

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

Mayor Diglio made the following declaration "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2015."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion Mr. Flynn, seconded by Deputy Mayor Levante and carried, the minutes for December 12, 2016 Regular and Executive meetings were approved.

OPEN TO THE PUBLIC

Mayor Diglio read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

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

COUNCIL & MANAGER REPORTS

a. Holiday House Decorating Winners

At this time, Mayor Diglio announced the winners of the Holiday House Decorating contest and provided each of the winners with a gift card and a certificate. The first place winner was Ray Garcia of 16 Woodridge Court; second place winner was Kelly and Eric Rossi of 24 Park Avenue; and third place winner was Ryan Boyle of 38 Kory Road. The Council thanked all the winners for their participation in the Holiday House Decorating contest.

b. Fox Hollow Update – Dave Simmons, Water Engineer

Dave Simmons, Water Engineer, updated Council and provided a PowerPoint presentation on the Fox Hollow repair project. Mr. Simmons indicated the contractor will return to the site and complete the project in the Spring of 2017. It was halted due to the cold weather.

After a lengthy discussion, Council thanked Mr. Simmons for the Fox Hollow update.

ORDINANCES

There was no Ordinance to be discussed.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Diglio read the following statement:

“All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

Mr. Russo outlined the Resolutions on the Consent Agenda.

RESOLUTION #248-2016*

APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT

WHEREAS, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

WHEREAS, said insurance services will be needed during calendar year 2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860, be named as agent of record effective January 1, 2017 for the following insurance policies:

- | | |
|-----------------------------|------------------|
| a) Package | SIF2017-07860NEW |
| b) Workers' Compensation | WC1707860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFP-4231-3258E-1 |
| e) Fire Life AD&D Insurance | G600592-0001 |

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services 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 the services to be provided are of a nature requiring specific professional skills and knowledge; and

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

RESOLUTION #249-2016*

TO TRANSFER THE CURRENT APPROPRIATION BALANCE RESERVE FOR TAX APPEALS AND SET UP A RESERVE FOR TAX APPEALS ON THE CURRENT TRIAL BALANCE

WHEREAS, the following Current Fund 2016 Budget appropriation balance remains unexpended;

Reserve for Tax Appeals A/C#1094570	\$35,000.00
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WHEREAS, the Governing Body wishes to reserve this balance in the Current Fund as a reserve so that if tax appeals are resolved in a future year this funding may be used;

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 2016 Current Budget be canceled and reserved in Current as a Reserve for Tax Appeals.

RESOLUTION #250-2016*

REAPPOINTMENT OF RUFUS COWARD TO THE ADVISORY RECREATION COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Rufus Coward is hereby reappointed to a full five-year term on the Advisory Recreation Commission, effective January 1, 2017 and continuing through December 31, 2021.

RESOLUTION #251-2016*

REAPPOINTMENT OF KENNETH EDWARDS TO THE NEWTON PARKING AUTHORITY

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Kenneth Edwards is hereby reappointed to a five (5) year term on the Newton Parking Authority, effective January 1, 2017 with said term continuing to December 31, 2021.

RESOLUTION #252-2016*

APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., P.P., C.M.E., AS WATER ENGINEER FOR CALENDAR YEAR 2017

WHEREAS, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; and

WHEREAS, engineering services 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, David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, of Harold E. Pellow & Associates, Inc., has submitted a *Scope of Services* proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby reappoints David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, of Harold E. Pellow & Associates, Inc., as Water Engineer for calendar year 2017 based on the *Scope of Services* proposal dated December 13, 2016; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to David B. Simmons, Jr., P.E., L.S., P.P., C.M.E, at Harold E. Pellow & Associates, Inc.; and

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

RESOLUTION #253-2016*

AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW IN 2017

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

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WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2016 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in 2017.

RESOLUTION #254-2016*

AUTHORIZE REMITTANCE (CANCELLATION) OF 2016 TAXES FOR BLOCK 19.05, LOT 33

WHEREAS, property known as Block 19.05, Lot 33, also known as 82 Mount View Street and owned by Sussex County Habitat for Humanity, a nonprofit organization of the State of New Jersey; and

WHEREAS, this property currently has unpaid taxes for the 3rd and 4th quarters of 2016 which amount to \$2,754.18; and

WHEREAS, on August 22, 2016 Habitat for Humanity entered into an agreement with the Town of Newton to make a Payment in Lieu of Taxes "PILOT" for the calendar year 2016 as approved and agreed by Resolution #146-2016; and

WHEREAS, the Tax Collector for the Town of Newton has determined the 3rd and 4th quarters of 2016 for Block 19.05, Lot 33, are uncollectible and therefore, must remit (cancel) the amount of \$2,754.18;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges the taxes for the 3rd and 4th quarters of 2016 are uncollectible for Block 19.05, Lot 33, and must be remitted (cancelled); and

BE IT FURTHER RESOLVED, the Tax Collector be authorized to remit (cancel) taxes for the 3rd and 4th quarters 2016 for Block 19.05, Lot 33, in the total amount of \$2,754.18.

RESOLUTION #255-2016*

AUTHORIZE REMITTANCE (CANCELLATION) OF 2016 TAXES FOR BLOCK 4.02, LOT 20

WHEREAS, the Municipal Tax Assessor has indicated during the remapping of the Town of Newton, 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 2016 which amount to \$41.70; and

WHEREAS, the Tax Collector has determined the taxes in the amount of \$41.70 for the tax year 2016 for Block 4.02, Lot 20, are uncollectible and are unable to be sold in the annual tax sale, therefor 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 2016 for Block 4.02, Lot 20, 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 of 2016 for Block 4.02, Lot 20, in the total amount of \$41.70.

RESOLUTION #256-2016*

APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC. AS ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2017

WHEREAS, the Town of Newton has a need for a qualified Environmental Engineer to provide consulting and engineering services throughout the year as matters arise; and

WHEREAS, engineering services is a professional service as defined by the Local Public Contracts Laws and is, therefore, exempt from public bidding requirements in accordance with for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

WHEREAS, the Newton Town Council appointed Excel Environmental Resources, Inc., in previous years to provide environmental engineering on some specific parcels in the Town of Newton, and said professional services may be needed by the Town of Newton during calendar year 2017; and

WHEREAS, Excel Environmental Resources, Inc., has submitted a *Scope of Services* proposal for environmental engineering services; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2017; and

WHEREAS, this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Excel Environmental Resources, Inc., is a licensed Environmental Engineering Firm in 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;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, we hereby appoint Excel Environmental Resources Inc., as Environmental Engineer for the Town of Newton for calendar year 2017; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Excel Environmental Resources, Inc., and that a notice of this award be published in the newspaper of record published in accordance with the Local Public Contracts Law.

RESOLUTION #257-2016*

APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR CALENDAR YEAR 2017

WHEREAS, the Town of Newton requires the services of a qualified Planning Consultant for the Town of Newton on an annual basis; and

WHEREAS, planning services 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, Jessica C. Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates has submitted a contract for execution outlining the services to be provided, including general planning consulting services, affordable housing responsibilities and grant writing services, as outlined in the Town Planner 2017 Scope of Services; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby reappoints Ms. Jessica Caldwell of J. Caldwell & Associates, LLC as Town Planner for calendar year 2017; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ms. Caldwell, at J. Caldwell & Associates, LLC; and

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

New Jersey Herald.

RESOLUTION #258-2016*

AWARD CONTRACT TO YOUR WAY CONSTRUCTION, INC., FOR THE PROPOSED MADISON STREET SIDEWALK IMPROVEMENTS PROJECT

WHEREAS, the Town of Newton solicited bids for the Proposed Madison Street Sidewalk Improvements Project; and

WHEREAS, the bids for the Proposed Madison Street Sidewalk Improvements Project were publicly opened and read on Wednesday, November 9, 2016 at 11:00 a.m. as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Your Way Construction, Inc. 404 Coit Street Irving, NJ 07111	\$177,142.05
JTG Construction, Inc. 188 Jefferson St. Suite 387 Newark, NJ 07105	\$191,798.00
Cifelli & Son General Contracting, Inc. 81 Franklin Avenue Nutley, NJ 07110	\$207,590.00
Tony's Concrete Construction Co., Inc. 316 E. Kinney Newark, NJ 07105	\$225,742.85
Tony & Sons, Inc. 80 Harrow Drive Colonia, NJ 07067	\$230,030.00
M. Sky Construction 830 Route 15 South Lake Hopatcong, NJ 07849	\$640,753.00

WHEREAS, after review of all submitted bids, Harold E. Pellow of Harold E. Pellow and Associates, Inc., the Town Engineer, recommends award of the Proposed Madison Street Sidewalk Improvements Project to Your Way Construction, Inc., in the amount of \$177,142.05; and

WHEREAS, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby awards the contract for the Proposed Madison Street Sidewalk Improvements Project and authorizes the Mayor and Clerk to execute an agreement with Your Way Construction, Inc., Irvington, New Jersey in the amount of \$177,142.05.

RESOLUTION #259-2016*

APPOINTMENT OF JOHN J. SCHERI, PE, BCEE, ENV, SP, AS SEWER ENGINEER FOR CALENDAR YEAR 2017

WHEREAS, the Town of Newton requires the services of a qualified Sewer Engineer for the Town of Newton on an annual basis; and

WHEREAS, engineering services 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, John J. Scheri, PE, BCEE, ENV, SP, of Mott MacDonald, LLC., has submitted a *Scope of Services* proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2017;

December 28, 2016

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby reappoints John J. Scheri, PE, BCEE, ENV, SP, of Mott MacDonald, LLC., as Sewer Engineer for calendar year 2017 based on the *Scope of Services* proposal dated December 14, 2016; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to John J. Scheri, PE, BCEE, ENV, SP, of Mott MacDonald, LLC.; and

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

RESOLUTION #260-2016*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MADISON STREET SIDEWALK PROJECT

WHEREAS, the Town of Newton is filing a grant application in the amount of \$234,354 through the NJDOT Federal Aid Program for the sidewalk improvements on Madison Street;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as TAP-1082(300) to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

RESOLUTION #261-2016*

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF NEWTON AUTHORIZING AN AGREEMENT FOR CERTAIN LEGAL SERVICES

WHEREAS, there exists a need for specialized legal services in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations of the Town of Newton (the "Town") in the County of Sussex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by an experienced law firm and recognized Bond Counsel firm, and the law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey has the experience and is so recognized by the financial and legal community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

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

1. The law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the redevelopment program and the authorization and the issuance of bonds, notes or other obligations by the Town in accordance with an Agreement dated December 9, 2016 and submitted to the Town (the "Contract").

2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.

A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the *New Jersey Herald*.

RESOLUTION #262-2016*

APPOINTMENT OF MUNICIPAL ATTORNEY, MUNICIPAL PROSECUTOR, LABOR COUNSEL, TAX APPEAL COUNSEL, AND PUBLIC DEFENDER FOR CALENDAR YEAR 2017

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2017, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Ursula H. Leo, Esq., of Laddey, Clark & Ryan, LLP	Municipal Attorney
Jonathan E. McMeen, Esq., of Laddey, Clark & Ryan, LLP	Municipal Prosecutor
James T. Prusinowski, Esq., of Trimboli & Prusinowski, LLC	Labor Counsel
Robert B. McBriar, Esq. of Schenck Price Smith & King, LLP	Tax Appeal Counsel
James P. Sloan, Esq., of James P. Sloan, P.C.	Public Defender

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

RESOLUTION #263-2016*

AUTHORIZING THE SALE OF BRINE SOLUTION TO MUNICIPALITIES

WHEREAS, the Town of Newton has the equipment necessary to make a brine solution which is used on roadways in preparation for inclement weather; and

WHEREAS, in the past, other municipalities have purchased the brine solution from the Town of Newton; and

WHEREAS, the Newton Town Council desires to authorize the sale of brine solution to other municipalities to the extent it is available, subject to the terms and conditions of this Resolution; and

WHEREAS, the New Jersey Local Public Contracts Law authorizes the sale of items such as the brine solution to a local government agency in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-36(2), without the need for bids or public auctions;

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

1. The Town of Newton may sell to other municipalities brine solution to the extent that the Town of Newton has the solution available.
2. The DPW Supervisor or his designee shall be responsible for monitoring the quantities of brine solution sold and provide the information to the Town of Newton CFO or his/her designee for invoicing purposes.
3. The sale price of the brine solution at the time of this Resolution is \$0.50 per gallon; however, the Town of Newton reserves the right to adjust the sale price in the event the costs to the Town of Newton increase during the term of this Resolution. Upon receipt of the invoice, the purchasing municipality shall submit a purchase order or voucher to the Town of Newton. Payment of the invoice is expected within 30 days of the invoice date.
4. A copy of this Resolution shall be placed on file with the Clerk of the Town of Newton.

This Resolution shall take effect immediately and shall remain in effect through December 31, 2017, or as such time as the Town Council modifies or repeals this Resolution.

RESOLUTION #264-2016*

APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2017

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 2017; 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, Wielkocz, Cerullo & Cuva, P.A. has submitted a proposal dated December 2, 2016 indicating they will provide the 2017 auditing services for \$26,550.00; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkocz, Cerullo & Cuva, P.A. in an amount of \$26,550.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkocz, 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 #265-2016*

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

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, 2016; 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, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkatz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

WHEREAS, Ferraioli, Wielkatz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with 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 2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer 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 #266-2016*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2015 and 2016 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

2.99	ADVANCE AUTO PARTS	37610
1,434.00	AG CHOICE, LLC.	37611
375.00	AIDA CAHILL	37612
7.34	AIRGAS EAST	37613
1,000.00	BARRELL HOUSE	37614
58.20	BOONTON TIRE SUPPLY INC.	37615
69.00	CAMPBELL'S SMALL ENGINE INC.	37616
271.67	CENTURYLINK COMMUNICATIONS, INC.	37617

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3,514.97	CENTURYLINK COMMUNICATIONS, INC.	37618
1,801.81	COMPASS ENERGY GAS SERVICES, INC.	37619
48.00	CSS TEST INC.	37620
337.50	ELIANNA KIESLING	37621
126.29	EMERGENCY MEDICAL PRODUCTS	37622
152.77	FEDERAL EXPRESS	37623
613.13	G & G DIESEL SERVICE INC	37624
190.00	GENSERVE INC.	37625
60.00	GREG LEFROIS	37626
19.24	HAYEK'S MARKET INC.	37627
579.41	HOME DEPOT, INC.	37628
12,576.82	JCP&L	37629
475.00	JOHNNY ON THE SPOT, LLC.	37630
2,080.00	LADDEY, CLARK & RYAN, LLP	37631
224.40	LANGUAGE LINE SERVICES, INC.	37632
235.50	MGL FORMS – SYSTEMS, LLC.	37633
131.10	MONTAGUE TOOL & SUPPLY, INC.	37634
330.11	MORRIS ASPHALT SUPPLY, LLC	37635
83.40	MR. JOHN, INC.	37636
26.10	NEW JERSEY HERALD, INC.	37637
101,842.00	NJMEBF	37638
250.00	NORTHERN BORDER TREE FARMS	37639
1,077.87	ELIZABETHTOWN GAS	37640
2,755.06	PELLOW, HAROLD & ASSO, INC.	37641
729.70	PENTELEDATA	37642
274.78	QUILL CORPORATION	37643
318.10	RACHLES/MICHELE'S OIL COMPANY, INC.	37644
220.50	RR DONNELLEY	37645
61.15	SERVICE ELECTRIC CABLE TV	37646
44.17	SIRCHIE FINGER PRINT LABS, LLC.	37647
761.51	STAPLES BUSINESS ADVANTAGE, INC.	37648
280.15	SUNLIGHT GENERAL	37649
154.00	SUSSEX CAR WASH INC	37650
1,529.00	T.A. MOUNTFORD COMPANY, INC.	37651
973.64	TAYLOR OIL CO., INC.	37652
70.00	TOWN OF NEWTON	37653
40.00	TREASURER, PETTY CASH FUND	37654
129.15	TRI-STATE RENTALS, INC.	37655
126.68	UNITED TELEPHONE/CENTURY LINK	37656
1,517.38	VERIZON WIRELESS, INC.	37657
76.14	WALMART	37658
80.81	WEIS MARKETS, INC.	37659
1,386.74	WITMER PUBLIC SAFETY GROUP, INC.	37660
541.63	ACTION DATA SERVICES, INC.	37609
212,343.24	PAYROLL ACCOUNT	161075

CAPITAL

436.36	MCMANIMON, SCOTLAND & BAUMANN, LLC	8594
4,024.74	PELLOW, HAROLD & ASSO, INC.	8595

Total TOWN BILLS \$ 358,868.25

WATER AND SEWER ACCOUNT

3.67	AIRGAS EAST	16054
39.07	CENTURYLINK COMMUNICATIONS, INC.	16055
1,198.03	CENTURYLINK COMMUNICATIONS, INC.	16056
1,693.09	COMPASS ENERGY GAS SERVICES, INC.	16057
40.76	COOPER ELECTRIC SUPPLY CO.	16058
10,872.18	COYNE CHEMICAL CORP., INC.	16059
6,018.15	DUKE'S SALES & SERVICE, INC.	16060
25.00	DUSTIN MCGARRY	16061

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1,485.00	GARDEN STATE LABORATORIES INC	16062
3,003.82	HAMPTON BODY WORKS, INC.	16063
17,142.76	JCP&L	16064
2,887.09	KIEFFER ELECTRIC, INC.	16065
736.00	LADDEY, CLARK & RYAN, LLP	16066
896.06	MIRACLE CHEMICAL CO	16067
399.36	NASCO	16068
67,306.00	NJMEBF	16069
958.57	ELIZABETHTOWN GAS	16070
8,452.63	PELLOW, HAROLD & ASSO, INC.	16071
219.90	PENTELEDATA	16072
7,166.00	PUMPING SERVICES, INC.	16073
52.47	QUILL CORPORATION	16074
5,420.00	SIMMONS TRANSPORT, INC.	16075
571.54	SUNLIGHT GENERAL	16076
89.60	SUSSEX COUNTY RENTAL CENTER, LLC.	16077
200.00	TREASURER, STATE OF NEW JERSEY	16078
223.31	VERIZON WIRELESS, INC.	16079
20,000.00	WATER & SEWER CAPITAL ACCOUNT	16080
38,296.77	PAYROLL ACCOUNT	166036

CAPITAL

25,342.41	PELLOW, HAROLD & ASSO, INC.	2433
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Total WATER & SEWER Bills \$ 220,739.24

TRUST ACCOUNT

230.03	COUNTRY CLUB ICE CREAM, LLC.	3566
487.50	ELIANNA KIESLING	3567
224.00	LADDEY, CLARK & RYAN, LLP	3568
48.00	LADDEY, CLARK & RYAN, LLP	3569
704.00	LADDEY, CLARK & RYAN, LLP	3570
2,014.50	PAYROLL ACCOUNT	167125

Total TRUST ACCOUNT \$ 3,708.03

DOG RESERVE

249.00	MGL FORMS – SYSTEMS, LLC.	8559
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Total DOG RESERVE \$ 249.00

RESOLUTION #267-2016*

APPROVE 2016 APPROPRIATION TRANSFERS

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

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT Misc Operating OE 1079200	Finance OE 1054266	400.00
Misc Operating SW 1079100	Road SW 1080101	1,000.00
Misc Operating OE 1079200	Mayor & Council OE 1052244	100.00
Misc Operating SW 1079100	Police SW 1074113	500.00

Pool SW 1090101	Police SW	1,600.00
Utility OE 1089229	Police SW	12,000.00
Group Health Ins. OE 1066201	Police SW	13,000.00
Court SW 1059101	Police SW	3,000.00
TOTAL CURRENT TRANSFERS		\$31,600.00

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

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

INTERMISSION – None

DISCUSSION

a. Ordinance Draft – Chapter 228-12 Modification of Non-Domestic Discharges for Sewer Plant

John J. Scheri, PE, Sewer Engineer, outlined the draft Ordinance surrounding the Newton wastewater treatment plant.

After a lengthy discussion, Council agreed to create a subcommittee with Mayor Diglio and Councilman Flynn to further review the draft Ordinance and forward to the Governing Body for adoption.

b. Ordinance Draft – Amending Standard for Sign Lighting

Mr. Russo and Mrs. Leo addressed the recommended amendment with the standards for sign lighting.

After a brief discussion, Council agreed with the recommendations and directed Mr. Russo to move forward with an amendment to the current Ordinance.

OPEN TO THE PUBLIC

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

COUNCIL & MANAGER COMMENTS

Mr. Russo reminded Council of the Newton Fire Department open house to be held at Mill Street Fire House on Sunday, January 1, 2017 with the swearing-in ceremony of the Fire Officers at noon.

December 28, 2016

Mr. Russo indicated the Town Hall will be closed on Monday, January 2, 2017 in observation of New Year's Day. He wished everyone a Happy & Healthy New Year.

Mayor Diglio and the Governing Body wished those in attendance a Happy and Healthy New Year.

EXECUTIVE SESSION

Mayor Diglio read Resolution #268-2016. Upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, Council entered Executive Session at 8:07 pm.

Upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 9:32 pm.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Deputy Mayor Levante and unanimously carried, the meeting was adjourned at 9:33 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read".

Lorraine A. Read, RMC
Municipal Clerk