

August 14, 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. Diglio, Mrs. Le Frois, 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 Clerk called the roll. Upon motion of Deputy Mayor Elvidge, seconded by Mrs. Diglio and carried, the minutes for July 17, 2017 Regular and Special meetings were approved. Mrs. Le Frois abstained from the minutes due to absence.

### **OPEN TO THE PUBLIC**

Mayor Levante read the following statement:

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

Jackie Espinoza, JCP&L Representative, reminded Council of Sussex County Day on Sunday, September 17, 2017. Ms. Espinoza will be looking into the property on East Clinton Street which is scheduled for remediation in 2018. More information will follow. She also informed Council of the "Emerald Ash Borer" which is destroying the ash trees and advised JCP&L is working on this issue.

Councilwoman Le Frois thanked Ms. Espinoza for her timely and frequent updates on the events in and around the Town of Newton.

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

### **SWEARING-IN CEREMONY**

At this time, Mr. Russo read a biography of Sgt. Thomas Muller outlining details surrounding his promotion as Police Sergeant.

#### **Muller Biography**

- Born and raised in Newton
- Graduated from Newton High School in 1993
- Graduated from Montclair State University with a BA in History and a Minor in Criminal Justice in 1997
- Hired as a Patrolman by the Newton Police Department in November of 1998
- Graduated from NJSP Academy in Sea Girt, NJ in March of 1999
- Assigned to the Detective Bureau in July of 2007
- Promoted to Sergeant and assigned to the Patrol Division in 2017

Mr. Russo congratulated Sgt. Muller on his promotion and wished him the best of success in his new position.

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Mayor Levante swore in Thomas Muller, as Lorraine A. Read, Municipal Clerk held the Bible. Sgt. Muller's wife, Kerri, pinned on his Sergeant badge.

Chief Richards congratulated Sgt. Muller and offered a few words: "Sgt. Muller excels at his profession. Words to describe him: Competent, professional and smart.

When he sought to come into the Detective Bureau, he expressed how he wanted more of a challenge in his daily work, which made sense to me and he made the most of the assignment, earning praise and accolades such as being named the Detective of the Year by the County Detectives' Association.

Tom worked with me for several years in the Detective Bureau so I can personally attest to his abilities. He worked a lot of cases from minor investigations to murder and kidnapping. He's demonstrated to me that he understands the importance of sensitivity to victims of crime. He understands community policing. He understands how to work cooperatively, within our PD as well as outside our jurisdiction.

I look forward to watching him take on his new responsibilities as a Patrol Sergeant and tackling the new challenges that he will face as a supervisor. I expect that he'll bring the same degree of professionalism and competence to his new role and use his position to help mentor our newer officers. We welcome his as a valued member of our leadership team going forward. Congratulations!"

Sgt. Muller thanked the Town Manager, Mayor, and Town Council for the opportunity and looks forward to the challenge ahead.

Councilwoman Le Frois publicly thanked the Police Chief and his department for the recent award of the Police grant in the amount of \$10,000.00.

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

#### **COUNCIL & MANAGER REPORTS**

There were no Council and Manager reports at this time.

#### **ORDINANCES**

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

#### **ORDINANCE 201 7-13**

#### **AN ORDINANCE OF THE TOWN OF NEWTON, SUSSEX COUNTY, NEW JERSEY, AMENDING CHAPTER 125 OF THE CODE OF THE TOWN OF NEWTON ENTITLED "GAMES OF CHANCE " TO ADD SECTION 125-4 DESIGNATING THE TOWN CLERK AS THE "ISSUING AUTHORITY "**

**WHEREAS**, the Town Council of the Town of Newton may delegate, by ordinance, the authority to approve the granting of raffle and bingo licenses to the Town Clerk; and

**WHEREAS**, the Town Council wishes to delegate said authority to the Town Clerk in order to streamline the process for applicants; and

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

**Section 1.** Chapter 125 “Games of Chance” is hereby amended by the inclusion of a new Section 125-4 which shall be entitled “Issuing Authority” and which shall read in its entirety as follows:

**§125-4 Issuing Authority .**

The issuing authority responsible for approving bingo and raffle licenses, as the same is defined in N.J.S.A. 5:8-24 et seq. and N.J.S.A. 5:8-50 et seq. shall be the Town Clerk.

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

Mayor Levante opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its adoption, seconded by Mr. Flynn and roll call resulted as follows:

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

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

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

**ORDINANCE 2017-14**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$ 250,000 FOR CONSTRUCTION OF A 20" HDPE WATER TRANSMISSION MAIN ACROSS FOX HOLLOW LAKE IN THE TOWNSHIP OF SPARTA BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$ 250,000 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF**

**BE IT ORDAINED** BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Section 1.** The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$250,000, such sum being in addition to the \$900,000 appropriated therefor by bond ordinance 2013-19 of the Town, finally adopted June 10, 2013 (the "Original Bond Ordinance") and the \$300,000 appropriated therefor by bond ordinance #2014-5 of the Town finally adopted April 14, 2014 (the "2014 Supplemental Bond Ordinance"). No down payment is required as the purpose authorized herein is deemed self-

liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this bond ordinance.

**Section 2.** In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$250,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the construction of a 20" HDPE water transmission main across Fox Hollow Lake, in the Township of Sparta, including all work and materials necessary therefor and incidental thereto, as described in the Original Bond Ordinance, as supplemented by the 2014 Supplemental Bond Ordinance.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$1,450,000, including the \$900,000 authorized by the Original Bond Ordinance, the \$300,000 authorized by the 2014 Supplemental Bond Ordinance and the \$250,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$1,450,000, including the \$900,000 appropriated by the Original Bond Ordinance, the \$300,000 appropriated by the 2014 Supplemental Bond Ordinance and the \$250,000 appropriated herein.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 5.** The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$250,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$210,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$120,000 was estimated for these items of expense in the Original Bond Ordinance, \$80,000 was estimated for these items of expense in the 2014 Supplemental Bond Ordinance and an additional \$10,000 is estimated therefor herein.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

**Section 7.** The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**Section 8.** Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to the bond ordinances described herein. The amount of obligations authorized but not issued under the bond ordinances shall be reduced to the extent that such funds are so used.

**Section 9.** The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 10.** The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 11.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Levante opened the hearing to the public.

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

The aforementioned **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its adoption, seconded by Mr. Flynn and roll call resulted as follows:

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

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

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

**ORDINANCE 201 7-15**

**AN ORDINANCE AMENDING CHAPTER 3-13 OF THE CODE OF THE TOWN OF NEWTON, REGARDING A DEPUTY MANAGER**

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

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

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on August 28, 2017.

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

Councilwoman Le Frois expressed her disappointment with allowing this Ordinance to be introduced prior to any discussion with the Governing Body. She requested an explanation and reason for this Ordinance.

Mayor Levante updated Council advising that discussions were held with the Town Manager, the Deputy Mayor and himself regarding the elimination of fees to assist new businesses in Town. Mayor Levante indicated these fees, approximately \$32,000, are “trivial” fees compared to the potential businesses coming to Town.

Councilman Flynn suggested an additional reduction for “Escrow Single-Family” from \$1,500 to \$1,000 and include this fee in Use Variances section of the Code.

After a lengthy discussion, Council agreed to move forward with the introduction as amended.

**ORDINANCE 201 7-16**

**AN ORDINANCE DELETING SECTIONS 100-17.C, 100-22.G (1) and (3), AND 100-23.J, AND REVISING 100-23.C AND 100-23.D OF THE CODE OF THE TOWN OF NEWTON, REGARDING PLANNING BOARD AND RETAIL FOOD ESTABLISHMENT FEES**

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

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

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Mayor Levante                      Yes

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on August 28, 2017.

**ORDINANCE 201 7-17**

**AN ORDINANCE REVISING SECTION 53-1, AMUSEMENT DEFINITIONS, AND SECTION 100-4, AMUSEMENTS FEES, OF THE CODE OF THE TOWN OF NEWTON**

Councilwoman Le Frois asked for an explanation of this Ordinance. Mayor Levante outlined the scenario which brought this Ordinance to light. Mayor Levante suggested a reduction in fees for coin-operated machines.

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

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

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on August 28, 2017.

**OLD BUSINESS**

There was no old business to discuss.

**CONSENT AGENDA**

Mayor Levante read the following statement:

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

Mr. Russo reviewed the Resolutions on the consent agenda.

Mr. Flynn requested Resolution #149-2017 be removed from the consent agenda for separate discussion.

**RESOLUTION # 138-2017\***

**TO CANCEL CAPITAL APPROPRIATION BALANCES IN THE GENERAL CAPITAL FUND**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, the Town Manager and other Town Officials have reviewed and determined there are no additional costs for these projects; and

**WHEREAS**, it is necessary to formally cancel said balances so the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be cancelled;

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton that the following unexpended and dedicated balances of the General Capital appropriations totaling \$92,127.34 be cancelled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
2010-7	6/14/10	Stormwater Pipes/Basins	\$ 2,405.08	
2010-7	6/14/10	Zoning Ord. Master Plan	\$ 6.75	
2012-13	4/9/12	Various-Impr. Roads -Moran, Howard	\$ 2,026.12	
2012-13	4/9/12	Various-Fence: Slate Quarry	\$13,420.00	
2012-13	4/9/12	Various-Memory Park Guardrail, Field	\$ 2,681.23	
2013-11	4/22/13	Various-Impr. Roads -Cedar, Hillside, Kelsey	\$24,383.75	
2014-6	4/14/14	Various-Impr. Spring Street	\$ 3,353.78	
2014-6	4/14/14	Various-Impr. Draing Easement, -Fairview, Liberty, Thompson	\$24,482.12	
2014-20	10/15/14	Reapprop. Impr. Spring Street	\$10,309.96	
2015-16	4/27/15	DPW Mason Dump Truck	\$ 9,058.55	

**RESOLUTION # 139-2017\***

**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 reasons stated:

**UTILITY ADVISORY BOARD RECOMMENDS WAIVER OF PENALTY:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
4781	103 Lake Avenue	\$27.56

**UTILITY ADVISORY BOARD RECOMMENDS CREDIT FOR SEWER CHARGES DUE TO A LEAK:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26626	238 Spring Street - D	\$1,317.75

**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 # 140-2017\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR MOTT MACDONALD ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICE FOR THE SPARTA AVENUE RAW SEWAGE PUMP STATION REPLACEMENT PROJECT**

**WHEREAS**, the Town of Newton has a need to receive Feasibility and Preliminary Design Services for the Sparta Avenue Raw Sewerage Pump Station through Mott MacDonald as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, Newton’s Qualified Purchasing Agent, Sean Canning of the Canning Group, LLC 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 2017-2018 year (s); and

**WHEREAS**, Mott MacDonald in the aggregate is expected to provide in excess of the pay to play threshold of \$17,500.00; and

**WHEREAS**, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Mott MacDonald 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 Mott MacDonald from making any reportable contributions through the term of the contract; and

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**WHEREAS**, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$47,400.00 are available as follows:  
Water Sewer Capital Fund: Ord. #2017-8 Sparta Ave Pump Station #6191708

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Mott MacDonald not to exceed \$47,400.00 for the proposal dated June 21, 2017 for the Sparta Avenue Raw Sewerage Pump Station Replacement Proposal for Feasibility Study and Preliminary Design Professional Engineering Services; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution in the Office the Municipal Clerk.

**RESOLUTION # 141-2017\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR MOTT MACDONALD FOR PROFESSIONAL ENGINEERING SERVICES FOR SYSTEM WIDE SANITARY SEWER INSPECTION, CONDITION AND REHABILITATION PLAN**

**WHEREAS**, the Town of Newton has a need to receive Professional Engineering Services to 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**, , Newton’s Qualified Purchasing Agent, Sean Canning of the Canning Group, LLC has determined and certified in writing the value of the services will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is for the 2017-2018 year (s); and

**WHEREAS**, Mott MacDonald Engineering in the aggregate is expected to provide in excess of the pay to play threshold of \$17,500.00; and

**WHEREAS**, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies Mott MacDonald 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 Mott MacDonald Engineering from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$240,000 are available as follows:

2017 Water Sewer Utility Budget: CIF- Sewer Line Inspection #6089340

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Mott MacDonald not to exceed \$240,000 for the proposal dated June 21, 2017 for the Sparta Avenue Raw Sewerage Pump Station Replacement Proposal for Feasibility Study and Preliminary Design Professional Engineering Services; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution in the Office of the Municipal Clerk .

**RESOLUTION # 142-2017\***

**RESOLUTION OF THE TOWN OF NEWTON AMENDING INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWN OF NEWTON AND GREEN TOWNSHIP**

**WHEREAS**, on December 8, 2014, the Town of Newton and Green Township entered into a shared services agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 for the consolidation of their municipal courts (“Agreement”); and

**WHEREAS**, the term of the Agreement is from January 1, 2015 to December 31, 2019; and

**WHEREAS**, Section VI of the Agreement requires that Green Township fund a dedicated Newton Police Department escrow account for additional costs associated with the

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transportation of prisoners from the Sussex County Correction Facility as may be required throughout the term; and

**WHEREAS**, Green Township has requested the dedicated escrow account be reasonably capped so as not to exceed \$4,000; and

**WHEREAS**, the parties agree it is in their best interest to amend the Agreement to establish a reasonable cap for the dedicated escrow account as stated above and as memorialized in Amendment #1 to the Agreement, a copy of which is attached hereto;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Newton, County of Sussex and State of New Jersey hereby approves Green Township's request to cap the escrow account required in Section VI of the parties' Interlocal Services Agreement dated December 8, 2014 at \$4,000 as stated above and as further memorialized in Amendment #1 to the Agreement which is attached hereto; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute Amendment #1 and take any other actions required to effectuate this Resolution and Amendment; and

**BE IT FURTHER RESOLVED** that all other terms and conditions set forth in the Agreement shall remain in full force and effect.

**BE IT FURTHER RESOLVED** that the Clerk shall deliver executed copies of this resolution and Amendment #1 to Green Township and the State of New Jersey, Division of Local Government Services, attention Shared Services at PO Box 803 Trenton, New Jersey 08625-0803 upon passage.

#### **RESOLUTION # 143-2017\***

#### **AUTHORIZE CHANGE ORDER NO. 1 FOR THE PROPOSED IMPROVEMENTS TO LIBERTY STREET (SIDEWALK IMPROVEMENT PORTION) PROJECT**

**WHEREAS**, on March 13, 2017 the Newton Town Council adopted Resolution #49-2017, awarding a contract to Your Way Construction, Inc., for the Proposed Improvements to Liberty Street (sidewalk improvement portion) Project in the amount of \$26,957.16; and

**WHEREAS**, the Project Engineer, Harold E. Pellow of Harold E. Pellow & Associates, Inc., in his memo dated July 24, 2017, prepared Change Order No. 1, for the Improvements to Liberty Street (sidewalk improvement portion) Project. This change order will result in a \$1,270.60 increase in the contact to a new contract total to \$28,227.76; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support Change Order #1 in:

General Capital: Ord. #2016-5 Liberty Street Sidewalk Improve. A/C# 30916051 \$1,270.60

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Project Engineer's recommendation and accepts Change Order No. 1 for the Proposed Improvements to Liberty Street (sidewalk improvement portion) Project new contract total of \$28,227.76; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1 be attached to and made part of this Resolution .

#### **RESOLUTION # 144-2017\***

#### **AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR ACCESS CONTROL TECHNOLOGIES, INC .**

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

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

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

**WHEREAS**, Access Control Technologies Inc., has submitted a proposal November 7, 2016 indicating they will provide the services not to exceed \$26,000.00, in addition to support per hour rates outside of scope of proposal exceeding in aggregate the pay to play threshold of \$17,500.00; and

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

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this project as follows:

2017 Current: Cencom OE #1074326 \$6,000.00  
(\$20,000 already certified and encb/paid)

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Access Control Technologies Inc., not to exceed \$26,000.00 for the 2017 calendar year; and

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

**RESOLUTION # 145-2017\***

**AUTHORIZE RENEWING MEMBERSHIP IN THE STATEWIDE INSURANCE FUND FOR CALENDAR YEARS 2018, 2019 AND 2020**

**WHEREAS**, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, et seq.; and

**WHEREAS**, the Town of Newton ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

**WHEREAS**, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

**WHEREAS**, the LOCAL UNIT has determined membership in the FUND is in the best interest of the LOCAL UNIT; and

**WHEREAS**, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2018** terminating on **January 1, 2021** at 12:01 a.m. standard time; and

**WHEREAS**, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

**BE IT FURTHER RESOLVED** that to the extent required by law, the LOCAL UNIT shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
▪ Workers' Compensation & Employer's Liability	x	
▪ Comprehensive General Liability	x	
▪ Automobile Liability and Physical Damage	x	
▪ Public Officials and Employment Practices Liability	x	
▪ Pollution Liability	x	
▪ Property	x	
▪ Inland Marine Boiler Machinery	x	
▪ Crime-Faithful Performance and Fidelity	x	
▪ Cyber Liability	x	
▪ Non Owned Aircraft	x	

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**BE IT FURTHER RESOLVED** that Thomas S. Russo, Jr. is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and Jennifer A. Dodd is hereby appointed as the LOCAL UNIT'S Alternate Fund Commissioner; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

**Member name:** TOWN OF NEWTON

By: \_\_\_\_\_

Title: Town Manager

ATTEST:

\_\_\_\_\_  
Lorraine A. Read, RMC, Municipal Clerk

Dated: \_\_\_\_\_

This Resolution agreed to the 14<sup>th</sup> day of August, 2017, by a vote of:

     Affirmative           Abstain           Negative           Absent

**RESOLUTION # 146-2017\***

**APPROVING THE SALE OF 24 LAWNWOOD AVENUE, BLOCK 13.05, LOT 13**

**WHEREAS**, the Town Council adopted Resolution #88-2017 authorizing the sale of 24 Lawnwood Avenue, Block 13.05, Lot 13 (the "Property") pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.; and

**WHEREAS**, the sale took place on July 27, 2017, and the high bidder was John Rothenberger Jr & Son LLC with a bid of Eleven Thousand and 00/100 (\$11,000.00) dollars; and

**WHEREAS**, one of the conditions of sale is the high bidder must pay a Buyer's Premium equal to ten (10%) of the bid amount in order to pay the auction company's commission. Therefore, the total bid including the buyer's premium is Twelve Thousand One Hundred and 00/100 Dollars (\$12,100.00); and

**WHEREAS**, John Rothenberger Jr & Son LLC signed the "New Jersey Contract for Sale of Real Estate" ("the "Contract"), a copy of which is attached to this Resolution and paid a deposit in the amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) at the time of sale;

**NOW, THEREFORE BE IT RESOLVED**, by the Newton Town Council that the sale of the Property to John Rothenberger Jr & Son LLC is hereby approved; and

**BE IT FURTHER RESOLVED**, the Town Manager, in consultation with the Town Attorney, is authorized to address reasonable requests, if any, of the Buyer or his legal counsel in regard to the terms of the Contract, in order to complete the sale of the Property; and

**BE IT FURTHER RESOLVED** that the Mayor and Town Clerk are authorized to sign the Contract and any documents necessary to complete the sale, including the Deed for the Property, upon receipt of the balance of the purchase price and the advertising, realty transfer and recording fees, as well as the Town's legal fee reimbursement of \$450.00.

This Resolution shall take effect immediately, however, it shall be void and of no effect if John Rothenberger Jr & Son LLC fails to pay the balance of the purchase price, advertising, realty transfer, recording and legal fee reimbursement.

**RESOLUTION #1 47-2017\***

**REVISED TRANSFER OF SCHOOL MONIES FOR THE PERIOD JULY 1, 2017 TO DECEMBER 31, 2017**

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**WHEREAS**, the Newton Board of Education approved the 2017-2018 budget on April 25, 2017; and

**WHEREAS**, the State of New Jersey adopted the Appropriations Act on July 4, 2017 which increased the 2017-2018 Newton school year state aid by \$221,748; and

**WHEREAS**, on July 14, 2017 the New Jersey Department of Education granted approval pursuant to N.J.A.C. 6A:23 A-13.3(d) for a district to appropriate unbudgeted state aid; and

**WHEREAS**, on July 25, 2017 the Newton Board of Education revised the A4F form in order to apply the entire \$221,748 of additional state aid toward tax relief;

**NOW THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, the revised amount of \$6,329,097.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted (Exclusive of Debt Service)	\$12,658,194.00
Amount Received to Date	0.00
Amount of This Request	<u>6,329,097.00</u>
Balance Due Board of Education	6,329,097.00

**RESOLUTION #1 48-2017\***

**AUTHORIZE EXTENSION FOR PAYMENT OF REAL ESTATE TAXES FOR THE THIRD QUARTER 2017 TAXES**

**WHEREAS**, the Sussex County Board of Taxation certified the 2017 tax rate for the Town of Newton on July 26, 2017 and as a result, the tax bills for the third installment could not be mailed by June 14<sup>th</sup>, but were mailed instead on July 31, 2017; and

**WHEREAS**, the intent of N.J.S.A. 54:4-64 is to ensure that taxpayers are given adequate notice of taxes due before penalties are invoked requiring payment of interest for delinquency under the provisions of N.J.S.A. 54:4-67; and

**WHEREAS**, in fairness to the taxpayers of the Town of Newton, a twenty-five (25) day extension period to August 25, 2017 shall be provided, in accordance with N.J.S.A. 54:4-64 by establishing the interest rate for delinquency at zero percent (0%) from the certification date of mailing said tax bills; and

**WHEREAS**, interest shall revert back to August 1, 2017 after the twenty-five (25) day extension period to provide consistency and compliance in accordance with N.J.S.A. 54:4-67;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that a twenty- five (25) day extension period to August 25, 2017 is hereby granted for the August 2017 tax quarter by charging zero percent (0%) interest during said extension period.

**RESOLUTION #1 50-2017\***

**ACCEPTANCE AND EXECUTION OF A GRANT BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF ATTORNEY GENERAL**

**WHEREAS**, the Town of Newton submitted an application for the Detective Matthew L. Tarentino Community Policing Grant Program administered by the State of New Jersey, Department of Law and Public Safety, implemented by the Office of the Attorney General; and

**WHEREAS**, the purpose of this grant is to foster relationship of collaboration, trust, and understanding between law enforcement agencies and their communities; and

**WHEREAS**, the Town of Newton received notice in a letter dated August 1, 2017 from the Office of Attorney General that our application, Award Number CP-19-18, has been accepted and the Town of Newton Police Department has a total approved award amount of

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\$10,000 with no in-kind match requirement for the period between August 1, 2017 and December 31, 2017; and

**WHEREAS**, the Town of Newton is authorized to accept and does accept Award Number CP-19-18 on behalf of the Newton Police Department to be used to implement the #NotEvenOnce program at Newton High School in an effort to foster relationships of collaboration, trust and understanding between law enforcement agencies and their communities as described in the approved grant application;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Town Manager to execute any and all documents necessary and related to the acceptance and execution of said grant.

---

Wayne F. Levante, Mayor

**RESOLUTION #15 1-2017\***

**AUTHORIZE CHANGE ORDER NO. 1 FOR THE PROPOSED IMPROVEMENTS TO LIBERTY STREET PROJECT BY TILCON NEW YORK, INC.**

**WHEREAS**, on March 13, 2017 the Newton Town Council adopted Resolution #50-2017, awarding a contract to Tilcon New York, Inc., for the Proposed Improvements to Liberty Street Project in the amount of \$28,150.25 through the Morris County Cooperative Pricing Council; and

**WHEREAS**, the Project Engineer, Harold E. Pellow of Harold E. Pellow & Associates, Inc., in his memo dated July 31, 2017, prepared Change Order No. 1, for the Improvements to Liberty Street Project. This change order will result in a \$2,175.26 decrease in the contact to a new contract total of \$25,974.99;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Project Engineer's recommendation and accepts Change Order No. 1 for the Proposed Improvements to Liberty Street Project by Tilcon New York, Inc., for a new contract total of \$25,974.99; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1 be attached to and made part of this Resolution.

**RESOLUTION #152-2017\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR NORTHWEST BUILDING SUPPLY, INC.**

**WHEREAS**, the Town of Newton has a need to replace garage doors at its operations location at the Department of Public Works as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Town of Newton Purchasing Agent, Sean Canning, Q.P.A., of the Canning Group, LLC 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**, Northwest Building Supply Inc., has submitted a proposal on April 21, 2017 indicating they will provide the services not to exceed \$39,325.00 exceeding in aggregate the pay to play threshold of \$17,500.00; and

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

**WHEREAS**, the Chief Financial Officer has certified funds are available to support this project as follows:

General Capital Ord #2017-9: Acq./Install DPW Garage Doors A/C#30917096 \$39,325.00

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Northwest Building Supply Inc., not to exceed \$39,325.00 for the 2017 calendar year; and

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

**RESOLUTION #153-2017\***

**TO CANCEL CURRENT REVENUE RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, the Town of Newton renewed a shared service agreement with Byram Township for Certified Tax Collection services for the year 2017 as per Resolution #180-2016 adopted November 14, 2016; and

**WHEREAS**, due to the resignation of Linda A. Roth, Newton’s Tax Collector, this agreement was terminated effective June 9, 2017; and

**WHEREAS**, the following Current Fund 2017 revenue receivable is uncollectible:

Interlocal - Byram Tax Collector revenue A/C #104347 \$24,097.50

**WHEREAS**, the following Current Fund 2017 budget appropriation balances remain unexpended:

Interlocal - Byram Tax Collector S&W A/C#10947971 \$18,748.00

Interlocal - Byram Tax Collector OE A/C#10947972 \$5,349.50

**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;

**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 revenue receivable and unexpended balances of the 2017 Current Budget be canceled.

**RESOLUTION #154-2017\***

**AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 1 WITH YOUR WAY CONSTRUCTION, INC. FOR THE MADISON STREET SIDEWALK IMPROVEMENTS PROJECT, FEDERAL HIGHWAY ADMINISTRATION TRANSPORTATION ALTERNATIVES PROGRAM GRANT**

**WHEREAS**, the Town of Newton conditionally awarded a contract for the Madison Street Sidewalk Improvements Project to Your Way Construction, Inc. on December 28, 2016 by the adoption of Resolution #258-2016 for a total contract amount of \$177,142.05. The contract completion date was May 31, 2017; and

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) approved the recommendation of award to Your Way Construction on May 4, 2017; and

**WHEREAS**, in coordination with NJDOT, a preconstruction meeting was held on June 13, 2017 and identified the need for a time extension due to administrative delays; and

**WHEREAS**, the Consulting Engineer, John Ruschke, P.E. of Mott MacDonald, has prepared Change Order No. 1 to increase the contract completion date by one hundred eighteen (118) days to September 26, 2017;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby approve Change Order No. 1 to increase the contract completion date by one hundred eighteen (118) days to September 26, 2017 due to administrative delays. This change order is contingent upon the approval by the New Jersey Department of Transportation.

**RESOLUTION #155-2017\***

**AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 2 WITH YOUR WAY CONSTRUCTION, INC. FOR THE MADISON STREET SIDEWALK IMPROVEMENTS**

**PROJECT, FEDERAL HIGHWAY ADMINISTRATION TRANSPORTATION ALTERNATIVES PROGRAM GRANT**

**WHEREAS**, the Town of Newton awarded the contract for the Madison Street Sidewalk Improvements Project to Your Way Construction, Inc. on December 28, 2016 by the adoption of Resolution #258-2016 for a total contract amount of \$177,142.05; and

**WHEREAS**, it was determined by the Design Engineer, Harold E. Pellow & Associates, Inc., that three (3) street trees must be removed to install the new sidewalk; and

**WHEREAS**, the Consulting Engineer, John Ruschke, P.E. of Mott MacDonald, has prepared Change Order No. 2 to increase the total contract amount by \$6,150.00 for costs to remove the three (3) street trees; and

**WHEREAS**, the Chief Financial Officer has certified funds are available to support the increase in the General Capital Fund, Ordinance #2014-6, Madison Street Sidewalk Improvements, account number #30914062 in the amount of \$6,150.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton we hereby approve Change Order No. 2 to increase the total contract amount by \$6,150.00 to a new contract total of \$183,292.05. This change order is contingent upon the approval by the New Jersey Department of Transportation.

**RESOLUTION #156-2017\***

**AUTHORIZE AMENDING THE SHARED SERVICES AGREEMENT WITH HARDYSTON TOWNSHIP FOR CODE ADMINISTRATION AND ENFORCEMENT SERVICES**

**WHEREAS**, the Town of Newton has a need for a licensed Plumbing Sub-Code Official due to the resignation of James Cutler; and

**WHEREAS**, the Township of Hardyston currently provides the Town of Newton with Construction and Fire Code Administration and Enforcement Services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. through a Shared Services Agreement approved and executed by the adoption of Resolution #269-2014 on December 22, 2014; and

**WHEREAS**, the parties desire to revise the current Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, et seq., for the furnishing of such services to include Plumbing Sub-Code services;

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

1. The Town of Newton agrees to and accepts the revisions to our current contract for construction code enforcement services;
2. The Town of Newton agrees to a total new base rate for services for 2017 of \$103,260 and \$113,612.70 for 2018, along with deletion of the provision whereby Hardyston retains 15% of plumbing permit fees collected.

**RESOLUTION #157-2017\***

**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**

38525	ABCODE SECURITY INC.	117.00
38526	AIDA CAHILL	601.25
38527	AIR PURIFIERS, INC.	395.00
38528	AIRMARK POOLS, INC.	98.43
38529	SYNCHRONY BANK	989.30
38530	AMBASSADOR MEDICAL SERVICE	120.00
38531	ARF RENTAL SERVICES, INC.	526.68

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38532	BLOOMS OF ELEGANCE	63.00
38533	BLUE DIAMOND DISPOSAL	178.50
38534	BONNIE MESSINA	980.00
38535	BOONTON TIRE SUPPLY INC.	111.02
38536	BUCKMAN'S INC.	3,359.43
38537	CAMPBELL'S SMALL ENGINE INC.	521.15
38538	CENTURYLINK COMMUNICATIONS, INC.	252.53
38539	CENTURYLINK COMMUNICATIONS. INC.	3,521.83
38540	CINTAS CORPORATION NO. 2	192.92
38541	COMPASS ENERGY GAS SERVICES, INC.	364.22
38542	COOPER ELECTRIC SUPPLY CO.	440.44
38543	COUNTY OF SUSSEX	51,777.84
38544	COUNTY OF SUSSEX	7,550.00
38545	COUNTY OF SUSSEX	3,650.74
38546	COUNTY OF SUSSEX	836,922.57
38547	CSS TEST INC.	1,776.00
38548	D & E SERVICE CENTER, INC.	137.50
38549	DANIEL FLYNN	30.00
38550	DEMPSEY UNIFORM & SUPPLY INC	1,765.80
38551	DIAMOND SAND & GRAVEL, INC	226.98
38552	DOLAN & DOLAN, INC.	33.60
38553	DOMINICK'S PIZZA LLC	89.55
38554	EVERBRIDGE, INC.	1,379.17
38555	EXTRA TECHDATA SERVICES, LLC.	330.00
38556	FEDERAL EXPRESS	86.39
38557	FIRE & SAFETY SERVICES, LTD., INC.	343.60
38558	FIRST COMMUNITY DEVELOPMENT CORP I	5,350.89
38559	GALLS, LLC	430.55
38560	GENSERVE INC.	190.00
38561	GOLD TYPE BUSINESS MACHINES	2,100.00
38562	GRAVITY DESIGN WORKS, INC.	300.00
38563	GREATER NEWTON CHMBR OF COMM.	85.00
38564	HAMPTON BODY WORKS, INC.	2,086.25
38565	HARTER EQUIPMENT INC.	205.05
38566	HAYDEE BALLESTER	165.00
38567	HAYEK'S MARKET INC.	140.27
38568	HOME DEPOT, INC.	1,241.32
38569	HOME DEPOT, INC.	1,320.17
38570	IACP NET/LOGIN, INC.	875.00
38571	INSTANT VERIFICATION CHILD PROTECTI	1,374.48
38572	J. CALDWELL & ASSOCIATES, LLC.	1,298.00
38573	JCP&L	8,155.75
38574	JMC ENVIRONMENTAL CONSULTANTS, INC.	105.00
38575	LADDEY, CLARK & RYAN, LLP	2,464.00
38576	LINCOLN FINANCIAL GROUP	1,150.00
38577	LOCK & KEY WORLD	210.00
38578	LOUISA LAM	280.00
38579	LOWE'S, INC.	387.20
38580	LUCY DELORTO	154.98
38581	MAGLOCLEN	400.00
38582	MCSWEENEY, SHARI	1,075.00
38583	MGL FORMS - SYSTEMS, LLC.	280.50
38584	MILLER, THOMAS	112.50
38585	MINISINK PRESS INC.	122.40
38586	MONTAGUE TOOL & SUPPLY, INC.	90.36
38587	MORRIS COUNTY POLICE ACADEMY	320.00
38588	MOTOROLA SOLUTIONS	115.20
38589	MUNICIPAL CLERKS ASSOCIATI	175.00
38590	MUNICIPAL RECORD SERVICE	320.00
38591	NEOPOST LEASING, INC.	529.41
38592	NEW JERSEY HERALD, INC.	121.74
38593	NJ DIV ALCOHOL BEVERAGE CONTR	36.00
38594	NJ DIV PENSION & BENEFIT	572.05
38595	NJMEBF	171,893.00
38596	PELLOW, HAROLD & ASSO, INC.	1,762.45
38597	PENTELEDATA	728.56
38598	QUAGLIO, MICHAEL	75.00
38599	QUILL CORPORATION	1,011.88
38600	RACHLES/MICHELE'S OIL COMPANY, INC.	5,249.71

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38601	READY REFRESH BY NESLTE	105.54
38602	REISINGER OXYGEN SERVICE, INC.	54.44
38603	ROUTE 23 PATIO, LLC.	451.20
38604	SARAH GRUB	412.50
38605	SEBRING AUTO PARTS, INC.	64.16
38606	SERVICE ELECTRIC CABLE TV	57.35
38607	SOME'S WORLD WIDE UNIFORMS, INC.	125.00
38608	SOUL II SOUL HEALTH & WELLNESS, LLC	75.00
38609	STAPLES BUSINESS ADVANTAGE, INC.	778.04
38610	STAPLES BUSINESS ADVANTAGE, INC.	243.87
38611	STATE TREASURER	50.00
38612	STATEWIDE INSURANCE FUND	59,838.42
38613	SUI ACCOUNT	5,000.00
38614	SUSSEX CAR WASH INC	140.00
38615	SUSSEX COUNTY CLERK	499.25
38616	SUSSEX COUNTY ENGINEERING DIVISION	432.25
38617	T.A. MOUNTFORD COMPANY, INC.	950.00
38618	TAP INTO, LLC	975.00
38619	TAYLOR OIL CO., INC.	1,621.81
38620	TERRI OSWIN	25.79
38621	THE CANNING GROUP, LLC.	535.71
38622	THYSSENKRUPP ELEVATOR CORP.	219.50
38623	TIMMERMAN COMPANY, INC.	400.46
38624	TIRE KING, INC.	513.00
38625	TRACTOR SUPPLY	72.99
28626	TREASURER, STATE OF NEW JERSEY	200.00
38627	TREATMENT SPECIALTIES CORP.	330.00
38628	TRIMBOLI & PRUSINOWSKI, LLC.	7,974.57
38629	TRUST ACCOUNT, TOWN OF NEWTON	20,000.00
38630	UNITED TELEPHONE/CENTURY LINK	126.68
38631	USA HOISTCO., INC.	220.00
38632	VERIZON WIRELESS, INC.	193.13
38633	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	615.00
38634	WALMART	259.88
38635	WEIS MARKETS, INC.	110.46
38636	WHENTOWORK INC	200.00
171055	PAYROLL ACCOUNT	198,685.46
171054	NEWTON BOARD OF EDUCATION	503,222.00
171053	JP MORGAN CHASE BANK	200,000.00
171052	ELAVON	148.73
171051	PAYROLL ACCOUNT	200,096.19
171050	NEWTON BOARD OF EDUCATION	1,000,000.00
		0
171049	ELAVON	154.88
171047	US BANK OPER. CTR/TRUST MGMT	500,343.13
171046	WELLS FARGO BANK	9,745.45

**CAPITAL**

8631	ATLAS FLASHER & SUPPLY CO INC	39,688.00
8632	FKA ARCHITECTS INC.	4,425.00
8633	INTERPORT	2,600.00
8634	LOWE'S INC.	901.49
8635	MOTT MACDONALD	962.00
8636	NEW JERSEY HERALD, INC.	33.00
8637	PELLOW, HAROLD & ASSO, INC.	2,273.85
8638	TILCON NEW YORK, INC.	25,455.49
8639	TODD HARRIS CO., INC.	1,039.50
8640	YOUR WAY CONSTRUCTION, INC.	15,374.00
8630	SUSSEX COUNTY SOIL CONSERVATION	895.00
173001	PAYROLL ACCOUNT	611.37

**Total TOWN BILLS    \$ 3,944,517.65**

**WATER AND SEWER ACCOUNT**

16429	SCHMIDT'S WHOLESALE, INC	7,634.48
16430	PELLOW, HAROLD & ASSO, INC.	1,059.10
16431	HACH COMPANY	377.27

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16432	JCP&L	14,971.14
16433	PUMPING SERVICES, INC.	1,400.00
16434	SUSSEX COUNTY P&H, INC.	363.04
16435	COYNE CHEMICAL CORP., INC.	6,796.91
16436	CENTURYLINK COMMUNICATIONS, INC.	39.53
16437	CENTURYLINK COMMUNICATIONS, INC.	1,201.81
16438	CAMPBELL'S SMALL ENGINE INC.	722.53
16439	GARDEN STATE LABORATORIES INC	1,936.00
16440	HAYEK'S MARKET INC.	91.40
16441	HAMBURG PLUMBING SUPPLY CO INC	640.20
16442	MINISINK PRESS INC	81.60
16443	TRUST ACCOUNT, TOWN OF NEWTON	20,000.00
16444	SEBRING AUTO PARTS, INC.	156.99
16445	DEMPSEY UNIFORM & SUPPLY INC	726.77
16446	AIRGAS EAST	22.02
16447	TREASURER, STATE OF NEW JERSEY	720.00
16448	STATEWIDDE INSURANCE FUND	54,359.83
16449	PASSAIC VALLEY SEWERAGE COMM.	6,040.00
16450	HOME DEPOT, INC.	509.18
16451	SUBURBAN PROPANE, LP.	2,920.71
16452	AIRMATIC COMPRESSOR SYSTEMS, INC.	1,858.19
16453	STAPLES BUSINESS ADVANTAGE, INC.	244.43
16454	LOWE'S INC.	28.44
16455	ACCURATE WASTE REMOVAL INC.	7,554.25
16456	WILLIAM GRENNILLE, LLC.	2,800.00
16457	TRIMBOLI & PRUSINOWSKI, LLC.	480.00
16458	PENTELEDATA	219.90
16459	ONE CALL CONCEPTS, INC.	215.00
16460	EXTRA TECH DATA SERVICES, LLC.	250.00
16461	MOTT MACDONALD	1,937.98
16462	J. CALDWELL & ASSOCIATES, LLC.	619.50
16463	BRAEN STONE SPARTA	644.32
16464	TAP INTO, LLC	975.00
16465	MORRIS ASPHALT SUPPLY, LLC	599.94
16466	EVERBRIDGE, INC.	1,379.17
16467	KKPR MARKETING & PUBLIC RELATIONS	675.00
16468	COMPASS ENERGY GAS SERVICES, INC.	176.43
16469	CINTAS CORPORATION NO. 2	42.98
16470	HOLLAND COMPANY, INC.	7,118.92
16471	SYNCHRONY BANK	44.75
16472	KRISTEN HORNBROOK	278.00
176025	PAYROLL ACCOUNT	38,335.72
176024	PAYROLL ACCOUNT	37,662.11

**CAPITAL**

2452	FRED DEVENS CONSTRUCTION	49,040.67
2453	PELLOW, HAROLD & ASSO, INC.	1,181.25

**Total WATER & SEWER Bills \$ 277,132.46**

**TRUST ACCOUNT**

3635	DANIELSON, DEBORAH	426.62
3636	J. CALDWELL & ASSOCIATES, LLC.	2,753.00
3637	MADISON SQUARE GARDEN/ENTERTAINMENT	4,525.00
3638	PELLOW, HAROLD & ASSO, INC.	2,315.55
3639	PELLOW, HAROLD & ASSO, INC.	942.50
3640	SCHIFANO CONSTRUCTION	173.00
3641	TREASURER, TOWN OF NEWTON	50.00
3642	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	15.00
3643	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	2,010.00
3634	DANIELSON, DEBORAH	588.51
177116	PAYROLL ACCOUNT	19,926.00
177115	PAYROLL ACCOUNT	11,826.00

**Total TRUST ACCOUNT Bills \$ 45,551.18**

**DEVELOPERS ESCROW (FUND 72) ACCOUNT**

August 14, 2017

1281	MCMANIMON, SCOTLAND & BAUMANN, LLC	455.00
1282	PELLOW, HAROLD & ASSO, INC.	694.85

**Total DEVELOPERS ESCROW (FUND 72) ACCOUNT Bills     \$**  
**1,149.85**

**SUI (FUND 73) ACCOUNT**

1112	S/NJ DEPT OF LABOR & WORKFORCE DEV	219.00
1113	S/NJ EMPLOYER ACCOUNTS	556.76

**Total SUI (FUND 73) ACCOUNT Bills     \$ 775.76**

**DOG RESERVE ACCOUNT**

8565	MGL FORMS - SYSTEMS, LLC.	259.00
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**Total DOG RESERVE ACCOUNT Bills     \$ 259.00**

**RESOLUTION #158-2017\***

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2017 TOWN OF NEWTON  
BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (C. 159, PL 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, the Town of Newton has received a grant award in the amount of \$10,000.00 from the State of New Jersey, Department of Law and Safety for the Detective Matthew L. Tarentino Community Policing Grant Program;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2017 Budget of the Town of Newton which is now available as revenue from:

- Miscellaneous Revenues:
  - Section F: Special Items of Revenue
    - Public and Private Revenues Off-set with Appropriations:
      - Community Policing Grant-Det. M. Tarentino .....\$10,000.00

- General Appropriations:
  - (A) Operations - Excluded from CAPS
    - Public and Private Programs Off-Set by Revenues:
      - Community Policing Grant-Det. M. Tarentino ..... \$10,000.00

**BE IT FURTHER RESOLVED**, that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION #159-2017\***

**DESIGNATE OFFICIALS TO SIGN CHECKS FOR THE TOWN OF NEWTON**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the officials holding the following official positions are hereby designated to sign checks:

- Town Manager
- Chief Financial Officer
- Treasurer
- Tax Collector
- Water Sewer Collector

Note that two (2) signatures are required for disbursement on all accounts, except the Payroll and Payroll Agency accounts. The Chief Financial Officer maintains a list of all accounts and signers.

The Clerk presented an application for an off-premise raffle (merchandise) from the Newton Medical Center Foundation be held on November 11, 2017 at 6:30pm at 175 High Street, Newton. It was noted the application was in order.

The Clerk presented an application for an off-premise raffle (50-50) from the St. Joseph R.C. Church to be held on October 27, 2017 at 7:00pm at 20 Jefferson Street, Newton. It was noted the application was in order.

A motion was made by Mrs. Diglio to approve the modified **COMBINED ACTION RESOLUTIONS** , 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	

Please note: Mrs. Le Frois recused from the off-premise raffle application from St. Joseph RC Church and Mr. Flynn recused from check number 38549 on the bill list.

Mr. Flynn asked questions regarding Resolution #149-2017 which were addressed by Mr. Russo.

**RESOLUTION #149-2017**

**APPROVAL OF INDUSTRIAL/COMMERCIAL WASTEWATER DISCHARGE APPLICATION AND VARIANCES FOR KROGH 'S BREWING COMPANY, LLC, WITH CONDITIONS**

**WHEREAS**, Krogh’s Brewing Company, LLC (“Krogh’s”) filed an Application for Commercial/Industrial Wastewater Discharge and variances with the Town of Newton for its proposed brewing operations located at 56 Paterson Avenue in the Town of Newton (“Application”); and

**WHEREAS**, the Newton Town Code, Section 228-12(e), provides the Town Utility Advisory Board is charged with advising the Town Manager in all matters concerning the water and sewer system of the Town, and applications for variances from the discharge limitations of the Town Code are to be reviewed by the Town Sewer Engineer and the Utility Advisory Board, with a written approval or denial issued by the Town; and

**WHEREAS**, the Town of Newton’s Sewer Engineer, Mott MacDonald, has reviewed Krogh’s Application and revisions, and has recommended approval of the Application with conditions; and

**WHEREAS**, the Newton Utility Advisory Board conducted a special meeting on July 25, 2017 with Mr. Blake Ellman, owner and managing member of Krogh’s appearing, requesting approval of its Application; and

**WHEREAS**, the Town Sewer Engineer and the Utility Advisory Board recommended the Application be approved, subject to the following conditions, and as to be established in a Sewer Discharge Agreement to be entered into between the Town of Newton and Krogh’s:

- 1) The non-domestic or process discharge from Krogh’s to the Newton sanitary sewers shall be subject to discharge limitations, restrictions, and other conditions as established in this agreement, including limitations on discharge quantity and quality, wastewater monitoring, and reporting as established in Table-1, attached; and
- 2) Krogh’s shall monitor its discharge for the pollutant parameters as established in Table T-1, attached to the above referenced Agreement. The sampling shall be performed as per the specified sample-type and frequencies listed in the table. A monthly report shall be submitted to the Town of Newton and shall include

discharge flow data and sample analytical data. A monthly report shall be submitted (and received by the Town) no later than the last day of the month following the sampling period; and

- 3) The Town of Newton may collect additional unscheduled samples, as necessary, to determine Krogh's wastewater quality and compliance with the permit conditions; and
- 4) A discharge from Krogh's facility over the concentrations of domestic equivalent and/ or plant design criteria are subject to the surcharge provisions and surcharge fee for any excess pollutant loadings over the domestic equivalent discharge. The surcharge fee shall be determined based upon the following:
  - a. The Town of Newton pollutant concentrations for the Domestic-Equivalent/Plant Design criteria are defined as: BOD5- 300mg/l, TSS- 350 mg/l, NH3- 25mg/l, TKN- 60mg/l, and Phosphorus- 15 mg/l;
  - b. The surcharge rate shall reflect the estimated management, operation, and maintenance costs of the Town's treatment plan attributable to the pollutant parameters subject to surcharge provisions. The surcharge rate shall reflect the cost associated with treatment of the excess loading of the pollutant(s) discharged by a discharger. The administrator reserves the right to substitute surcharge (unit) rate of a pollutant parameter for another pollutant parameter if data is not available. The Town administrator will establish the surcharge rate for each surcharge pollutant based upon the available wastewater treatment plant operating costs and pollutant data;
  - c. The monthly surcharge fees for the excess loadings of approved pollutants discharged by Krogh's shall be calculated in accordance with the formula listed in the Sewer Discharge Agreement;
  - d. The discharger with approved excess pollutant discharge loadings shall be billed periodically (monthly, quarterly, or as determined by the administrator), based upon the wastewater analytical and flow data collected by the Town from the discharger or sampling by the Town. All surcharge fees shall be payable within thirty (30) days of the billing date; and
- 5) The Town of Newton imposes pH (Minimum and Maximum) discharge limits of 5.5 (minimum) and 9.5 (maximum) Standard Unit (SU). In addition, the Town of Newton has granted 1% variance from the pH limits based upon the following provisions:
  - a. Only an industrial discharger installing pH control system and monitoring pH of its discharge to the Town of Newton sanitary sewer system on a continuous basis (using charts/computer recording), may be allowed one (1) percent variance excursion from compliance with the pH limits, using the NJDEP and USEPA regulations and guidelines;
  - b. No discharge with a pH below 5.0 SU or over 11.0 SU shall be allowed;
  - c. pH excursions will be limited to 1% of the time the total discharge time (e.g. during 30-day of continuous discharge monitoring, 7 hours and 26 minutes variance will be allowed to the pH range of 5.5 to 11.0 SU);
  - d. pH excursions for more than one continuous hour at any time is not allowed;
  - e. The Town of Newton reserves the rights to withdraw the allowed variance and/or impose more restrictive pH limits if any adverse impact is observed at the treatment plant and/or within the sewer conveyance system; and
- 6) Krogh's proposed pH control system is designed for treatment of wastewater generated from a production of 8,000 barrels/ year, while full capacity of the facility is projected at 12,000 barrels/year over a six-year period. Krogh's shall notify the Town, at least 90-120 days in advance when it anticipates exceeding the production capacity over 8,000 barrels/year. Krogh's shall also submit the proposed changes to its pH control system to comply with the pH limits, for review and approval by the Town; and
- 7) Any violation of the discharge limitation, monitoring reporting or other conditions

of the Sewer Discharge Agreement shall be subject to enforcement action and penalties as allowed by law; and

- 8) The Town of Newton reserves the rights to withdraw the allocated discharge limitations and/or loadings for any or all pollutants, if any adverse impact is observed at the treatment plant and/or within the sewer conveyance system related to Krogh’s discharge; and
- 9) The Sewer Discharge Agreement includes sewer discharge and compliance requirements based upon the Town of Newton regulations and requirements. This agreement does not waive any other applicable requirements by Federal and State (including NJDEP). Krogh’s shall be responsible for compliance with all applicable requirements of Federal, State (New Jersey) and other agencies; and
- 10) Krogh’s is subject to any and other requirements of the Town of Newton or any other local, State, or Federal applicable laws and regulations.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and the Town Sewer Engineer to conditionally approve the Industrial/Commercial Wastewater Discharge for Krogh’s Brewing Company, LLC, provided the applicant satisfies all of the above-stated conditions and agrees to payment of all necessary fees and the execution of a Sewer Discharge Agreement with the Town of Newton.

A motion was made by Mr. Flynn to approve **Resolution #149-2017**, 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**

Mayor Levante outlined and explained his support with consolidating the Newton Public Schools to one school system. Mayor Levante indicated, if supported, he will bring this Resolution to every municipality to request their support.

**RESOLUTION #160-2017**

**RESOLUTION SUPPORTING A SUSSEX COUNTY CONSOLIDATED SCHOOL SYSTEM**

**WHEREAS**, the school systems in the State of New Jersey are largely independently run and are funded by the taxpayers, resulting in increasing property taxes to New Jersey residents; and

**WHEREAS**, the Town Council appreciates the importance of the education system, public schools and teachers, but also recognizes that increased property taxes are driving residents out of Sussex County and Newton; and

**WHEREAS**, student enrollment in Sussex County schools is decreasing, yet per-pupil costs continue to rise, resulting in higher property taxes to Sussex County residents; and

**WHEREAS**, a consolidated County school system would result in significant savings to the taxpayers of Sussex County, via less administrative staff and other personnel, and ultimately lower property taxes; and

**WHEREAS**, the Town Council of the Town of Newton favors a consolidated school system and desires to show its support for a consolidated school system within Sussex County; and

**WHEREAS**, the Town Council proposes the following structure for a consolidated school system: one County Superintendent, one County Business Office; and all schools within the County overseen by the County Office;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby declares its support for a Consolidated Sussex County School System; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution are to be forwarded to the Clerks of all Sussex County municipalities, the State Legislators that represent the Town of Newton, the Newton Board of Education, the Sussex County Superintendent of Schools, the Sussex County League of Municipalities, the New Jersey League of Municipalities, and the New Jersey Governor’s Office.

A motion was made by Mrs. Diglio to approve **Resolution #160-2017**, seconded by Mr. Flynn and roll call resulted as follows:

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

Deputy Mayor Elvidge outlined his reasons for supporting this Resolution and feels the taxpayers need to be represented by the Town Council. Due to the financial burden on the taxpayers, he feels Council should take the lead on supporting this Resolution.

Councilwoman Le Frois asked Mayor Levante for background surrounding the consolidation of Newton school system. Mayor Levante outlined his meetings and presentations thus far. He feels we need to begin disseminating this Resolution to Sussex County municipalities, State Legislators, the New Jersey League of Municipalities, and the New Jersey Governor’s Office.

Councilman Flynn inquired when the Newton Board of Education will be attending a Council meeting to review the Referendum for the school system.

**INTERMISSION** - None

**DISCUSSION**

Councilman Flynn asked Mr. Russo to look into allowing food trucks in the Town of Newton with little to no costs. He feels food trucks are a benefit to the Town and should be allowed with limited regulations. Mr. Russo will review the regulations and current ordinances.

Councilman Flynn inquired about bulk pickup in the Town of Newton. Mr. Russo will review and advise.

**OPEN TO THE PUBLIC** \_\_\_\_\_

At this time, Mayor Levante opened the meeting to the public.

Kyle Penny, Elm Street, Newton, inquired about Resolution #160-2017 and asked for more details which were addressed by Mayor Levante. Mayor Levante invited Mr. Penny and other students to attend the Board of Education presentation, on the expansion, to be held at the next Council meeting on Monday, August 28<sup>th</sup>.

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

August 14, 2017

**COUNCIL & MANAGER COMMENTS**

Mrs. Le Frois confirmed some calendar dates and times for various upcoming meetings.

**EXECUTIVE SESSION**

Upon motion of Mrs. Le Frois, seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 8:45 pm.

Upon motion of Mrs. Le Frois, seconded by Mrs. Diglio and unanimously carried, Council left Executive Session at 10:31 pm.

Councilwoman Diglio expressed her disappointment on the recent tax bill. She feels the increase formula was misrepresented during the hearings and noted the tax increase came in higher than represented.

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 10:36 pm.

Respectfully submitted,

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

Lorraine A. Read, RMC  
Municipal Clerk