

November 14, 2016

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Elvidge @ 7:18 pm, Mrs. Le Frois, Deputy Mayor Levante, Mayor Diglio, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Esq., Town Attorney. Mr. Flynn was excused.

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 Deputy Mayor Levante, seconded by Mrs. Le Frois and unanimously carried, the minutes for October 24, 2016 Special and Regular meeting of October 24, 2016 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."

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

COUNCIL & MANAGER REPORTS

a. Fox Hollow Project Update - Dave Simmons

Dave Simmons, PE, Town Engineer, made a lengthy PowerPoint presentation on the Fox Hollow Project located at Morris Lake. Mr. Simmons advised the contractor is looking for extension of time until November 30, 2016.

After a brief question and answer period, Council thanked Mr. Simmons for a thorough presentation on the current project.

Mr. Simmons also updated Council on the water level at Morris Lake which is currently 56 inches below spillway. Mr. Simmons outlined the plan for increasing the water level by utilizing Pine Swamp diversion. The plan will be applied, if necessary, in the Spring.

After a brief discussion, Council thanked Mr. Simmons for his presentation.

b. GIS Presentation - DPW

Adam Vough, Newton DPW Assistant Supervisor, made a presentation on the newly purchased GIS System. Mr. Vough noted their current antiquated system and noted this system can be utilized by several different departments. This system can be used on a cell phone, making it quite convenient.

Section 1. Chapter 25, Article XI, Sections 25-56 through 25-63 of the Newton Town Code are hereby deleted in their entirety.

Section 2. Section 25-55 of the Newton Town Code is amended by the deletion of the definitions “Non-Sponsored Youth Programs” and “Town-Sponsored Youth Programs”.

Section 3. A new Section 25-56 is hereby created as follows:

§ 25-56 Youth Programs - Background checks.

- A. Effective November 14, 2016, prior to any Youth Program being authorized to use a Town-owned property, the Youth Program must:
 - 1. Require all coaches, assistant coaches and adults who are in positions of supervision, authority or control of youth participants under the age of 18 to submit to a Criminal History Record Background Check; and
 - 2. Complete and submit to the Recreation Supervisor an annual roster, in a form supplied by the Town, naming all coaches, assistant coaches and adults who are in positions of supervision, authority or control of youth participants under the age of 18. The roster must be certified as to accuracy and completeness; and any person who knowingly certifies a false roster shall be in violation of this ordinance and laws regarding false swearing; and
 - 3. Complete an affidavit on a form approved by the Town Attorney certifying that all coaches, assistant coaches and adults who are in positions of supervision, authority or control of youth participants under the age of 18 have completed and passed a Criminal History Record Background Check within the last three (3) years, meaning that the individual has not been convicted of any of the disqualifying offenses set forth in N.J.S.A. 15A:3A-3. The affidavit shall also state that the affiant is not aware of any relevant convictions subsequent to the background check; and
 - 4. Complete and submit to the Recreation Supervisor, in a form supplied by the Town, the name and contact information of the lead responsible person for the Youth Program.
- B. A new affidavit must be submitted by a Youth Program each calendar year.
- C. All fees for individuals related to the Criminal History Record Background Check for Youth Program participation shall be borne by the individual or the Youth Program.
- D. The Chief of Police of the Town of Newton and the Recreation Supervisor shall be provided results of the Criminal History Record Background Check for all coaches, assistant coaches and adults who are in positions of supervision, authority or control of youth participants under the age of 18.
- E. All current volunteers in any Youth Program shall submit to a Criminal History Record Background Check within forty-five (45) days of adoption of this ordinance. Failure of any volunteer to obtain a Criminal History Record Background Check within 45 days shall result in immediate disqualification.

Section 4. A new Section 25-57 is hereby created as follows:

§ 25-57 Disqualification.

- A. Individuals who are convicted of a disqualifying offense, as set forth in N.J.S.A. 15A:3A-3, during the three years following a Criminal History Record Background Check, shall be prohibited from participating in any Youth Programs.
- B. In the event the Criminal History Record Background Check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at any Town-owned facilities. Such offenses shall include, but not be limited to N.J.S.A. 15A:3A-3.
- C. Refusal by individuals required to submit to a Criminal History Record Background Check shall result in an immediate dismissal of the individual from any Youth Programs. Refusal of a Youth Program to subscribe to the requirements of this ordinance shall forfeit that Youth Program’s ability to use municipal facilities.

Section 5. A new Section 25-58 is hereby created as follows:

§ 25-58 Privacy.

Any and all Criminal History Record Background Checks supplied to the Chief of Police and/or the Recreation Supervisor shall be filed and maintained in a secure and locked cabinet by the Town's Human Resources Department, and shall not be available to the public. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose, and thereafter shall be destroyed.

Section 6. A new Section 25-59 is hereby created as follows:

§ 25-59 Appeals of Disqualification.

A. Any person whose Criminal History Record Background Check disqualifies that person from employment or from volunteering, may appeal his or her disqualification.

1. Appeal re: Accuracy of Record. A person may challenge the accuracy of the Criminal History Record Background Check.

(a) A challenge to the accuracy shall be filed with the Town Chief of Police, who shall coordinate the challenge with the New Jersey State Police.

2. Appeal Alleging Rehabilitation. A person may claim to be rehabilitated.

(a) No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4th Degree Offense or Higher, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13:1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-1; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.

(b) Appeals Committee. An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Town of Newton Chief of Police, Town Manager, Town Recreation Supervisor, and Town Attorney. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.

(c) Rehabilitation Criteria. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:

1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;

2. The nature and seriousness of the offense;

3. The circumstances under which the offense occurred;

4. The date of the offense;

5. The age of the person when the offense was committed;

6. Whether the offense was an isolated or repeated incident;

7. Any social conditions which may have contributed to the offense; and

8. Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

(d) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the Town's Human Resources Department.

Section 7. A new Section 25-60 is hereby created as follows:

§ 25-60 Penalties.

A. Failure to comply with this ordinance may result in the Town withholding funding for the Youth Program, prohibiting the use of Town facilities, and/or withholding funding for facility maintenance.

B. Any individual who has been advised, verbally or in writing of his/her disqualification to participate and continues to participate upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

1. A fine of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00);
2. Each continuing violation of this article shall constitute a separate offense.

Section 8. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 9. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 10. Effective Date. This Ordinance will 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. Elvidge and unanimously carried, the hearing was closed.

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Absent	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.

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.

Deputy Mayor Levante requested Resolution #186-2016 be removed for discussion.

RESOLUTION # 176-2016*

CONCUR WITH THE TOWN MANAGER 'S APPOINTMENT OF A SCHOOL CROSSING GUARD

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...”;

November 14, 2016

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 individual as a School Crossing Guard for the 2016-2017 school year:

Melinda Whittaker

RESOLUTION # 177-2016*

AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on November 3, 2016, the members of the Authority approved an appropriate agreement for calendar year 2017 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2017.

RESOLUTION # 178-2016*

AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROAD SALT AND SNOW GRIT FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON

WHEREAS, the County of Sussex advertised and received bids for road salt and salt grit; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System; and

WHEREAS, the following vendors were awarded contracts for road salt and snow grit and have extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

Rock Salt

Cargill, Inc.
24950 County Club Blvd.
North Olmsted, OH 44070

Snow Grit

284 Aggregates, LLC
10 Route 284
Wantage, NJ 07461

WHEREAS, the County has awarded contracts at the price of \$58.72 per ton of road salt, and \$10.75 per ton for snow grit, with such prices good through May 31, 2017; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2016 Town of Newton operating budget to award these contracts for the 2016 portion of the contracts up to \$45,000, with the balance subject to adequate funds being appropriated in the 2017 operating budget based on the usage of the prior three (3) years;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton does hereby award a contract for the purchase of road salt from Cargill, Inc., at the Sussex County price of \$58.72 per ton through May 31, 2017 and the purchase of snow grit from 284 Aggregates, LLC., at the Sussex County price of \$10.75 per ton.

RESOLUTION # 179-2016*

AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE STATE OF NEW JERSEY REGARDING FLASHING WARNING BEACON INSTALLATION ON ROUTE 206

WHEREAS, there is a school facility with high pedestrian activity within the limits of Route 206 NB (M. P. 108.4), in the Town of Newton, in the County of Sussex, which requires the installation and operation of flashing school warning sign(s) with flashing beacon(s); and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian vehicular traffic; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby authorize executing an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made part hereof; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk of the Town of Newton, be an hereby are authorized to execute said Agreement.

RESOLUTION # 180-2016*

APPROVAL OF THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BYRAM TOWNSHIP TO PROVIDE CERTIFIED TAX COLLECTION SERVICES FOR JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

WHEREAS, the Township of Byram ("Byram") required the services of a Certified Tax Collector on an occasional and part-time basis; and

WHEREAS, the Town of Newton ("Newton"), under Resolution #164-2014, approved a shared services agreement dated August 25, 2014 whereby Newton provided the services of its Certified Tax Collector, Linda A. Roth, on an occasional and part-time basis to Byram; and

WHEREAS, Newton, on March 9, 2015 adopted Resolution #35-2015, extended said agreement which expires December 31, 2015, and on December 28, 2015 adopted Resolution #277-2015 extended said agreement through December 31, 2016; and

WHEREAS, Newton has submitted to Byram the attached agreement dated January 1, 2017 which outlines the terms and conditions of a new shared services agreement between Newton and Byram for Newton's Certified Tax Collector, Linda A. Roth, to perform tax collection duties for Byram on an occasional and part-time basis from January 1, 2017 through December 31, 2017; and

WHEREAS, the State of New Jersey strongly encourages municipalities to enter into Shared Services Agreements such as this;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby approves and authorizes the execution of a new Shared Services Agreement with the Township of Byram for the provision of certified tax collection services.

RESOLUTION # 181-2016*

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN AGREEMENT WITH THE CANNING GROUP, LLC FOR THE PROVISION OF QUALIFIED PURCHASING AGENT SERVICES

WHEREAS, the Town of Newton is in need of Qualified Purchasing Agent ("QPA") services; and

WHEREAS, The Canning Group, LLC can provide QPA services, in accordance with N.J.S.A. 40A:11-9;

WHEREAS, the QPA services are exempt from bidding requirements per N.J.S.A. 40A:11-3, et. seq.; and

November 14, 2016

WHEREAS, the Town of Newton desires to enter into an agreement with The Canning Group, LLC for QPA services, effective November 1, 2016 through December 31, 2017, as set forth in the attached Agreement;

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

1. The Town Manager is hereby authorized to execute the Agreement between the Town of Newton and the Canning Group, LLC for QPA services; and
2. This Resolution shall take effect immediately.

RESOLUTION # 182-2016*

APPROVE 2016 APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2016 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Town Council SW 1052100	Town Council OE 1052200	500.00
Building & Grounds OE 1061200	Legal OE 1058200	6,000.00
Social Security OE 1098298	DCRP OE 1098294	1,200.00
Code Enforcement SW 1077400	Code Enforcement OE 1077500	1,000.00
TOTAL CURRENT TRANSFERS		<u>\$8,700.00</u>

RESOLUTION # 183-2016*

RESOLUTION APPROVING VACATION LEAVE PAYOUTS FOR KYLE BUCENEC AND DEBRA MILLIKIN

WHEREAS, Kyle Bucenec, Deputy Municipal Court Administrator with the Town of Newton, resigned effective October 14, 2016 and Debra Millikin, Deputy Town Manager and Community Development Director with the Town of Newton, resigned effective October 28, 2016; and both are entitled to payout for unused and accrued vacation leave, pursuant to applicable law, Town ordinances, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook;

NOW, THEREFORE BE IT RESOLVED, the Town Council authorizes the following payout for unused and accrued vacation leave to Kyle Bucenec and Debra Milikin as follows:

<u>EMPLOYEE</u>	<u>RESIGNATION DATE</u>	<u>PAYOUT</u>
TOTAL		
Kyle Bucenec	October 14, 2016	\$794.77
Debra Millikin	October 28, 2016	\$2,412.89

BE IT FURTHER RESOLVED, that appropriate Town employees are hereby authorized to make the payments set forth above, with any required revisions to the payout amounts done as necessary.

RESOLUTION # 184-2016*

APPROVAL OF AN INITIAL APPLICATION To TAXICAB DRIVER 'S LICENSE FOR LINDA AIGOTTI

WHEREAS, the Code of the Town of Newton requires under §283-2, **License Required**. "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

November 14, 2016

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising the initial Taxicab Driver's License application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, we hereby approve the application for the initial Taxicab Driver's License submitted by Linda Aigotti, 6 Maple Avenue, Newton, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on November 14, 2017.

RESOLUTION # 185-2016*

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) 2009 Ford Crown Victoria Police Interceptor
VIN:2FAHP71V99X101334
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 # 187-2016*

RESOLUTION APPOINTING FUND COMMISSIONER FOR THE STATEWIDE INSURANCE FUND

WHEREAS, the Town of Newton (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Newton that Thomas S. Russo, Jr. is hereby appointed as the Fund Commissioner for the Local Unit for the year 2017; and

BE IT FURTHER RESOLVED that Jennifer A. Dodd is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2017; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Town of Newton

By: _____
Sandra Lee Diglio, Mayor

November 14, 2016

ATTEST:

Lorraine A. Read, Municipal Clerk

This Resolution agreed to the 14th day of November, 2016 by a vote of:

____ Affirmative ____ Abstain ____ Negative ____ Absent

RESOLUTION # 188-2016*

APPOINTMENT OF KEITH MITCHELL AS RISK MANAGEMENT CONSULTANT FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2017

WHEREAS, the Town of Newton (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The Town of Newton hereby appoints Keith Mitchell its local Risk Management Consultant.
2. The Town Manager and Municipal Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2017 in the form attached hereto.

Name of Entity: Town of Newton

Attest:

Lorraine A. Read, Municipal Clerk

Sandra Lee Diglio, Mayor

RESOLUTION # 189-2016*

RESOLUTION OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, URGING THE OWNERS OF THE HUDSON FARM PROPERTIES A/K/A MMK REINSURANCE TO SUPPORT THE LACKAWANNA CUT OFF RESTORATION PROJECT

WHEREAS, New Jersey Transit, in an effort to restore passenger service to the Lackawanna Cut-Off Rail line in Sussex County has been working on a project to extend the commuter rail service from Port Morris Junction to Andover Township; and

WHEREAS, the extension of the line is a \$61 million project funded by the Federal Government and the NJ Transportation Fund; and

WHEREAS, it is anticipated that 8 eastbound and westbound trains to the Hoboken Terminal will run from the new Andover Township Train Station on Roseville Road in Andover Township; and

WHEREAS, the last phase of the project has encountered a delay as it is necessary that a culvert be replaced 500 feet upstream from the station and the culvert is located on property owned by Hudson Farm or MMK Reinsurance whereby it has been requested that NJ Transit be permitted to temporarily access the property and upgrade the culvert at no cost or inconvenience to the land owners; and

WHEREAS, notwithstanding that for the past two years NJ Transit has repeatedly made such request to the landowner and conducted meetings and presented specific plans for the reconstruction of the culvert, the property owners have refused to provide consent to access the property; and

November 14, 2016

WHEREAS, as a result of this refusal by Hudson Farms to permit such access, it has stifled the completion of the entire \$61 million project passenger service which, once completed, will bring social, economic, and financial benefits to the residents of Sussex County;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Town Council of the Town of Newton urge the owners of Hudson Farm a/k/a MMK Reinsurance to comply with the request of NJ Transit to permit access to the culvert and construct the last phase of this significant project for the benefit of the residents of Sussex County; and

BE IT FURTHER RESOLVED, that the Town urges other communities to adopt this Resolution to urge owners of significant land holdings in Sussex County to also be stewards of the community and support the Lackawanna Restoration project by simply providing temporary access to less than one per cent of Hudson Farm property to temporarily reconstruct and upgrade a culvert which exists on the premises at no cost to the property owners and for the benefit of the residents of Sussex County.

RESOLUTION # 190-2016*

TO CANCEL GRANT RECEIVABLE AND APPROPRIATED RESERVE FOR UNREALIZED MUNICIPAL ALLIANCE GRANT IN THE AMOUNT OF \$2,725.71

WHEREAS, the Town of Newton received an award in the amount of \$18,772.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex which was appropriated in the 2015 Municipal Budget for a Municipal Alliance Grant; and

WHEREAS, the total costs expended and approved total \$16,046.29; and

WHEREAS, there is a grant receivable balance of \$2,725.71 Due from the County of Sussex, State of New Jersey for Municipal Alliance on the Federal and State Grant balance sheet and an appropriated reserve of the same amount; and

WHEREAS, it is necessary to formally cancel the receivable and appropriation balances;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that we hereby cancel the following receivable and appropriated reserve balances:

Federal & State Grant Fund

Grant Receivable - Municipal Alliance	\$2,725.71
Appropriated Reserves - Municipal Alliance Grant	\$2,725.71

RESOLUTION # 191-2016*

APPOINTMENT OF THOMAS BUTTERFIELD AND ALEX MAJEWSKI AS ALTERNATE MEMBERS OF THE NEWTON PLANNING BOARD

WHEREAS, there are currently several vacancies on the Town of Newton Planning Board for Alternate Members; and

WHEREAS, Thomas Butterfield and Alex Majewski, have both expressed interest in serving on the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Thomas Butterfield and Alex Majewski are hereby appointed to fill two unexpired two-year terms as an Alternate Members of the Newton Planning Board, effective immediately with said terms continuing to December 31, 2017.

RESOLUTION # 192-2016*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER ’S LICENSE FOR LUIS I. ARRAZOLA

WHEREAS, the Code of the Town of Newton requires under §283.2, **License Required**, “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to

the expiration to the Chief of Police”; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Owner’s License application is complete and accurate; and

WHEREAS, in accordance with **§283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Luis I. Arrazola, 6 Paulinskill Lake Road, Fredon, NJ 07822, t/a Champion Limo Service Corporation, which shall expire December 8, 2017;

BE IT FURTHER RESOLVED that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

RESOLUTION # 193-2016*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER ’S LICENSE FOR CARMEN MEDRANO

WHEREAS, the Code of the Town of Newton requires under **§283.2, License Required**. “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Carmen Medrano, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corporation, which expires on December 8, 2017.

RESOLUTION # 194-2016*

APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER ’S LICENSE FOR LUIS I. ARRAZOLA

WHEREAS, the Code of the Town of Newton requires under **§283.2, License Required**. “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s license application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Luis I. Arrazola, 43 Clinton Street, Newton, New Jersey and represents Champion Limo Service Corporation, which expires on December 8, 2017.

RESOLUTION # 195-2016*

APPROVE CHANGE ORDER NO. 1 TO EXTEND COMPLETION DEADLINE FOR FOX HOLLOW LAKE TRANSMISSION MAIN REPLACEMENT PROJECT IN THE TOWNSHIP OF SPARTA FOR THE TOWN OF NEWTON

WHEREAS, the Town of Newton awarded the contract for the Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta for the Town of Newton to Montana Contracting Corp, Inc., on Monday, August 22, 2016 by the adoption of Resolution #142-2016; and

WHEREAS, Montana Contracting Corp, Inc., has requested an extension of the completion date due to the time involved in the manufacturing and delivery of the 20" HDPE and concrete ballast blocks; and

WHEREAS, Harold E. Pellow & Associates, Inc., the Town Engineer has prepared Change Order to extend the completion date from November 15, 2016 to a new completion date of November 30, 2016;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the completion date for the Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta for the Town of Newton is hereby extended from November 15, 2016 to a new completion date of November 30, 2016 due to the time involved in the manufacturing and delivery of the 20" HDPE and concrete ballast blocks.

RESOLUTION # 196-2016*

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

1,168.00	5 DIVA GIRLS	37391
117.00	ABCODE SECURITY INC.	37392
492.50	ACCESS CONTROL TECHNOLOGY INC.	37393
541.63	ACTION DATA SERVICES, INC.	37394
942.00	AG CHOICE, LLC.	37395
512.50	AIDA CHILL	37396
50.00	AMORE BAKERY	37397
2,289.79	BOONTON TIRE SUPPLY INC.	37398
1,770.00	CHELBUS CLEANING CO., INC.	37399
272.73	CINTAS CORPORATION NO. 2	37400
314.51	COMPASS ENERGY GAS SERVICES, INC.	37401
21,970.82	COUNTY OF SUSSEX	37402
51,315.21	COUNTY OF SUSSEX	37403
14,530.26	COUNTY OF SUSSEX	37404
3,674.79	COUNTY OF SUSSEX	37405
818,388.80	COUNTY OF SUSSEX	37406
5,000.00	DOG RESERVE ACCOUNT	37407
9.97	ENOM, INC.	37408
1,067.00	EXTRA TECH DATA SERVICES, LLC.	37409
53.25	FEDERAL EXPRESS	37410
6,500.00	FERRAIOLI, CERULLO & CUVA	37411
922.41	FIRE & SAFETY SERVICES, LTD., INC.	37412
100.00	FIRST UNITED METHODIST CHURCH	37413
312.50	GENSERVE INC.	37414
3,411.00	GOLD TYPE BUSINESS MACHINES	37415
770.00	GRASS ROOTS, INC.	37416
35.00	GREATER NEWTON CHMBR OF COMM.	37417
5,700.00	GREATER NEWTON CHMBR OF COMM.	37418
165.00	HAYDEE BALLESTER	37419
701.26	HOME DEPOT, INC.	37420
1,037.50	J. CALDWELL & ASSOCIATES, LLC.	37421
150.00	JACKI SHACKLETON	37422
383.31	JCP&L	37423
520.00	JOHNNY ON THE SPOT, LLC.	37424
806.00	KAY PRINTING	37425
4,000.00	LADDEY, CLARK & RYAN, LLP	37426
523.75	LADDEY, CLARK & RYAN, LLP	37427
155.05	LAFAYETTE AUTO PARTS	37428
241.16	LAFAYETTE AUTO PARTS	37429
115.00	LINCOLN FINANCIAL GROUP	37430
150.00	LINDA ROTH	37431
99.61	LOWE'S, INC.	37432

November 14, 2016

1,500.00	MCCULLOUGH TREE EXPERTS LLC	37433
93.40	MUNICIPAL SAFETY SUPPLY	37434
37.45	MUNICIPAL SAFETY SUPPLY	37435
76.45	MUNICIPAL SAFETY SUPPLY	37436
504.00	NEOPOST LEASING, INC.	37437
61.80	NEW JERSEY HERALD, INC.	37438
250.00	NEW JERSEY POLICE CHIEFS FOUNDATION	37439
113.00	NEWTON TROPHY	113.00
205.00	NJLM	37441
171,147.00	NJMEBF	37442
600.00	P.O.S. SOLUTIONS, NJ, LLC.	37443
730.75	PELLOW, HAROLD & ASSO, INC.	37444
1,184.07	PIONEER PRODUCTS, INC.	37445
840.00	PORTER LEE CORPORATION	37446
3,834.53	RACHLES/MICHELE'S OIL COMPANY, INC.	37447
137.92	READY REFRESH BY NESTLE	37448
47.18	REISINGER OXYGEN SERVICE, INC.	37449
25.00	RESOLUTIONS	37450
2,237.48	SCHENCH, PRICE, SMITH & KING, LLP	37451
792.96	SCMUA	37452
79.95	SOME'S WORLD WIDE UNIFORMS, INC.	37453
2,017.60	SPECTRUM COMMUNICATIONS, INC.	37454
1,474.04	STAPLES BUSINESS ADVANTAGE, INC.	37455
53.82	STATIONERS INC.	37456
23.55	STRAWAY, THOMAS	37457
44.00	SUSSEX & WARREN TAX COLL	37458
2,649.09	TAYLOR OIL CO., INC.	37459
212.18	THYSSENKRUPP ELEVATOR CORP.	37460
1,590.00	TIRE KING, INC.	37461
1,725.00	TRIMBOLI & PRUSINOWSKI, LLC.	37462
127.23	UNITED TELEPHONE/CENTURY LINK	37463
215.00	USA HOISTCO., INC.	37464
193.79	VERIZON WIRELESS, INC.	37465
157.57	NOV COURT MERCHANT FEE	161067
22,762.50	JP MORGAN CHASE BANK	161066
199,924.71	PAYROLL ACCOUNT	161065
7,941.85	FEDERAL & STATE GRANT	161064
6,949.12	FEDERAL & STATE GRANT	161063
1,052,283.00	NEWTON BOARD OF EDUCATION	161062

CAPITAL

2,800.00	LADDEY, CLARK & RYAN, LLP	8586
2,097.58	PELLOW, HAROLD & ASSO, INC.	8587

Total TOWN BILLS \$ 2,441,018.88

WATER AND SEWER ACCOUNT

90.06	BENNETT SAND & GRAVE, LLC	15955
60.84	BRAEN STONE SPARTA	15956
3,700.00	CHLORINATOR & INSTRUMENT., INC.	15957
211.22	COMPASS ENERGY GAS SERVICES, INC.	15958
132.20	COOPER ELECTRIC SUPPLY CO.	15959
10,747.31	COYNE CHEMICAL CORP., INC.	15960
845.81	CURRENT ACCOUNT	15961
386.00	DOMINICK'S PIZZA LLC	15962
40.00	DUSTIN MCGARRY	15963
9.97	ENOM, INC.	15964
8,970.00	FERRAIOLI, CERULLO & CUVA	15965
3,149.00	GARDEN STATE LABORATORIES INC	15966
1,335.00	GENSERVE INC.	15967
311.50	HOME DEPOT, INC.	15968
15,073.64	JCP&L	15969
8.00	JOSEPH WHITE	15970
1,024.00	LADDEY, CLARK & RYAN, LLP	15971
3,886.60	MOTT MACDONALD GROUP, INC.	15972
762.80	MIRACLE CHEMICAL CO	15973
4,560.00	PASSAIC VALLEY SEWERAGE COMM.	15974

November 14, 2016

3,830.43	PELLOW, HAROLD & ASSO, INC.	15975
951.30	PUMPING SERVICES, INC.	15976
4,847.70	R&D TRUCKING INC	15977
975.00	RESOLUTIONS	15978
690.00	SCMUA	15979
32.00	SISCO, JAMES	15980
85.00	STAPLES BUSINESS ADVANTAGE, INC.	15981
51.11	SUSSEX COUNTY P & H, INC.	15982
85.00	T.A. MOUNTFORD COMPANY, INC.	15983
122.45	WILDFLOWERS WITH TAMI	15984
16,608.21	SPARTA TOWNSHIP TAX COLLECTOR	15954
146,481.25	JP MORGAN CHASE BANK	166032
30,503.92	PAYROLL ACCOUNT	166031

CAPITAL

55,575.00	MONTANA CONTRACTING CORP., INC.	2430
4,548.59	PELLOW, HAROLD & ASSO, INC.	2431

Total WATER & SEWER Bills \$ 320,690.91

TRUST (FUND 71)

1,868.00	ALERT-ALL CORP.	3546
6,070.00	DOMINICK'S PIZZA LLC	3547
826.00	J. CALDWELL & ASSOCIATES, LLC.	3548
352.00	LADDEY, CLARK & RYAN, LLP	3549
1,650.00	LAKELAND BUS LINES, INC.	3550
156.25	LEAL, ALVARO	3551
3,525.00	MADISON SQUARE GARDEN/ENTERTAINMENT	3552
825.00	MADISON SQUARE GARDEN/ENTERTAINMENT	3553
3,795.25	PELLOW, HAROLD & ASSO, INC.	3554
396.50	RIKER, DANZIG, SCHERER, HYLAND, & PE	3555
100.00	TREASURER, TOWN OF NEWTON	3556
5,016.50	PAYROLL ACCOUNT	167122

Total TRUST (FUND 71) \$ 24,580.50

FEDERAL/STATE GRANTS

90.00	ASHLEY MEISINGER	1332
491.70	CURRENT ACCOUNT	1333
544.03	CURRENT ACCOUNT	1334
274.12	DOMINICK'S PIZZA LLC	1335
565.09	HOME DEPOT, INC.	1336
120.00	JACK CHOMA	1337
700.00	LISA BECHTEL	1338
120.00	LISA BECHTEL	1339
120.00	LISA CASAMASSINA	1340
120.00	MARY LICATA	1341
90.00	MIKE GRIFONE	1342
600.00	SCREEN CREATION PLUS	1343
557.70	SHERWIN-WILLIAMS, INC.	1344
371.13	PAYROLL ACCOUNT	161122

Total FEDERAL/STATE GRANTS \$ 4,762.77

DOG RESERVE

12,515.25	TOWNSHIP OF WANTAGE	8558
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Total DOG RESERVE \$ 12,515.25

SUI (FUND 73)

12,515.25	TOWNSHIP OF WANTAGE	8558
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Total DOG RESERVE \$ 12,515.25

HOUSING TRUST FUND (COAH)

1,580.00 J. CALDWELL & ASSOCIATES, LLC. 157

Total HOUSING TRUST FUND (COAH) \$ 1,580.00

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

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

Deputy Mayor Levante requested Resolution #186-2016 be removed and requested a debriefing on this Resolution with full Council present. Noting Mr. Flynn was absent, Deputy Mayor Levante requested Resolution #186-2016 be carried until the next Council meeting.

In order to not hold up the UPSEU contract, Mr. Russo asked that this Resolution be voted on at the next Council meeting even if full Governing Body is not present at the next regular Council meeting.

After a brief discussion, a motion was made by Deputy Mayor Levante to carry **Resolution #186-2016** to November 28, 2016, seconded by Mrs. Le Frois and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Absent	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 noted the New Jersey League of Municipalities (NJLOM) conference is this week and wished everyone attending a good conference.

Mr. Russo advised that Town Hall will be closing at 3 pm on Wednesday, November 23, 2016 and closed on Thursday and Friday in observation of Thanksgiving Holiday.

Mr. Russo wished everyone a Happy and Healthy Thanksgiving.

Mr. Russo advised he attended the North Jersey Transportation Planning Authority

November 14, 2016

(NJTPA) meeting and received an award on behalf of the Town of Newton:

Town of Newton is Street Smart

“Presented with appreciation to the Town of Newton for success in conducting pedestrian safety education campaign activities in partnership with the North Jersey Transportation Planning Authority. Working together we can ensure that all road way users check their vital signs to improve safety on the road”.

Councilwoman Le Frois was pleased with the positive campaign it presented throughout the Town.

Mr. Russo noted the Town intends to work with Transoptions again in 2018 for other streets in Town.

Mayor Diglio requested an update on the paving throughout the Town with the Department of Transportation (DOT). Mr. Russo is waiting on a call back from the DOT Engineer regarding areas of concern as well as an update on the paving project throughout Town.

Councilman Elvidge inquired about RPM project and was advised that the project is proceeding as planned.

Deputy Mayor Levante noted his pleasure with the progress of the downtown business district on Spring Street and its appearance, compared to a year ago.

Mayor Diglio also outlined some positive comments she heard while attending the Festival of Lights event.

Mayor Diglio also summarized a recent letter to editor commending the Town and the various Departments for their assistance with the writer’s recent purchase of property in the Town of Newton. Mr. Russo was pleased with her comment on purchasing additional properties in Town due to the exceptional customer service.

Mayor Diglio reminded everyone about the Holiday Parade to take place on Saturday, November 26, 2016 at 10 am and wished everyone a Happy Thanksgiving.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Councilman Elvidge and unanimously carried, the meeting was adjourned at 8:00 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk