

February 27, 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 Mr. Elvidge, Mr. Flynn, Mrs. Le Frois and Deputy Mayor Levante. Thomas S. Russo, Jr., Town Manager, Ursula Leo, Esq., Town Attorney and Ms. Babcock, CFO, was also present. Mayor Diglio was excused.

Deputy Mayor Levante 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."

Deputy Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion Mr. Elvidge, seconded by Mr. Flynn and carried, the minutes for February 4, 2017 (Budget) and February 13, 2017 (Regular) meetings were unanimously approved.

### **OPEN TO THE PUBLIC**

Deputy Mayor Levante 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 was no one from the public to be heard, Deputy Mayor Levante closed the hearing to the public.

### **COUNCIL & MANAGER REPORTS**

There was no Council & Manager Reports.

### **ORDINANCES**

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

#### **ORDINANCE 2017- 3**

#### **AN ORDINANCE TO EXCEED THE 2017 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Newton Town Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$275,115.12 in excess of the increase in final appropriations

otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.0%, amounting to \$275,115.12, and that the CY 2017 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**RECORDED VOTE:**

<b>AYES:</b>	( Levante ( Elvidge ( Flynn ( Le Frois (	<b>NAYES:</b>	( ( ( ( (
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**ABSTAIN:** (

**ABSENT:** ( Diglio

Deputy Mayor Levante opened the hearing to the public.

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

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

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

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

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

**ORDINANCE 2017-4**

**AN ORDINANCE TO AMEND SECTIONS 100-19, 228-1 AND 228-12 OF THE CODE OF THE TOWN OF NEWTON, REGARDING USE AND FEES FOR PUBLIC SEWERS USE AND CERTAIN DISCHARGES**

February 27, 2017

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		Absent	

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

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

**ORDINANCE 2017-5**

**AN ORDINANCE AMENDING CHAPTER 100-24.A, OF THE CODE OF THE TOWN OF NEWTON, "MISCELLANEOUS FEES AND CHARGES " REGARDING FEES FOR SWIMMING POOL SEASON PASSES AND DAILY ADMISSION**

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois, 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		Absent	

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**

Deputy Mayor Levante 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 # 30-2017\***

**REJECTION OF BID FOR ELECTRICAL SERVICES #1-2017 SUBMITTED BY NEWTON ELECTRICAL SERVICES, INC.**

**WHEREAS**, the Town has received bids on February 8, 2017 for Bid #01-2017 to wit; Electrical Services Bid; and

**WHEREAS**, the Town duly advertised for bids and bids were opened on February 8, 2017 where the second lowest apparent bidder, Newton Electrical Services, Inc., of Newton, New Jersey failed to provide for the required "Public Works Contractor Registration" proof as is required under N.J.S.A. 34:11-56 et. seq., as set forth by the New Jersey Department of Labor and Workforce Development; and

**WHEREAS**, the New Jersey Local Publics Contract Law, 40A:11-1 et seq., allows for rejection of bids in such circumstances as being unresponsive to the bid specifications; N.J.S.A. 40A:11-1 et. seq.;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, NJ that the recommendation of the QPA is hereby accepted, the bid provided under Bid #1-2017 by Newton Electrical Services, Inc., of Newton, New Jersey, for Electrical Services is hereby rejected.

**RESOLUTION # 31-2017\***

**REJECTION OF BID FOR ELECTRICAL SERVICES #1-2017 SUBMITTED BY MAGIC TOUCH CONSTRUCTION, INC.**

**WHEREAS**, the Town has received bids on February 8, 2017 for Bid #01-2017 to wit; Electrical Services Bid; and

**WHEREAS**, the Town duly advertised for bids and bids were opened on February 8, 2017 where the lowest apparent bidder, Magic Touch Construction, Inc., of Keyport, New Jersey, provided for a response under the prevailing wage rate as set forth by the New Jersey Department of Labor and Workforce Development; and

**WHEREAS**, the New Jersey Local Publics Contract Law, 40A:11-1 et seq., allows for rejection of bids in such circumstances as being unresponsive to the bid specifications; N.J.S.A. 40A:11-1 et. seq.;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, NJ that the recommendation of the QPA is hereby accepted, the bid provided under Bid #1-2017 by Magic Touch Construction Inc. of Keyport, New Jersey, for Electrical Services is hereby rejected.

**RESOLUTION # 32-2017\***

**APPROVAL OF KIEFFER ELCTRIC AS ELECTRICAL SERVICES CONTRACTOR PER BID #1-2017**

**WHEREAS**, there is a need for an electrical services contractor in the Town of Newton; and

**WHEREAS**, the Town of Newton received bids for electrical services under Bid #1-2017 duly advertised and received in a public manner on February 8, 2017 at 10:30am; and

**WHEREAS**, Kieffer Electrical Services, 1 Wantage Ave, Branchville, NJ, has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, Newton's Qualified Purchasing Agent has concurred with the legality of the purchase in accordance with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. seq.);

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

Kieffer Electric is authorized to enter a two (2) year contract from the date of this authorization to provide for electrical services with the following rates:

<b>Category A</b>	
<b>Standard Hourly Rate</b>	
	\$120.0
Foreman	0
	\$110.0
Journeyman	0
Bucket Truck	\$25.00
<b>Overtime Hourly Rate</b>	

	\$180.0
<b>Foreman</b>	0
	\$165.0
<b>Journeyman</b>	0
<b>Bucket Truck</b>	\$25.00
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<b>Sunday and Holiday Hourly Rate</b>	
	\$240.0
<b>Foreman</b>	0
	\$220.0
<b>Journeyman</b>	0
<b>Bucket Truck</b>	\$25.00
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<b>Category B Sewer and Water Utility</b>	
<b>Standard Hourly Rate</b>	
	\$120.0
<b>Foreman</b>	0
	\$110.0
<b>Journeyman</b>	0
<b>Bucket Truck</b>	\$25.00
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<b>Overtime Hourly Rate</b>	
	\$180.0
<b>Foreman</b>	0
	\$165.0
<b>Journeyman</b>	0
<b>Bucket Truck</b>	\$25.00
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<b>Sunday and Holiday Hourly Rate</b>	
	\$240.0
<b>Foreman</b>	0
	\$220.0
<b>Journeyman</b>	0
<b>Bucket Truck</b>	\$25.00
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**RESOLUTION # 33-2017\***

**APPROVAL OF ACCURATE WASTE SYSTEMS AS SLUDGE HAULING CONTRACTOR  
PER BID #2-2017**

**WHEREAS**, there is a need for Sludge Hauling services contractor in the Town of Newton; and

**WHEREAS**, the Town of Newton received bids for Sludge Hauling services under Bid #2-2017 duly advertised and received in a public manner on February 8, 2017 at 10:45am; and

**WHEREAS**, Accurate Waste Systems, Inc., of Gold Mine Road, Mount Olive, N.J. has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, Newton’s Qualified Purchasing Agent has concurred with the legality of the purchase in accordance with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. seq.;

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

Accurate Waste Systems is authorized to enter a two (2) year contract from the date of this authorization to provide for Sludge Hauling Services in the following rates:

<b>Item 1A</b>	
<b>Unit Price per gallon PVSC</b>	<b>0.0335</b>
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<b>Item 1B</b>	
<b>Unit Price Per Gallon</b>	<b>0.0335</b>

**Parsippany**

<b>Item 2A</b>	
<b>Unit Price per gallon Sparta to Newton</b>	<b>0.037</b>

**RESOLUTION # 34-2017\***

**APPROVAL OF CONTRACTS FOR CHEMICAL SUPPLIES PER BID #4-2017**

**WHEREAS**, there is a need for Chemical Supplies for use at the Town of Newton Wastewater Treatment Plant; and

**WHEREAS**, the Town of Newton received bids for Chemical Supplies under Bid #4-2017 duly advertised and received in a public manner on February 8, 2017 at 11:15am; and

**WHEREAS**, Holland Company 153 Howland Ave, Adams, Massachusetts and Coyne Chemical 3015 State Rd., Croydon, Pennsylvania, have provided for the lowest bids deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, Newton’s Qualified Purchasing Agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S.40A:11-1 et. seq.;

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

1. **Coyne Chemical** is awarded the following services and two (2) year contract reflective of the accepted prices in Bid #4-2017 for supply of items:

Item 1	Liquid sodium carbonate, as called for in the Specifications 90,000 gallons at 15%	\$0.688 per gallon \$61,920.00 estimated cost 5 business days’ lead time
Item 3	Liquid gas sulfur dioxide, as called for in the Specifications 10,950 pounds	\$1.4415 per pound \$15,784.43 estimated cost 3-5 days’ min 3 cylinders on order
Item 4	Liquid Chlorine/Gas, as called for in Specifications 10,950 pounds	\$1.85 per pound \$20,253.12 estimated cost 3 cylinders’ minimum order
Item 6	Liquid Sodium Hydroxide, as called for in Specifications 5,500 gallons 25%	\$1.964 per gallon \$10,802.00 estimated cost 3-5 days’ lead order time 300-gallon minimum order
Item 7	Liquid Hydrofluoric Acid, as called for in Specifications 1,250 gallons	\$4.401 per gallon \$5,501.25 estimated cost 3-5 days’ lead order time 20 carboys minimum order

Item 8	Liquid Sodium Hypochlorite, as called for in Specifications 7,500 gallons	\$1.991 per gallon \$14,932.50 estimated cost 300-gallon minimum order
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2. **Holland Company** is awarded the following services and two (2) year contract reflective of the accepted prices in Bid #4-2017 for supply of items:

Item 2	Liquid aluminum sulfate, as called for in the Specifications at 30,000 gallons  5,000 gallons  3,000 gallons	<u>30,000 gallons</u> - \$1.08/ gal \$324,000.00 estimated cost 5000 gallons minimum order  <u>3,000 - 5,000 gallons</u> \$1.08/ gal \$5,400.00 estimated cost  <u>0-3,000 gallons</u> - \$1.13/ gal \$3,390.00 estimated cost 1-2 days lead order time
Item 5	Liquid CES PACI 2500 or Del Pac 2950, as called for in Specifications 24,000 gallons	\$3.23/ gallon \$77,520.00 estimated cost 1-2 days' lead order time Or equivalent as approved by the Wastewater Treatment operator at \$2.59/ gallon \$62,160.00 estimated cost

**RESOLUTION # 35-2017\***

**AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE MUNICIPAL ALLIANCE FISCAL YEAR 2018**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, The Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Town Council further recognizes it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE BE IT RESOLVED**, by the Town of Newton, County of Sussex, State of New Jersey hereby recognizes the following:

February 27, 2017

1. The Town Council does hereby authorize submission of a strategic plan for the **Action Municipal Alliance** grant for fiscal year 2018 in the amount of:

DEDR	\$18,772.00
Cash Match	\$4,693.00
In-Kind	\$14,079.00
Total Alliance Budget	\$37,544.00

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
Sandra Lee Diglio, Mayor

**RESOLUTION # 36-2017\***

**APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Town of Newton wishes to apply for funding in the amount of \$25,811 with a match of \$66,291.84 by the Town for an approximate project total cost of \$92,102.84 for a project under the New Jersey Safe and Secure Communities Program (Grant # P-7002-17) for the project duration of March 14, 2017 to March 13, 2018; and

**WHEREAS**, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that:

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**BE IT FURTHER RESOLVED**, that the Town Manager is hereby authorized to accept and execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-7002-17.

**CERTIFICATION OF RECORDING OFFICER**

This is to certify that the foregoing Resolution is a true and correct copy of a resolution which was duly and regularly introduced and finally adopted at the meeting of the Town of Newton held on the 27<sup>th</sup> day of February, 2017 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and what I am duly authorized to execute this certificate.

**SEAL**

s/Lorraine A. Read \_\_\_\_\_  
**Signature of Certifying Officer**

Municipal Clerk, RMC \_\_\_\_\_  
**Title**

Lorraine A. Read \_\_\_\_\_  
**Name of Certifying Officer**

**RESOLUTION # 37-2017\***

**APPROVAL FOR PURCHASE FROM BEYER CHRYSLER DODGE THROUGH STATE CONTRACT A88731, OF A 2017 DODGE DURANGO FOR THE NEWTON POLICE DEPARTMENT**

**WHEREAS**, there is a need to purchase emergency response vehicle equipment for the Town of Newton Police Department, in the County of Sussex, State of New Jersey; and

**WHEREAS**, this can be purchased through State Contract #A88731; and

**WHEREAS**, the holder of the State of New Jersey Contract #A88731 is:

Beyer Chrysler Dodge  
200 Ridgedale Ave.  
Morristown, N.J. 07960

**WHEREAS**, the maximum amount of the purchase is \$37,275.00 and funds are available as evidenced by the Chief Financial Officer's Certification; and

**WHEREAS**, the Qualified Purchasing Agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S.40A:11-1 et. Seq.; and

**WHEREAS**, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law;

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

The Chief Financial Officer is hereby authorized and directed to issue and approve a Purchase Order to Beyer Chrysler Dodge for the purchase of an emergency response vehicle.

**RESOLUTION # 38-2017\***

**AUTHORIZE THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR HAMBURG SUPPLY CO., INC.**

**WHEREAS**, the Town of Newton has a need to acquire water and sewer repair material services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Town of Newton Q.P.A., Sean Canning, of the Canning Group, LLC has determined and certified in writing the value of the acquisition is expect to exceed \$17,500 in 2017; and

**WHEREAS**, the anticipated term of this contract is the remainder of the 2017 year; and

**WHEREAS**, Hamburg Supply Company, Inc. is a vendor whose supply costs are expected to exceed in aggregate the Pay-to-Play threshold of \$17,500.00; and

**WHEREAS**, Hamburg Supply Company Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Hamburg Supply Company Inc. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit Hamburg Supply Company Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this project by issuing a Purchase Order to acquire water and sewer repair material services to:

**Hamburg Supply Company, Inc .**

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a supply contract where Hamburg Supply Company Inc. may be the lowest quoted vendor for supply and may exceed the Pay to Play threshold aggregate not to exceed \$27,000.00 for the 2017 calendar year; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file in the Municipal Clerk's Office.

**RESOLUTION # 39-2017\***

**AMENDMENT TO 2017 TEMPORARY OPERATING BUDGET**

**WHEREAS**, the Town Council of the Town of Newton adopted the 2017 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #3-2017 dated January 9, 2017; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides that the Governing Body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to Temporary Budgets in an amount not to exceed one-twelfth (1/12) of the preceding year’s Budget and that a copy of this resolution be filed with the Director of Local Government Services;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2017 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON  
2017 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Community Devel SW	1064100	6,000
Town Manager SW	1050101	1,000
Human Resource SW	1053101	1,000
Cencom OE	1074300	12,000
Celebration Public Event OE	1092200	2,000
Worker Comp. Insurance OE	1067200	30,000
Other Insurance	1069200	23,000
Utilities OE	1089200	20,000
Stormwater OE	1082248	2,000
Snow Removal SW	1081100	5,000
PERS	1098296	77,514
PFRS	1098297	<u>596,211</u>
<b>Total Current Temp Amendment</b>		<b>\$775,725</b>

**CURRENT**

**2016 TOWN OF NEWTON BUDGET**

\$12,414,438  
 2,132,005  
133,000  
 \$10,128,328  
x 1/12  
 \$845,786

Total 2016 General Appropriations  
 Less: Debt Service  
       Capital Improvements  
 Total Amount to calculate upon  
  
 Allowable 2017 Temporary Budget Amend.

**RESOLUTION # 40-2017\***

**APPROVAL OF AN INITIAL APPLCATION FOR TAXICAB DRIVER ’S LICENSE FOR  
MICHAEL GRAYCAR**

**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 the initial 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 initial Taxicab Driver’s License submitted by Michael Graycar, 4 Hillside Terrace, Andover, New Jersey 07821 and represents Champion Limo Service Corp., which expires on February 27, 2018.

**RESOLUTION # 41-2017\***

**CONFIRMING A REFUND OF MONIES FOR TAXES DUE TO A STATE TAX APPEAL FOR  
BLOCK 8.03, LOT 10**

**WHEREAS**, Jeffrey D. Gordon, Esq., of the law firm Archer & Greiner, PC, Trustee for Starboard Enterprises of Block 8.03, Lot 10, also known as 93-95 Spring Street filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2016; and

**WHEREAS**, on December 30, 2016, the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$850,000.00 which is a \$457,700.00 reduction in the 2016 Tax Assessment for said property; and

**WHEREAS**, Jeffrey D. Gordon, Esq., of is requesting a refund be issued in the amount of \$19,086.09 which is the amount overpaid by Starboard Enterprises for the tax year 2016;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges the Judgment entered by the Tax Court of New Jersey and concurs Starboard Enterprises is entitled to a refund in the amount of \$19,086.09; and

**BE IT FURTHER RESOLVED**, that the Tax Collector has issued said refund to Jeffrey D. Gordon, Esq., of the law firm Archer & Greiner, PC, Trustee for Starboard Enterprises in the amount of \$19,086.09 in accordance with said Tax Court of New Jersey's Judgment.

**RESOLUTION # 42-2017\***

**CONFIRM THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR  
BLOCK 13.05, LOT 18**

**WHEREAS**, at the Municipal Tax Sale held on November 17, 2016, a lien was sold on Block 13.05, Lot 18, also known as 66 Woodside Avenue for 2015 delinquent Utility charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2016-005, and was sold to US Bank cust for PC6, LLC Sterling National for 0% redemption fee and a premium of \$1,900.00; and

**WHEREAS**, Ocwen Financial Corporation, the mortgage servicer representing the owner, Nobles, Ahmad & Danielle has effected the redemption of Certificate #2016-005 in the amount of \$523.23;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges US Bank cust for PC6, LLC Sterling National is entitled to a redemption in the amount of \$523.23 as well as the return of the premium in the amount of \$1,900.00; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Newton confirms and acknowledges that the Tax Collector has issued a check, in the amount of \$523.23 for the redemption and a check in the amount of \$1,900.00 for the return of the premium for Certificate #2016-005 to US Bank cust for PC6, LLC Sterling National, 50 South Street - Suite 2050, Philadelphia, PA 19102.

**RESOLUTION # 43-2017\***

**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 # 44-2017\***

**AUTHORIZE THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ACCESS  
CONTROL TECHNOLOGIES, INC.**

February 27, 2017

**WHEREAS**, the Town of Newton has a need to maintain and upgrade access and security systems through Access Control Technologies as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Town of Newton O.P.A., Sean Canning, of the Canning Group, LLC has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is for the 2017 calendar year; and

**WHEREAS**, Access Control Technologies Inc., has submitted a proposal dated November 7, 2016 indicating they will provide the services for the \$18,650.00, in addition to support per hour rates outside of scope of proposal exceeding in aggregate the pay to play threshold of \$17,500.00; and

**WHEREAS**, Access Control Technologies Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Access Control Technologies Inc. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit Access Control Technologies Inc., from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Access Control Technologies Inc., not to exceed \$20,000.00 for the 2017 calendar year; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**RESOLUTION # 45-2017\***

**AUTHORIZING THE AWARD OF A PROPRIETARY CONTRACT TO PUMPING SERVICES, INC.**

**WHEREAS**, the Morris Lake Water Treatment Plant SCADA system has a need for maintenance and upgrades; and

**WHEREAS**, it has been determined, the software and technology systems in place for the existing system installed by Pumping Services Inc., is one of that requires maintenance, software upgrades and at times repair in relationship to mechanical systems tying into the software operations programs; and

**WHEREAS**, the system operates on a proprietary platform that was installed by ITS Inc., whom Pumping Services Inc., obtained in 2015 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**, Pumping Services Inc., has satisfied the standard as to being the sole company that can furnish, install, maintain, upgrade and other support; and

**WHEREAS**, the Department of Public Works hereby recommends authorizing a contract with Pumping Services Inc., for maintenance and upgrades to the Morris Lake Water Treatment Plant SCADA system and accompanying maintenance of the plant in combination with the software system;

**NOW, THEREFORE, BE IT RESOLVED**, on this 27th day of February 2017 that the Town Council of the Town of Newton does hereby authorize an agreement with Pumping

Services Inc., for the maintenance and software upgrade contract of existing system components with proprietary Pumping Services Inc.

**RESOLUTION # 46-2017\***

**AUTHORIZE THE AWARD OF NON-FAIR AND OPEN CONTRACT FOR PUMPIING SERVICES, INC.**

**WHEREAS**, the Morris Lake Water Treatment Plant SCADA system has a need for maintenance and upgrades; and

**WHEREAS**, it has been determined the software and technology systems in place for the existing system installed by Pumping Services Inc., is one that requires maintenance, software upgrade and at times repair in relationship to mechanical systems tying into the software operations programs as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the system operates on a proprietary platform that was installed by ITS Inc., whom Pumping Services Inc., obtained in 2015 and any upgrades must be compatible with this system; and

**WHEREAS**, the Town of Newton’s Q.P.A., Sean Canning of the Canning Group, LLC has determined and certified in writing the value of the services will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is for the 2017 calendar year; and

**WHEREAS**, Pumping Services Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Pumping Services Inc. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit Pumping Services Inc. from making any reportable contributions through the term of the contract;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Pumping Services Inc., for the 2017 calendar year; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with the Municipal Clerk.

A motion was made by Mrs. Le Frois to approve the **COMBINED ACTION RESOLUTIONS**, 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		Absent	

**RESOLUTION # 47-2017**

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2016 NEWTON VOLOUNTEER FIRST AID SQUAD LOSAP PARTICIPANTS**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer First Aid Squad was approved by the Mayor and Council through the passage of Ordinance #2013-3 on February 11, 2013, and approved by Newton voters as a public question at the General Election on November 5, 2013; and

**WHEREAS**, Resolution 196-2014 and Resolution 198-2014 were adopted October 27, 2014 establishing the LOSAP for the Newton First Aid Squad and awarding the contract to Lincoln Financial Advisors; and

**WHEREAS**, the Newton Volunteer First Aid Squad has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2013-3, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2016 as per the 2016 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the First Aid Squad is 22, for a total contribution of \$17,422.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2016 to cover the cost of this contract;

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Newton Volunteer First Aid Squad dated February 1, 2017.

**Newton First Aid 2016 LOSAP Contribution**

Last	First	MI	2016
AXELRODE	FREDERICK		862.50
BLEVINS	HANNAH		1,150.00
CARD	JEAN		1,150.00
CICCIA	APRIL		1,150.00
CHAVARRIA	JOSEPH		287.50
CORTLEY	DEBORAH		1,150.00
COUCE	JOHN PAUL		575.00
COUCE	JOSHUA		862.50
COUCE	JONATHAN	P	287.50
DIGLIO	SANDRA	L	1,150.00
HENNIGGAN	LAUREN		115.00
HRUSKA	LUCAS		115.00
MILLER	DAVE		1,150.00
NANNERY	NICK		115.00
POSEY	GARY		1,150.00
POSEY	BRANDON	W	1,150.00
PRICE	JOSHUA	R	1,150.00
TENIS	WAYNE	P	1,150.00
VANDERMAAS	CONNER		287.50
WITZEL	KELLY		115.00
WAHLERS	RICK		1,150.00
WILSON	KYLE		1,150.00
<b>TOTAL</b>			<b>17,422.50</b>

Prepared by: Sandy Diglio,  
Newton First Aid Squad

Certified by: Dawn L. Babcock  
Chief Financial Officer

A motion was made by Mrs. Le Frois to approve **RESOLUTION #47-2017**, 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		Absent	

**INTERMISSION** - None

**DISCUSSION**

Councilman Flynn addressed concerns with the Spring Street business district and suggested Council revisit a Business Improvement District (BID).

Councilman Elvidge strongly agreed with the creation of a BID and believes it is important to hire a quality Director to run the Business Improvement District. He noted several successful BID's throughout the State.

Councilwoman Le Frois agreed with the BID and quoted from a DCA site: "A community may be experiencing a growing awareness that commerce in does not function as well as it could; that it does not draw the number or variety of shoppers that it should; and that the quality of the shopping, dining, and other commercial experience there is not as appealing as it could be for residents, visitors, and others. A community may see this as a mechanism to improve the economic, physical, social, and civic value of the commercial district in question."

Mayor Levante addressed some concerns with the BID but is willing to move forward with the study.

Mr. Flynn noted the recent letter from James P. Ciaravolo, owner of Kudzu Emporium, requesting support and review of a Business Improvement District (BID) from the Governing Body. Council directed Mr. Russo to respond to Mr. Ciaravolo.

After a lengthy discussion, Mr. Russo agreed to work with Mayor Diglio and Deputy Mayor Levante and will keep Council informed.

#### **OPEN TO THE PUBLIC**

Anthony Neggars, 23 York Road, noted the other successful BID communities all have mass transit and suggested mass transit be reviewed in Newton.

Michael Malone, 59 Trinity Street, noted he is familiar with the successful BID in Hackettstown and suggested the Town involve the businesses in Town. He also noted the Town representatives have not attended the DNA meetings recently.

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

#### **COUNCIL & MANAGER COMMENTS**

Mr. Russo noted the various Town representatives who attend the DNA meetings. Mr. Russo also outlined some BID statistics from Hackettstown.

Deputy Mayor Levante addressed concern with the Newton Public Schools only receiving 56% of State Aid. He strongly suggested the municipalities, who are underfunded, could band together to contest the unfair State funding distributed to all public schools. Deputy Mayor Levante advised he will speak to the Newton Board of Education tomorrow evening to advise them of Council's support. Mr. Russo will work with Mayor Diglio and Deputy Mayor Levante.

February 27, 2017

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 8:06 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned to the right of the typed name.

Lorraine A. Read, RMC  
Municipal Clerk