

April 24, 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 Levante, Mr. Elvidge (via telephone), Mr. Flynn, Mrs. Le Frois, Mayor Diglio, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

Mayor Diglio made the following declaration "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2016."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion Mr. Flynn, seconded by Mrs. Le Frois and carried, the minutes for April 10, 2017 (Regular) meeting were unanimously approved, with minor corrections.

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."

Karen Hardin-Kitchell, Lafayette, NJ, first praised the Town on the various improvements throughout the Town including Newton pool. Mrs. Hardin-Kitchell expressed her disappointment with the rooming house owner at 39 Halsted Street. She recently read of the bad events happening at this rooming house and feels the Town needs to move forward with regulating the rooming house.

James Ciaravolo, owner and operator of Kudzu Emporium, 124 Spring Street, questioned the vision of the Town Council regarding Spring Street. He feels the current Ordinance to allow office space on the ground level of the business district is the wrong decision and suggests there be more retail and less office space.

Mr. Ciaravolo also promoted the proposed Business Improvement District (BID). He made several suggestions to make the BID a success.

Councilman Elvidge was lost via telephone at 7:27 pm

Deputy Mayor Levante addressed the comments of Mr. Ciaravolo. He believed some offices should be allowed along with retail, restaurants and services.

John McChesney, owner of three businesses in Newton, addressed several concerns surrounding the Business Improvement District (BID) as well as the additional taxes he would pay.

James Ciaravolo, noting he does not want to spend more on taxes, but feels the BID is a worthy investment for your business.

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Wayne McCabe, 125 High Street, expressed his disappointment with the proposed Ordinance which will address permitted uses in T-6 zone. He questioned several of the permitted uses and suggested the Town Council table this Ordinance until further discussion.

Nancy Woods, Executive Director of Greater Newton Chamber of Commerce, also disagreed with more offices on Spring Street as proposed.

Karen Hardin-Kitchell, Lafayette, NJ, noting her involvement with Newton Public Schools, thanked Anthony Neggars for all his involvement in the various school events.

Anthony Neggars, 23 York Road, Newton and Board of Education member, thanked the Newton Town Council for their support with the school funding issues.

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

COUNCIL & MANAGER REPORTS

Mr. Russo reminded Council of the Neighbors Helping Neighbors event on Saturday, April 29, 2017. It will begin at 8:30 am at Town Hall. All are welcome to volunteer.

ORDINANCES

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

ORDINANCE 2017- 6

AN ORDINANCE AMENDING SECTION 100 "FEES AND COSTS" OF THE NEWTON TOWN CODE TO ADD A FEE FOR MINOR SITE PLANS, AMENDING SECTION 320-2.C "PERMITTED USES" TO PERMIT ADDITIONAL USES IN THE T-6 ZONE AND AMENDING SECTION 320-23.A "MINIMUM PARKING REQUIREMENTS" TO ADD A PARKING REQUIREMENT FOR ASSEMBLY USES

WHEREAS, the Mayor and Town Council of the Town of Newton find that there is an application process for minor site plans without a corresponding fee; and

WHEREAS, the Town Council finds that additional uses should be permitted in the T-6 Zone to increase the variety of permitted uses and potentially viable businesses; and

WHEREAS, the Town Council of the Town of Newton finds that a parking requirement for assembly uses is needed to provide clarity for parking requirements for schools, religious institutions, and other assembly uses; and

WHEREAS, the Town Council of the Town of Newton finds that making the above-referenced changes would serve the general welfare of the community;

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

SECTION 1: Section 100 "Fees and Costs" shall be revised as follows:

Section 100-22 Land Subdivision and Site Plan Review E(3) Minor Site Plan:

- (a) Fee: \$250
- (b) Escrow: \$1,500

SECTION 2: Section 320-2.C "Permitted Uses" shall be revised as follows:

		T-1	T-2	T-3	T-4	T-5	T-6
31.	Child Care Centers	NP	NP	P	P	P	P
53.	Motor Vehicle Sales	NP	NP	NP	C	C	C
66.	General and Professional Offices	NP	NP	NP	P	P	P
69.	Office (Dental, Medical, Veterinary, Administrative)	NP	NP	NP	P	P	P
101	Drive Through Facility	NP	NP	NP	P	P	P

SECTION 3: Section 320-23.A(1) Parking Requirements shall be amended to add the following:

Assembly, stadium, educational facilities and religious institutions: 1 space per 1.25 employees plus 1 space for each 5 students, plus 1 space for each 4 fixed seats or where no maximum capacity or fixed seats exist, 1 space per 40 square feet of floor area available for public use.

SECTION 4: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 5: NOTICE

The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Diglio opened the hearing to the public.

Rich Arcuri, owner of 127-129 Spring Street, disagrees with the proposed ordinance and does not feel the office space, as a permitted use, would help the downtown district economically. He also does not agree with the proposed BID.

John McChesney, owner of property on Church Street, agrees that expanding the permitted use on Spring Street is a good option.

Wayne McCabe, 125 High Street, had questions on Ordinance 2017-6 which were addressed by Mrs. Leo. He also suggested the escrow fees be decreased.

Nancy Woods, 37 Linwood Avenue, indicated she is speaking on behalf of several businesses in Town who do not agree with allowing offices on Spring Street.

Bob Woods, 37 Linwood Avenue, is a strong supporter of Newton but does not agree with the proposed offices on Spring Street, but agrees with the proposed BID.

Michael Malone, 59 Trinity Street, requested the reason for Ordinance 2017-6, which was addressed by Mayor Diglio.

Rich Arcuri, 127-129 Spring Street, agrees with Town Council regarding the businesses not being open after 5 pm. His business stays open late and has promotions often.

James Ciaravolo, 124 Spring Street, suggested the Town needs more retail and an assortment of restaurants and feels the office space would not help the downtown.

Wayne McCabe, 125 High Street, feels the Business Improvement District is the avenue to pursue.

John McChesney, questioned if a study was done on what stores would allow for a successful makeup of a Business Improvement District.

There being no one else from the public to be heard, upon motion of Mr. Flynn, seconded by Deputy Mayor Levante and unanimously carried, the hearing was closed.

After a lengthy discussion, the aforementioned **ORDINANCE 2017-6** was offered by Deputy Mayor Levante, who moved its adoption, seconded by Mrs. Le Frois and roll call resulted as follows:

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

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

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

ORDINANCE 2017-7

AN ORDINANCE AMENDING CHAPTER 100-7.B OF THE CODE OF THE TOWN OF NEWTON, REGARDING FEES FOR TRAILER COURT OPERATIONS

WHEREAS, the Town Council of the Town of Newton desires to amend Chapter 100-7.B, regarding fees for trailer court operations throughout the Town;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter 100-7.B, of the Code of the Town of Newton is hereby amended, as follows:

Section 1. Chapter 100-7.B, shall be amended as follows:

- B. Trailer court operations (§ 294-4):
 - i. Monthly Charge: \$20 per trailer.
 - ii. Minimum: \$80.

Section 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Diglio opened the hearing to the public.

There being no one from the public to be heard, upon motion of Deputy Mayor Levante, seconded by Mr. Flynn and unanimously carried, the hearing was closed.

The aforementioned **Ordinance 2017-7** was offered by Mr. Flynn, who moved its adoption, seconded by Deputy Mayor Levante and roll call resulted as follows:

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

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

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

ORDINANCE 2017-8

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$990,000.00 FOR SPARTA AVENUE PUMP STATION IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

The aforementioned **ORDINANCE 2017-8** was offered by Mrs. Le Frois, who moved its introduction, seconded by Mr. Flynn and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Absent
Mr. Flynn	Yes	Mrs. Le Frois	Yes
Mayor Diglio		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 same to be held on May 8, 2017.

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

ORDINANCE 2017-9

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$ 1,405,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,334,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

The aforementioned **ORDINANCE 2017-9** was offered by Deputy Mayor Levante, who moved its introduction, seconded by Mr. Flynn and roll call resulted as follows:

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

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Mayor Diglio

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 same to be held on May 8, 2017.

OLD BUSINESS

a. **Business Improvement District (BID)**

Mr. Russo made a presentation and outlined the draft ordinance surrounding the Business Improvement District (BID) for the Town of Newton. Mr. Russo outlined the proposed budget for the BID and provided a map of the Historic District and the historic property list of whom would be assessed, based on their property value.

Mr. Russo outlined the proposed SIB budget of \$150,000. He indicated an assessment to the commercial properties within the Historic District in addition to funds from the Town and other donors.

After a lengthy discussion, the Town Council suggested more open discussions prior to the implementation of this BID and will use this draft ordinance to solicit public and business feedback.

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 reviewed the consent agenda.

RESOLUTION # 67-2017*

REJECTION OF BID #5-2017 CLEANING SERVICES

WHEREAS, the Town has received bids on April 12, 2017 for Bid #05-2017 to wit; Cleaning Services Bid; and

WHEREAS, the Town duly advertised for bids and bids were opened on April 12, 2017 where the lowest apparent bidder, First Community Development Corporation of New Jersey, Belleville, N.J. provided for a response of the base bid of \$26,737.00; and

WHEREAS, the New Jersey Local Publics Contract Law, 40A:11-13.2 (b) allows for rejection of bids wherein the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

WHEREAS, the Town of Newton appropriated for cleaning services for the yearly cleaning services the amount of \$21,240.00, substantially lower than the lowest bid received in Bid #5-2017;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, NJ, that the Town Council concurs with the recommendation of the Town of Newton's Q.P.A., Sean Canning of the Canning Group, LLC, to reject the bid provided under Bid #5-2017 by First Community Development Corporation of New Jersey, Belleville, N.J, for Cleaning Services.

RESOLUTION # 68-2017*

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APPROVE CHANGE ORDER NO. 2 TO EXTEND COMPLETION DEADLINE FOR FOX HOLLOW LAKE TRANSMISSION MAIN REPLACEMENT PROJECT IN THE TOWNSHIP OF SPARTA FOR THE TOWN OF NEWTON

WHEREAS, the Town of Newton awarded the contract for the Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta for the Town of Newton to Montana Contracting Corp, Inc., on Monday, August 22, 2016 by the adoption of Resolution #142-2016 for a total contract amount \$878,311.00; and

WHEREAS, Montana Contracting Corp, Inc., was granted an extension of time on the completion date by the adoption of Resolution #195-2016 on November 14, 2016; and

WHEREAS, Montana Contracting Corp, Inc., has requested another extension of time for the completion of the project due to extra time needed to excavate the trench for the 20” HDPE due to boulders and rocks, and winter conditions causing Fox Hollow to freeze; and

WHEREAS, Harold E. Pellow & Associates, Inc., the Town Engineer has prepared Change Order No. 2 to extend the completion date from November 30, 2016 to a new completion date of April 30, 2017 for additional time needed for underwater Diving Services to excavate and move underwater boulders and rock for the 20” HDPE;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby approve Change Order No. 2 extending the completion date to April 30, 2017 for the Fox Hollow Lake Transmission Main Replacement Project in the Township of Sparta for the Town of Newton.

RESOLUTION # 69-2017*

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

193.74	AIRGAS EAST	38107
47.88	ARF RENTAL SERVICES, INC.	38108
135.00	B & H INC.	38109
279.95	BOONTON TIRE SUPPLY INC.	38110
135.35	CAMPBELL’S SMALL ENGINE INC.	38111
196.46	CENTURYLINK COMMUNICATIONS, INC.	38112
831.59	DEMPSEY UNIFORM & SUPPLY INC	38113
39.60	DOMINICK’S PIZZA LLC	38114
46.94	HAYEK’S MARKET INC.	38115
411.78	JACKI SHACKLETON	38116
12,388.97	JCP&L	38117
105.00	JMC ENVIRONMENTAL CONSULTANTS, INC.	38118
2,916.67	JOHN MULHERN	38119
175.00	KKPR MARKETING & PUBLIC RELATIONS	38120
500.00	KKPR MARKETING & PUBLIC RELATIONS	38121
2,462.50	LADDEY, CLARK * RYAN, LLP	38122
156.07	MCGUIRE, INC.	38123
360.00	MINISINK PRESS INC	38124
114.72	MUNICIPAL GRAPHICS INC	38125
21.00	NEW JERSEY PLANNING OFFICIALS	38126
187.25	NEWTON TROPHY	38127
35.00	NJLM	38128
345.00	NJSACOP	38129
2,342.69	ELIZABETHTOWN GAS	38130
14.00	R.S. PHILLIPS STEEL LLC	38131
657.85	ROGO FASTENER CO., INC.	38132
1,231.25	SLOAN, JAMES PPC.	38133
217.79	STAPLES BUSINESS ADVANTAGE, INC.	38134
59,838.42	STATEWIDE INSURANCE FUND	38135

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367.30	SUNLIGHT GENERAL	38136
50.00	SUSSEX & WARREN TAX COLL	38137
369.27	SUSSEX COUNTY ENGINEERING DIVISION	38138
4,351.21	TIMMERMAN COMPANY, INC.	38139
472.08	TOYOTA MOTOR CREDIT CORP.	38140
300.00	TREASURER, STATE OF NEW JERSEY	38141
10.00	TREASURER, STATE OF NJ -BURIAL	38142
70.83	TRI-STATE RENTALS, INC.	38143
267.06	TROPICANA ATLANTIC CITY CORP	38144
1,482.16	VERIZON WIRELESS, INC.	38145
972.96	W.B. MASON, INC.	38146
418.00	DEFEAT YOUR GOLIATH COACHING	38106
186,497.77	PAYROLL ACCOUNT	171031
1,052,283.00	NEWTON BOARD OF EDUCATION	171030
255,438.00	PUBLIC EMPLOYEE RETIRE SYSTEM	171029
596,211.00	POLICE & FIRE RETIREMENT SYSTEM	171028
152.90	ELAVON	171027

CAPITAL

9,875.00	FKA ARCHITECTS INC.	8613
38,536.80	WITMER PUBLIC SAFTEY GROUP, iINC	8614

Total TOWN BILLS \$ 2,234,512.81

WATER AND SEWER ACCOUNT

280.00	ACCURATE WASTE REMOVAL INC.	16260
3.67	AIRGAS EAST	16261
1,650.00	AMERICAN AQUATIC TESTING, INC.	16262
134.99	B & H INC.	16263
1,804.96	COYNE CHEMICAL CORP., INC.	16264
284.52	DEMPSEY UNIFORM & SUPPLY INC	16265
1,525.00	GENSERVE INC.	16266
5,469.18	HAMBURG PLUMBING SUPPLY CO INC	16267
8.03	JACKI SHACKLETON	16268
3,485.72	JK HVAC SERVICE, LLC.	16269
814.66	MIRACLE CHEMICAL CO	16270
142.89	MONTAGUE TOOL & SUPPLY, INC.	16271
3,617.66	MOTT MACDONALD GROUP, INC.	16272
1,221.63	ELIZABETHTOWN GAS	16273
143.75	ONE CALL CONCEPTS, INC.	16274
2,268.95	PROCESS TECH SALES AND SERVICE	16275
7,285.45	SCHMIDT'S WHOLESALE, INC	16276
1,250.00	SMALLEY, JOHN H	16277
15,880.47	SPARTA TOWNSHIP TAX COLLECTOR	16278
60.63	STAPLES BUSINESS ADVANTAGE, INC.	16279
54,359.83	STATEWIDE INSURANCE FUND	16280
747.27	SUNLIGHT GENERA;	16281
223.31	VERIZON WIRELESS, INC.	16282
323.10	W.B. MASON, INC.	16283
65,000.00	WATER & SEWER CAPITAL ACCOUNT	16284
416.00	DEFEAT YOUR GOLIATH COACHING	16259
35,958.25	PAYROLL ACCOUNT	176014
15,500.00	PUBLIC EMPLOYEE RETIRE SYSTEM	176013

CAPITAL

190,418.00	MONTANA CONTRACTING CORP., INC	2440
50,000.00	WATER & SEWER OPERATING ACCT.	2441

Total WATER & SEWER Bills \$ 460,277.92

RESOLUTION # 70-2017*

APPOINTMENT OF ALEX MAJEWSKI AS A REGULAR MEMBER OF THE PLANNING BOARD

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WHEREAS, there is currently a vacancy for a Regular member on the Town of Newton Planning Board due to the resignation of Kent Hardmeyer; and

WHEREAS, Alex Majewski currently serves as an Alternate member on the Planning Board and has expressed interest in serving on the Board as a Regular member;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that Alex Majewski is hereby appointed to an unexpired four-year term as a Regular member on the Planning Board, effective immediately with said term continuing to December 31, 2017.

RESOLUTION # 71-2017*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reason(s) stated:

CREDIT FOR PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
7856	43 West End Avenue	\$12.43

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned accounts for amounts billed incorrectly due to the reason(s) stated.

RESOLUTION # 72-2017*

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; and

WHEREAS, the Town accepted bids on November 9, 2016 for the Madison Street Sidewalk Improvement Project; and

WHEREAS, the Town Engineer, Harold E. Pellow of Harold E. Pellow & Associates, Inc., has recommended the contract for said project be awarded to the low bidder, Your Way Construction, Inc., 404 Coit Street, Irvington, NJ 07111-4607;

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 in the amount of \$234,354 for the Madison Street Sidewalk Improvement Project; 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 and the grant award is subject to the Department of Transportation concurrence.

RESOLUTION # 73-2017*

RESOLUTION APPROVING CHANGE ORDER NO. 1 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; and

WHEREAS, Fred Devens Construction has incurred additional unanticipated costs associated with the replacement due to providing a mid-density unit instead of the specified high-density unit, in the amount of \$4,924.70; and

WHEREAS, Mott MacDonald has prepared a Contract Change Order outlining the \$4,924.70 increase for the project; and

WHEREAS, the Chief Financial Officer has certified funds are available to support Change Order No. 1;

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton accepts the Change Order submitted by Mott MacDonald on behalf of Fred Devens Construction and hereby authorizes the increase in contract price for the Replacement of the Rotating Biological Contactors by \$4,924.70 for a total price of \$509,674.70.

RESOLUTION # 74-2017*

RESOLUTION APPROVING REIMBURSEMENTS OF HEALTH INSURANCE BENEFIT PREMIUMS TO WILLIAM HAGAMAN

WHEREAS, after his disability retirement, William Hagaman paid the Town Chapter 78 contributions for health insurance premiums; and

WHEREAS, effective July 1, 2016 disability retirees are no longer required to make premium payments for health insurance benefits;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes William Hagaman to be repaid \$1,201.58 for the premium payments for health insurance benefits paid from July 1, 2016 through April 30, 2017.

The Clerk submitted a membership application from Nicholas J. Mandara, 64 Hillside Terrace, Apt. #13B, Newton, NJ into the Newton Fire Department.

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

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

Mr. Russo noted an addition Resolution to the agenda and explained reason for same.

Upon motion of Deputy Mayor Levante, seconded by Mr. Flynn and carried, **Resolution #76-2017** be added on to the agenda and roll call resulted as follows:

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

A motion was made by Deputy Mayor Levante to approve **RESOLUTION #76-2017** , seconded by Mrs. Le Frois and roll call resulted as follows:

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

RESOLUTION #76-2017

RESOLUTION REGARDING ORDINANCE 2017-6 CONCERNING ZONING ORDINANCE REVISIONS

WHEREAS, Ordinance 2017-6 seeks to amend the Newton Town Code to permit additional uses in the T-6 Zone and add parking requirements; and

WHEREAS, a Planning Board memo dated April 19, 2017 finds that Section 2 of the Ordinance is not consistent with the Master Plan because it would allow offices on the ground floor in the T-6 Zone; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62(a), a governing body may adopt a zoning ordinance revision which is in whole or in part inconsistent with the land use plan element by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons for acting set forth in a resolution;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton adopts this resolution and sets forth the reasons for adopting Ordinance 2017-6, particularly the allowance of offices on the ground floor in the T-6 Zone, although contrary to the current Master Plan, as such revision is a minor deviation, as the office use is already permitted above the ground floor, and this revision allows for more development and business options in the economic revitalization of Spring Street in the Town of Newton, which economic vitality is critically important to the Town as a whole.

INTERMISSION - None

DISCUSSION

a. Registration of Vacant and Abandoned Properties - updated Draft Ordinance

Ursula Leo, Esq. updated and reviewed the pending draft ordinance regarding registration of vacant and abandoned properties.

After a brief discussion, Council agreed to move forward with the draft Ordinance and will be placed on the next Council agenda for introduction.

OPEN TO THE PUBLIC _____

John McChesney, owner of various properties in Newton, outlined and compared several other communities to Newton's tax rate. He feels the addition tax from the Business Improvement District (BID) will be a struggle for many.

James Ciaravolo, 124 Spring Street, expressed his excitement with the creation of the BID and outlined the good points of this program. He feels if everyone works together the BID will be a success.

Michael Malone, 59 Trinity Street, indicated the Town of Newton has high taxes already and feels a BID would only tax the businesses owners even more. He suggested the Town decrease the taxes; not increase them.

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

COUNCIL & MANAGER COMMENTS

Councilman Flynn addressed a recent incident on Spring Street related to an unsecured

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business door. Mr. Russo advised that the Newton Police and the Code Enforcement and Construction Departments have been addressing this issue for some time and was recently secured.

EXECUTIVE SESSION

Mayor Diglio read Resolution #75-2017. Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Levante and unanimously carried, Council entered Executive Session at 10:03 pm.

Upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 10:07 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 10:08 pm.

Respectfully submitted,

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

Lorraine A. Read, RMC
Municipal Clerk