

November 13, 2017

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:13 pm. Present were Deputy Mayor Elvidge, Mrs. Le Frois, Mrs. Diglio, Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present. Mr. Flynn was excused.

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."

Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and carried, the minutes for October 23, 2017 Special, Regular, and Executive meetings were approved.

OPEN TO THE PUBLIC

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."

Dennis Becker, 116 Main Street, provided photographs of Board of Education employee's texting and talking on the phone. He explained his distress with the misuse of tax dollars and the Council needing to "take control of the Board of Education."

Ryan Stapel, business owner of Recollectibles, 194 Spring Street, questioned the closing of Union Place while construction is not underway. Merchants are losing business with the closure of that main access. He also thanked Mayor Levante and Deputy Mayor Elvidge for supporting the merchants.

Karen Hardin-Kitchell, resident of Lafayette, stated her hopes that the Town and the Board of Education could work together to continue to bring Newton to where it needs to be. Mayor Levante responded by stating the bill in the Assembly and believed there would be much more movement with the new appointment in the DCA.

Kathy Messina, 17 Paterson Place, conveyed her appreciation and gratitude for the Mayor's communication through social media. She feels it is the most effective and timely means of communication which allows residents to take action in a timely matter.

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Bill Priester, 15 Maple Avenue, expressed his concern with street signs disappearing in Town in the last month and half. Additionally, he is very happy with the work the Town Council is doing. Mayor Levante asked Mr. Russo to look into the street sign situation.

Robin Lennon, 205 Spring Street, requested on behalf of the merchants a two-hour parking limit on Spring Street in addition to free parking during the Christmas season. She also expressed their appreciation for the Mayor and how much he cares for the merchants.

Erin Louglas, Between the Bread, 188 Spring Street, proposed better communication between the Council, the Greater Newton Chamber of Commerce (GNCC), the merchants and the DNA. She believes there is some tension and more needs to be done.

Becky Burkhardt, owner of The Barrel House, 173 Spring Street, expressed concern with the pending Food Truck ordinance and the negative effect it would have on the existing businesses and parking. Mayor Levante advised the food ordinance will be tabled at this time for further research.

Jack Cornwell, owner of Cornwell Clocks, expressed his concerns with parking or lack there-of and the possibility of the food trucks taking of the available spaces. Additionally, he believes litter would increase in the County Park.

Joe Webster, 65 Spring Street, suggested a trash receptacle in the County Park would be great. He also expressed his concern with construction occurring in the middle of the night in Town.

Catherine Cassidy, owner of Black Dog Books, 188 Spring Street, reiterated the importance of two-hour parking on Spring Street. Additionally, she expressed her concerns with garbage and smoking on Spring Street.

Melissa Costello, 16 Halsted Street, conveyed her appreciation to the Mayor for his responsiveness regarding the boarding house on Halsted. She stated the Mayor had nothing to do with their protests in front of the boarding house. Mayor Levante stated he "will not settle until it is passed by the Assembly and signed by the Governor."

Ben Egner, 16 Windsor Drive, agreed the food truck ordinance could be devastating to local restaurants. He believes the two hour parking on Spring Street is beneficial and we should support the merchants in that way. Mr. Egner believes the use

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of Facebook to post political views is overreaching and asked clarification from Mr. Russo. He would also like to assist with the boarding house issue but does not agree with protesting in front of his private home. Mr. Egner feels that serving as Mayor requires better judgement to be used so it is not a liability to the Town.

Rick Bitondo, owner of Maxwell and Molly's Closet, 216-218 Spring Street, read from a prepared statement.

"I understand that mayor Levante may be a little jammed up & perhaps he crossed that delicate line that guides the behavior of public officials.

If he did cross that line it was out of his passion & care & concern for the Towns residents & its property & business owners. I appreciate that attitude & his willingness to take on tough issues like school consolidation, crime infested rooming houses, taxes, the improvement of downtown. His presence in town, his receptivity to the concern & ideas of business owners is certainly welcome & refreshing. I hope you as a council appreciate what he has brought to the table & support him unequivocally."

Barbara Gallo, 24 Ryerson Avenue, owner of the Scissor Joint, echoed the request for two-hour parking on Spring Street and the benefit to both the businesses and customers.

Dan Hayek, 1 Mill Street, stated his concerns with the food trucks and would like Council to consult with food retailers if and when the ordinance gets introduced.

Joe Ferrandino, Sterling, New Jersey stated that Mayor Levante is bold and should keep it up.

Alex Majewski, 90 Trinity Street, read from a prepared statement.

"Good evening Council. Throughout tonight's meeting there have been many concerns brought up regarding various issues in our town. It is my hope that through frank discussion and dialogue, my concerns, as well as those of the many other residents gathered here, can be sufficiently addressed.

It seems that our town continues down an unproductive track and it is imperative that we immediately address the issues which affect residents daily, instead of being distracted by personal quarrels and dwelling on past disagreements. Our community is divided and in desperate need of transformational leadership.

Mr. Mayor, I applaud your enthusiasm and commitment to Newton; however, in your zeal to push forward your policy agenda, many residents feel ignored, dismissed, and/or attacked for expressing their dissenting viewpoints. These are the people who depend on you to lead, count on you to listen to their concerns, and expect you to offer calm and clear-headed solutions, even when you disagree with them. The divisive nature of communication that has recently transpired can only be remedied from the top down. It is up to you, Mr. Mayor, to be an example for the residents of Newton and lead with integrity. Take the time and energy you spend fighting with residents, and put it into your duties as Mayor.

While time is wasted discussing your behavior as an elected official, the issues in dire need of attention are not being addressed, including: declining property values and foreclosure rates, health and public safety concerns as can be seen most notably on

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Spring Street, lack of code enforcement which allows properties to fall into disrepair, and a general lack of pride in our community that has inspired widespread apathy.

Everyone here tonight has one thing in common: We want to see Newton prosper. We want you to succeed in helping our town to reach its full potential. We want to put our trust in you, but that trust must be earned through truthfulness, transparency, and responsible leadership. We are not here to berate or harass you. Despite any differences in opinion we may have regarding policy, we all have the same goal to grow Newton and make this a wonderful town for all. Please take time to reflect on that goal and how we can work together as a united community in order to see our vision realized. Thank you."

Mayor Levante offered a packet of information to Mr. Majewski, documenting the slander and negative comments made towards him as Mayor as well as his family. After a brief conversation Mr. Majewski suggested moving forward and leaving the negativity in the past.

Neil Penny, Green Township, New Jersey, expressed his concerns with the issues in Newton as a customer of the businesses in Town. He believes everyone needs to work together to address these issues.

Jacki Stapel, 48 Big Spring Road, Hardyston, owner of ReCollectibles, thanked Council for the improvement throughout Town and in particular, Deputy Mayor Elvidge's constantly inquiring what more can the Town do to assist the businesses and merchants.

Brianna Paternoster, 44 Linwood Ave, expressed her excitement with the current happenings in Newton. She stated, however, the communication in Town is extremely divisive. Additionally, although she does not want to hinder the progress of the schools, she believes the high property taxes need to be fixed starting with the "balance and responsibility" of the fifty-two percent of the tax dollars used for the school. Mrs. Paternoster would like to see the Board of Education and the Town Council work together.

Grace Dickson, 19 Hamilton Street, read from a prepared statement.

"The night of Sept 26, the mayor posted a photo of the referendum vote results with the caption, "No Thank You", to his mayor Facebook page. I commented on it and said now that the vote was over, I hoped he would use his influence to help unite our divided town. The response I got from the Mayor and his followers was basically mocking me, and claiming that the town was not divided, and that the overwhelming number of people that voted No to the referendum proved that... And yet here we are.

The issue here is not about the referendum failing, even though many still claim it is. It's about the complete vilification of the Board of Education, Dr. Greene, and eventually their supporters, that began as a result of Wayne publicly taking a side. He began attacking Board members and calling them out by name. It really was as if people eventually had to choose Wayne's side or the Board of Ed's side.

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I was vocal in my support of the referendum. I have been vocal in my support of Newton Public schools. Dr. Greene and our Board members long before the referendum became a hot topic. I passionately love our schools and our community. I have 2 children at Merriam, and one at Halsted and I'm actively involved in both schools, as well as in other parts of our town. I'm sure we all know by now, since it's been constantly referenced, that I am the Merriam Avenue School PTO Vice President this year. I was President the year before and Co-President the two years prior to that. I'm also the parent liaison on the School Safety team that deals with HiB and school climate, and I am a member of the School Wide Goals Committee at Merriam. I was approached and have been actively working with the administration at Halsted Middle School to help restart their parent organization. I am also president of Newton Competition Cheerleading and hold a position on the board for the Newton Roller Hockey League.

Mr. Levante and some of his followers have been relentless in harassing me lately claiming that my involvement in the PTO meant that I was not allowed to be active in supporting the referendum. Mr. Levante even went to Dr. Greene to report it around a month ago. How incredibly hypocritical that he somehow thinks I can't speak as myself on my personal Facebook or anywhere else, yet claims to not see a conflict posting certain things from his mayor page. Nowhere on my personal Facebook page do I ever describe myself as a PTO officer, or President of Newton Comp Cheer for that matter, nor have I ever said that my views represent that of the organizations I am involved in. The problem is that when Mr. Levante posts from the Mayor Facebook page, it's unclear whether his views represent the town and all of your opinions, or his just his own. The recent disclaimer was added much too late.

The MAS PTO is 501C business. We are a separate entity from the school. The administration at Merriam nor the Board of Education govern what we do. There is even a disclaimer on the website that we are a separate organization from Newton Public Schools that was put there by the school years ago. We are in no way an "arm for the Board of Education" as has been claimed by some.

The mayor mentioned in the Herald article from yesterday that this complaint being filed against him was personal and vindictive and borderline harassment. While I had nothing to do with filing the complaint, I almost felt compassion for him because that is exactly how I felt weeks ago when I found out that he complained to Dr. Greene about me. Why does he seem to attack those that are most involved in the town, unless they have the exact same feelings and opinions that he does? The Board members are volunteers. They are people that are passionate about this community, give their time and take an active role, just like Wayne, myself and all of you. Mr. Levante's passion, while sometimes misdirected, IS commendable. Imagine the good that could come if we all found common ground and worked together...

I hope that what comes from this meeting is a truce. A new beginning and fresh start for us all. I hope we look around this room and realize that we are the few who care enough to show up. We may have different opinions on certain issues, but we all still want what is best for our town, tax payers and our children. I hope that going forward we can be respectful of one another and restore peace to this town that I have grown to love so much."

Tom Maciejewski, Berkeley Heights, New Jersey, stated it takes a lot of work to be an elected official and credit should be given to those who take a stand for property tax reform.

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There being no one else from the public to be heard, Mayor Levante closed the hearing to the public.

COUNCIL & MANAGER REPORTS

Mr. Russo addressed the questions of various members of the public in attendance. He will reach out to RPM regarding the closure of Union Place which has been cumbersome to the merchants. Additionally, he will follow up with Kenny Jaekel regarding the missing streets signs. Mr. Russo noted the food truck ordinance is tabled until the New Year. He differed Mr. Egner's question regarding political endorsements to Mrs. Leo but proceeded to say globally speaking, he would not use the Town website or social media accounts to endorse candidates.

Mr. Russo thanked the Veterans for their service.

Mr. Russo noted he, the Mayor, Deputy Mayor, and some additional employees would be attending the League of Municipalities this week in Atlantic City.

Mr. Russo reminded everyone Town Hall will close at 2:30 pm on Wednesday, November 22nd and will remain closed on Thursday and Friday for the Thanksgiving holiday.

Mr. Russo advised as of 8:22 pm tonight, 855 recorded responses from the Seton Hall University Market research. He encourages everyone to participate.

Mrs. Le Frois reminded everyone of the upcoming tree lighting at Town Hall on Monday, December 11th at 6 pm followed by the judging, by Newton Seniors, of decorated homes in Town.

Mayor Levante noted he and Deputy Mayor Elvidge recently met with local merchants at Between the Bread and had a lengthy discussion regarding current issues including parking on Spring Street. He looks forward to continuing such discussions to help the merchants as well as revitalize the downtown.

ORDINANCES

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

ORDINANCE #2017-21

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2018

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Absent
Mrs. Le Frois	Yes	Mrs. Diglio	Yes
	Mayor Levante	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 the same to be held on Monday, November 27, 2017.

OLD BUSINESS

There was no old business to discuss.

CONSENT AGENDA

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 reviewed the Resolutions on the consent agenda.

RESOLUTION #213-2017*

APPOINTMENT OF JOHN RAGSDALE 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, John Ragsdale 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 John Ragsdale is hereby appointed to fill an unexpired two-year term as an Alternate Member of the Newton Planning Board, effective January 1, 2018 with said term continuing to December 31, 2019.

RESOLUTION #214-2017*

RESOLUTION AUTHORIZING LEASE AGREEMENT WITH NEC FINANCIAL SERVICES, LLC

WHEREAS, the Town of Newton received quotes for a new telephone system and has determined the SV9100 phone system offered by NEC is the most advantageous for the Town; and

WHEREAS, the Town of Newton desires to enter into a 60-month lease agreement with monthly payments of \$823.90 and a purchase option of \$1.00 at the end of the

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Lease term, with NEC Financial Services, LLC for the new telephone system (the "Lease"). The total cost of the Lease with the purchase option is \$49,435.00; and

WHEREAS, the Lease is offered by NEC Financial Services, LLC through State Contract #A80801 and this contract is awarded pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40a:11-1 et seq.; and

WHEREAS, NEC Financial Services, LLC has prepared the attached Lease for the NEC SV9100 phone system which has been reviewed and amended by Town personnel and the Town attorney;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby authorized to execute the Lease with NEC Financial Services, LLC.; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, however it shall be void and of no effect in the event that NEC Financial Services, LLC fails or refuses to sign the Lease.

RESOLUTION #215-2017*

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.

The sale will be conducted online and the address of the auction site is **govdeals.com**. The sale is being conducted pursuant to Local Finance Notice 2008-9. A list of the surplus property to be sold is as follows:

2005 Ford Crown Victoria Police Interceptor
VIN: 2FAHP71WX5136676
Odometer: 101,600 (approx.)
Condition: Fair

The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #216-2017*

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

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

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

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on November 2, 2017, the members of the Authority approved an appropriate agreement for calendar year 2018 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2018.

RESOLUTION #217-2017*

RESOLUTION #217-2017 AND AGREEMENT FOR PROFESSIONAL SERVICES

MUNICIPAL COURT JUDGE

WHEREAS, there exists a need for a Municipal Court Judge to be appointed to represent the Town of Newton and Green Township through the shared court services agreement with respect to municipal matters, for calendar years 2018, 2019 and 2020; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said court matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, James P. Sloan, Esq., has indicated all such services will be rendered to the Town of Newton for the 2018, 2019 and 2020 calendar years, which the Newton Town Council deems fair and equitable for said professional services the fees set forth below:

	<u>2018</u>	<u>2019</u>	<u>2020</u>
Newton	\$35,000.00	\$35,700.00	\$36,414.00
Green	\$3,570.00	\$3,642.00	\$3,715.00

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. Sloan agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and Mr. Sloan agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3;

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

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and James P. Sloan, Esq., providing for his retention as Municipal Court Judge for the Town of Newton for calendar years 2018, 2019 and 2020.

- 2) The services to be rendered by Mr. Sloan shall be on a yearly basis, as sought by the Town of Newton and Green Township through the shared court services agreement at the rates set forth above.
- 3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. Sloan is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.
- 4) Political Contribution Disclosure. This contract has been awarded to James P. Sloan, Esq., based on the merits and abilities of Mr. Sloan to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 5) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the years 2018, 2019 & 2020.

Date: _____

James P. Sloan, Esq.

RESOLUTION #218-2017*

RESOLUTION #218-2017 AND AGREEMENT FOR PROFESSIONAL SERVICES

MUNICIPAL PROSECUTOR

WHEREAS, there exists a need for a Municipal Prosecutor to be appointed to represent the Town of Newton and Green Township through the shared court services agreement with respect to municipal matters, for calendar year 2018; and

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of a qualified Municipal Prosecutor and received several responses; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said court matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, Jonathan E. McMeen, Esq has indicated that all such services will be rendered to the Town of Newton for the 2018 calendar year in the amount of \$31,000.00, which the Newton Town Council deems fair and equitable for said

professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. McMeen agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and Mr. McMeen agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3;

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Jonathan McMeen, Esq., providing for his retention as Municipal Prosecutor for the Town of Newton for calendar year 2018.

2) The services to be rendered by Mr. McMeen shall be at a rate of \$31,000.00 annually, as Municipal Prosecutor for the Town of Newton and Green Township through the shared court services agreement.

3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. McMeen is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

4) Political Contribution Disclosure. This contract has been awarded to Jonathan E. McMeen, Esq., based on the merits and abilities of Mr. McMeen to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2018.

Date: _____

Jonathan E. McMeen, Esq

RESOLUTION #219-2017*

RESOLUTION APPROVING CHANGE ORDER NO. 2 TO ADJUST THE FINAL CONTRACT BID PRICE FOR THE WASTEWATER TREATMENT PLANT REPLACEMENT OF ROTATING BIOLOGICAL CONTACTORS

WHEREAS, the Town of Newton awarded the contract for the Replacement of the Rotating Biological Contactors at the Wastewater Treatment Plant to Fred Devens Construction via Resolution #205-2016 for a contract amount of \$504,750; and

WHEREAS, on April 24, 2017 the Newton Town Council adopted Resolution #73-2017 authorizing Change Order No. 1 for said project resulting in a new contract total of \$509,674.70; and

WHEREAS, Mott MacDonald, the Town’s Sewer Engineer, has prepared Change Order No. 2 for said project to decrease the total contract amount by \$13,750.00 due to no sludge being hauled and an allowance item not being used;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton approves Change Order No. 2 submitted by Mott MacDonald on behalf of Fred Devens Construction and hereby authorizes the decrease in the contract price for the Replacement of the Rotating Biological Contactors by \$13,750.00 for a new total price of \$495,924.70.

RESOLUTION #220-2017*

NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND RESOLUTION TO RENEW FOR CALENDAR YEARS 2018, 2019 AND 2020

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the governing body of the Town of Newton, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT;

NOW, THEREFORE BE IT RESOLVED, that the governing body of the LOCAL UNIT hereby agrees as follows:

Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.

Will participate in the following type (s) of coverage (s):

Health Insurance, Dental or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.

Adopts and approves the FUND's Bylaws.

Execute an application for membership and any accompanying certifications.

RESOLUTION #221-2017*

**CONFIRM REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 22.10,
LOT 18, ALSO KNOWN AS 48 ORCHARD STREET**

WHEREAS, at the Municipal Tax Sale held on October 20, 2017, a lien was sold on Block 22.10, Lot 18, also known as 48 Orchard Street, for 2016 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2017-009 was sold to Christiana T C/F CE1/Firsttrust Assoc., LP for a 0% redemption fee and a premium of \$10,000.00; and

WHEREAS, Richard Nielson, the owner, has effected the redemption of Certificate #2017-009 in the amount of \$10,381.54;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Christiana T C/F CE1/Firsttrust Assoc., LP is entitled to a redemption in the amount of \$10,381.54 as well as the return of the premium in the amount of \$10,000.00; 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 \$10,381.54 for the redemption and a check in the amount of \$10,000.00 for the return of the premium for Certificate #2017-009 to Christiana T C/F CE1/Firsttrust Assoc., LP Philadelphia, PA.

RESOLUTION #222-2017*

**CONFIRM REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 13.04,
LOT 4, ALSO KNOWN AS 8-10 BARRETT AVENUE**

WHEREAS, at the Municipal Tax Sale held on October 29, 2015, a lien was sold on Block 13.04, Lot 4, also known as 8-10 Barrett Avenue for 2014 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2015-007 was sold to Sunshine State Certificates V/BankUnited TTE for a 0% redemption fee and a premium of \$25,000.00; and

WHEREAS, Ridgeview Title & Settlements, LLC, representing the owner, Matthew Olinski, has effected the redemption of Certificate #2015-007 in the amount of \$19,334.58;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Sunshine State Certificates V/BankUnited TTE is entitled to a redemption in the amount of \$19,334.58 as well as the return of the premium in the amount of \$25,000.00; 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 \$19,334.58 for the redemption and a check in the amount of \$25,000.00 for the return of the premium for Certificate #2015-007 to Sunshine State Certificates V/BankUnited TTE, Miami Lakes FL.

RESOLUTION #223-2017*

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

39024	5 DIVA GIRLS	50.00
39025	ADVANCE AUTO PARTS	30.37
39026	AIDA CAHILL	105.00
39027	ANN ROSELLEN	500.00
39028	ARF RENTAL SERVICES, INC.	239.40
39029	ATLANTIC TACTICAL INC	1,923.40
39030	ATLANTIC TRAINING CENTER	110.00
39031	B & H INC.	43.12
39032	BETWEEN THE BREAD	50.00
39033	BLACK LAGOON	750.00
39034	BLUE RIDGE LUMBER, INC.	95.40
39035	BNY MELLON	3,200.00
39036	BONNIE MESSINA	700.00
39037	BOONTON TIRE SUPPLY INC.	1,774.04
39038	CAMPBELL'S SMALL ENGINE INC.	16.14
39039	CAMPBELLS SUPPLY OF SUSSEX COUNTY	2,717.72
39040	CENTURYLINK COMMUNICATIONS, INC.	125.85
39041	CENTURYLINK COMMUNICATIONS, INC.	3,571.28
39042	CINTAS CORPORATION NO. 2	92.77
39043	CONSTELLATION NEWENERGY	290.54
39044	COUNTY OF SUSSEX	51,777.83
39045	COUNTY OF SUSSEX	3,650.73
39046	COUNTY OF SUSSEX	836,922.56
39047	CRANE SEWER & DRAIN CLEANING	345.00
39048	D & E SERVICE CENTER, INC.	242.00
39049	DEMPSEY UNIFORM & SUPPLY INC	657.34
39050	DOG RESERVE ACCOUNT	5,000.00
39051	ESTREMERA, MICHELLE	11.93
39052	FEDERAL EXPRESS	76.48
39053	FERRAIOLI, CERULLO & CUVA	6,637.50
39054	FIRE & SAFETY SERVICES, LTD., INC.	2,687.68
39055	GOLD TYPE BUSINESS MACHINES	3,411.00
39056	GREATER NEWTON CHMBR OF COMM.	70.00
39057	GREATER NEWTON CHMBR OF COMM.	6,080.00
39058	HAYDEE BALLESTER	165.00
39059	HAYEK'S MARKET INC.	50.00
39060	HOME DEPOT, INC.	3,602.05
39061	IAAO	125.00
39062	IHEARTMEDIA + ENTERTAINMENT INC.	250.00
39063	J. CALDWELL & ASSOCIATES, LLC.	1,307.50
39064	JACKI SHACKLETON	450.36
39065	JENNIFER DODD	25.47
39066	JCP&L	7,327.40
39067	JERSEY SHIRTS & DESIGNS	436.00
39068	JOEL M. WEISBLATT	3,526.00
39069	KAYLANI, SHERRI	49.22
39070	KELLER WELDING COMPANY, LLC.	320.00
39071	LAFAYETTE AUTO PARTS	248.20
39072	MCGUIRE, INC.	965.35
39073	MILLER, THOMAS	150.00
39074	MINISINK PRESS INC	1,002.50
39075	MONTAGUE TOOL & SUPPLY, INC.	1,319.00
39076	MORRIS ASPHALT SUPPLY, LLC	599.76
39077	MUNICIPAL SAFETY SUPPLY	685.80
39078	MUNICIPAL SOFTWARE, INC.	180.00
39079	NEOPOST LEASING, INC.	529.41
39080	NEW JERSEY HERALD, INC.	1,158.30
39081	NJ DIV PENSION & BENEFIT	528.39

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39082	NJMMA	30.00
39083	NJSACOP	1,200.00
39084	ELIZABETHTOWN GAS	819.20
39085	PELLOW, HAROLD & ASSO, INC.	201.20
39086	PENTELEDATA	729.70
39087	PHYSIO-CONTROL, INC.	365.00
39088	PORTER LEE CORPORATION	882.00
39089	PORTER LEE CORPORATION	218.96
39090	QUILL CORPORATION	683.57
39091	RACHLES/MICHELE'S OIL COMPANY, INC.	4,906.45
39092	READ, LORRAINE	11.93
39093	READY REFRESH BY NESTLE	105.54
39094	RICHARDS, MICHAEL	397.37
39095	RODRIGUEZ, MAGRET	52.50
39096	ROGO FASTENER CO., INC.	204.23
39097	RR DONNELLEY	367.50
39098	SARAH GRUB	825.00
39099	SCHENCK, PRICE, SMITH, & KING, LLP	2,771.61
39100	SCMUA	1,775.20
39101	SEBRING AUTO PARTS, INC.	112.98
39102	SHERWIN-WILLIAMS, INC.	76.68
39103	SOL AZTEKA MEXICAN GRILL	525.00
39104	SPECTRUM COMMUNICATIONS, INC.	42.00
39105	STAMP FULFILLMENT	5,582.75
39106	STAPLES BUSINESS ADVANTAGE, INC.	1,151.09
39107	STAPLES BUSINESS ADVANTAGE, INC.	187.08
39108	SUSSEX & WARREN TAX COLL	25.00
39109	SUSSEX COUNTY ECONOMIC	125.00
39110	TAYLOR OIL CO., INC.	2,212.10
39111	TERESA ANN OSWIN	18.67
39112	THE CANNING GROUP, LLC.	535.71
39113	THYSSENKRUPP ELEVATOR CORP.	219.50
39114	TOYOTA/SUBARU/SCION OF MORRISTOWN I	218.49
39115	TRIMBOLI & PRUSINOWSKI, LLC.	2,550.00
39116	UNITED TELEPHONE/CENTURY LINK	128.29
39117	USA HOISTCO., INC.	220.00
39118	VERIZON WIRELESS, INC.	196.05
39119	VISION SERVICE PLAN	2,256.11
39120	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1,035.00
39121	WALMART	184.73
171075	ELECTRONIC FEE – OTHER	99.99
171074	ELAVON – ON LINE FEES	99.99
171073	ELAVON	155.21
171070	PAYROLL ACCOUNT	189,995.54
171069	NEWTON BOARD OF EDUCATION	1,054,850.00
171068	JP MORGAN CHASE BANK	20,362.50

CAPITAL

8673	HARTER EQUIPMENT INC.	607.52
8674	LAFAYETTE AUTO PARTS	168.34
8675	MOTT MACDONALD	11,892.52
8676	PELLOW, HAROLD & ASSO, INC.	8,342.43
8677	SCMUA	168.96
8678	YOUR WAY CONSTRUCTION, INC.	6,453.76

Total TOWN BILLS \$ 2,286,301.74

WATER AND SEWER ACCOUNT

16587	AIRGAS EAST	49.47
16588	BETWEEN THE BREAD	50.00
16589	CAPITOL SUPPLY CONST PRODUCTS, INC.	602.36

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16590	CCP INDUSTRIES, INC.	53.55
16591	CENTURYLINK COMMUNICATIONS, INC.	39.66
16592	CENTURYLINK COMMUNICATIONS, INC.	1,205.73
16593	CINTAS CORPORATION NO. 2	66.52
16594	CONSTELLATION NEWENERGY	163.17
16595	COYNE CHEMICAL CORP., INC.	8,519.93
16596	DEMPSEY UNIFORM & SUPPLY INC	299.19
16597	FISHER SCIENTIFIC	276.02
16598	HACH COMPANY	555.71
16599	HAYEK'S MARKET INC.	50.00
16600	HOME DEPOT, INC.	131.08
16601	IHEARTMEDIA + ENTERTAINMENT INC.	250.00
16602	JCP&L	13,657.32
16603	KISTLER O'BRIEN FIRE PROTECTION, IN	2,143.00
16604	MINISINK PRESS INC	632.50
16605	MONTAGUE TOOL & SUPPLY, INC.	1,299.00
16606	MORRIS ASPHALT SUPPLY, LLC	846.18
16607	MOTT MACDONALD	1,932.31
16608	MUNICIPAL SOFTWARE, INC.	180.00
16609	NEW JERSEY HERALD, INC.	912.20
16610	PASSAIC VALLEY SEWERAGE COMM.	5,160.00
16611	PELLOW, HAROLD & ASSO, INC.	325.00
16612	PENTELEDATA	219.90
16613	PRINCETON HYDRO, LLC.	2,437.50
16614	PROCESS TECH SALES AND SERVICE	595.00
16615	PUMPING SERVICCES, INC.	13,724.00
16616	RYAN HERCO FLOW SOLUTIONS, INC.	661.41
16617	SCMUA	1,480.65
16618	SEBRING AUTO PARTS, INC.	16.60
16619	STAMP FULFILLMENT	1,758.00
16620	STAPLES BUSINESS ADVANTAGE, INC.	38.26
16621	STAPLES CREDIT PLAN, INC.	549.99
16622	SUSSEX COUNTY P & H, INC.	324.66
16623	TRIMBOLI & PRUSINOWSKI, LLC.	105.00
16624	VISION SERVICE PLAN	625.00
16625	WILLIAM GRENNILLE, LLC.	1,680.00
176035	ELECTRONIC FEES – W/S	99.99
176034	PAYROLL ACCOUNT	39,915.90
176033	JP MORGAN CHASE BANK	141,881.25

CAPITAL

2461	NEW JERSEY HERALD, INC.	30.00
2462	PELLOW, HAROLD & ASSO, INC.	1,736.10
2463	PUMPING SERVICES, INC.	1,079.00

Total WATER & SEWER Bills \$ 248,358.11

ELECTRONIC FEES – W/S

1763291	WATER & SEWER OPERATING ACCT	800.00
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Total ELECTRONIC FEE W/S Bills \$ 800.00

ELECTRONIC FEES – TAX

1713131	CURRENT ACCOUNT	350.00
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Total ELECTRONIC FEE TAX Bills \$ 350.00

FEDERAL/STATE GRANTS

1381	ASHLEY MEISINGER	90.00
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1382	CURRENT ACCOUNT	700.00
1383	DANIELSON, DEBORAH	250.00
1384	JACK CHOMA	120.00
1385	LISA BECHTEL	120.00
1386	LISA CASAMASSINA	120.00
1387	MARY LICATA	120.00
1388	RABBITT, JAMES	90.00
171123	PAYROLL ACCOUNT	436.95

Total FEDERAL/STATE GRANTS Bills \$ 2,046.95

DOG RESERVE

8566	TOWNSHIP OF WANTAGE	12,765.75
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Total DOG RESERVE Bills \$ 12,765.75

DEVELOPERS ESCROW(FUND 72)

1288	CELLCO PARTNERSHIP C/O HIERING, DUP	470.43
1289	MCMANIMON, SCOTLAND & BAUMANN, LLC	130.00

Total DEVELOPERS ESCROW FUND 72 Bills \$ 600.43

TRUST ACCOUNT

3668	ALERT-ALL CORP.	1,424.00
3669	DOMINICK'S PIZZA LLC	3,844.40
3670	J. CALDWELL & ASSOCIATES, LLC.	1,648.00
3671	PELLOW, HAROLD & ASSO, INC.	2,112.35
3672	SAMARITAN INN, INC.	252.50
3673	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	405.00
177122	PAYROLL ACCOUNT	10,003.50

Total TRUST ACCOUNT Bills \$ 19,689.75

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

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

INTERMISSION – 8:24 pm for 27 minutes.

DISCUSSION

a. Tax Abatement Program Expansion

Mayor Levante advised the Tax Abatement Program expansion discussion has been postponed until the next Council meeting.

b. Condit Street Parking Draft Ordinance

Mr. Russo reviewed a memo from the Town Engineer dated October 16th recommending parking should be prohibited on the east side from Ryerson to Jimland Terrace. Mrs. Leo created a draft ordinance which was approved by the Engineer and

Police Chief.

After a brief discussion, Council agreed to move forward with introducing same at the next Council meeting in November.

Mr. Russo suggested he continue working with Mrs. Leo on two-hour parking on Spring Street.

Council had a lengthy discussion regarding parking on Spring Street and additional parking spaces.

Mr. Russo advised free parking on Spring Street, as well as all the municipal lots, will be available for the month of December.

Mrs. Diglio requested free parking start on Thanksgiving weekend.

Deputy Mayor Elvidge suggested a lengthy discussion in the near future to review parking in and around the Town of Newton.

OPEN TO THE PUBLIC

Anwar Qarmout, 45 Woodside Ave, suggested a review of the sidewalks in Town which are becoming "smaller" due to trees and branches encroaching on them. He also questioned the status of the property on Lawnwood Ave which has debris on the exterior. Mayor Levante advised it was sold via auction.

Mr. Qarmout continued by stating the loading dock zone on Adam Street is too small and close to the intersection. Additionally, he expressed his disappointment with the lack of use of modern technology in the Municipal building for meetings. He noted the two screens in the Council Chambers and suggested utilizing them for the documents presented at Council meetings. Lastly, Mr. Qarmout suggested tenants that violate ordinances should be cited, not the landlord/owner.

Chester Razzano, Main Street, thanked the Mayor for the great job he is doing. He suggested a crossing guard be placed at Main Street and Lawnwood intersection. Mr. Razzano also stated the park and ride lot is lacking a welcoming feel. Additionally, he questioned the ice skating rink on High Street which has not been open in years.

Michael Malone, 59 Trinity Street, expressed his concerns with the safety issues surrounding the potential food truck ordinance.

Ralph Porter, 12 Pine Street, expressed his concerns with the parking issues in Town and suggested making the spaces smaller and providing a stairway to the parking lots to ease the walking to and from for elderly residents. He questioned the

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status on the house on Barrett Street which had burned in a fire. Mr. Porter proposed a cost savings for the new fire house by reducing the size of the structure.

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

COUNCIL & MANAGER COMMENTS

There were no Council & Manager comments at this time.

EXECUTIVE SESSION

Upon motion of Mrs. Diglio, seconded by Mrs. Le Frois and unanimously carried, Council entered Executive Session at 9:21 pm.

Upon motion of Mrs. Diglio, seconded by Mrs. Le Frois and unanimously carried, Council left Executive Session at 9:41pm.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 9:42 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk