

November 28, 2016

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:06 pm. Present were Mr. Elvidge, Mrs. Le Frois, Mr. Flynn, Deputy Mayor Levante, Mayor Diglio, Thomas S. Russo, Jr., Town Manager and Ursula Leo, 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 Deputy Mayor Levante and carried, the minutes for November 14, 2016 Special and Regular meetings were approved. Mr. Flynn abstained.

### **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."

Sara Ann Megletti, PB & J Stores, on behalf of the Downtown Newton Association (DNA) read the following prepared statement:

"We wish to express our sincerest and strongest support for the code enforcement work accomplished by Debra Doudoukjian. Debra attends each of our monthly DNA meetings and brings us a detailed report of the summonses and fines issued as a result of her work. We are more than excited by the results she has delivered to Newton's residents and commercial property owners. The results are tangible and stand out as a part of a very promising direction in Newton's economic development.

The DNA has been vocal in our priorities: Newton's downtown is suffering with a vacancy rate that approaches nearly 60%. The rate is alarming and is a highly visible sign of economic distress noted by both potential investors and by consumers. We worry that without a full time code enforcement effort, Newton cannot deliver the action necessary to fully combat absentee landlords and general neglect. You have thoughtfully passed the ordinances to allow the town to take legal action against code violators. We implore you to support Debra Doudoukjian's work on a full time basis and provide her the technical support that her office requires for tracking a complex pipeline of legal activity. Through Debra's work you have made progress, but the work is not complete and cannot be accomplished without committing additional resources.

Without question, we commend Debra's extraordinary record - an impressive \$83,000 in fines collected and over 400 summonses issued within a single year. Without question, Debra has established herself as a Code Enforcement Director who wins in court and should not be challenged! And without question, we urge you to make her work a top priority among the long list of activities that contribute to cleaning up Newton's real estate, attracting new investment, and fulfilling Newton's future as a quality destination."

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

### **COUNCIL & MANAGER REPORTS**

#### **a. Code Enforcement Update - Debra Doudoukjian**

Debra Doudoukjian, Code Enforcement Director, made a PowerPoint presentation and read the following prepared statement.

"Good evening,

November 28, 2016

I am Debra Doudoukjian. I am the Code Enforcement Director for the Town of Newton. Thank you for granting me this opportunity to highlight some of our efforts on behalf of the Code Enforcement Department.

First, I want to start with my staff. Jeff Schiffner is the Deputy Code Enforcement Officer and Fire Inspector, who inspects our residential units, not exceeding 2, in the Town of Newton. Jeff manages his own schedule and keeps excellent records. Jeff is always dealing with nervous sellers, nervous buyers and even more nervous real estate agents and attorneys. I have not received one complaint from the public regarding Jeff and believe that he is doing a great job. It is a pleasure to have him on my staff and I am grateful for his sound advice on certain issues over the past year.

Next is Jen Demartino. Jen is very hard-working and continues to learn about real estate in general. She is an integral part of the department and is a pleasure to have on my staff.

I feel very blessed to have such a hard-working and highly respectful team. I thank them both.

My initiation as the Code Enforcement Director started with a two and 1/2 hour walking tour of 'what's wrong with Newton' and 'why can't these issues be addressed' with Mr. Jonathan Andrews of which the Council is very familiar with. Mr. Andrews pointed out what he believed to be tremendous issues with Newton. That day, I took 134 photographs which totaled 52 violations. That is what jump started me as the Director of Code Enforcement.

In the past year, I have issued 237 courtesy letters, 287 Notices of Violation and 39 Final Notices for a total of 1,376 violations overall. I have issued over 400 summonses and \$80,926.00 in fines has been assessed against owners who failed to comply with a Notice of Violation. The fines are only a byproduct of my goal, which is ultimately compliance.

As of October, 2016, we have collected \$11,875.00 for Certificate of Compliance applications for our Smoke Certifications.

I have also recovered \$1,680.00 in DPW costs to maintain a severely neglected property in Town on York Road.

Before we view the slideshow, I just want to take a couple of minutes to thank the many people and groups who have contributed to me and my department. First, I want to thank Mr. Russo who gave me this phenomenal opportunity. Thank you. I need to thank Judge Mulhern and Prosecutor McMeen. Standing before Judge Mulhern in this very room is an honor. I need to give the DPW enormous credit for addressing complaints from the public that I receive on a fairly regular basis. And, of course, I want to thank the Police Department as well. I have also had the pleasure of working with Ursula Leo, the Town Attorney. She is a good sport whenever

I pick her brain on certain areas of the code. And, of course, I want to thank my husband who is here tonight and for his support.

In the last year, I have been working very hard to build relationships with many agencies, groups, businesses and owners. For example, every month, I supply the Downtown Newton Association with a monthly update, which I discuss with this group. I listen to any complaints they might have and relay them back to the departments in town. At these meetings, they share with me their good news and bad news; their successes and failures. They also describe what works and doesn't work for their small businesses. I feel honored to be able to attend these meetings.

In the last year, I have also worked with the State of New Jersey's Department of Environmental Protection on one of our local businesses. He has brought everything I asked into compliance and is taking monthly steps to bring his business into compliance with the State of New Jersey.

I share all open violations with certain life-saving county agencies, so that they are advised of any potential hazards or dangers. I believe that sharing this type of information is an important function of the Code Enforcement Department.

I have also established a working relationship with the Sussex County Health Department. In this past year, they have assisted me on a very difficult matter involving a landlord tenant situation.

In closing, I believe that we have made a lot of progress, but there is so much more that needs to be done. Going forward, I would like to explore the possibility of grant monies to assist our veterans, seniors, businesses and low-income residents. I would like to focus on our blighting problem in our town, especially in the heart of our shopping district; but all of these things require more time than is afforded to me and my department.

I'm going to begin the slideshow now. I gave Jen a list of properties I wanted to showcase here tonight and she did a great job putting this together for us. Jen has the difficult task of tracking all the properties in their varying phases of compliance, as well as tracking all of the numbers I provided here tonight. Thank you, Jen. I greatly appreciate your hard work."

The Council thanked Mrs. Doudoukjian and her staff for their hard work with their code enforcement efforts.

Mr. Russo thanked the Department of Public Works and Water & Sewer for their efforts on the water main break which occurred on Thursday (Thanksgiving Day). He also advised Council the DPW crew is out again this evening with a few water main issues on Lake Avenue as well as Swartswood Road.

Mrs. Le Frois commended the DPW workers for the great job on the water main break on Thanksgiving Day.

Deputy Mayor Levante was extremely grateful of DPW's hard work.

Mayor Diglio also commended DPW for the great job on Thanksgiving Day. They are a great crew and she is "proud of them."

Mr. Flynn thanked Mayor Diglio for her efforts with coordinating the Holiday Parade held on Saturday, November 26<sup>th</sup>.

Mayor Diglio again thanked DPW for their assistance during the Holiday Parade and thanked the Greater Newton Chamber of Commerce for their efforts with the Snowman Scavenger Hunt on Spring Street held after the parade.

Deputy Mayor Levante also commended the Holiday Parade efforts as well as the Scavenger Hunt event held after the parade. He hopes this event continues next year.

Mr. Elvidge asked Mrs. Doudoukjian questions regarding her process of obtaining information on property violations which was addressed by Mrs. Doudoukjian.

**ORDINANCES**

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

**ORDINANCE 2016-1 5**

**AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 201 7**

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, 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 December 12, 2016.

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

**ORDINANCE 2016-1 6**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$240,000.00 FOR ROTATING BIOLOGICAL CONTACTORS (RBC 'S) AT THE WASTEWATER TREATMENT PLANT IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
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November 28, 2016

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 December 12, 2016.

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

Councilman Flynn requested a summary prior to reading the Ordinance which was addressed by Mr. Russo.

**ORDINANCE 2016-1 7**

**AN ORDINANCE AMENDING NEWTON TOWN CODE SECTION 100-19 REGARDING WATER AND SEWER CONNECTION FEES AND RATES AND NEWTON TOWN CODE SECTION 228-19 REGARDING WATER AND SEWER BILLING**

The aforementioned **ORDINANCE** was offered by Deputy Mayor Levante, who moved its introduction, seconded by Mr. Elvidge 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 December 12, 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.

**RESOLUTION # 197-2016\***

**APPOINTMENT OF MARGARET BALDINI AS AN ALTERNATE MEMBER OF THE HISTORIC PRESERVATION ADVISORY COMMISSION**

**WHEREAS**, there is currently a vacancy on the Historic Preservation Advisory Commission for an Alternate Member; and

**WHEREAS**, Margaret Baldini has expressed interest in serving as a member on the Historic Preservation Advisory Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Margaret Baldini is hereby appointed to a two-year term as Alternate Member No. 1 of the Newton Historic Preservation Advisory Commission, effective January 1, 2017 with said term continuing to December 31, 2018.

**RESOLUTION # 198-2016\***

**RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AUTHORIZING THE DESIGNATION OF A REDEVELOPER FOR THE MCGUIRE REDEVELOPMENT AREA AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN ESCROW AGREEMENT IN CONNECTION THEREWITH**

**WHEREAS**, on October 28, 2013, the Newton Town Council (the "**Town Council**"), pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"), adopted a resolution designating certain property identified on the official tax maps of the Town as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 on the Official Tax Maps of the Town as an area in need of redevelopment (the "**McGuire Redevelopment Area**"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Town Council, in accordance with the applicable provisions and requirements of the Redevelopment Law, adopted by ordinance a redevelopment plan dated February 19, 2015 for the Redevelopment Area (the "**McGuire Redevelopment Plan**"); and

**WHEREAS**, the Town Council wishes to designate Woodmont Properties, with offices located at 100 Passaic Avenue, #240, Fairfield, New Jersey 07004 ("**Woodmont**") as redeveloper of the McGuire Redevelopment Area so the Town and Woodmont may negotiate a redevelopment agreement and a financial agreement; and

**WHEREAS**, the Town and Woodmont wish to establish a mechanism for the provision of sufficient funds so the undertaking of negotiations and work in connection with the redevelopment agreement and financial agreement causes no financial hardship to the Town;

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

I. **GENERAL**

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

II. **EXECUTION OF AN ESCROW AGREEMENT**

(a) The Town Council hereby authorizes the Town Manager, in consultation with the Town Attorney and Redevelopment Counsel, to negotiate an escrow agreement with Woodmont providing for the payment of Town costs incurred in connection with consideration of Woodmont's proposed development plans and concepts and alternatives thereto, if and as appropriate, the development and adoption of amendments to the redevelopment plan for the McGuire Redevelopment Area, negotiation and preparation of a redevelopment agreement, and negotiation and preparation of a financial agreement.

(b) The Mayor is hereby authorized to execute said escrow agreement.

III. **DESIGNATION OF REDEVELOPER; NEGOTIATION OF A REDEVELOPMENT AGREEMENT AND FINANCIAL AGREEMENT**

(a) The Town Council hereby designates Woodmont as redeveloper of the McGuire Redevelopment Area, subject to the limitations set forth in paragraphs (b), (c) and (d) below, and further directs and authorizes the Town Manager, together with the Town Attorney and Redevelopment Counsel, along with such other Town officials as may be necessary, to negotiate a redevelopment agreement (and if and as appropriate, a financial agreement) with Woodmont during that time.

(b) The designation of Woodmont as redeveloper of the McGuire Redevelopment Area shall be effective upon Woodmont's execution of an escrow agreement in a form acceptable to the Town and the deposit of the appropriate funds by Woodmont with the Town in accordance with the escrow agreement.

(c) If, at the expiration of six (6) months from the date of adoption of this resolution, (i) the Town Council shall not have executed a Redevelopment Agreement with Woodmont after execution of the same by Woodmont; or (ii) the Town Manager has not authorized a six (6) month extension of the designation of Woodmont and the time for negotiations set forth in this Resolution, then the designation of Woodmont as redeveloper of the McGuire Redevelopment Area shall automatically terminate without the need for any other action by the Town or the Town Council to evidence same.

(d) In the event the Town Manager grants a six (6) month extension of the designation of Woodmont and the time for negotiations set forth in this Resolution, then at the expiration of

twelve (12) months from the date of adoption of this resolution if the Town Council shall not have: (i) executed a Redevelopment Agreement with Woodmont after execution of the same by Woodmont; or (ii) authorized a further extension of the designation of Woodmont and the time for negotiations set forth in this Resolution, then the designation of Woodmont as redeveloper of the McGuire Redevelopment Area shall automatically terminate without the need for any other action by the Town or the Town Council to evidence same.

**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 Clerk.

**VI. EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

**RESOLUTION # 199-2016\***

**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**

156.00	ABCODE SECURITY INC.	37466
387.50	AIDA CAHILL	37467
185.71	AIRGAS EAST	37468
74.74	B & H INC.	37469
3,200.00	BANK OF NEW YORK MELLON	37470
750.00	BLACK LAGOON	37471
49.80	BOONTON TIRE SUPPLY INC.	37472
726.36	CAMPBELL'S SMALL ENGINE INC.	37473
12,000.00	CAPITAL ACCOUNT	37474
526.93	CARTRIDGE WORLD	37475
171.20	CENTURYLINK COMMUNICATIONS, INC.	37476
3,906.57	CENTURYLINK COMMUNICATIONS, INC.	37477
177.74	CINTAS CORPORATION NO. 2	37478
163.76	CINTAS FIRE PROTECTION	37479
848.73	COMPASS ENERGY GAS SERVICES, INC.	37480
48.00	CSS TEST INC.	37481
2,850.62	DANIEL H. SMITH	37482
125.92	EAGLE EQUIPMENT, INC.	37483
1,070.00	EXTRA TECH DATA SERVICES, LLC.	37484
13.80	FEDERAL & STATE GRANT	37485
22.26	FEDERAL EXPRESS	37486
219.50	FIRE FIGHTERS EQUIPMENT CO. INC	37487
80.00	GALLS, LLC	37488
224.00	GARDEN STATE HIGHWAY PRODUCTS, INC.	37489
812.50	GENSERVE INC.	37490
373.60	HARTER EQUIPMENT INC.	37491
1,352.17	J & D SALES & SERVICE, LLC	37492
236.00	J. CALDWELL & ASSOCIATES, LLC.	37493
11,597.02	JCP&L	37494
2,916.67	JOHN MULHERN	37495
475.00	JOHNNY ON THE SPOT, LLC.	37496
25.00	KATHERINE WALKER	37497
2,950.00	KML TECHNOLOGY INC	37498
2,458.33	LADDEY, CLARK & RYAN, LLP	37499
3,361.80	LADDEY, CLARK & RYAN, LLP	37500
359.76	LAKELAND AUTO PARTS	37501

November 28, 2016

1,840.00	LINCOLN FINANCIAL GROUP	37502
17.50	LOCK & KEY WORLD	37503
650.00	MCCULLOUGH TREE EXPERTS LLC	37504
28.95	MCGUIRE, INC.	37505
123.00	MCMANIMON, SCOTLAND & BAUMANN, LLC	37506
877.50	MINISINK PRESS INC	37507
3,850.00	L-3 COMM. MOBILE-VISION	37508
822.86	MORRIS ASPHALT SUPPLY, LLC	37509
83.20	MR. JOHN, INC.	37510
226.90	NEW JERSEY HERALD, INC.	37511
656.57	ELIZABETHTOWN GAS	37512
694.90	PENTELEDATA	37513
882.66	PRIME LUBE, INC.	37514
165.00	PROFESSIONL GOVT EDUCATORS INC	37515
222.33	READ, LORRAINE	37516
80.58	READY REFRESH BY NESTLE	37517
5.91	SEBRING AUTO PARTS, ICN.	37518
19.42	SERVICE ELECTRIC CABLE TV	37519
1,229.17	SLOAN, JAMES PPC.	37520
409.90	SOME'S WORLD WIDE UNIFORMS, INC.	37521
4,738.00	STAMP FULFILLMENT	37522
1,015.90	STAPLES BUSINESS ADVANTAGE, INC.	37523
118.45	STAPLES BUSINESS ADVANTAGE, INC.	37524
5,000.00	SUI ACCOUNT	37525
357.90	SUNLIGHT GENERAL	37526
140.00	SUSSEX CAR WASH INC	37527
30.00	TERESA ANN OSWIN	37528
640.00	THE BUZAK LAW GROUP, LLC.	37529
4,384.87	TIMMERMAN COMPANY, INC.	37530
1,595.89	VERIZON WIRELESS, INC.	37531
811.24	VITAL COMPUTER RESOURCES, INC.	37532
645.00	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	37533
60.00	WILDFLOWERS WITH TAMI	37534
1,052,283.00	NEWTON BOARD OF EDUCATION	161071
192,582.60	PAYROLL ACCOUNT	161070
7,875.00	BNY MELLON	161069
90,920.00	BNY MELLON	161068

**CAPITAL**

58,764.00	ESI EQUIPMENT INC.	8588
190.80	NEW JERSEY HERALD, INC.	8589

**Total TOWN BILLS    \$ 1,489,935.99**

**WATER AND SEWER ACCOUNT**

280.00	ACCURATE WASTE REMOVAL INC.	15986
36.65	AIRGAS EAST	15987
86.00	AMERICAN WATER WORKS ASSOC	15988
739.98	AZUL CORE	15989
33,935.00	BEYER FORD	15990
466.90	CAMPBELL'S SMALL ENGINE INC.	15991
3,153.33	CAPITOL SUPPLY CONST PRODUCTS, INC.	15992
39.07	CENTURYLINK COMMUNICATIONS, INC.	15993
1,198.03	CENTURYLINK COMMUNICATIONS, INC.	15994
647.95	COMPASS ENERGY GAS SERVICES, INC.	15995
530.27	COOPER ELECTRIC SUPPLY CO.	15996
7,997.41	COYNE CHEMICAL CORP., INC.	15997
1,809.00	EXTRA TECH DATA SERVICES, LLC.	15998
750.00	FRANK SEMERARO CONSTRUCTIN, INC.	15999
1,075.00	GARDEN STATE LABORATORIES INC	16000
1,335.00	GENSERVE INC.	16001
14,772.12	JCP&L	16002
1,521.60	KISTLER O'BRIEN FIRE PROTECTION, IN	16003
160.00	LADDEY, CLARK & RYAN, LLP	16004
37.94	LOWE'S, INC.	16005
632.50	MINISINK PRESS INC.	16006
3,113.88	MOHAWK LTD.	16007

November 28, 2016

115.80	NEW JERSEY HERALD, INC.	16008
463.84	ELIZABETHTOWN GAS	16009
219.90	PENTELEDATA	16010
5,365.00	PUMPING SERVICES, INC.	16011
145.00	RECTIFIER AUTO ELECTRIC	16012
29.58	SHOP RITE, INC.	16013
1,250.00	SMALLEY, JOHN H	16014
1,180.40	STAMP FULFILLMENT	16015
337.35	STAPLES BUSINESS ADVANTAGE, INC.	16016
4,300.00	SUI ACCOUNT	16017
684.95	SUNLIGHT GENERAL	16018
25.00	SUSSEX COUNTY ECONOMIC	16019
223.31	VERIZON WIRELESS, INC.	16020
1,425.00	CURRENT ACCOUNT	166034
29,781.69	PAYROLL ACCOUNT	166033
60.00	NJMVC	15985

**CAPITAL**

334,934.85	MONTANA CONTRACTING CORP., INC.	2432
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**Total WATER & SEWER Bills    \$ 454,859.30**

**TRUST ACCOUNT**

1,074.71	COUNTRY CLUB ICE CREAM, LLC.	3557
213.00	FOREMOST PROMOTIONS, INC.	3558
335.27	IDVILLE	3559
118.00	J. CALDWELL & ASSOCIATES, LLC.	3560
23.52	KATHERINE WALKER	3561
4,193.99	MCMANIMON, SCOTLAND & BAUMANN, LLC	3562
177.25	PELLOW, HAROLD & ASSO, INC.	3563
240.00	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	3564
5,925.00	PAYROLL ACCOUNT	167123

**Total TRUST (FUND 71)    \$ 12,300.74**

**FEDERAL/STATE GRANTS**

300.00	CENTER FOR PREVENTION & COUNSELING	1347
2,750.00	CLARKE CATON HINTZ	1348
2,628.25	CURRENT ACCOUNT	1349
585.00	SCREEN CREATION PLUS	1350
371.13	PAYROLL ACCOUNT	161123

**Total FEDERAL/STATE GRANTS    \$ 6,634.38**

**DEVELOPERS ESCROW (FUND 72)**

225.00	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1266
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**Total DEVELOPER ESCROW (FUND 72)    \$ 225.00**

**RESOLUTION # 200-2016\***

**WATER SEWER CAPITAL BUDGET AMENDMENT**

**Whereas**, the local Water Sewer Capital Budget for the year 2016 was approved on the 25th day of April 2016; and  
**Whereas**, it is desired to amend said adopted Capital Budget Section;  
**Now, Therefore Be It Resolved**, by the Town Council of the Town of Newton, County of Sussex that the following Water Sewer Capital Budget amendment of 2016 be made.

CAPITAL BUDGET (Current Year Action)									
2016									
PLANNED FUNDING SERVICES FOR CURRENT YEAR 2016									
PROJECT	PROJECT NUMBER	ESTIMATED COST	AMOUNTS RESERVED IN PRIOR YEARS	2016 BUDGET APPROPRIATIONS	W/S CAPITAL - CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS
ROTATING BIOLOGICAL CONTACTORS	1	240,000			240,000				
TOTAL ALL PROJECTS		240,000			240,000				

3 YEAR CAPITAL PROGRAM 2016 - 2018									
Anticipated Project Schedule and Funding Requirements									
PROJECT	PROJECT NUMBER	ESTIMATED COST	ESTIMATED COMPLETION TIME	FUNDING AMOUNTS PER YEAR					TO BE FUNDED IN FUTURE YEARS
				BUDGET YEAR: 2016	2017	2018	2019	2020	
ROTATING BIOLOGICAL CONTACTORS	1	240,000	2017	240,000					
TOTAL ALL PROJECTS		240,000		240,000					

3 YEAR CAPITAL PROGRAM 2016 - 2018										
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS										
PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS			W/S CAPITAL - CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES		
		CURRENT YEAR 2016	FUTURE YEARS					GENERAL	SELF LIQUIDATING	ASSESSMENT
ROTATING BIOLOGICAL CONTACTORS	240,000				240,000					
TOTAL ALL PROJECTS	240,000				240,000					

**Be It Further Resolved**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and Chief Financial Officer.

A motion was made by Mr. Flynn to approve the **COMBINED ACTION RESOLUTIONS**, 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		

**INTERMISSION** - None

**DISCUSSION** - None

**OPEN TO THE PUBLIC**

Margaret (Peggy) Baldini, 5 Barry Lane, asked a few questions regarding the recent water main break which was addressed by Mr. Russo.

Ms. Baldini also had questions regarding the renewal of the Town Manager's contract. She expressed her disappointment with the Town Manager's contract benefits.

Ms. Baldini also stated, based on her experience with Mrs. Doudoukjian, that she is a bully.

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

**COUNCIL & MANAGER COMMENTS**

Councilwoman Le Frois commended Mr. Russo on all of his accomplishments serving as Town Manager in the past 9 years and completely supports his work ethic and his contract.

Deputy Mayor Levante expressed his support of Mr. Russo and the work that he does as Town Manager. He was thankful for his work during the emergency on Thanksgiving Day.

Mayor Diglio advised she and Mr. Russo purchased food for the DPW workers on Thanksgiving Day during the water main break. She elaborated on how the community came together during this emergency situation and was proud and appreciative for their generosity.

Councilwoman Le Frois expressed her appreciation for all those who participated in the Holiday parade on Saturday, November 26, 2016. It was well attended and a great jumpstart to the Holiday Season.

Deputy Mayor Levante offered his condolences to the family who lost their daughter, Aryanna Brahs, who passed away on Sunday. Aryanna was present, on the firetruck, at the parade on Saturday.

**EXECUTIVE SESSION**

Mayor Diglio read Resolution #201-2016. Upon motion of Mr. Flynn, seconded by Mrs. Le Frois and unanimously carried, Council entered Executive Session at 7:53 pm.

Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Levante and unanimously carried, Council left Executive Session at 8:17 pm.

**RESOLUTIONS**

**RESOLUTION # 186-2016**

**AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE UNITED PUBLIC SERVICE EMPLOYEES UNION**

**WHEREAS**, the terms of a contract covering the three-year period from January 1, 2016 to December 31, 2018 have been negotiated by representatives of the United Public Service Employees Union "UPSEU" and representatives of the Town of Newton; and

**WHEREAS**, an appropriate contract reflecting the changes from the previous agreement has been prepared and executed by UPSEU representatives;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor, and the Municipal Clerk and other appropriate Municipal Officials to execute said three-year contract covering calendar years 2016, 2017, and 2018 with the United Public Service Employees Union.

A motion was made by Mrs. Le Frois to approve **Resolution #186-2016**, seconded by Deputy Mayor Levante and roll call resulted as follows:

November 28, 2016

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 resolution.

**RESOLUTION # 202-2016**

**ACCEPTANCE OF PERFORMANCE BOND FOR NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P .**

**WHEREAS**, Newton Town Centre Urban Renewal Associates, L.P. (“Newton Town Centre”) is required to post a performance bond, in accordance with the Developer’s Agreement executed as a condition of a resolution of the Newton Planning Board, dated January 21, 2015, in the application of Newton Town Centre for final site plan approval and variance relief for Block 8.05, Lots 4, 7, 8, and 9; and

**WHEREAS**, the performance bond cost estimate prepared by Inglese Architecture and Engineering established the total performance guarantee bond estimate for certain site improvements that are to be constructed within the public right-of-way as part of the Newton Town Centre project to be \$229,766.00; and

**WHEREAS**, Newton Town Centre has provided a Performance Bond in the amount of \$229,766.00 with Arch Insurance Co., which has been reviewed by the Town of Newton Attorney and Engineer and found acceptable as to form and content; and

**WHEREAS**, the Town professionals have recommended to the Town that the Performance Bond be accepted;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town of Newton that the Town accepts the Performance Bond issued by Arch Insurance Co. on behalf of Newton Town Centre in the amount of \$229,766.00.

A motion was made by Mrs. Le Frois to approve **Resolution #202-2016**, seconded by Mr. Elvidge and roll call resulted as follows:

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

Mrs. Le Frois congratulated Mr. Flynn on his recent appointment to the New Jersey League of Municipalities (NJLOM) Board.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Deputy Mayor Levante and unanimously carried, the meeting was adjourned at 8:26 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk