

August 28, 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. Angelo J. Bolcato, 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 Mr. Flynn and carried, the minutes for August 14, 2017 Regular, Special, and Executive meetings were unanimously approved.

### **OPEN TO THE PUBLIC**

Mayor Levante read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to 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 Levante closed the hearing to the public.

### **COUNCIL & MANAGER REPORTS**

#### **a. Board of Education Presentation - Dr. Kennedy Greene**

Dr. Greene, Superintendent of Newton Public Schools, made a presentation outlining the Merriam Avenue School Expansion project and advised of the referendum which will be on the ballot on Tuesday, September 26, 2017. He delineated the project financials, the project benefits as well as the tax relief initiatives.

Council addressed several questions which were addressed by Dr. Greene.

Councilwoman Diglio addressed concern with the sinkhole on the school property where it was proposed to be filled in and moved. Dr. Greene assured Council that the addition would not be near the sinkhole.

At this time, Mayor Levante opened the meeting to the public for questions regarding the project.

Mayor Levante addressed several concerns regarding the referendum. He does not feel these plans (Halsted St. & Merriam Ave.) are a good option for Newton schools. He feels administration cuts are necessary and should be a part of the plan prior to the referendum.

Ralph Porter, 12 Pine Street, expressed his concerns with the proposed expansion and feels other options need to be pursued.

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Rich Miller, Stratford Lane, expressed his disapproval with the pending referendum. Mr. Miller noted taxes are too high now and feels additional taxes will be a detriment to the property values in Newton.

Anwar Qarmout, 45 Woodside Avenue, stated if "it's not broke, don't fix it". He feels a long term plan should be created and budgeted for it.

Lisa Brisky, 12 Foster Street, believes that the schools need improvement and it's necessary to proceed with the referendum. "What better investment but for our children - Our Future," Ms. Brisky concluded.

Margaret Baldini, 12 Barry Lane, expressed her disapproval of the school referendum due to the additional tax burden on the residents of the Town of Newton.

Grace Dickson, 19 Hamilton Street, is in favor of the expansion of Merriam Avenue. Mrs. Dickson loves the Newton School system and is very involved in the schools. She feels if the taxes are going to increase then what better reason than for the kids of our future.

Carrie Maslowsky, 11 Foster Street, advised she attended the Committee Hearing in Trenton, in May, to fight for fair funding for Newton School system. She asked those in attendance to write to the Legislators and ask for support with fair funding for our school system. This will help with the tax burden for the residents of Newton.

Michael Malone, Trinity Street, had questions regarding the expansion of schools and inquired about medical costs as outlined in the Braves News.

Maureen Snellen, 30 Plainfield Avenue, expressed her love for Halsted Middle School and would like to save this if possible.

Dr. Greene thanked the Council for the opportunity to make this presentation. He addressed several additional questions posed by the public.

Dr. Greene also shared some statistics regarding the Newton School System State Aid Funding. He advised Newton Public Schools are underfunded and as of last year, Newton paid 4.5 million dollars more in taxes due to the underfunding of state aid. The funds are not being properly dispersed throughout the school districts which are based on the state formula. There are many schools which are being overfunded and we need to continue to fight for the proper funding for Newton, Dr. Greene concluded.

Councilwoman Le Frois agreed with Dr. Greene regarding the fight for school funding and commended him and his team for leading this important issue.

Mayor Levante addressed the school consolidation Resolution which was adopted at the last Council meeting. He also advised of a legislative bill which would create a task force to look into the consolidation of school districts around the State.

Mayor Levante also addressed the vacant seat on the Newton School board and disagrees that the vacancy should be filled by the County Superintendent of Schools, as per State statute. He feels the Town Council should make a recommendation to fill this vacant seat.

Additionally, Mayor Levante would like Council to consider food trucks in the Town of Newton. He spoke to many business owners in Town and indicated they would gladly pay \$500-\$1,000 for the food truck license, in addition to paying for a parking space. The vendors would like a stationary space in Town. Mayor Levante asked Council to consider and discuss at the next meeting.

**ORDINANCES**

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

**ORDINANCE 201 7-15**

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

**WHEREAS**, the Town Council of the Town of Newton desires to amend Chapter 3-13 of the Code of the Town of Newton regarding the position of Deputy Manager within the Town of Newton;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton, that Chapter 3-13, of the Code of the Town of Newton is hereby amended, as follows:

**Section 1.** Chapter 3-13, shall be deleted in its entirety and replaced as follows:

**§3-13** Deputy Manager.

There may be a Deputy Manager of the Town appointed by the Manager. If appointed, the Deputy Manager shall:

- A. Assist the Manager in the performance of his/her duties.
- B. Whenever the office of the Manager shall be vacant or unfilled, or the Manager shall be temporarily absent or unable to serve by reason of temporary disability or otherwise, the Deputy Manager shall have the power to perform the duties of the Manager.

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

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

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

Mayor 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 Mr. Flynn and unanimously carried, the hearing was closed.

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
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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 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**

**WHEREAS**, the Town Council of the Town of Newton desires to reduce the fees for Planning Board applications and Retail Food Establishments for businesses within the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton that Sections 100-17.C, 100-22.G (1) and (3), and 100-23.J of the Code of the Town of Newton are hereby deleted from the Code, and 100-23.C and 100.23.D are hereby revised as follows:

**Section 1.** Section 100-17.C of the Code of the Town of Newton, regarding Retail Food Establishment License fees [previously - C. Retail food establishment code (§ 133-33): (1) Annual license (less than 5,000 square feet): \$150. [Amended 2-8-2016 by Ord. No. 2016-1]; (2) Reinspection fee (less than 5,000 square feet): \$25; (3) Annual license (5,000 square feet or greater): \$250; (4) Reinspection fee (5,000 square feet or greater): \$75; (5) Late fee for food establishment: \$75 per month.], is hereby deleted in its entirety. Section 100-17 shall be re-lettered as follows:

- A. Septic cleaning permit...
- B. Maintenance of swine license, application...
- C. Training of food handlers...
- D. Solid waste collection vehicle fee...
- E. Body art licenses...

**Section 2.** Section 100-22.G (1) and (3) of the Code of the Town of Newton, regarding site plan waiver application fees, are hereby deleted. Section 100-22.G shall be re-numbered as follows:

- G. Site plan waiver:
  - (1) ~~Planning Board: \$150~~
  - (2) (1) Escrow fee: \$500
  - (3) ~~Planning Board Secretary: \$100~~

**Section 3.** Section 100-23.C of the Code of the Town of Newton, "Planning Board applications", shall be revised as follows:

C. Planning Board applications:

(1) Pursuant to N.J.S.A. 40:55D-70(a), appeals:

	<b>Application</b>	<b>Escrow</b>
Residential	\$0 <del>\$200</del>	\$500
Commercial/professional	\$0 <del>\$400</del>	\$1,000
Industrial	\$0 <del>\$850</del>	\$1,000

(2) Pursuant to N.J.S.A. 40:55D-70(b), interpretations/decisions:

- (a) Special use: \$50 ~~\$100~~
- (b) Other: \$50

(3) Pursuant to N.J.S.A. 40:55D-70(c), bulk variances:

<b>Application</b>	<b>Escrow</b>	<b>Escrow Single-family</b>

Residential	\$0 <del>\$300</del>	\$2,000	\$1,000
Commercial/professional	\$0 <del>\$600</del>	\$2,000	N/A
Industrial	\$0 <del>\$1,100</del>	\$2,000	N/A

(4) Pursuant to N.J.S.A. 40:55D-70(d), use variances:

	<b>Application</b>	<b>Escrow</b>	<b>Escrow Single-family</b>
Residential	\$0 <del>\$500</del>	\$3,000	\$1,000
Commercial/professional	\$0 <del>\$700</del>	\$3,000	N/A
Industrial	\$0 <del>\$1,300</del>	\$3,000	N/A

(5) Co-location on existing cellular tower structure/eligible facilities request fee, pursuant to §320-30.D and J. [revision to code reference]

(a) Application: \$300.

**Section 4.** Section 100-23.D of the Code of the Town of Newton, regarding certain Planning Board escrow fees, shall be revised as follows [revision to code reference]:

D. Escrow fee pursuant to the N.J.S.A. 40:55D-70(a), (c) and (d): \$1,000.00

**Section 5.** Section 100-23.J of the Code of the Town of Newton, regarding zoning permit fees [\$25], is hereby deleted in its entirety. Section 100-23 shall be re-lettered as follows:

- A. Townhouse plan filing fee...
- B. Inspection and review fee deposit...
- C. Planning Board applications...
- D. Escrow fee pursuant to 18A-3.10a, c, and d...
- E. Charge for request of extension or reapproval...
- F. Charge for request for amendment to previously approved plans...
- G. Charge for request for rezoning...
- H. Charge for special meeting of Planning Board...
- I. Charge for informal presentation...
- J. Fence Permit...

**Section 6. 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 7. 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 8. Effective Date.** This Ordinance will take effect after publication and passage according to 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 Mrs. Diglio and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Flynn, who moved its adoption, 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	

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 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**

**WHEREAS**, the Town Council of the Town of Newton desires to clarify the definition of amusement devices and amend the fees for such amusement devices within the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton that Newton Town Code Sections 53-1 and 100-4 are hereby revised as follows:

**Section 1.** Section 53-1 of the Town Code, regarding the definition of "COIN-OPERATED AMUSEMENT DEVICES" is hereby revised as follows:

**COIN-OPERATED AMUSEMENT DEVICES**

Any automatic, mechanical or electronic amusement device, game or device of skill or entertainment, such as pinball machines, electronic games, bowling machines, mechanical game machines, skeeball machines, and/or electronic video games which are operated or set in motion by the deposit therein of any coin or coins, tokens or slugs or the like thereof; and commercial pool tables. Excluded from this definition are music vending machines commonly known as "jukeboxes."

**Section 2.** Section 100-4 of the Town Code is hereby revised as follows:

§ 100-4 Amusements (Chapter 53).

- A. Coin-Operated Amusement device (§ 53-4): \$50 per machine per year.
- B. Motion-picture theaters (§ 53-12): \$50 per screen per year.
- C. Pool or billiard tables (§ 53-19): \$50 per table per year.

**Section 3. 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 4. 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 5. Effective Date.** This Ordinance will take effect after publication and passage according to 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 Mr. Flynn and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Elvidge, who moved its adoption, 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	

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 7-18**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN**

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 September 13, 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.

#### **RESOLUTION # 162-2017\***

#### **APPOINTMENT OF ROBERT TALTY AS A MEMBER OF THE HISTORIC PRESERVATION ADVISORY COMMISSION**

**WHEREAS**, there is currently a vacancy on the Historic Preservation Advisory Commission for an Alternate Member; and

**WHEREAS**, Robert Talty has expressed interest in serving as a member on the Historic Preservation Advisory Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Robert Talty is hereby appointed to a two-year term as Alternate Member No. 2 of the Newton Historic Preservation Advisory Commission, effective immediately, with said term continuing to December 31, 2018.

#### **RESOLUTION # 163-2017\***

#### **APPOINTMENT OF BARBARA VRAHNOS TO THE NEWTON HOUSING AUTHORITY**

**WHEREAS**, there currently is a vacancy on the Newton Housing Authority for a Regular Member; and

**WHEREAS**, Barbara Vrahnos has expressed interest in serving as a Regular Member; and

**WHEREAS**, Dr. Kimberly Iozzi, Executive Director of the Newton Housing Authority, recommends appointing Ms. Vrahnos;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Barbara Vrahnos is hereby appointed to an unexpired five-year term on the Newton Housing Authority, effective immediately with said term continuing to April 30, 2022.

#### **RESOLUTION # 164-2017\***

#### **APPOINTMENT OF BARBARA VRAHNOS AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD**

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**WHEREAS**, there currently is vacancy on the Town of Newton Planning Board for an Alternate Member; and

**WHEREAS**, Barbara Vrahnos has expressed an interest in serving on the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Barbara Vrahnos is hereby appointed to fill an unexpired two-year term as an Alternate Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2018.

**RESOLUTION # 165-2017\***

**APPOINTMENT OF RACHEL BUCCI, ANTHONY NEGGERS AND KAREN CROSSLEY TO THE ADVISORY RECREATION COMMISSION**

**WHEREAS**, there are currently three (3) vacancies for Regular Members on the Advisory Recreation Commission; and

**WHEREAS**, Rachel Bucci, Anthony Negggers and Karen Crossley have each expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the following five-year appointments to fill unexpired terms are made, effective immediately to the Advisory Recreation Commission:

- 1) **Karen Crossley - expires December 31, 2019**
- 2) **Anthony Negggers - expires December 31, 2020**
- 3) **Rachel Bucci - expires December 31, 2020**

**RESOLUTION # 166-2017\***

**CONCUR WITH THE TOWN MANAGER 'S APPOINTMENT OF SCHOOL CROSSING GUARDS FOR THE 2017-2018 SCHOOL YEAR**

**WHEREAS**, New Jersey Statute 40A:9-154.1 states "The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2017-2018 school year:

- |                    |                       |
|--------------------|-----------------------|
| Deborah A. Alger   | Karen Mokrzycki       |
| Carol E. Blanchard | Robert Mokrzycki      |
| June Bowne         | Charles Reynolds, Jr. |
| Carolyn Dippel     | Janet Simpson         |
| Elizabeth Francis  | Wallace "Hank" Smith  |
| Nuell Higgins      | Ruth Stang            |
| Peter J. Kays      | Steven A. Stoll       |
| Gleanord I. Kinney | Melinda Whittaker     |
| Debra McCarty      |                       |

**RESOLUTION # 167-2017\***

**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**

38638	5 DIVA GIRLS	366.00
38639	AAA	144.00
38640	ADVANCE AUTO PARTS	133.76
38641	AIDA CAHILL	516.25
38642	AW DIRECT INC	68.23
38643	B & R UNIFORM, INC.	301.95
38644	BETWEEN THE BREAD	60.00
38645	BLUE DIAMOND DISPOSAL	178.50
38646	BONNIE MESSINA	1,275.00
38647	BOONTON TIRE SUPPLY INC.	147.61
38648	BORGATA HOTEL CASINO & SPA	1,860.00
38649	BORGATA WATER CLUB	1,050.00
38650	BUCKMAN'S INC.	767.11
38651	CAMPBELL'S SMALL ENGINE INC	295.07
38652	CENTURYLINK COMMUNICATIONS, INC.	179.39
38653	CENTURYLINK COMMUNICATIONS, INC.	3,533.03
38654	CINTAS CORPORATION NO. 2	186.50
38655	COMMERCE AND INDUSTRY ASSOCIATION	550.00
38656	COMPASS ENERGY GAS SERVICES INC.	212.54
38657	DOMINICK'S PIZZA LLC	74.45
38658	E.A. MORSE & COMPANY, INC.	1,521.82
38659	ELECTRONIC FEES -OTHER	160.00
38660	EXTRA TECH DATA SERVICES, LLC.	950.00
38661	FEDERAL EXPRESS	57.45
38662	GEBHARDT & KIEFER, P.C.	954.00
38663	GENERAL CODE, LLC	1,880.33
38664	GOLD TYPE BUSINESS MACHINES	16,892.57
38665	Hetyel, Diana	175.00
38666	J S D SALES & SERVICE,LLC.	2,280.00
38667	J. CALDWELL & ASSOCIATES, LLC.	413.00
38668	JCP&L	15,209.66
38669	JERSEY SHIRTS & DESIGNS	104.00
38670	JOHN MULHERN	2,916.67
38671	KKPR MARKETING S PUBLIC RELATIONS	925.00
38672	KLIPPEL, JO ANN	481.25
38673	LADDEY, CLARK & RYAN, LLP	5,973.80
38674	LANG, DIANE	500.00
38675	LOCK S KEY WORLD	57.00
38676	MCGUIRE, INC.	2,700.56
38677	MITCHELL HUMPHREY	4,200.00
38678	MURPHY, PAT	438.58
38679	NEOPOST LEASING, INC.	833.99
38680	NEW JERSEY HERALD, INC.	129.54
38681	NJLM	605.00
38682	ELIZABETHTOWN GAS	678.67
38683	PENTELEDATA	808.06
38684	QUILL CORPORATION	318.22
38685	READY REFRESH BY NESTLE	121.50
38686	RECTIFIER AUTO ELECTRIC	185.00
38687	RICCIARDI BROTHERS, INC.	2,200.00
38688	RODRIGUEZ, MAGRET	297.50
38689	ROGO FASTENER CO. , INC.	517.26
38690	SARAH GRUB	287.50
38691	SCMUA	2,442.49
38692	SCMUA	250.00
38693	SCREEN CREATION PLUS	993.00
38694	SLOAN, JAMES PPC.	106.25
38695	STAPLES BUSINESS ADVANTAGE, INC.	830.53
38696	STAPLES BUSINESS ADVANTAGE, INC.	256.31
38697	STAPLES CREDIT PLAN, INC.	901.98
38698	TEAM LIFE, INC.	321.00
38699	TERESA ANN OSWIN	34.61
38700	THOMAS, CHRISTINE M.	112.50
38701	TOYOTA MOTOR CREDIT CORP.	472.08
38702	UNITED TELEPHONE/CENTURY LINK	252.74
38703	VERIZON WIRELESS, INC.	2,029.89

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38704	VISION SERVICE PLAN	964.98
38705	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1,065.00
38706	W.B. MASON, INC.	5,466.10
38707	WALMART	36.15

**CAPITAL**

8641	LADDEY, CLARK & RYAN LLP	336.00
8642	NEW JERSEY HERALD, INC.	220.80
8643	PELLOW, HAROLD & ASSO, INC.	182.50
8644	PINNACLE WIRELESS FBO UNITEK GLOBAL	522.98
8645	W.B. MASON, INC.	2,323.60

**Total TOWN BILLS    \$ 97,793.81**

**WATER AND SEWER ACCOUNT**

16475	ANCHOR SCIENTIFIC	146.18
16476	BETWEEN THE BREAD	60.00
16477	CENTURYLINK COMMUNICATIONS, INC.	39.46
16478	CENTURYLINK COMMUNICATIONS, INC.	1,195.13
16479	COMPASS ENERGY GAS SERVICES, INC.	141.89
16480	COYNE CHEMICAL CORP., INC.	828.28
16481	EXTRA TECH DATA SERVICES, LLC.	724.00
16482	JCP&L	13,994.75
16483	KKPR MARKETING & PUBLIC RELATIONS	250.00
16484	MOTT MACDONALD	7,292.89
16485	ELIZABETHTOWN GAS	277.77
16486	PAUL COWIE & ASSOCIATES	3,500.00
16487	PENTELEDATA	219.90
16488	SCMUA	1,611.83
16489	SMALLEY, JOHN H	1,250.00
16490	VERIZON WIRELESS, INC.	223.40
16474	SPARTA POSTMASTER	930.47
176026	PAYROLL ACCOUNT	38,824.70
16473	KRAVE CAFÉ	66.25

**CAPITAL**

2454	LADDEY, CLARK, & RYAN, LLP	288.00
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**Total WATER & SEWER Bills    \$ 71,864.90**

**TRUST ACCOUNT**

3644	COUNTRY CLUB ICE CREAM, LLC.	1,587.73
3645	J. CALDWELL & ASSOCIATES, LLC.	1,805.00
3646	LADDEY, CLARK & RYAN, LLP	608.00
3647	LAKELAND BUS LINES, INC.	850.00
3648	SLOAN, JAMES PPC.	1,125.00
3649	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1,305.00
3650	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	345.00
177117	PAYROLL ACCOUNT	17,253.00

**Total TRUST ACCOUNT Bills    \$ 28,878.73**

**DEVELOPERS ESCROW (FUND 72) ACCOUNT**

1283	PELLOW, HAROLD & ASSO, INC.	65.00
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**Total DEVELOPERS ESCROW (FUND 72) ACCOUNT Bills    \$ 65.00**

**FEDERAL/STATE GRANTS**

1371	CENTER FOR PREVENTION & COUNSELING	6,100.00
171118	PAYROLL ACCOUNT	436.95
171117	PAYROLL ACCOUNT	436.95
171116	PAYROLL ACCOUNT	436.95
171115	PAYROLL ACCOUNT	436.95
171114	PAYROLL ACCOUNT	436.95

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171113	CURRENT ACCOUNT	42.30
171112	PAYROLL ACCOUNT	436.95

**Total FEDERAL/STATE GRANTS Bills    \$ 8,764.00**

**RESOLUTION # 168-2017\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER 'S LICENSE FOR DORAGAIL SPICER T/A DADS TAXI & LIMO**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Owner’s License application is complete and accurate; and

**WHEREAS**, in accordance with **§283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Doragail Spicer, 51 Route 206, Suite 105, Augusta, NJ 07822, t/a D.A.D.S. Taxi & Limo, which shall expire June 30, 2018; and

**BE IT FURTHER RESOLVED**, that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

**RESOLUTION # 169-2017\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER 'S LICENSE FOR DORAGAIL SPICER**

**WHEREAS**, the Code of the Town of Newton requires under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver’s license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Doragail Spicer, 8 Smith Hill Road, Newton, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 30, 2018.

**RESOLUTION # 170-2017\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER 'S LICENSE FOR GLENN T. SPICER**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by

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Glenn T. Spicer, 8 Smith Hill Road, Newton, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 30, 2018.

**RESOLUTION #1 71-2017\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER 'S LICENSE FOR RALPH DRAKE**

**WHEREAS**, the Newton General Revised Ordinances require under **§283.2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver’s license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Ralph E. Drake, 2205B Rt. 57W, Washington, New Jersey 07882 and represents D.A.D.S. Taxi & Limo, which expires on June 30, 2018.

**RESOLUTION #1 72-2017\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER 'S LICENSE FOR OSCAR E. CESPEDES T/A SUSSEX TAXI & LIMO SERVICE LLC**

**WHEREAS**, the Code of the Town of Newton requires under **§283.2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising the initial Taxicab Owner’s License application is complete and accurate; and

**WHEREAS**, in accordance with **283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Oscar E. Cespedes, 55 Sparta Avenue, Sparta, NJ 07871, t/a Sussex Taxi & Limo Service, LLC, which shall expire June 30, 2018; and

**BE IT FURTHER RESOLVED** that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

**RESOLUTION #1 73-2017\***

**APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER 'S LICENSE FOR ADDA V. DELGADO PACHECO**

**WHEREAS**, the Code of the Town of Newton requires under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising the initial Taxicab Driver’s license application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Adda V. Delgado Pacheco, 17 New Hampshire Street, Newton, New Jersey and represents Sussex Taxi & Limo LLC, which expires on June 30, 2018.

**RESOLUTION #1 74-2017\***

**APPOINTMENT OF RYAN STAPEL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

**WHEREAS**, Ryan Stapel has expressed an interest in serving on the Economic Development Advisory Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Ryan Stapel is hereby appointed to an unexpired three-year term on the Economic Development Advisory Commission, effective immediately with said term continuing to December 31, 2019.

**RESOLUTION #1 77-2017\***

**APPROVAL OF CONTRACT FOR ROLLER HOCKEY RINK RESURFACING PROJECT BID #9-2017**

**WHEREAS**, there is a need for resurfacing of the Roller Hockey Rink in the Town of Newton, and the Newton Roller Hockey League has agreed to contribute towards resurfacing and associated costs that exceed \$50,000.00; and

**WHEREAS**, the Town has expended \$66.60 for advertising for bids; and

**WHEREAS**, the Town of Newton received bids for Roller Hockey Rink Resurfacing under Bid #9-2017 duly advertised and received in a public manner on August 25, 2017 at 10:30am; and

**WHEREAS**, the Town of Newton received two (2) bids in response to Bid #9-2017 in the amounts of:

<b>Vendor</b>	<b>Total Base Bid</b>
Superior Play Systems	\$59,333.00
Mateflex Company	\$60,137.77

**WHEREAS**, Superior Play Systems Inc., of 2554 Industry Lane, Norristown, PA 19403 has provided the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, Sean P. Canning, the Town of Newton’s Qualified Purchasing Agent, has concurred with the legality of the purchase in accordance with the New Jersey Local Public Contract Law (N.J.S..40A:11-1 et. Seq.; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Capital Budget Ord.#2017-9 Roller Hockey Floor & Walls #309170982 in the amount of \$49,933.40; and

**WHEREAS**, the Town of Newton shall be responsible for payment of \$50,000.00 towards resurfacing and associated costs for the Roller Hockey Rink and the Newton Roller Hockey League shall contribute approximately \$9,400.00 (which is the estimated sum in excess of \$50,000.00).

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

Superior Play Systems Inc. of Norristown, PA, is hereby awarded the contract for Bid #9-2017 Town of Newton Roller Hockey Rink Resurfacing in the amount of \$59,333.00.

A motion was made by Mrs. Le Frois to approve the **COMBINED ACTION**

**RESOLUTIONS** , seconded by Mrs. Diglio and roll call resulted as follows:

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

**RESOLUTION**

**RESOLUTION #175 -2017**

**RESOLUTION AUTHORIZING CHANGE ORDERS FOR THE FOX HOLLOW LAKE TRANSMISSION MAIN REPLACEMENT PROJECT**

**WHEREAS**, a contract was entered into for the proposed Fox Hollow Lake transmission main replacement in the Township of Sparta for the Town of Newton with Montana Construction Corp., Inc. for an original contract price of \$878,311; and

**WHEREAS**, Change Order No. 1 was issued to change the date of completion of work from April 15, 2016 through November 30, 2016; and

**WHEREAS**, Change Order No. 2 was issued changing the completion date of the project from November 30, 2016 through April 30, 2017; and

**WHEREAS**, additional change orders were required due to the fact that significant underwater boulders and rock were discovered which required additional underwater diving services and excavation along the bottom of Fox Hollow Lake; and

**WHEREAS**, the costs for the additional excavation and diving are \$133,435.15 (Change Order No. 4), plus \$175,761.60 (Change Order No. 3) for a total construction price of \$1,187,507.75; and

**WHEREAS**, David Earp, president of Walker Diving Underwater Construction, LLC, submitted a certification in support of the change of work order due to the unforeseen circumstances in the discovery of significant boulders and rock discovered during the process. A true and correct copy of David Earp’s Certification is attached hereto;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes a written amendatory contract to be entered into covering the changes to be made at the discretion of the Town Attorney and subject to the certification of available funds by the Town CFO; and

**BE IT FURTHER RESOLVED**, details of the additional work, the original contract price and the additional amount to be expended shall be printed once in the official newspaper and filed with the Clerk of the Town and be available for inspection by the public body pursuant to N.J.A.C. 5:30-11.9(c).

Councilwoman Diglio and Councilman Flynn expressed their disappointment with the additional costs surrounding this project.

A motion was made by Mrs. Le Frois to approve **Resolution #175-2017**, seconded by Deputy Mayor Elvidge and roll call resulted as follows:

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

**INTERMISSION** - None

**DISCUSSION** - None

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

Ralph Porter, 12 Pine Street, inquired about a completion date to finish the sidewalks around the County Square. Mr. Russo will address same.

Councilman Flynn also addressed an issue with a curb cut by Hayek’s Market. Mr. Russo will review same.

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

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to the public.

**COUNCIL & MANAGER COMMENTS** - None

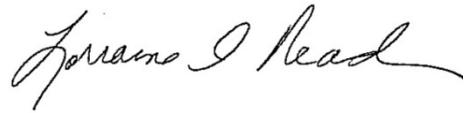
**EXECUTIVE SESSION**

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Elvidge and unanimously carried, Council entered Executive Session at 8:49 pm.

Upon motion of Mrs. Diglio, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 9:45 pm.

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 9:45 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned above the printed name and title.

Lorraine A. Read, RMC  
Municipal Clerk