

February 13, 2017

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

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, 2016."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion Deputy Mayor Levante, seconded by Mr. Flynn and carried, the minutes for January 30, 2017 Regular and Special meetings were unanimously 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."

Marcy Golden, 12 Lake Hawthorne Rd, Sparta read from a prepared statement.

"There is a large group in our community against this type of plan for Sparta Mountain. This plan reads like the kind of justification timber management agencies emphasize to persuade the public that logging large trees is "healthy" and restores balance. This plan is treating our urban state of New Jersey the same way it manages millions of acres out west. It was not many years ago, that the Highlands act went into effect. At that time there was a lot of excitement among wildlife specialists about the benefits of a contiguous green belt for wildlife. The Highlands coalition, Sierra Club, and many members of the community still believe this approach is best for water quality and wildlife. This new approach of fragmenting the forest by clear cutting is still an experiment. The Golden Winged Warbler is alive and well living in Massachusetts. Perhaps due to climate change it will no longer live in this area no matter how many forests we log. The Golden Winged Warbler is also cross breeding with the Blue Winged Warbler another aspect of nature out of our control. How many times have we seem people try and manipulate our environment for the better only to see that something was missed or did not go as planned?"

Adjacent land in this area has a list of 42 species listed as rare or threatened. This area is a natural heritage priority site has a plant survey been done on this track of land? This area is key to our water supply once it is clear cut will use of herbicides be used to prevent invasive species, as has been recommendation by New Jersey fish and wildlife in adjacent clear cuts? Lastly this plan has been drawn up by a forester. Many of us do not see this as a "win win" or "that it will fit nicely with the mosaic already created". We see this as an experiment with our water quality and a win for the logging industry".

Submitted by,

Marcy Golden

12 Lake Hawthorne Rd., Sparta, NJ

Silvia Solaun, 2 Megan Terrace, Sparta, addressed Council and expressed her opposition on the Timber Harvest Plan addressing concerns with regard to the potential impact on the water source at Morris Lake.

Stella Dunn, 24 Hillside Terrace, Newton, Board of Education (BOE) representative, addressed Council and asked for support with the BOE's campaign to restore school funding to the Newton School District. She explained that Newton only receives 56% of State Aid. Ms.

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Dunn provided a chart, recently posted in the NJH, which shows each school district and the State Aid amount to be funded by the State of New Jersey in 2017. She noted that the majority of the districts received over 100% of State Aid.

After a lengthy discussion, Council agreed to create a Resolution in support of the Newton District receiving more than the 56% of State Aid to be funded in 2017.

Susan Williams, resident of Sparta, read from a prepared statement:

To: Mayor Diglio, Deputy Mayor Levante, Council Members Elvidge, LeFrois and Flynn and Town Manager, Mr. Russo

Date: Monday, February 13, 2017

Re: Resolution #20-2017

“Resolution Awarding Contracting for Timber Harvesting Services to Acheson Wood Services, Inc.”

My name is Susan Williams. I am speaking as a concerned environmentalist and Sparta resident who has the potential to be impacted by your logging activity. I would like my statement to be added to the public record.

I understand that this is private property and the landowners can do as they please but I have some questions about the potential impact and cost to Sparta Township that could be caused by your logging activity. Please consider the following:

1. The documents don't give specific dates of the logging to be done. One of the documents mentions the narrow season given the endangered bats nesting activities but actual dates aren't specified.
2. Who will foot the bill when there is damage in Sparta Township due to soil erosion and mudslides?
3. Who will be responsible for the potential negative impacts to water quality this type of logging and the resultant soil disturbance will cause to the people in the area who have wells?
4. What about the Highlands Act?? Are they supposed to get approval from the Highlands Council? Why are they able to disturb the area when others would be fined?
5. There are no buffers on vernal pools or wetlands in the plan.
6. There is no statement about the age of the trees.
7. This plan ignores the impact to stream buffers and that the compaction of equipment and skidders will cause runoff.
8. This plan ignores that the loss of canopy threatens the existing endangered species who depend on interior forests.

Thank you for your anticipated assistance to review and answer my questions.

Yours In Protecting The Environment and Our Natural Resources,

Susan Williams
Chair, Skylands Group
SkylandsGroup@gmail.com

“What is the use of a house if you haven't got a tolerable planet to put it on?”
-- Henry David Thoreau

Marvin Feil, 69-75 Sparta Avenue, Newton, also opposed the Resolution which would allow timber harvesting services to be completed at Morris Lake.

Brenna Tekley, 19 Mt. View Street, Newton, also expressed concern regarding the timber harvesting to be completed at Morris Lake and feels the Town has not completed an environmental impact study on this project.

COUNCIL & MANAGER REPORTS

ORDINANCES

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

ORDINANCE 2017-3

AN ORDINANCE AMENDING SECTIONS 320-3, DEFINITIONS, AND 320-25D(3), SIGN LIGHTING, REGARDING SIGN LUMINANCE

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its adoption, 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	

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.

RESOLUTION # 20-2017*

RESOLUTION AWARDING CONTRACTING FOR TIMBER HARVESTING SERVICES TO ACHESON WOOD SERVICES, INC.

WHEREAS, The Town of Newton desires to have timber harvesting work completed on its property owned at Morris Lake, as recommended by consulting forester, Doug Tavella, as set forth in the Timber Harvesting Report, dated August 22, 2016; and

WHEREAS, N.J.S.A. 40A:11-6.1 permits the award of contracts after soliciting at least two competitive quotations, if practicable, for contracts less than the bid threshold but 15% or more of that amount; and

WHEREAS, the value of harvesting work to be performed will be less than \$40,000 and shall not meet the bid threshold;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council and Mayor hereby authorize solicitation of competitive quotations for the award of timber harvesting and award the contract to Acheson Wood Services, Inc., 94 Fredon Marksboro Road, Newton, NJ.

RESOLUTION # 21-2017*

AUTHORIZE ACCESS CONTROL TECHNOLOGY THE AWARD OF A PROPRIETARY CONTRACT

WHEREAS, the Police Department has a need for access control security systems; and

WHEREAS, it has been determined the software and technology systems in place for the existing system installed by Access Control Technology are in need of maintenance, software upgrade and at times repair; and

WHEREAS, the majority of the security systems operate on a proprietary platform that was installed in 2004 and authorized under Resolution #68-2004 and any upgrades must be compatible with this system; and

WHEREAS, the "Local Public Contracts Law" provides that except for contracts which require the performance of professional services, all contracts or agreements that are less than the bid threshold but are fifteen percent (15%) or more of that amount, two competitive quotations, whenever practicable, shall be solicited by the contracting agent; and

WHEREAS, N.J.S.A. 40A:11--5(dd) provides that goods or services may be purchased by an authorizing resolution of the governing body without public bidding if such goods or services are for the purchase, support or maintenance of proprietary software; and

WHEREAS, Access Control Technologies has provided a proposal to the Police Department to furnish, install, maintain, upgrade and other support in the amount of \$18,650.00; and

WHEREAS, the Police Department has reviewed the proposal and hereby recommends authorizing a contract with Access Control Technology for purchase, installation, maintenance and upgrades to the security system;

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of February, 2017 that the Town Council of the Town of Newton does hereby authorize an agreement with Access Control Technology Inc. for the maintenance and software upgrade contract of existing system components with proprietary Access Control Technology in the amount of \$18,650.00.

RESOLUTION # 22-2017*

RESOLUTION APPOINTING A HEARING OFFICER AND ALTERNATE PURSUANT TO CHAPTER 213, ARTICLE III OF THE CODE OF THE TOWN OF NEWTON RELATED TO HOLDING CERTAIN LANDLORDS RESPONSIBLE FOR DISORDERLY TENANT BEHAVIOR

WHEREAS, Chapter 213, Article III of the Code of the Town of Newton, "Holding Certain Landlords Responsible for Disorderly Tenant Behavior", provides that a Hearing Officer, who is a New Jersey licensed attorney who does not own or lease any property within the Town of Newton or hold any interest in the assets or profits arising from the ownership or lease of such property within the Town of Newton, shall be appointed by the Town Council; and

WHEREAS, said legal services are needed for calendar year 2017, which professional services are awarded under non-fair and open contracts pursuant to N.J.S.A. 40A:11-5;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the Town Council authorizes the Mayor and Municipal Clerk to execute an agreement reappointing Kellen F. Murphy, Esq. of Riker, Danzig, Scherer, Hyland, Perretti, as the Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and Glenn T. Gavan, Esq. of the Law Offices of Criscuoli & Gavan, LLC as the alternate Hearing Officer pursuant to Section 213-11, et seq. of the Newton Town Code; and

BE IT FURTHER RESOLVED, that this Resolution and a copy of each agreement is to be provided to each attorney and shall be advertised and is on file and available for public inspection in the office of the Municipal Clerk.

RESOLUTION # 23-2017*

AUTHORIZING THE RECEIPT OF BIDS TO LEASE SPACE ON THE HIGH STREET WATER TANK FOR THE INSTALLATION OF CELLULAR COMMUNICATION EQUIPMENT

WHEREAS, the Town Council of the Town of Newton desires to offer a lease for a term of five (5) years with three (3) five (5) year renewal options for the installation of cellular communication equipment on the Town of Newton's Water Tank located on Block 4.05, Lot 3, 150 High Street, State Highway Route 94, Newton, New Jersey; and

WHEREAS, the Town of Newton intends to award the lease to the bidder whose proposal contains the highest rental amount to be paid to the Town of Newton for the initial term of the lease; and

WHEREAS, the Town Attorney prepared the bid specification package, and the Town Council desires to authorize the bids and the receipt of bids in accordance with the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-14; and

WHEREAS, the anticipated bid receipt date is March 8, 2017, at the Newton Town Hall, at 10:30 a.m.;

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 Council of the Town of Newton authorizes the receipt of sealed bids in order to lease for space for installation of cellular communication equipment on the Town of Newton's High Street Water Tank at a minimum rental amount of \$4,500.00 per month (\$54,000.00 per year) for the first year of the lease term, with the rent to be increased by the greater of the change in CPI during the course of each year of the lease or three (3) percent. The lease also includes the option to extend the lease term for three (3) five (5) year renewal periods.
2. The Town Council intends to award the bid at the second Council meeting after the bid opening date as required by N.J.S.A. 40A:12-14.
3. The Town Council reserves the right, upon completion of the bidding process, to accept the highest bid or reject all bids.
4. The Town's Qualified Purchasing Agent is authorized to receive bids for the lease.
5. This Resolution shall take effect immediately.

RESOLUTION # 24-2017*

APPOINTMENT OF GEORGE W. WINK AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD

WHEREAS, there currently is vacancy on the Town of Newton Planning Board for an Alternate Member; and

WHEREAS, George W. Wink has expressed an interest in serving on the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that George W. Wink is hereby appointed to fill an unexpired two-year term as an Alternate Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2018.

RESOLUTION # 25-2017*

APPOINTMENT OF JACK DURKIN TO THE NEWTON HOUSING AUTHORITY

WHEREAS, Jack Durkin has expressed interest in serving as a Regular Member of the Newton Housing Authority; and

WHEREAS, Dr. Kimberly Iozzi, Executive Director of the Newton Housing Authority, recommends appointing Mr. Durkin;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Jack Durkin is hereby appointed to an unexpired five-year term on the Newton Housing Authority, effective immediately with said term continuing to April 30, 2018.

RESOLUTION # 26-2017*

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 2016 and 2017 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

RESOLUTION # 27-2017*

APPOINTMENT OF JASON MILLER AND DANIEL FINKLE AS DEPUTY EMERGENCY MANAGEMENT COORDINATORS

BE IT RESOLVED by the Town Council of the Town of Newton that Jason Miller and Daniel Finkle are each hereby appointed to a three-year term as Deputy Emergency Management Coordinators for the Town of Newton, in accordance with State law. Said terms will expire on December 31, 2019.

RESOLUTION # 28-2017*

APPROVE 2016 APPROPRIATION RESERVE TRANSFERS

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

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Code Enforcement SW 1077400A	Planning Board OE 1062216A	\$200.00
Election OE 1051500A	Legal OE 1058296A	\$1,000.00
Utility - Elec 1089225A	LOSAP OE 1094500A	\$4,000.00
Recycling OE 1083200A	Legal OE 1058296A	\$2,000.00
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TOTAL CURRENT TRANSFERS		\$7,200.00

The Clerk presented an off-premise raffle (50-50) from the Newton Pride Foundation, Inc. to be held on Friday, May 26, 2017 at 44 Ryerson Avenue, Newton. It was noted the application was in order and accompanied by the prescribed fees.

At this time, Mr. Russo asked Doug Tavella, Forestry Consultant, to address the comments and issues addressed this evening regarding the Timber Harvesting Plan at Morris Lake.

Mr. Tavella noted the State Forest Service reviewed and approved the Forest Stewardship Plan created four (4) years ago. He noted the Plan is in compliance with all the regulations of the State and Federal government. This Plan is not required to be approved by the Highlands Council. He noted there has been three (3) timber harvest services completed on

this property in the past.

Council thanked Mr. Tavella for his review and for the plan.

Councilman Flynn recused himself on check #1268.

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

INTERMISSION - None

DISCUSSION -

a. Proposed Pool Rates

Deb Danielson, Recreation Supervisor, made a presentation on the proposed 2017 pool rates. Mrs. Danielson outlined the proposed increased fees to the Newton pool membership for 2017. She noted there has not been an increase for many years. She outlined the membership benefits as well as additional events to be planned for this year. She also noted the daily rate will remain the same at \$5.00 general admittance and \$3.00 for Seniors. Mrs. Danielson will provide Council with documentation with the surrounding pool fees as well as the additional events provided to the residents during the pool season.

After a brief discussion, a majority of the Council agreed to move forward with the increased pool fees. Mr. Russo will work with legal counsel on the Ordinance.

b. 2017 Municipal Budget Discussion Continued

At this time, Mr. Russo and Chief Mike Richards outlined and reviewed the Newton Police budget,

Chief Richards outlined two items requested in the Capital Improvement Fund (CIF).

After a brief discussion, Council thanked Chief Richards for his budget presentation.

Councilwoman Le Frois commended the Chief and the Newton Police Department on two events which were recently published in the New Jersey Herald.

At this time, Jason Miller and Scott Verkon, Deputy Fire Chief, outlined and review the Fire Department budget.

Mr. Miller provided information on the radios/pages requested in the Capital Improvement Fund (CIF).

Cory Stoner, Engineer, outlined the details on the new Firehouse (No. 2) on Woodside Avenue. The preliminary cost is estimated at 1.8 million dollars. The project is scheduled to be completed by June 2018.

After a lengthy discussion, Council thanked Mr. Miller, Mr. Verkon and Mr. Stoner for

their presentations.

Mayor Diglio asked that the municipal tax increase be limited to \$24.00 per household.

Mr. Russo would like to introduce the budget at the next Council meeting, if possible.

Deputy Levante questioned the sewer collection system line inspection project. He supports this project and hopes to gather records on the sewer pipe infrastructure.

After a brief discussion, Council unanimously agreed with the proposed sewer collection system line inspection project. Council requested more details once the Sewer Engineer obtains the contractor for this project.

Councilman Elvidge questioned the roller hockey rink funding and the potential sports arena.

Debra Danielson, Recreation Supervisor, addressed the Council and advised of the need for the roller hockey rink. She provided new figures for the replacement of the roller hockey rink, which was significantly reduced from the initial quote.

After a lengthy discussion, Council unanimously agreed to support the roller hockey rink with \$50,000.00. The representatives indicated their group could contribute \$10,000.00 toward the rink and will continue the fundraising efforts.

Mr. Russo noted he will make from adjustments to the budget and keep Council advised of same.

OPEN TO THE PUBLIC

Neil Flaherty, 154 Sparta Avenue, addressed concern with the increase in the Police budget with personnel and overtime. He asked Council to review these items.

Deputy Mayor Levante updated Council on the recent conference call meeting with County and State officials regarding the Hicks Avenue project and Newton-Sparta Road project.

After a lengthy discussion, Council will continue to pursue to have conversations with the County and State officials to move these projects forward.

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

COUNCIL & MANAGER COMMENTS

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 9:38 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk

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