on November 12, 2016 at 6:30 pm at 175 High Street, Newton. It was noted the application was in order and accompanied by the prescribed fees.

The Clerk presented an application for a permit for a social affair from the Karen Ann Quinlan Memorial Foundation to be held on Sunday, October 16, 2016 from 6:30 p.m. to 10:30 p.m. at 102 Sparta Avenue, Newton. It was noted the application was in order.

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
Mayor Diglio		Yes	

**RESOLUTIONS**

Mr. Flynn had several questions on Resolution #142-2016 which were addressed by Mrs. Millikin.

**RESOLUTION # 142-2016**

**AWARD BID FOR FOX HOLLOW TRANSMISSION MAIN REPLACEMENT PROJECT IN THE TOWNSHIP OF SPARTA FOR THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton publicly accepted and opened bids for the Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta for the Town of Newton on Wednesday, August 10, 2016 at 10:00 a.m. as follows:

<b><u>Name and Address of Bidder</u></b>	<b><u>Base Bid</u></b>	<b><u>Alternate Bid</u></b>
Reivax Contracting Corp. 356 Thomas Street Newark, NJ 07114	\$708,038.00	\$12,000.00
<b>Montana Contracting Corp., Inc.</b> <b>80 Constant Avenue</b> <b>Lodi, NJ 07644</b>	<b>\$871,111.00</b>	<b>\$7,200.00</b>
Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$1,042,337.00	\$12,480.00
J. Fletcher Creamer & Son, Inc. 101 E. Broadway Hackensack, NJ 07601	\$1,168,667.00	\$16,800.00

Underground Utilities Corp. 711 Commerce Road Linden, NJ 07036	\$1,272,273.00	\$12,000.00
Kmetz, Inc. 10 Fresh Ponds Road East Brunswick, NJ 08816	\$1,278,089.00	\$9,600.00
Waterware Corporation PO Box 3609 Philadelphia, PA 19125	\$1,290,367.00	\$0.00

**WHEREAS**, Reivax Contracting Corp submitted a letter dated August 10, 2016, withdrawing their bid due to a severe mathematical error; and

**WHEREAS**, based on review of the bid documents, the Town Water Engineer, David B. Simmons, Jr., from Harold E. Pellow & Associates, Inc., recommends awarding the Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta to Montana Construction Corp., Inc., with a base bid in the amount of \$871,111.00, and an alternate bid in the amount of \$7,200.00 for a total project cost of \$878,311.00; 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 Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta for the Town of Newton is hereby awarded to Montana Construction Corp., Inc., Lodi, NJ in the amount of \$878,311.00. A copy of this resolution and the proposed Contract is to be forwarded to Montana Construction Corp., Inc., for execution; and

**BE IT FURTHER RESOLVED** that the contract is subject to USDA approval due to the funding the Town is receiving for this project.

A motion was made by Mr. Flynn to approve **Resolution #142-2016**, seconded by Mrs. Le Frois and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
Mayor Diglio		Yes	

At this time, Mr. Flynn recused himself from the following resolutions.

**RESOLUTION # 134-2016**

**CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN ALLOCATING WATER AND SEWER FEES FOR RPM DEVELOPMENT**

**WHEREAS**, at a regular meeting of the Newton Utility Advisory Board conducted on July 25, 2016, Newton Town Centre Urban Renewal Associates, LP, representing RPM Development, proposed installation of 65 residential units, a 1,530 square foot commercial unit, a community center for 104 residents using 10 GPD. Total connection fees of \$590,880.00 with a credit for \$75,600.00 for existing connections, totaling \$515,280.00; and

**WHEREAS**, the Newton Utility Advisory Board has no objection to and recommends the Town Council approve the Newton Town Centre Urban Renewal Associates, LP, representing RPM Development proposed installation of 65 residential units, a 1,530 square foot commercial unit, a community center for 104 residents using 10 GPD. Total connection fees of \$590,880.00 with a credit for \$75,600.00 for existing connections, totaling hook-up fees of \$515,280.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and approves the fees set forth above.

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**RESOLUTION # 143-2016**

**RESOLUTION APPROVING DEVELOPER 'S AGREEMENT WITH NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P.**

**WHEREAS**, Newton Town Centre Urban Renewal Associates, L.P. obtained approval for use and bulk variances and preliminary and final site plan approval for property located at Block 8.05, Lots 4, 7, 8, and 9 as shown on the Tax Map of the Town of Newton, located at the corner of Spring Street, Union Place and Trinity Street, Newton, New Jersey; and

**WHEREAS**, preliminary site plan approval was memorialized by Resolution of the Town of Newton Planning Board dated July 17, 2013 and final site plan approval was memorialized by Resolution of the Town of Newton Planning Board dated January 21, 2015; and

**WHEREAS**, the approvals are generally for a mixed-use residential building, with parking, commercial/retail space and a community center, and 64 age-restricted affordable residential apartments plus one Superintendent apartment; and

**WHEREAS**, as part of the approvals Newton Town Centre Urban Renewal Associates, L.P. is required to enter into a Developer's Agreement with the Town of Newton; and

**WHEREAS**, the Town of Newton and Newton Town Centre Urban Renewal Associates, L.P. have negotiated a Developer's Agreement, a true copy of which is attached to this Resolution as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that:

1. The Developer's Agreement between the Town of Newton and Newton Town Centre Urban Renewal Associates, L.P. attached to this Resolution is hereby approved, and the Mayor and Municipal Clerk are authorized to sign the Developer's Agreement.
2. Approval of the Developer's Agreement is conditioned on Newton Town Centre Urban Renewal Associates, L.P. recording a copy of the Developer's Agreement with the Sussex County Clerk's Office at Newton Town Centre Urban Renewal Associates, L.P.'s sole cost and expense.
3. This Resolution shall take effect immediately; however, it shall be void and of no effect in the event that any one or more of the conditions contained in this Resolution are not met by Newton Town Centre Urban Renewal Associates, L.P.

**RESOLUTION # 149-2016**

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE EXECUTION OF LOAN DOCUMENTS IN THE PRINCIPAL AMOUNT OF \$50,000 WITH NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P. AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, Newton Town Centre Urban Renewal Associates, L.P., a New Jersey limited partnership with a mailing address of 77 Park Street, Montclair, New Jersey 07042 (the "**Entity**") has proposed to develop an age-restricted, low and moderate income rental housing project consisting of approximately 65 units, approximately 1,400 square feet of retail space, a community room of approximately 2,200 square feet to be utilized by the residents of the development and available for use by the Town, parking and related amenities, upon property located at the intersection of Spring Street, Trinity Street and Union Place and identified upon the Official Tax Map of the Town of Newton as Block 8.05, Lots 4, 7, 8 and 9 (collectively, the "**Land**") and commonly known as 5 Union Place, 50 Trinity Street and 58 Trinity Street (collectively, the "**Project**"); and

**WHEREAS**, the Entity has represented to the Town that it would not be feasible to undertake the Project without financial assistance from the Town, and has requested that the Town fund a loan to the Project in the principal amount of \$50,000 from the Town's Affordable Housing Trust Fund monies (the "**Loan**"); and

**WHEREAS**, the Town, by the adoption of Resolution No. 73-2015, previously authorized funding to the Project from the Town's Affordable Housing Trust Fund in the amount of \$50,000; and

August 22, 2016

**WHEREAS**, the Town wishes to authorize the execution of documents and authorize certain other actions in connection with the implementation of the Project and the closing of the Loan;

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

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **EXECUTION OF LOAN DOCUMENTS**

The Mayor is hereby authorized to execute, and the Town Clerk and Deputy Town Clerk are each hereby authorized to attest to and impress the municipal seal upon, documents required in connection with the Loan, including but not limited to, the mortgage, note, and subordination documents. The Mayor and the Town Manager are each hereby authorized to execute, and the Town Clerk and Deputy Town Clerk are each hereby authorized to attest to and impress the municipal seal upon, estoppel certificates, subordination documents, any other document to secure the obligation of the Entity to make payments due to the Town under the Loan, and such further documents, certificates and agreements as may be necessary or desirable to the Town in consultation with counsel to effectuate the Loan contemplated hereby.

III. **AUTHORIZATION OF CERTAIN OTHER ACTIONS**

The Town Manager is hereby authorized and directed to take all actions and determine all matters and terms in connection with the Loan, all in consultation with the counsel to the Town, and the manual or facsimile signature of the Mayor and/or Town Manager upon any documents shall be conclusive as to all such **determinations**. The Mayor, the Town Manager, the Chief Financial Officer, the Town Clerk and any other Town official, officer or professional, including but not limited to, redevelopment counsel, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

IV. **SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

V. **AVAILABILITY OF THE RESOLUTION**

A copy of this Resolution shall be available for public inspection at the offices of the Town.

VI. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

**RESOLUTION # 150-2016**

**OMNIBUS RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE EXECUTION OF LOAN DOCUMENTS IN THE PRINCIPAL AMOUNT OF \$45,000 WITH NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P. AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, Newton Town Centre Urban Renewal Associates, L.P., a New Jersey limited partnership with a mailing address of 77 Park Street, Montclair, New Jersey 07042 (the "**Entity**") has proposed to develop an age-restricted, low and moderate income rental housing project consisting of approximately 65 units, approximately 1,400 square feet of retail space, a community room of approximately 2,200 square feet to be utilized by the residents of the development and available for use by the Town, parking and related amenities, upon property located at the intersection of Spring Street, Trinity Street and Union Place and identified upon the Official Tax Map of the Town of Newton as Block 8.05, Lots 4, 7, 8 and 9 (collectively, the "**Land**") and commonly known as 5 Union Place, 50 Trinity Street and 58 Trinity Street (collectively, the "**Project**"); and

**WHEREAS**, the Entity has represented to the Town that it would not be feasible to undertake the Project without financial assistance from the Town, and has requested that the Town fund a loan to the Project in the principal amount of \$45,000 (the "**Loan**"); and

**WHEREAS**, the Loan was previously authorized by the Town by the adoption of Resolution No. 102-2013; and

**WHEREAS**, the Town wishes to authorize the execution of documents and authorize certain other actions in connection with the implementation of the Project and the closing of the Loan;

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

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **EXECUTION OF LOAN DOCUMENTS**

The Mayor is hereby authorized to execute, and the Town Clerk and Deputy Town Clerk are each hereby authorized to attest to and impress the municipal seal upon, documents required in connection with the Loan, including but not limited to, the mortgage, note, and subordination documents. The Mayor and the Town Manager are each hereby authorized to execute, and the Town Clerk and Deputy Town Clerk are each hereby authorized to attest to and impress the municipal seal upon, estoppel certificates, subordination documents, any other document to secure the obligation of the Entity to make payments due to the Town under the Loan, and such further documents, certificates and agreements as may be necessary or desirable to the Town in consultation with counsel to effectuate the Loan contemplated hereby.

III. **AUTHORIZATION OF CERTAIN OTHER ACTIONS**

The Town Manager is hereby authorized and directed to take all actions and determine all matters and terms in connection with the Loan, all in consultation with the counsel to the Town, and the manual or facsimile signature of the Mayor and/or Town Manager upon any documents shall be conclusive as to all such **determinations**. The Mayor, the Town Manager, the Chief Financial Officer, the Town Clerk and any other Town official, officer or professional, including but not limited to, redevelopment counsel, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

IV. **SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

V. **AVAILABILITY OF THE RESOLUTION**

A copy of this Resolution shall be available for public inspection at the offices of the Town.

VI. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

A motion was made by Mrs. Le Frois to approve the aforementioned **Resolutions**, seconded by Deputy Mayor Levante and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Recused	Mrs. Le Frois	Yes
	Mayor Diglio	Yes	

**INTERMISSION** - None.

**DISCUSSION** - None.

**OPEN TO THE PUBLIC**

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

**COUNCIL & MANAGER COMMENTS**

Mr. Russo congratulated the Council and Town of Newton for the successful negotiations with the Newton Medical Center community service contribution agreement.

Mayor Diglio and Mr. Flynn acknowledged Mr. Russo, the professionals and staff for their hard work on this agreement.

Deputy Mayor Levante addressing the congestion of traffic throughout the Town feels strongly a bypass is necessary and needs to be addressed.

Councilwoman Le Frois commended Mr. Russo, Ms. Babcock, CFO, and staff for the recent "AA-" financial rating from S&P Global Ratings. Mrs. Le Frois outlined Newton's strong financial points outlined by S&P Global Ratings and is happy to receive a financial report which affirms the Town is financially sound.

**EXECUTIVE SESSION**

Mayor Diglio read Resolution #152-2016. Upon motion of Mr. Flynn, seconded by Deputy Mayor Levante and unanimously carried, Council entered Executive Session at 8:39 pm.

**PERSONNEL - TOWN MANAGER 'S PERFORMANCE REVIEW**

Mayor Diglio and Town Council discussed and reviewed the employee evaluation of Thomas S. Russo, Jr. serving as Town Manager.

Upon motion of Deputy Mayor Levante, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 10:49 pm.

There being no further business to be conducted, upon motion of Deputy Mayor Levante, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 10:50 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk