

June 26, 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. Flynn, Mr. Elvidge, 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 of Mr. Elvidge, seconded by Mr. Flynn and carried, the minutes for June 12, 2017 Regular and Special meetings were unanimously approved.

### **OPEN TO THE PUBLIC**

Mayor Diglio read the following statement:

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

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

### **COUNCIL & MANAGER REPORTS**

Mr. Russo reminded the Governing Body of the Reorganization Meeting on Saturday, July 1<sup>st</sup> to begin at Noon at Town Hall.

### **ORDINANCES**

There were no Ordinances to discuss.

### **OLD BUSINESS**

There was no old business to discuss.

### **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 Resolutions on the consent agenda.

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**RESOLUTION #103-2017\***

**TO CANCEL APPROPRIATED RESERVE BALANCE IN THE FEDERAL AND STATE GRANT FUND –  
FIREFIGHTER ASSISTANCE GRANT IN THE AMOUNT OF \$42.30**

**WHEREAS**, the Town of Newton received a grant in the amount of \$43,126.00 for a Federal Emergency Management Grant – SCBA and provided a 5% match of \$2,269.00; and

**WHEREAS**, these amounts were appropriated as special items of revenue in the 2013 Current Municipal Budget by Resolution #238-2013 on December 9, 2013 and transferred into the Federal and State Grant Fund in the same year; and

**WHEREAS**, the Town has completed the purchase of 7 SCBA Packs from Firefighter One and made payment dated 4/13/15 by check #1261 in the amount of \$44,534.00; and

**WHEREAS**, the Town refunded \$818.70 back to Federal Emergency Management Agency (FEMA) on June 12, 2017; and

**WHEREAS**, there remains an unexpended balance in the grant fund of \$42.30; and

**WHEREAS**, it is necessary to formally cancel the grant appropriated reserve balance;

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following:

**Federal & State Grant Fund**

Appropriated Reserves – Firefighter Assistance Grant	#111220	\$42.30
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**RESOLUTION #104-2017\***

**AUTHORIZE EXTENSION OF INJURY LEAVE OF ABSENCE FOR ERVIN LASSO**

**WHEREAS**, Ervin Lasso (Lasso) is an employee in the Department of Public Works who was injured in a work-related accident in 2016 and has been out on paid disability leave since June of 2016; he has been receiving workers compensation benefits as a result of the injury, and the Town of Newton has, pursuant to the collective negotiations agreement between the Town and UPSEU (CNA) Article 16, been paying the difference between the workers compensation benefits and his regular pay; and

**WHEREAS**, the initial one year period of the paid disability leave will be exhausted on or before June 30, 2017, and the Town desires to extend the disability pay and leave for up to an additional three (3) months, as permitted under Article 16 G of the CNA, which permits the disability pay to be extended for up to one additional year; and

**WHEREAS**, the Town physician, or other medical professional which is satisfactory to the Town, has certified to the Town Manager the employee is incapable of performing his duties and is expected to continue to be incapable of performing his duties for the foreseeable future, including the period from July 1, 2017 to June 30, 2018;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the paid disability leave of Ervin Lasso is hereby extended for an additional three (3) months to September 30, 2017, and the Town Manager is hereby authorized to extend the disability leave for an additional three months (to December 31, 2017) without further Council action and upon confirmation from the Town physician, or other medical professional which is satisfactory to the Town, that Lasso continues to be incapable of performing his duties.

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**RESOLUTION #105-2017\***

**RESOLUTION APPROVING VACATION LEAVE PAYOUT FOR LINDA ROTH**

**WHEREAS**, Linda A. Roth, Certified Tax Collector with the Town of Newton, resigned effective June 9, 2017, is entitled to payout for unused and accrued vacation leave, pursuant to applicable law, Town ordinances, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook.

**NOW THEREFORE BE IT RESOLVED**, the Town Council authorizes the following payout for unused and accrued vacation leave to Linda A. Roth as follows:

<u>EMPLOYEE</u>	<u>RESIGNATION DATE</u>	<u>PAYOUT TOTAL</u>
Linda A. Roth	June 9, 2017	\$5,744.37

**BE IT FURTHER RESOLVED**, that appropriate Town employees are hereby authorized to make the payments set forth above, with any required revisions to the payout amounts.

**RESOLUTION #106-2017\***

**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 that 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 received a payment in the amount of \$15,961.30 from the State of New Jersey Solid Waste Administration for a FY2017 Clean Communities Grant;

**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:
      - State of New Jersey Clean Communities Grant .....\$15,961.30
- General Appropriations:
  - (A) Operations - Excluded from CAPS
    - Public and Private Programs Off-Set by Revenues:
      - State of New Jersey Clean Communities Grant.....\$15,961.30

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

**RESOLUTION #107-2017\***

**AUTHORIZE THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SCHMIDT'S WHOLESALE**

**WHEREAS**, the Town of Newton has a need to maintain, repair and replace water meters through Schmidt's Wholesale as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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**WHEREAS**, 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 calendar year; and

**WHEREAS**, Schmidt's Wholesale Inc. in the aggregate is expected to sell in excess of the pay-to-play threshold of \$17,500.00; and

**WHEREAS**, Schmidt's Wholesale Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Schmidt's Wholesale 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 Schmidt's Wholesale Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer hereby certifies the maximum funds to be expended in 2017 will not exceed \$40,000, and since \$18,335 has already been paid or encumbered for this vendor, this certification of funds is in the amount NOT TO EXCEED \$21,665.00 and is available as follows;

2017 WATER SEWER UTILITY BUDGET:

Water Distribution Main Repair and Maintenance	#6065238	\$12,665.00
Capital Improvement Fund Acquisition Meters & Hydrants	#6089296	\$ 9,000.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Schmidt's Wholesale Inc. not to exceed \$21,665.00 for the 2017 calendar year; and

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

#### **RESOLUTION #108-2017\***

##### **APPOINTMENT OF THERESA SCHLOSSER AS CERTIFIED TAX COLLECTOR**

**WHEREAS**, N.J.S.A. 40A:9-141 provides that each municipality within the State of New Jersey shall appointment a municipal tax collector, and

**WHEREAS**, N.J.S.A. 40A:9-145.7 states that any tax collector appointed or reappointed in any municipality of this State must hold a tax collector certificate, and

**WHEREAS**, Linda A. Roth has submitted her resignation as Certified Tax Collector for the Town of Newton effective June 9, 2017;

**WHEREAS**, Theresa Schlosser has expressed interest in the position of Certified Tax Collector and has successfully completed the tax collection certification course, and in completing said certification is appointed by the Newton Town Manager to the position of Certified Tax Collector, effective July 1, 2017, for a term of four years beginning January 1, 2018 continuing through December 31, 2021 as outlined in N.J.S.A 40A:9-142;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton recognizes the Town Manager's appointment of Ms. Schlosser to the position of Certified Tax Collector, and all the duties it entails.

#### **RESOLUTION #109-2017\***

##### **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**

200.00	ABCODE SECURITY INC.	38354
424.60	AIRGAS EAST	38355
2,662.26	SYNCHRONY BANK	38356
654.00	ANN ROSELLEN	38357
143.64	ARF RENTAL SERVICES, INC.	38358
1,018.07	AUTO BODY CONNECTION	38359
1,643.82	BOBCAT OF NORTH JERSEY, INC.	38360
1,308.50	BUCKMAN'S INC.	38361
53.95	CAMPBELL'S SMALL ENGINE INC.	38362
12,500.00	CAPITAL ACCOUNT	38363
76.00	CASTLE PRINTING CO.	38364
239.55	CENTURYLINK COMMUNICATIONS, INC.	38365
975.74	CUSTOM PRODUCTS CORP.	38366
115.00	DANIELSON, DEBORAH	38367
71.16	DAWN BABCOCK	38368
150.00	DLS HEALTH WORKS, LLC.	38369
1,125.00	DOUGLAS CUMMINS	38370
1,614.00	E-Z FACILITY, INC.	38371
329.96	FIREFIGHTER ONE, LLC.	38372
1,302.00	FRISBIE, ARTHUR & RITA	38373
1,125.00	FURGIUELE, CAMILLE	38374
176.00	GANN LAW BOOKS	38375
660.00	GARRIS, JEAN	38376
115.00	HOLZHAUER, SCOTT	38377
324.76	HOME DEPOT, INC.	38378
37.36	HOME DEPOT, INC.	38379
1,302.00	ILIFF, JOHN AND TERRY	38380
395.00	J & D SALES & SERVICE, LLC.	38381
637.00	J. CALDWELL & ASSOCIATES, LLC.	38382
642.00	JAMES J. KILDUFF	38383
6,790.77	JCP&L	38384
525.00	JMC ENVIRONMENTAL CONSULTANTS, INC.	38385
3,809.17	JOHN MULHERN	38386
1,302.00	KAYS, PETER J.	38387
37.50	KITHCART, BROCK	38388
782.10	KKPR MARKETING & PUBLIC RELATIONS	38389
2,462.50	LADDEY, CLARK & RYAN, LLP	38390
144.00	LADDEY, CLARK & RYAN, LLP	38391
416.00	LADDEY, CLARK & RYAN, LLP	38392
2,112.00	LADDEY, CLARK & RYAN, LLP	38393
656.00	LADDEY, CLARK & RYAN, LLP	38394
18.70	LANGUAGE LINE SERVICES, INC.	38395
414.54	MCGUIRE, INC.	38396
598.49	MCMANIMON, SCOTLAND & BAUMANN, LLC	38397
603.70	MEDTRONIC PHYSIO-CONTRL CORP	38398
577.00	MGL FORMS – SYSTEMS, LLC.	38399
642.00	MICHAEL A PANDISCIA	38400
286.00	MINISINK PRESS INC	38401
1,284.00	MORRIS, THOMAS & BULAH	38402
264.00	MULCH CONCEPTS, LLC.	38403
12,000.00	NEOPOST LEASING, INC.	38404
686.30	NEW JERSEY HERALD, INC.	38405
6,125.00	NEWTON FIRST AID SQUAD	38406
984.88	ELIZABETHTOWN GAS	38407
335.88	ONTIME TELECOM INC.	38408
97.50	PELLOW, HAROLD & ASSO, INC.	38409
80.00	PERFORMANCE TRAILERS, INC.	38410
103.68	QUILL CORPORATION	38411

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642.00	RANSNORTH, NANCY	38412
1,890.64	RECREONICS, INC.	38413
660.00	RICHARDS, JEAN	38414
636.00	ROMYNS, LARRY E.	38415
1,278.00	RONALD CLOUSE	38416
1,093.00	RUTGERS CENTER FOR GOV'T SERV., INC	38417
147.00	SEELY BROTHERS, INC.	38418
54.03	SERVICE ELECTRIC CABLE TV	38419
96.86	SHOP RITE, INC.	38420
1,089.00	SIGN-A-RAMA, INC.	38421
1,231.25	SLOAN, JAMES PPC.	38422
660.00	SMITH, WILLIAM F	38423
675.00	SPRING STREET PUB & GRILL	38424
12.58	STAPLES BUSINESS ADVANTAGE, INC.	38425
636.00	STEVE MILLS	38426
448.12	SUNLIGHT GENERAL	38427
189.00	SUSSEX CAR WASH INC	38428
120.00	SUSSEX COUNTY ECONOMIC	38429
125.00	T.A. MOUNTFORD COMPANY, INC.	38430
37.50	TERESA ANN OSWIN	38431
90.15	THOMAS S RUSSO JR	38432
472.08	TOYOTA MOTOR CREDIT CORP.	38433
1,707.35	VERIZON WIRELESS, INC.	38434
795.00	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	38435
654.00	ZENES, NANCY	38436
125.00	LEAL, ALVARO	38353
1,052,282.00	NEWTON BOARD OF EDUCATION	171044
40,711.21	CAPITAL ACCOUNT	171043
209,041.67	PAYROLL ACCOUNT	171042

**CAPITAL**

600.00	MCMANIMON, SCOTLAND & BAUMANN, LLC	8622
307.53	NEW JERSEY HERALD, INC.	8623
60.00	NJMVC	8621

**Total TOWN BILLS    \$ 1,394,727.05**

**WATER AND SEWER ACCOUNT**

18,732.25	ACCURATE WASTE REMOVAL INC.	16362
44.04	AIRGAS EAST	16363
825.00	AMERICAN AQUATIC TESTING, INC.	16364
39.07	CENTURYLINK COMMUNICATIONS, INC.	16365
1,866.46	COYNE CHEMICAL CORP., INC.	16366
514.52	EAGLE EQUIPMENT, INC.	16367
11,569.38	HAMBURG PLUMBING SUPPLY CO INC	16368
22,983.45	HOLLAND COMPANY, INC.	16369
104.56	HOME DEPOT, INC.	16370
189.22	INDUSTRIAL CHEM LABS & SER	16371
107.10	KKPR MARKETING & PUBLIC RELATIONS	16372
424.32	LUBRICATION ENGINEERS INC	16373
2,554.49	MOTT MACDONALD	16374
5,000.00	NEOPOST LEASING, INC.	16375
440.78	ELIZABETHTOWN GAS	16376
3,160.00	PUMPING SERVICES, INC.	16377
2,570.00	SMALLEY, JOHN H	16378
825.00	SPRING STREET PUB & GRILL	16379
797.64	SUNLIGHT GENERAL	16380
223.31	VERIZON WIRELESS, INC.	16381
1,308.00	WAGNER, WILLIAM	16382
319.10	XYLEM	16383
38,241.56	PAYROLL ACCOUNT	176021

**CAPITAL**

864.00	LADDEY, CLARK & RYAN, LLP	2447
33.00	NEW JERSEY HERALD, INC.	2448

**Total WATER & SEWER Bills \$ 113,736.25**

**TRUST ACCOUNT**

118.12	AMCO	3614
590.00	J. CALDWELL & ASSOCIATES, LLC.	3615
2,047.54	KIEWIT BUSINUESS SERVICES	3616
1,755.00	PARKSIDE UTILITY CONSTRUCTION	3617
3,516.63	PELLOW, HAROLD & ASSOC, INC.	3618
1,287.00	PELLOW, HAROLD & ASSOC, INC.	3619
489.10	TAYLOR, WISEMAN & TAYLOR	3620
840.00	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC	3621
34.74	WILLIAM H. WILSON CONTRACT	3622
2,227.50	PAYROLL ACCOUNT	177110

**Total TRUST ACCOUNT Bills \$ 12,905.63**

**DEVELOPERS ESCROW (FUND 72) ACCOUNT**

75.00	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1279
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**Total DEVELOPERS ESCROW (FUND 72) ACCOUNT Bills \$ 75.00**

**RESOLUTION #110-2017\***

**APPOINTMENT OF SPECIAL HEARING OFFICER REGARDING DISCIPLINARY MATTERS**

**WHEREAS**, the Town of Newton, under Civil Service Statutes and Regulations, is required to provide an employee charged with disciplinary infractions a departmental hearing; and

**WHEREAS**, on an as-needed basis, the Town wishes to employ the services of C. William Bowkley (Bowkley) to act as a neutral hearing officer regarding disciplinary matters;

**NOW, THEREFORE BE IT RESOLVED** the following:

1. The Town of Newton hereby retains the services of Bowkley to serve as an independent and impartial hearing officer in furtherance of the resolution of disciplinary charges brought against Town employees.
2. In consideration of the services rendered by Bowkley, he shall be compensated at a rate of \$165 per hour, which amount shall include the hearing time, preparation of a decision and other reasonable agreed upon expenses.
3. The Town Manager, Thomas S. Russo, Jr., is hereby authorized to execute an Employment and Indemnity Agreement setting forth the specific terms of the engagement which are attached hereto and made a part of this resolution as if set forth in full.
4. Bowkley's services will be provided on an as-needed basis as determined by the Town Manager.
5. The services performed by Bowkley for the year will not exceed \$17,500. A certified copy of this resolution shall be transmitted to Bowkley.

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

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

**INTERMISSION** – None

**DISCUSSION**

**a. Merriam Gateway Redevelopment Update – Jessica Caldwell**

Jessica Caldwell, Town Planner, made a brief presentation on the Merriam Gateway Redevelopment Plan Amendment. She outlined the amendment and advised it will provide for the placement of a wireless communication facility within the Merriam Gateway Redevelopment Area.

After a brief discussion, Council agreed to the proposed amendment to the Merriam Gateway Redevelopment Plan and was approved to move forward for introduction and will be referred to the Planning Board for their review.

**OPEN TO THE PUBLIC**

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

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

**COUNCIL & MANAGER COMMENTS**

Mr. Flynn expressed his dissatisfaction with the decision of the property owners who deeded over the two historic buildings, on Main Street, to the Sussex County Historic Society. He advised it will take the two buildings off of the tax rolls, which will adversely impact the taxpayers of Newton.

Mr. Elvidge agreed with Councilman Flynn’s comments and hopes the Sussex County Historic Society will make the necessary improvement to the two buildings. It was noted the initial intention is to use the buildings as storage and potential retail in the future.

Councilwoman Le Frois thanked Mayor Diglio for her service as Mayor this past year. She commended her on her sincere and dedicated involvement with the numerous events while serving as Mayor. Mrs. Le Frois offered her congratulations and wished her a great vacation.

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Deputy Mayor Levante noted his pleasure with serving beside Mayor Diglio this past year. He commended her on her attendance on the various events and thanked her for "leading by example."

Councilman Elvidge thanked Mayor Diglio for her high energy and for all of her involvement and dedication as Mayor.

Councilman Flynn thanked Mayor Diglio for her service, dedication and for being a "thoughtful and compassionate Mayor."

Mayor Diglio thanked each member of the Town Council and feels they have worked very well together. She thanked Deputy Mayor Levante for working beside her during numerous events and meetings. Mayor Diglio proceeded to thank Mr. Russo, Ms. Babcock, Mrs. Read, Ursula Leo and all the staff at Town Hall. "It's been a pleasure serving as Mayor this past year and I'm looking forward to a little rest," Mayor Diglio concluded.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 7:22 pm.

Respectfully submitted,

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

Lorraine A. Read, RMC  
Municipal Clerk