

December 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 Deputy Mayor Elvidge, Mr. Flynn, Mrs. Le Frois, Mrs. Diglio, Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

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 Deputy Clerk called the roll. Upon motion of Mr. Flynn, seconded by Deputy Mayor Elvidge and carried, the minutes for December 11, 2017 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 take one turn at the microphone and please limit their comments to 5 minutes. The Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

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

COUNCIL & MANAGER REPORTS

a. Holiday House Decorating Winners

At this time, Mayor Levante announced the winners of the Holiday House Decorating contest and provided each winner present a gift card and a certificate of appreciation. In attendance were the first place winners Jose Lora and Carmen Ferreira of 18 Woodridge Court. Not in attendance were second place winners James and Meredith Myers of 32 Douma Drive; and third place winner David and Stephanie Smith of 29 Dogwood Drive. The Council thanked all the winners for their participation in the Holiday House Decorating contest.

SWEARING-IN CEREMONY

At this time, Mayor Levante invited Anthony Keiling to come forward. Mr. Keiling was sworn in by the Mayor as a Police Officer, as his wife Ashley held the Bible.

Mayor Levante then invited Donald J. Meisinger, Jr., to come forward. Mr. Meisinger was sworn by the Mayor as a Police Officer as his fiancé Kayla Sumski held the Bible.

December 27, 2017

Mr. Russo gave a brief bio on the new officers.

Anthony J. Keiling is coming from the Sussex County Sheriff's Department. He is 33 years old and was raised in Newton. Mr. Keiling brings with him experience working with the New Jersey Department of Corrections and the Sussex County Corrections. He recently completed basic training at the Passaic County Police Academy to be a Sussex County Sheriff's Officer. He is married to his wife Ashley (Wunder) Keiling, a dispatcher for the Town of Newton.

Donald J. Meisinger, Jr., is 27 years old and was raised in Newton. He has a Bachelor's Degree in Criminal Justice Administration and will attend the Morris County Police Academy in January of 2018. Mr. Meisinger has work experience with the New Jersey Department of Corrections and the Sussex County Corrections. He is currently engaged to be married to Kayla Sumski, a teacher at Hackettstown Middle School.

Chief Richards spoke next stating he is proud to have both gentlemen join the force. They are both hometown boys, and not only did they want to be police officers, they wanted to be Newton Police Officers. They come highly recommended by respected members of the community, some of which are in attendance this evening. Chief Richards thanked the Council for their support through this process and he also thanked the Detective Squad for their hard work in investigating the two gentlemen.

At this time Mayor Levante suggested a brief intermission for congratulations and pictures.

INTERMISSION – 7:08 pm

ORDINANCES

There were no Ordinances to discuss.

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 and added Resolution

#289-2017.

Mr. Flynn requested Resolutions #274-2017, #275-2017 and #289-2017 be removed for separate discussion.

RESOLUTION #271-2017*

APPOINTMENT OF CERTAIN BOARD AND COMMISSION MEMBERS

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the following appointments be made:

<u>Board/Commission</u>	<u>Name</u>	<u>Term</u>	<u>Expiration Date</u>
Advisory Board of Health	William Hagaman	5 Years	December 31, 2022
Economic Development Advisory Commission	Richard Krasnomowitz	3 Years	December 31, 2020
Economic Development Advisory Commission	Daniel Hayek	3 Years	December 31, 2020
Economic Development Advisory Commission	Dr. Crystal Clark	3 Years	December 31, 2020
Historic Preservation Advisory Commission	Dennis Becker, Class C	4 Years	December 31, 2021
Historic Preservation Advisory Commission	Karen Schulte, Class C	4 Years	December 31, 2021
Newton Parking Authority	Keith Mitchell	5 Years	December 31, 2022
Planning Board	Greg Le Frois	4 Years	December 31, 2021
Planning Board	Gary Marion	4 Years	December 31, 2021
Advisory Shade Tree Commission	Betsy VanOrden	5 Years	May 31, 2022
Utility Advisory Board	Thomas Lawler	5 Years	December 31, 2022

RESOLUTION #272-2017*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR NJ FENCE LLC

WHEREAS, the Town of Newton has a need to install fencing backstops for its ballfields by NJ Fence LLC through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the acquisition will exceed \$17,500; and

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

WHEREAS, NJ Fence, LLC in the aggregate is expected to exceed the pay-to-play threshold of \$17,500.00; and

WHEREAS, NJ Fence LLC has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies NJ Fence, LLC 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 NJ Fence, LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$20,000.00, and funds are available as follows:

2017 (Appropriation Reserve) Current Budget	
#1095331A CIF- Park Backstops	\$20,000.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with NJ Fence, LLC not to exceed \$20,000 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 #273-2017*

AUTHORIZE REFUND OF TAXES; BLOCK 8.06, LOT 13, FOR A SENIOR CITIZEN DEDUCTION

WHEREAS, Block 8.06, Lot 13, also known as 8 Madison Street is owned by Ruth Napier; and

WHEREAS, based on an application received by the Tax Collector, for a Senior Citizen Property Tax Deduction, Ms. Napier’s deduction of \$250.00 has been approved; and

WHEREAS, the taxes are paid in full thus resulting in a refund due for Tax Year 2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Ruth Napier in the total amount of \$250.00.

RESOLUTION #276-2017*

AUTHORIZE REFUND OF TAXES; BLOCK 7.07, LOT 8, FOR A VETERAN DEDUCTION

WHEREAS, Block 7.07, Lot 8, also known as 7 Liberty Street is owned by Guillermo & Teresa Marquira; and

WHEREAS, based on an application received by the Tax Collector, for a Veterans Property Tax Deduction, Mr. Marquira’s deduction of \$250.00 has been approved; and

WHEREAS, the taxes are paid in full thus resulting in a refund due for Tax Year 2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Guillermo Marquira in the total amount of \$250.00.

RESOLUTION #277-2017*

AUTHORIZE REFUND OF TAXES; BLOCK 19.03, LOT 7, FOR A VETERAN DEDUCTION

WHEREAS, Block 19.03, Lot 7, also known as 26 Mt. View Street is owned by Gerald & Emma Sliker; and

WHEREAS, based on an application received by the Tax Collector, for a Veterans Property Tax Deduction, Mr. Sliker’s deduction of \$250.00 has been approved; and

December 27, 2017

WHEREAS, the taxes are paid in full thus resulting in a refund due for Tax Year 2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Gerald Sliker in the total amount of \$250.00.

RESOLUTION #278-2017*

APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2018

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

WHEREAS, the anticipated term of this contract is for calendar year 2018; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 5, 2017 indicating they will provide the 2018 auditing services for \$27,100.00; additional services, should they be required, would be billed at amounts set forth in the contract with hourly rates not to exceed \$175.00 per hour; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A 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 the Ferraioli, Wielkotz, Cerullo & Cuva, P.A from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that, subject to the availability and appropriation of sufficient funds in the 2018 budgets, funds will be provided in the 2018 Municipal Current Budget – Audit Services #1054300 \$13,550.00 and in the 2018 Water Sewer Utility Budget – Audit Services #6051205 \$13,550.00 to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A in the total amount of \$27,100.00; additional services, estimated not to exceed \$2,500.00 would be encumbered at the time the services are ordered as per NJAC 5:30-5.5 (b)2. against the appropriate budget appropriation (most likely a capital ordinance account); the total amount being certified \$29,600.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #279-2017*

AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR LOSAP WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVATIVE

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2017; and

WHEREAS, auditing service is a professional service as defined by the Local Public

December 27, 2017

Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkotz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2018;

WHEREAS, the Chief Financial Officer has certified that funds will be provided in the 2018 Municipal Current Budget – Audit Services #1054300 to support this agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A in the amount not to exceed \$1,500.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the CFO are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

RESOLUTION #280-2017*

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT FOR ONE 2018 FORD POLICE INTERCEPTOR SPORT UTILITY VEHICLE FOR THE TOWN OF NEWTON POLICE DEPARTMENT UTILIZING THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM, SYSTEM IDENTIFIER #47-CPCPS

WHEREAS, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-11(5), the Town of Newton ("Town") may by resolution and without advertising for bids, purchase any goods or services under a Cooperative Pricing System approved by the Director of the Division of Local Government Services; and

WHEREAS, The Cranford Police Cooperative Pricing System, bearing System Identifier #47-CPCPS, is an approved cooperative pricing system that is registered with the Division of Local Government Services; and

WHEREAS, as a member of The Cranford Police Cooperative Pricing System, the Town is eligible to purchase police and administrative vehicles (2018 model year) together with options under Contract #17-01; and

WHEREAS, the Town has an immediate need to replace a damaged police vehicle to maintain an adequate number of police patrol and public safety response vehicles; and

WHEREAS, the Town of Newton desires to purchase one (1) 2018 Ford Police Interceptor Sport Utility Vehicle at a base unit price of \$25,961.00, together with selected options, for an amount not to exceed the total purchase price of \$38,657.79 through The Cranford Police Cooperative Pricing System (#47 CPCPS) pursuant to Contract #17-01, Item #2, awarded to Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960; and

WHEREAS, the Town of Newton intends to finance this purchase pursuant to a Lease and Option to Purchase Agreement to be entered into with First Hope Bank, A National Banking Association, ("First Hope Bank"), 201 State Route 94, Columbia, NJ 07832, for a term of three (3) years at an annual interest rate of 2.65% for a total payment amount not to exceed \$39,806.48, including all financing costs; and

December 27, 2017

WHEREAS, the Chief Financial Officer ("CFO") has certified that sufficient funds will become available for the acquisition of said police vehicle upon approval and execution of a the Lease and Option to Purchase Agreement between the Town and First Hope Bank as described herein;

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

1. The Town Council hereby approves the purchase of one (1) 2018 Ford Police Interceptor Sport Utility Vehicle, together with selected options, in an amount not to exceed \$38,657.79 from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960, in accordance with the quotation dated December 12, 2017, the Cranford Police Cooperative Pricing System Contract #17-01 (Item #2), and Bid Specifications.

2. This award of contract is contingent upon: (a) the Town entering into a Lease and Option to Purchase Agreement with First Hope Bank as stated herein, and (b) issuance of a Certification of Availability of Funds by the CFO in accordance with N.J.A.C. 5:30-5.5 certifying that the total funds provided for in the Lease and Option to Purchase Agreement have been received by the Town and said funds are available and sufficient for the acquisition of said police vehicle.

3. The Mayor and Town Clerk or other appropriate Town officials are hereby authorized to sign the required contract documents necessary to effectuate the award of this contract subject to the conditions set forth above.

RESOLUTION #281-2017*

RESOLUTION AUTHORIZING A LEASE AND OPTION TO PURCHASE AGREEMENT WITH FIRST HOPE BANK FOR THE ACQUISITION OF ONE POLICE VEHICLE IN AN AMOUNT NOT TO EXCEED \$39,806.48

WHEREAS, the Town of Newton ("Town") has an immediate need to replace a damaged police vehicle to maintain an adequate number of police patrol and public safety response vehicles; and

WHEREAS, the Town desires to purchase one (1) 2018 Ford Police Interceptor Sport Utility Vehicle at a base unit price of \$25,961.00, together with selected options, for an amount not to exceed the total purchase price of \$38,657.79 through The Cranford Police Cooperative Pricing System (#47 CPCPS) pursuant to Contract #17-01, Item #2, awarded to Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960; and

WHEREAS, the Town desires to finance such acquisition through lease purchase financing; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40:11-15 authorizes lease arrangements for motor vehicles and equipment for a period not to exceed five (5) years; and

WHEREAS, the Town has sought quotes from financial institutions for such lease purchase financing in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the quote submitted by First Hope Bank, A National Banking Association, ("First Hope Bank"), 201 State Route 94, Columbia, NJ 07832, represents the most advantageous quote with respect to said financing; and

WHEREAS, First Hope Bank proposes to finance the purchase price for a term of three (3) years at an annual interest rate of 2.65% for a total payment amount not to exceed \$39,806.48, including all financing costs, with the first principal payment of \$9,951.62 being paid at time of closing; and

December 27, 2017

WHEREAS, the lease purchase financing is subject to the Mayor and Town Council appropriating \$9,951.62 principal and interest in budget years 2018, 2019, and 2020 as per the attached amortization schedule; and

WHEREAS, the award of this contract will not exceed five (5) years in length and will not exceed state public bidding thresholds; and

WHEREAS, the Town Council has determined that it is in the best interest of the citizens of the Town to purchase the aforesaid police vehicle in accordance with the foregoing; and

WHEREAS, the Town now desires to award the lease purchase financing to First Hope Bank, to set forth the basic financial terms to be incorporated into the Lease and Option to Purchase Agreement, and authorize the preparation, execution and delivery of said Agreement, together with all other documents necessary or incidental to the transactions contemplated thereby;

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

1. The Town Council hereby approves to finance the acquisition of the aforesaid police vehicle through a Lease and Option to Purchase Agreement ("Lease Agreement") which is hereby awarded to First Hope Bank for a term of three (3) years at an interest rate of 2.65% for a total payment amount not to exceed \$39,806.48, including all financing costs, in accordance with its proposal.

2. The Town Council designates and authorizes the Town Manager and Chief Financial Officer to execute, attest, and deliver the Lease Agreement, together with all other documents necessary for the consummation of transactions contemplated thereby, and to place and maintain copies of same in the Office of the Town Clerk.

3. In exchange for its authorization and execution of the Lease Agreement and supporting documents, the Town will receive a loan in an amount not to exceed \$38,657.79 which will be used to finance the acquisition of the aforesaid police vehicle and other related costs. Payments under the Lease Agreement may occur on one or more dates, provided that the final lease payment shall not exceed the fifth anniversary date of the date of the Lease Agreement.

4. The Town's obligations under the Lease Agreement shall be subject to annual appropriation by the Town Council as set forth in the Lease Agreement and the Town's obligations under the Lease shall not constitute general obligations of the Lessee.

5. The Town Council hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by the Lessee does not exceed \$10,000,000 for the calendar year within which this Lease Agreement is to be a "qualified tax-exempt obligation" pursuant to Section 265(b) of the Internal Revenue Code; and

6. A copy of said Lease Agreement and supporting documents will be kept on file in the Office of the Municipal Clerk.

RESOLUTION #282-2017*

A RESOLUTION REQUESTING APPROVAL FROM THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY RIDER FOR SURCHARGE FOR MOBILE VIDEO RECORDING SYSTEM TRUST FUND PURSUANT TO N.J.S.A. 40A:14-118.1

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; and

WHEREAS, under N.J.S.A. 40A: 14-118.1 the surcharges for DWI convictions, according to N.J.S.A. 39:4-50 (i), provide revenue for the purchase of these mobile video recording systems for police vehicles;

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

1. That all revenue received by the Town of Newton, be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit, pursuant to N.J.S.A. 40A:14-118.1, for the sole purpose stated above.
2. The Municipal Clerk of the Town of Newton, County of Sussex is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION #283-2017*

AUTHORIZE REMITTANCE (CANCELLATION) OF 2017 TAXES; BLOCK 4.02, LOT 20

WHEREAS, the Municipal Tax Assessor has indicated during the remapping of the Town Block 4.02, Lot 20 ,also known as High Street Rear and assessed to "Unknown Owner" represents a "void" in the tax map; and

WHEREAS, this property currently has unpaid taxes for the year 2017 for the total amount of \$42.38; and

WHEREAS, the Tax Collector has determined the taxes in the amount of \$42.38 for the tax year 2017 are uncollectible and are unable to be sold in the annual tax sale and the amount must be remitted (cancelled);

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges the taxes for the year 2017 are uncollectible and must be remitted (cancelled); and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to remit (cancel) taxes for the year 2017 in the total amount of \$42.38.

RESOLUTION #284-2017*

APPROVE 2017 APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2017 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Court SW 1059101	Court OE 1059217	2,000.00
Clerk SW 1051103	Legal OE 1058204	7,000.00
Misc. Operating OE 1079200	Planning Board OE 1062216	1,000.00
Police SW 1074111	Police OE 1074223	6,000.00
Pool SW 1090102	Vehicle Maintenance OE 1083380	14,900.00
Utility –Street Light OE 1089267	Road OE 1080217	2,000.00
Recycle OE	Vehicle Maintenance OE	3,000.00

1083269	1083380	
Snow OE	Vehicle Maintenance OE	5,000.00
1081239	1083380	

TOTAL CURRENT TRANSFERS	\$40,900.00
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RESOLUTION #285-2017*

RESOLUTION AUTHORIZING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the Newton Town Council members have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto;

NOW, THEREFORE BE IT RESOLVED, that the Town of Newton hereby states it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RESOLUTION #286-2017*

TO CANCEL WATER SEWER UTILITY APPROPRIATION BALANCE(S)

WHEREAS, the following Water Sewer Utility Fund 2017 budget appropriation balance(s) remain unexpended;

Operating OE – Consultant	#6051216
\$32,000.00	
Operating OE – Sewer Plant - Mechanical Maint	#6077241
\$10,000.00	

WHEREAS, per N.J.S.A. 40A:4-60 any unexpended balances of appropriations may, by resolution of the governing body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the above listed unexpended balances of the Water Sewer Utility Fund be canceled to Water Sewer Operations.

RESOLUTION #287-2017*

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

39270	ADVANCE AUTO PARTS	15.49
39271	AG CHOICE, LLC.	1,032.00
39272	ALEX ARMSTRONG	19.00
39273	SYNCHRONY BANK	721.17
39274	ANN ROSELLEN	612.50
39275	ANTHOLIS & GAGE, LLC ATTNY TRUST AC	2,119.00
39276	ARF RENTAL SERVICES, INC.	709.12
39277	BLUE RIDGE LUMBER, INC.	2,470.89
39278	BONNIE MESSINA	997.50
39279	BOONTON TIRE SUPPLY INC.	1,013.98
39280	BRAD SCHELLER TENNIS	150.00
39281	CAMPBELL'S SMALL ENGINE INC.	64.38
39282	CAMPBELLS SUPPLY OF SUSSEX COUNTY	152.98
39283	CENTURYLINK COMMUNICATIONS, INC.	201.98
39284	CENTURYLINK COMMUNICATIONS, INC.	3,567.21
39285	CINTAS CORPORATION NO. 2	46.21
39286	CONSTELLATION NEWENERGY	1,235.80
39287	COOPER ELECTRIC SUPPLY CO.	1,686.15
39288	D & E SERVICE CENTER, INC.	165.00
39289	DETROIT SALT COMPANY, LLC.	32,829.61
39290	DOMINICK'S PIZZA LLC	28.20
39291	DUSTIN MCGARRY	19.00
39292	ELVIDGE, E. KEVIN	256.87
39293	ENGRAVING AWARDS GIFTS	245.00
39294	FEDERAL & STATE GRANT	2,693.00
39295	FEDERAL EXPRESS	88.81
39296	FIRE & SAFETY SERVICES, LTD., INC.	7,745.22
39297	FIRST HOPE BANK INC.	9,951.62
39298	GALLS, LLC	424.51
39299	GRAVITY DESIGN WORKS, INC.	290.00
39300	HAYDEE BALLESTER	165.00
39301	HOLZHAUER & HOLENSTEIN, LLC	3,700.00
39302	HOME DEPOT, INC.	769.89
39303	HOME DEPOT, INC.	493.49
39304	J & D SALES & SERVICE, LLC.	67.60
39305	J. CALDWELL & ASSOCIATES, LLC.	206.50
39306	JAANK RESTORATIONS, LLC	15,472.86
39307	JCP&L	13,047.39
39308	JMC ENVIRONMENTAL CONSULTANTS, INC.	893.70
39309	KIMBERLY MASON-WILLIAMS	189.48
39310	KITHCART, BROCK	19.00
39311	KKPR MARKETING & PUBLIC RELATIONS	675.00
39312	LAFAYETTE AUTO PARTS	184.14
39313	LANG, DIANE	100.00
39314	LEYMAN, JUSTIN	19.00
39315	LOCK & KEY WORLD	83.50
39316	LOWE'S, INC.	239.89
39317	MCGUIRE, INC.	28.95
39318	MCMANIMON, SCOTLAND & BAUMANN, LLC	1,419.00
39319	MILLER, THOMAS	100.00
39320	MINISINK PRESS INC	310.00
39321	284 AGGREGATES, LLC.	569.37
39322	L-3 COMM. MOBILE-VISION	54.95
39323	MORRIS ASPHALT SUPPLY, LLC	1,803.06
39324	MORRIS COUNTY POLICE ACADEMY	40.00
39325	NEW JERSEY HERALD, INC.	194.60
39326	NEWTON JUNIOR ATHLETIC LEAGUE	1,585.00
39327	NEWTON PIZZA	212.50
39328	NJ DIV PENSION & BENEFIT	449.20
39329	NJMEBF	92,758.00
39330	NORTH CHURCH GRAVEL, INC.	223.65

December 27, 2017

39331	PAR TROY SOUND OF NEWTON, INC.	150.00
39332	PENTELEDATA	729.70
39333	QUILL CORPORATION	111.99
39334	RACHLES/MICHELE'S OIL COMPANY, INC.	3,350.55
39335	ROGO FASTENER CO., INC.	192.48
39336	RUTGERS, CENTER FOR GOVERNMENT SERV	2,040.00
39337	SANDRA DIGLIO	60.00
39338	SARAH GRUB	625.00
39339	SCHENCK, PRICE, SMITH, & KING, LLP	2,469.08
39340	SCMUA	1,674.32
39341	SERVICE ELECTRIC CABLE TV	57.35
39342	SHOP RITE, INC.	30.94
39343	SISCO, JAMES	19.00
39344	STAPLES BUSINESS ADVANTAGE, INC.	104.48
39345	SUNLIGHT GENERAL	672.21
39346	SUSSEX & WARREN TAX COLL	30.00
39347	SUSSEX CAR WASH INC	84.00
39348	SUSSEX COUNTY ENGINEERING DIVISION	401.51
39349	SUSSEX COUNTY RENTAL CENTER, LLC.	1,125.00
39350	TAYLOR OIL CO., INC.	2,106.88
39351	THOMAS, CHRISTINE M.	125.00
39352	THYSSENKRUPP ELEVATOR CORP.	219.50
39353	TOYOTA/SUBARU/SCION OF MORRISTOWN I	640.36
39354	TREASURER, PETTY CASH FUND	109.17
39355	TRI-STATE RENTALS, INC.	126.25
39356	USA HOISTCO., INC.	220.00
39357	VERIZON WIRELESS, INC.	1,700.56
39358	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	915.00
39359	W.B. MASON, INC.	456.18
39360	WEATHER WORKS, INC.	1,680.00
39361	WELDON ASPHALT COMPANY, INC.	1,429.75
39362	WILDFLOWERS WITH TAMI	125.00
39363	WISTUBA, TRAVIS	19.00
39269	SOL AZTECA MEXICAN GRILL	50.00
171081	PAYROLL ACCOUNT	197,211.94
171080	NEWTON BOARD OF EDUCATION	1,132,019.00
39268	NJMEBF	174,883.00
39267	AUTO BODY CONNECTION	882.00
39183	AUTO BODY CONNECTION	-942.36

CAPITAL

8684	MCMANIMON, SCOTLAND & BAUMANN, LLC	494.50
8685	MOTT MACDONALD	10,312.64
8686	SUPERIOR PLAY SYSTEMS, INC	49,933.40
8687	SUSSEX COUNTY RENTAL CENTER, LLC.	675.00

Total TOWN BILLS \$ 1,796,946.30

WATER AND SEWER ACCOUNT

16667	ACCURATE WASTE REMOVAL INC.	10,669.25
16668	AIRGAS EAST	11.01
16669	BRAD SCHELLER TENNIS	150.00
16670	CENTURYLINK COMMUNICATIONS, INC.	39.66
16671	CENTURYLINK COMMUNICATIONS, INC.	1,205.31
16672	CINTAS CORPORATION NO. 2	109.53
16673	CONSTELLATION NEWENERGY	480.53
16674	COYNE CHEMICAL CORP., INC.	3,480.66
16675	DOMINICK'S PIZZA LLC	28.20
16676	GENSERVE INC.	589.25
16677	HOLLAND COMPANY, INC.	6,498.76
16678	HOME DEPOT, INC.	408.43

December 27, 2017

16679	J. CALDWELL & ASSOCIATES, LLC.	206.50
16680	JCP&L	15,973.20
16681	JEV CONSTRUCITON, LLC.	3,500.00
16682	KISTLER O'BRIEN FIRE PROTECTION, IN	644.00
16683	LOCK & KEY WORLD	578.00
16684	MOTT MACDONALD	1,321.00
16685	NEW JERSEY HERALD, INC.	110.00
16686	NJMEBF	83,306.00
16687	ONE CALL CONCEPTS, INC.	181.25
16688	PENTELEDATA	249.64
16689	PRINCETON HYDRO, LLC.	812.50
16690	PROCESS TECH SALES AND SERVICE	1,014.00
16691	PUMPING SERVICES, INC.	700.00
16692	SCMUA	1,157.54
16693	SERVICE ELECTRIC CABLE TV	120.00
16694	SUNLIGHT GENERAL	1,311.90
16695	VERIZON WIRELESS, INC.	223.67
16696	WATERWARE COMMERCIAL DIVING SERVICE	13,100.00
16697	WELDON ASPHALT COMPANY, INC.	1,429.75
176039	PAYROLL ACCOUNT	47,991.92
15989	AZUL CORE	-739.98

Total WATER & SEWER Bills \$ 196,861.48

FEDERAL/STATE GRANTS

171128	NEWTON JUNIOR ATHLETIC LEAGUE	300.00
171129	QUEENSBORO INDUSTRIES, INC.	8,104.26
171127	CURRENT ACCOUNT	1,516.05
171126	PAYROLL ACCOUNT	805.72

Total FEDERAL/STATE GRANTS Bills \$ 10,726.03

TRUST ACCOUNT

3683	J. CALDWELL & ASSOCIATES, LLC.	236.00
3684	KEY-TECH, INC.	160.00
3685	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1,050.00
3682	SCHIFANO CONSTRUCTION	173.00
177125	PAYROLL ACCOUNT	11,361.29
3640	SCHIFANO CONSTRUCTION	-173.00

Total TRUST ACCOUNT Bills \$ 12,807.29

The Deputy Clerk presented an application for membership into the Newton Fire Department from Robert J. Caton, 6 Dogwood Drive, Newton. It was noted the application was in order and signed by the Fire Chief.

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
Mrs. Le Frois(Recused #271-2017)	Yes	Mrs. Diglio(Recused Check #39337)	Yes
	Mayor Levante		Yes

RESOLUTIONS

RESOLUTION #274-2017

RESOLUTION AUTHORIZING \$18,000 INCREASE TO THE PROFESSIONAL SERVICES AGREEMENT FOR SYSTEM-WIDE SANITARY SEWER INSPECTION TO MOTT MACDONALD

WHEREAS, the Town of Newton has a need to receive Professional Engineering Services pursuant to N.J.S.A. 40A:11-5 for the System Wide Sanitary Sewer Inspection, Condition and Rehabilitation Plan through Mott MacDonald as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, a contract was entered into between the Town of Newton and Mott MacDonald by the adoption of Resolution 141-2017 adopted on August 14, 2017 for professional engineering services related to the System Wide Sanitary Sewer Inspection, Condition and Rehabilitation Plan, with a not to exceed budget of \$240,000; and

WHEREAS, on December 11, 2017, Mott MacDonald advised a field investigation resulted in a change in work from an estimated 500 manholes to an actual total of 683 manholes; and

WHEREAS, Mott MacDonald has requested a budget increase of \$18,000 for the inspection and evaluation of the additional 183 manholes;

WHEREAS, the Chief Financial Officer has certified funds are available in the 2017 Water Sewer Utility Budget, Other Expenses – Consultant #6051216 \$18,000.00;

NOW THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the \$18,000 increase for the professional services agreement with Mott MacDonald related to the system-wide sanitary sewer inspection.

Mr. Flynn questioned why there was such a large increase in the number of manholes. After a brief discussion, Mr. Russo advised Mott MacDonald only estimated the number of manholes for the project at 500, in reality there are 683.

A motion was made by Mr. Flynn to approve **Resolution #274-2017**, seconded by Mrs. Le Frois and roll call resulted as follows:

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

RESOLUTION #275-2017

ACCEPT THE PROPOSED IMPROVEMENTS TO LIBERTY STREET PROJECT AS FINAL AND COMPLETE

WHEREAS, the Town Council of the Town of Newton awarded contracts for the Proposed Improvements to Liberty Street Project:

1. Your Way Construction, Inc., for the sidewalk portion, by the adoption of Resolution #49-2017;
2. Tilcon New York for the paving portion by the adoption of Resolution #50-2017 on March 13, 2017;
3. Denville Line Painting for the road striping by the adoption of Resolution #50-2017 on March 13, 2017.

WHEREAS, the Town Council approved two Change Orders for Your Way Construction for a final contact cost of \$22,650.61 for the sidewalk portion; and

WHEREAS, the Town Council approved a Change Order for Tilcon New York for a final contact cost of \$25,974.99 for the paving portion; a Change Order for Denville Line

Painting, Inc., for a final contract cost of \$1,041.60 for the road striping portion; and

WHEREAS, the Town Engineer, Harold E. Pellow & Associates, Inc., recommends the project be accepted as final and complete in a memo dated December 15, 2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Proposed Improvements to Liberty Street Project as final and complete based on the recommendation of Harold E. Pellow and Associates and the final paperwork be processed.

Mr. Flynn wanted to state he thought there should have been more attention to detail with this project. There has been a "Keep Right" sign from this project laying in the median which he feels should have been removed by the Public Works Department.

A motion was made by Mr. Flynn to approve **Resolution #275-2017**, seconded by Mrs. Diglio and roll call resulted as follows:

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

RESOLUTION #289-2017

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR D&E SERVICE CENTER

WHEREAS, the Town of Newton requires the services of a qualified heavy duty on road truck repair service through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

WHEREAS, the purpose of this contract is for the repair of a 2010 Mason Dump; and

WHEREAS, D&E Service Center, in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, D&E Service Center has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies D&E Service Center, 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 D&E Service Center, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies subject to the Governing Body approving the 12/27/17 transfer resolution, there are sufficient funds in the 2017 Budget, funds NOT TO EXCEED \$21,000.00 will be encumbered as follows:

2018 Current Budget – Vehicle Maintenance-Road #1083380 \$21,000.00

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with D&E Service Center, not to exceed \$21,000 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.

Mr. Flynn inquired if the truck in question was worth putting in a new motor or would it be better to buy a new truck. Mr., Russo advised a new truck would be about \$60,000, to replace the motor is about \$20,000. Besides the motor, the truck is in good condition. This new motor comes with a two-year warranty.

A motion was made by Mrs. Le Frois to approve **Resolution #289-2017**, seconded by Mrs. Diglio and roll call resulted as follows:

Deputy Mayor Elvidge	Yes	Mr. Flynn	No
Mrs. Le Frois	Yes	Mrs. Diglio	Yes
Mayor Levante	Yes		

DISCUSSION - None

OPEN TO THE PUBLIC

Erin Louglas, 188 Spring Street, owner of Between the Bread inquired about changing the parking limits on Spring Street. A discussion ensued amongst the Council. Mr. Russo advised he will have Harold E. Pellow & Associates conduct a parking analysis to see if anything can be done to increase the number of parking spaces or style of parking on Spring Street. There is money in this year's budget to be allocated for this analysis.

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

COUNCIL & MANAGER COMMENTS

Mr. Russo reminded Council Town Hall will be closed on Monday, January 1st in observance of New Year's Day. Additionally, he noted Governor Christie issued Executive Order #237 for prepayment of 2018 property taxes.

Mayor Levante requested items be listed under Old Business until they are resolved. He also, requested a list of committees and updates from Council members on each committee.

Mr. Russo advised only actionable items should be listed.

Mrs. Diglio noted the Historic Commission recently approved two applications; the restoration of the "Feels Like Home" building by Teyma Group and the restoration of 59 High Street to the original look by Doctor Marotta-Godkar of Advanced Cardiology.

Mayor Levante stated the Planning Board approved Fitness Nation going into part of the Dollar General building. The Board also approved the installation of a cell facility on the

December 27, 2017

water tank at Merriam Gateway, and finally Ninja Warriors gym is going into Furniture Warehouse on Mill Street.

EXECUTIVE SESSION

Upon motion of Deputy Mayor Elvidge, seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 7:53 pm.

Upon motion of Mr. Flynn, seconded by Mrs. Diglio and unanimously carried, Council left Executive Session at 10:37 pm.

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 10:38 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Deputy Municipal Clerk