

October 11, 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, Mrs. Le Frois, Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present. Mr. Flynn and Mrs. Diglio were excused.

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 Mr. Elvidge, seconded by Mrs. Le Frois and carried, the minutes for September 13, 2017 Regular 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."*

Mel Dennison, 2 Old Creamery Road, Andover Borough, President of Greater Newton Chamber of Commerce (GNCC), expressed his concerns with event fees. He requested the Town consider waiving said fees, to the GNCC. Additionally, Mr. Dennison questioned the food truck ordinance and its possible adverse effect on the Chamber's fundraising events.

Alex Majewski, 90 Trinity Street, read from a prepared statement.

"First, I'd like to thank the mayor, deputy mayor, and council for their hard work and service to the people of Newton.

I'd like to say a few words tonight regarding the recent school consolidation debate specifically, as well as community morale, in general.

The recent resolution passed by the council to encourage county school district consolidation is indeed contentious and has been met with much resistance from both residents of Newton as well as leaders of the surrounding communities. Although I believe Mayor Levante had the best interest of the taxpayers in mind with his efforts, I urge the council to consider more feasible, cost effective, and easier-to-implement options. A compromise worth further consideration is regionalization and/or shared services. This small-scale consolidation has the potential to save the taxpayers of our community and satisfy the state requirements so our town does not lose any aid. In addition, Newton will be able to retain control of its school system. Of course any action regarding our schools must be in cooperation with our best school resource: the board of education. Which brings me to my larger point.

The morale within the community as of late has certainly been contentious. Healthy debate and dialogue is natural and productive; however, I am concerned that we are

October 11, 2017

nearing a breaking point. For example, our town council and board of education have been engaged in public debate that has, at times, been downright nasty. These two important groups must work together to provide town residents with viable solutions to address the needs of the community. Similar to a business organization, all areas of municipal government must work alongside one another instead of against each other. The board of education are our subject matter experts and should be heavily consulted in all plans regarding our schools. The town council should function as the change agent, proposing solutions that take into account information collected from the subject matter experts. I urge you, our elected municipal officials, to put an end to the unhealthy divisiveness and contention and work in concert with other community leaders, such as the board of education, to develop new and innovative solutions for the people of Newton.

Thank you."

Ben Egner, 16 Windsor Drive, expressed his disappointment with Mayor Levante representation to the Town of Newton. Mr. Egner outlined several instances of negative posts on social media submitted by Mayor Levante. He described the Mayor as "divisive and disrespectful" and suggested the honorary title of Mayor is one that Levante "possibly doesn't deserve".

Matthew Dickson, 19 Hamilton Street, read from a prepared statement.

"Nearly all men can stand adversity, but if you want to test a man's character, give him power." -Abraham Lincoln

Distinguished Members of the Council,

I have great concerns about a member of the current leadership and how some of his actions could have a negative impact on the reputation of our town. By now, you may be aware that issues have arisen about Mr. Levante's behavior during his time as mayor. I'm here tonight to talk about an incident that pushed me to the point that I feel something has to be said and done. That's not to say that there weren't other instances where I disagreed with his conduct, but this particular event compelled me to inform the Council about exactly what transpired.

The evening of the referendum vote, my wife Grace, went to the Board of Education Office to hopefully catch the end of Board meeting. She had been told it was ok to come late due to our son having hockey in Stockholm. When she walked up to the office she saw Wayne outside with a group of people, none of whom had actually attended the Board of Education meeting. She walked past them to go in to the office, only to be told the Board was going to executive session. She took her phone out to text her friends to tell them to contact her after it was over, and Mr. Levante approached her. She told him he didn't want to speak with him, especially with the group of people around. Mr. Levante had just went back and forth with my wife on Facebook right before that, so she knew the conversation wasn't going to go well. He persisted trying to speak to her, and eventually after a comment from one of Wayne's group of misfits, she engaged.

He proceeded to tell her that the members of the Board of Education are all idiots. At that point, two other women walked up to find Mr. Levante and his group speaking alone with Grace, and stood with her. After a lot of back and forth, he said in front of the group that "Dr. Greene f\*cked up", he said the board should get rid of him just like he would get rid of Mr. Russo if he made a mistake. He said to mark his words that he would have 3 people written in in November for the Board of Education election. How is it appropriate that the Mayor be out on the street in front of the Board Office, especially when he didn't even attend the meeting, yelling at women? The board members, Dr. Greene, and the business administrator all heard him. Mr. Levante then used his mayor Facebook page to post about 2 parents lying about the events. He even had the audacity to post the same post, from his personal page, to the Halsted

October 11, 2017

PTO page, which is a direct dig at my wife considering she has been front and center with Ms. Greene and another parent reviving Halsted's Parent Organization. In addition to the posts alluding to my wife, he also had a phone conversation with another Newton resident, and named my wife and another woman by name to that person. Mr. Levante's actions are not becoming of a public official, especially the mayor. He's told me personally about his concerns of law suits hurting the reputation of the town, but he doesn't seem to realize what his behavior is doing. He seems to be in clear violation of the code of conduct for a Town of Newton Employee as laid out in the handbook.

In closing I would like the Council to consider removing Mr. Levante from his position as mayor. Just think, many of you have been on the council for many years... how many times has a resident had to come voice concerns over the mayor like this? Don't you think it's problematic that we even have to come here and make these statements? I know I do."

Brian Farence, 99 Woodside Avenue, inquired about the next Newton Town Council Election and how he could run in said election. Mrs. Read advised the next Municipal Election will be held in May, 2018 and packets will be available in January, 2018.

Margaret Baldini, 10 Barry Lane, stated she witnessed the incident that occurred in front of the Board of Education office and believes it to be blown out of proportion. She objected to being called a band of misfits. Ms. Baldini believes emotions were running high and supports the Mayor.

Danielle Strubel, noted she was a part of the incident in front of the Board of Education office and requested a public apology from Mayor Levante. She feels what occurred that night was over "over of line". She also questioned the cancellation of the recent Council meeting on Monday, September 25, 2017.

Kieran Gill, 7 Kory Road, stated Mayor Levante also attacked his wife on Facebook on a number of occasions and questioned why the Mayor is not held to a higher standard.

Anwar Qarmout, 45 Woodside Avenue, noting he was there, Mr. Qarmout addressed the incident in front of the Board office. He feels he was one who was verbally attacked and doesn't believe Mayor Levante was "out of line" during the incident.

Ralph Porter, 12 Pine Street, addressed an issue with cars parking on the corner of Pine Street and Merriam Avenue and asked if a "No Parking" sign can be placed 25 ft. from corner.

Michael Malone, 59 Trinity Street, believes emotions are high and feels this discussion this is a "character assassination" and should be a civil discussion.

October 11, 2017

Wallace Strubel, 4 Linwood Annex, expressed his displeasure with the Mayor posting negative comments on social media. "As a representative of the Town Council and the Town residents, what you have done is wrong", Mr. Strubel concluded.

Anthony Neggers, 23 York Road, (not speaking as a School Board member) questioned why the Council would pass a Resolution for school consolidation without speaking to the school boards. "We should be working together as a team", Mr. Neggers concluded.

Brenna Tekley, 19 Mt. View Street, advised she was there at the incident at the Board office and noted emotions were running high that evening. She also indicated she supports the Mayor for voicing his opinion on various issues.

Ben Edger, 16 Windsor Drive, noted good character support of Grace Dickson, who was not present.

Anwar Qarmout, 45 Woodside Avenue, requested amendments to Ordinance 206; Peddling & Solicitors. He noted his discussion with the Police Chief including littering of election materials and feels an amendment is necessary to the Ordinance.

Brian Farence, 99 Woodside Avenue, questioned Mr. Qarmout's motive on amending the Ordinance regarding littering of election flyers. He noted an incident with Mr. Qarmout on school property regarding election flyers and questioned why he would want to amend this Ordinance. He asked for minutes of this meeting after approval of same.

Mr. Qarmout provided a rebuttal on the school property incident, noting he would file a complaint; not file a lawsuit as mentioned early.

Anthony Neggers, 23 York Road, believes flyers are a nuisance and should not be placed on vehicles.

Kieran Gill, 7 Kory Road, questioned the Ordinance on allowing bibles to be distributed outside of a public school.

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

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

Mr. Russo, addressing the questions of Ms. Strubel, advised the Council meeting was cancelled at the request of the Town Clerk, with the consent of the Governing Body. The Council Chambers is a polling place and needs to be set up the day before

the election. Ms. Strubel also questioned the form of government and Mr. Russo advised Ms. Strubel that he as the Town Manager runs the day-to-day operations of the Town.

Mayor Levante, acting as liaison to the Newton Board of Education, noted he has no report for this meeting. He noted he has reached out to Dr. Greene to meet with Mr. Russo and himself regarding the relationship with the Board of Education.

Mayor Levante noted he had spoken to Dr. Greene and Stella Dunn regarding the referendum on several occasions and noted he was not in favor of said plan. Mayor Levante feels the public spoke at the Special Election referendum, which was defeated, 959-238, and continues to believe the referendum was an incomplete plan. Mayor Levante believes the Town Council and the Board of Education will move forward and work together on another solution.

**a. Best Practices Worksheet Review - CFO**

Ms. Babcock, CFO, outlined the Best Practice Inventory requirements. Based on the requirements, the Town is at risk to lose 25% of the fiscal aid payment, due to Question #9. Ms. Babcock reached out to the State with regard to the Armory property, intended to be sold, and was advised to submit a letter along with the worksheet addressing the Armory issue.

After a brief discussion, Council agreed with the recommendation of Ms. Babcock and agreed to forward the worksheet to the State along with the request of accommodation on the Armory (Q#9), due to extenuating circumstances. Upon motion of Deputy Mayor Elvidge, seconded by Mrs. Le Frois and carried and roll call resulted as follows:

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

**ORDINANCES**

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

**ORDINANCE #2017-19**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$60,000.00 FOR REHABILITATION OF SEWER TREATMENT PLANT CLARIFIERS (2) IN THE TOWN**

October 11, 2017

**OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY**

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	Absent
Mrs. Le Frois	Yes	Mrs. Diglio	Absent
	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 Monday, October 23, 2017.

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

**ORDINANCE #2017-20**

**AN ORDINANCE TO REVISE SECTION 307-49 OF THE CODE OF THE TOWN OF NEWTON, TO REMOVE CERTAIN PARKING RESTRICTIONS ON HALSTED STREET**

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	Absent
Mrs. Le Frois	Yes	Mrs. Diglio	Absent
	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 Monday, October 23, 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."*

Councilwoman Le Frois requested raffle application submitted by Sussex County

Community College be removed due to conflict.

Mr. Russo reviewed the Resolutions on the consent agenda.

**RESOLUTION #188-2017\***

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

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

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Church Street-00068 to the New Jersey Department of Transportation on behalf of the Town of Newton;

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

My signature and Municipal Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

**ATTEST AND AFFIX SEAL**

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

\_\_\_\_\_  
Wayne F. Levante  
Mayor

**RESOLUTION #189-2017\***

**CONCUR WITH THE TOWN MANAGER’S APPOINTMENT OF A SCHOOL CROSSING GUARD**

**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 individual as a School Crossing Guard for the 2017-2018 school year:

Louis Slamer

**RESOLUTION #190-2017\***

**RESOLUTION REJECTING BIDS FOR FIREHOUSE #2**

**WHEREAS**, the Town of Newton requested bids for Newton Firehouse #2, and bids were received on September 7 , 2017; and

**WHEREAS**, upon review of the bids and advice of Town professionals, the Town Council has determined the lowest bid substantially exceeds the cost estimates for the project; and

**WHEREAS**, the Town Council desires to reject all bids in accordance with N.J.S.A. 40A:11-13.2(a);

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton does hereby reject all bids submitted for Firehouse #2 and all bids submitted by all bidders shall be promptly returned to them.

**RESOLUTION #191-2017\***

**TO CANCEL GRANT RECEIVABLE AND APPROPRIATED RESERVE FOR UNREALIZED MUNICIPAL ALLIANCE GRANT 2016/2017 IN THE AMOUNT OF \$2,258.74**

**WHEREAS**, the Town of Newton received an award in the amount of \$18,772.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex which was appropriated in the 2016 Municipal Budget for a Municipal Alliance Grant; and

**WHEREAS**, the total costs expended and approved total \$16,513.26; and

**WHEREAS**, there is a grant receivable balance of \$2,258.74 *Due from the County of Sussex, State of New Jersey for Municipal Alliance* on the Federal and State Grant balance sheet and an appropriated reserve of the same amount; and

**WHEREAS**, it is necessary to formally cancel the receivable and appropriation balances; and

**WHEREAS**, the Town is also required to do a cash match of \$4,693.00, which is 25% of the grant; and the \$711.85 unexpended balance of the cash match also needs to be formally cancelled;

**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 receivable and appropriated reserve balances:

**Federal & State Grant Fund**

Grant Receivable – Municipal Alliance	\$2,258.74
Cash Match for Grant Receivable – Municipal Alliance	\$ 711.85
Appropriated Reserves – Municipal Alliance Grant	\$2,258.74
Appropriated Reserves – Cash Match Munic. Alliance Grant	\$ 711.85

**RESOLUTION #192-2017\***

**APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM**

**WHEREAS**, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

**WHEREAS**, Zambelli Fireworks of New Castle, PA has submitted a proposal to the Sussex County Fire Marshal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 11, 2017 as part of the annual “Festival of Lights”; and

**WHEREAS**, the Sussex County Fire Marshal, Virgil R. Rome, Jr., has advised the application for said fireworks display is complete and in order;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the “Festival of Lights” event to take place on November 11, 2017 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

**BE IT FURTHER RESOLVED** that a certified original of this Resolution be forwarded to the Sussex County Fire Marshal, Virgil R. Rome, Jr.

October 11, 2017

**RESOLUTION #193-2017\***

**A RESOLUTION OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY REPAIR REGARDING THE TOWN OF NEWTON SEWER TREATMENT PLANT**

**WHEREAS**, an emergency has arisen regarding failure of the clarifying arms at the Town of Newton Sewer Treatment Plant; and

**WHEREAS**, due to the unforeseen nature of these required repairs, no adequate provision was made in the 2017 budget for the aforesaid purpose; and

**WHEREAS**, N.J.S.A. 40A:11-6, and N.J.A.C. 5:34-6.1 provides for the appropriate actions to be undertaken by the Town under these circumstances to procure a company that may remedy; and

**WHEREAS**, the initial total amount of the emergency created, including the repairs to be created by this Resolution, are for JEV Construction of Clinton, N.J., \$54,800.00 for emergency inspection to determine the remediation installation of any necessary equipment to prevent recurrence of the emergency;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Newton, Sussex County, and State of New Jersey, thereof affirmatively concurring, as follows:

1. JEV Construction of Clinton, N.J., is hereby authorized to perform the work associated with the Town of Newton Sewer Treatment Plant.
2. This Resolution will take effect immediately upon its passage.

**RESOLUTION #194-2017\***

**AMENDMENT TO THE WATER/SEWER CAPITAL BUDGET**

**WHEREAS**, the local water sewer capital budget for the year 2017 was adopted on the 10th day of April, 2017; and **WHEREAS**, it is desired to amend said capital budget section; **NOW, AND THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, the following amendment(s) to the adopted capital budget section of Water/Sewer Capital Fund be made:

Recorded Vote (Insert Names)

( ) Abstain ( )  
 ( )  
 Ayes ( ) Nays ( )  
 ( ) Absent ( )  
 ( )

WATER/SEWER CAPITAL BUDGET (Current Year Action)  
2017

1 Project	2 Project Num.	3 Est. Total Cost	4 Amt. Res. In Prior Years	Planned Funding Services for Current Year 2017					Total Funded In Future Year
				5a 2017 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid/Other Fund	5f Debt Authorized	
Rehab. Sewer Treatment Plant Clarifiers	2017-U1	\$ 60,000.00			\$ 60,000.00				
Total All Projects		\$ 60,000.00	\$ -	\$ -	\$ 60,000.00	\$ -	\$ -	\$ -	\$ -

SIX YEAR CAPITAL PROGRAM 2017 TO 2022  
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

1 Project	2 Project Number	3 Est. Total Cost	4 Estimated Completion Time	5 Capital Improvement Fund 2017 Budget	Funding Amounts Per Year					
					2017	2018	2019	2020	2021	2022
Rehab. Sewer Treatment Plant Clarifiers	2017-U1	\$ 60,000.00	2017		\$ 60,000.00					
Total All Projects		\$ 60,000.00		\$ -	\$ 60,000.00	\$ -	\$ -	\$ -	\$ -	\$ -

**Be It Further Resolved**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution amending the Capital Budget section as adopted by the Governing Body on the 11th day of October, 2017.

Certified by:

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

**RESOLUTION #195-2017\***

**AUTHORIZE REFUND DUE WATER AND SEWER UTILITY ACCOUNT**

**WHEREAS**, in the first quarter of 2014, a 3/4" meter head was erroneously replaced with a 1" meter head; and

**WHEREAS**, the meter head was recording four gallons for every gallon of water consumed; and

**WHEREAS**, in July of 2015, the property was purchased by Lisa Moore and she began making regular quarterly payments; and

**WHEREAS**, when Ms. Moore, who has previously been questioning her excessive water usage, again presented her question in September of 2017, the water personnel discovered the incorrect size meter head;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to refund the aforementioned resident for seven quarters of erroneous charges dating back to the first quarter of 2016.

**REFUND FOR ERRONEOUS WATER CHARGES**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
4118	1 Center Street	\$1,321.29

**RESOLUTION #196-2017\***

**AUTHORIZE CHANGE ORDER NO. 1 FOR THE IMPROVEMENTS TO LIBERTY STREET PROJECT BY DENVILLE LINE STRIPING**

**WHEREAS**, on March 13, 2017 the Newton Town Council adopted Resolution #50-2017, awarding a contract to Denville Line Striping, for the line striping portion of the Proposed Improvements to Liberty Street Project in the amount of \$775.80 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 September 11, 2017, prepared Change Order No. 1, for the line striping portion of the Improvements to Liberty Street Project. This change order will result in a \$265.80 increase in the contact to a new contract total of \$1,041.60;

**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 \$265.80

**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 line striping portion of the Improvements to Liberty Street Project by Denville Line Striping, for a new contract total of \$1,041.60; and

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

**RESOLUTION #197-2017\***

**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 has received a payment in the amount of \$2,267.59 from the State of New Jersey, Division of Criminal Justice for the 2017 Body Armor Grant- State Body Armor Replacement Fund (BARF) 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:  
             State Body Armor Grant .....\$2,267.59

General Appropriations:  
     (A) Operations - Excluded from CAPS  
         Public and Private Programs Off-Set by Revenues:  
             State Body Armor Grant..... \$2,267.59

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

**RESOLUTION #198-2017\***

**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:

**CREDIT FOR PENALTY ERRONEOUSLY CHARGED:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21699	94A (94-100) Merriam Ave.	\$22.49
21730	54C (54-56) Ryerson Ave.	\$88.43

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

**RESOLUTION #199-2017\***

**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**

38762	ADVANCE AUTO PARTS	340.43
38763	AIDA CAHILL	347.50
38764	AIRGAS EAST	79.45
38765	ATLANTIC TACTICAL INC.	39.30
38766	B & R UNIFORM, INC.	149.95
38767	BANK OF NEW YORK MELLON	1,650.00
38768	BETWEEN THE BREAD	111.00
38769	BLI INTERNATIONAL	50.00
38770	BONNIE MESSINA	2,267.50
38771	BOONTON TIRE SUPPLY INC.	835.15
38772	BROWN, ARTHUR	710.41
38773	BSNCP	1,221.46
38774	CAMPBELL'S SMALL ENGINE INC.	2,236.88
38775	CCP INDUSTRIES, INC.	156.74

October 11, 2017

38776	CENTURYLINK COMMUNICATIONS, INC.	3,558.39
38777	CONDOR CREATIONS	395.00
38778	COUNTRY CLASSI AUTO BODY LLC	250.00
38779	CSS TEST INC.	48.00
38780	DANIEL FLYNN	30.00
38781	DEMPSEY UNIFORM & SUPPLY INC	781.55
38782	FEDERAL EXPRESS	411.59
38783	FIRE FIGHTERS EQUIPMENT CO. INC.	2,697.00
38784	GALLS, LLC	356.80
38785	GENSERVE INC.	250.00
38786	GOLD TYPE BUSINESS MACHINES	129.94
38787	HOME DEPOT, INC.	1,795.88
38788	J & D SALES & SERVICE, LLC.	119.25
38789	J. CALDWELL & ASSOCIATES, LLC.	118.00
38790	JENNIFER DODD	42.85
38791	JCP&L	14,879.18
38792	KATHERINE WALKER	134.95
38793	KAY PRINTING	356.35
38794	KKPR MARKETING & PUBLIC RELATIONS	175.00
38795	KLIPPEL, JO ANN	400.00
38796	LADDEY, CLARK & RYAN, LLP	4,608.00
38797	LANG, DIANE	225.00
38798	LEVANTE, WAYNE	150.00
38799	LISA BECHTEL	700.00
38800	LOCK & KEY WORLD	208.00
38801	LOU'S GLASS	10.00
38802	LOWE'S, INC.	250.74
38803	MCGUIRE, INC.	2,435.31
38804	MGL FORMS – SYSTEMS, LLC.	63.00
38805	MINISINK PRESS INC	455.00
38806	MORRIS ASPHALT SUPPLY, LLC	719.40
38807	MORRIS COUNTY POLICE ACADEMY	110.00
38808	NEVCO SPORTS, LLC.	601.88
38809	NEW JERSEY HERALD, INC.	81.00
38810	NJLM	55.00
38811	NJMEBF	266,718.00
38812	NJRPA	200.00
38813	ELIZABETHTOWN GAS	715.06
38814	PARTAC PEAT CORPORATION	400.00
38815	PELLOW, HAROLD & ASSO, INC.	910.00
38816	PENTELEDATA	729.70
38817	PHYSIO-CONTROL, INC.	365.00
38818	POWERDMS, INC.	2,714.24
38819	PRIME LUBE, INC.	150.00
38820	QARMOUT, LISA	500.00
38821	QUILL CORPORTATION	1,208.94
38822	READY REFRESH BY NESLTE	113.52
38823	RICCIARDI BROTHERS, INC.	1,189.50
38824	SARAH GRUUB	1,250.00
38825	SERVICE ELECTRIC CABLE TV	57.35
38826	SHERWIN-WILLIAMS, INC.	352.68
38827	SPECTRUM COMMUNICATIONS, INC.	98.00
38828	STAPLES BUSINESS ADVANTAGE, INC.	983.41
38829	STAPLES BUSINESS ADVANTAGE, INC.	204.63
38830	STATEWIDE INSURANCE FUND	5,000.00
38831	STRYKER EMS EQUIPMENT, CORP	21,310.00
38832	SUNLIGHT GENERAL	1,056.02
38833	SUSSEX BIKE & SPORT	299.95
38834	SUSSEX COUNTY CHAMBER OF COMMERCE	317.00
38835	TEAM LIFE, INC.	80.00
38836	TERESA ANN OSWIN	55.11
38837	THE CANNING GROUP, LC.	535.71
38838	THOMAS, CHRISTINE M.	337.50

October 11, 2017

38839	TIRE KING, INC.	3,488.00
38840	TOYOTA/SUBARU/SCION OF MORRISTOWN I	189.05
38841	TRACTOR SUPPLY	169.95
38842	TREASURER, STATE OF NJ	50.00
38843	TRIMBOLI & PRUSINOWSKI, LLC.	10,276.00
38844	UNIVERSAL SUPPLY GROUP INC.	233.53
38845	V.E. RALPH & SON, INC.	130.40
38846	VERIZON WIRELESS, INC.	1,955.11
38847	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	675.00
38848	W.B. MASON, INC	238.70
38849	WILDFLOWERS WITH TAMI	190.00
171066	PAYROLL ACCOUNT	184,484.20
171065	ELAVON	199.38
38761	SOL AZTEKA MEXICAN GRILL	32.97
171064	JP MORGAN CHASE BANK	41,475.00
38760	FEDERAL & STATE GRANT	2,481.15
38759	COMMERCE AND INDUSTRY ASSOCIATION O	55.00
171063	NEWTON BOARD OF EDUCATION	1,054,849.00
171062	PAYROLL ACCOUNT	212,909.27
171061	ELAVON	103.83
171060	PAYROLL ACCOUNT	189,454.43

**CAPITAL**

8654	ADVANCE AUTO PARTS	127.32
8655	BEYER FORD	38,642.50
8656	DENVILLE LINE PAINTING, INC.	1,197.84
8657	FKA ARCHITECTS INC.	2,450.00
8657	HOME DEPOT, INC.	117.75
8659	LADDEY, CLARK & RYAN, LLP	32.00
8660	LOU'S GLASS	344.85
8661	MCMANIMON, SCOTLAND & BAUMANN, LLC	516.00
8662	MONTAGUE TOOL & SUPPLY, INC.	2,779.70
8663	MOTT MACDONALD	10,693.36
8664	NORTHWEST BUILDNG SUPPLY, INC.	39,325.00
8665	PELLOW, HAROLD & ASSO, INC.	15,087.10
8666	R.S. PHILLIPS STEEL LLC	105.00
8667	SPECTRUM COMMUNICATION, INC.	41,603.54
8668	YOUR WAY CONSTRUCTION, INC.	135,638.53
8653	NJMVC	60.00
8652	NJMVC	60.00

**Total TOWN BILLS    \$ 2,348,069.61**

**WATER AND SEWER ACCOUNT**

16511	ACCURATE WASTE REMOVAL INC.	11,745.50
16512	AIRGAS EAST	11.01
16513	AURORA ELECTRICAL SUPPLY, LLC.	82.73
16514	BETWEEN THE BREAD	93.00
16515	BRAEN STONE SPARTA	461.18
16516	CARR, JOSEPH	200.00
16517	CCP INDUSTRIES, INC.	486.86
16518	CENTURYLINK COMMUNICATIONS, INC.	39.46
16519	CENTURYLINK COMMUNICATIONS, INC.	1,201.11
16520	CONDOR CREATIONS	395.00
16521	COYNE CHEMICAL CORP., INC.	3,959.01
16522	DANFORTH'S TRAILER & AUTO, INC	133.95
16523	DEMPSEY UNIFORM & SUPPLY INC	299.09
16524	EAGLE EQUIPMENT, INC.	1,171.91
16525	FRANK SEMERARO CONSTRUCTION, INC.	1,500.00
16526	GARDEN STATE LABORATORIES INC	918.00
16527	HACH COMPANY	4,626.42

October 11, 2017

16528	HAMBURG PLUMBING SUPPLY CO INC	553.37
16529	HOLLAND COMPANY, INC.	7,106.00
16530	HOME DEPOT, INC.	1,027.96
16531	HYDRO TECHNOLOGY, LLC.	350.00
16532	JCP&L	14,488.47
16533	JK HVAC SERVICE, LLC.	338.00
16534	KKPR MARKETING & PUBLIC RELATIONS	850.00
16535	LADDEY, CLARK & RYAN, LLP	720.00
16536	LUBRICATION ENGINEERS INC	995.40
16537	MINISINK PRESS INC	90.00
16538	MORRIS ASPHALT SUPPLY, LLC	844.68
16539	MOTT MACDONALD	4,994.51
16540	NJMEBF	83,306.00
16541	ELIZABETHTOWN GAS	287.36
16542	PALL CORPORATION	4,664.63
16542	PARTAC PEAT CORPORATION	3,513.63
16544	PELLOW, HAROLD & ASSO, INC.	4,329.05
16545	PENTELEDATA	157.15
16546	PROCESS TECH SALES AND SERVICE	1,048.00
16547	PUMPING SERVICES, INC.	520.00
16548	SCHMIDT'S WHOLESALE, INC	7,869.54
16549	SPARTA TOWNSHIP TAX COLLECTOR	16,855.53
16550	STAPLES BUSINESS ADVANTAGE, INC.	99.78
16551	SUNLIGHT GENERAL	1,885.95
16552	SUSSEX COUNTY P & H, INC.	95.64
16553	TIRE KING, INC.	522.00
16554	VERIZON WIRELESS, INC.	223.40
176031	PAYROLL ACCOUNT	39,942.02
16510	SOL AZTEKA MEXICAN GRILL	32.98
176030	JP MORGAN CHASE BANK	21,175.00
16509	NEW JERSEY WATER ASSOCIATION	280.00
16508	KRISTEN HORN BROOK	556.00
176029	PAYROLL ACCOUNT	38,672.93
176028	PAYROLL ACCOUNT	39,253.99

**CAPITAL**

2458	LADDEY, CLARK & RYAN, LLP	144.00
2459	MCMANIMON, SCOTLAND & BAUMANN, LLC	600.00
2460	NEW JERSEY HERALD, INC.	93.00

**Total WATER & SEWER Bills    \$ 325,810.20**

**TRUST ACCOUNT**

3656	COUNTRY CLUB ICE CREAM, LLC.	374.87
3657	J. CALDWELL & ASSOCIATES, LLC.	767.00
3658	MITCHELL HUMPHREY	600.00
3659	NEW JERSEY HERALD, INC.	19.80
3660	PELLOW, HAROLD & ASSO, INC.	130.00
3661	ROUTE 519 & NPORTH PARK DRIVE, LLC.	894.25
3662	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	285.00
177120	PAYROLL ACCOUNT	8,586.00
177119	PAYROLL ACCOUNT	2,956.50
177118	PAYROLL ACCOUNT	9,193.50

**Total TRUST ACCOUNT Bills    \$ 23,806.92**

**DEVELOPERS ESCROW (FUND 72) ACCOUNT**

1286	FERRIERO ENGINEERING INC.	225.47
1287	MCMANIMON, SCOTLAND & BAUMANN, LLC	97.50

**Total DEVELOPERS ESCROW (FUND 72) ACCOUNT Bills \$ 322.97**

**FEDERAL/STATE GRANTS**

1379	SHRED-IT US JV LLC	813.75
171121	PAYROLL ACCOUNT	436.95
1378	DANIELSON, DEBORAH	500.00
1377	CENTER FOR PREVENTION & COUNSELING	1,644.15
1376	DRAGER SAFETY DIAGNOSTICS, IINC.	179.00
1375	CURRENT ACCOUNT	1,374.48
1374	CURRENT ACCOUNT	224.00
171120	PAYROLL ACCOUNT	436.95
171119	PAYROLL ACCOUNT	436.95

**Total FEDERAL/STATE GRANTS Bills \$ 6,046.23**

**RESOLUTION #200-2017\***

**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 is the lead agency, (also including Green Township, Andover Township and Andover Borough) for a grant in the amount of \$18,772.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex for Municipal Alliance Grant; and

**WHEREAS**, the grant period to runs from July 1, 2017 through June 30, 2018; and

**WHEREAS**, the Town of Newton authorized the submission of the 2018 Action Alliance Grant per Resolution #35-2017 adopted February 27, 2017;

**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:

Miscellaneous Revenues:	
Section F: Special Items of Revenue	
Public and Private Revenues Off-set with Appropriations:	
NJ Municipal Alliance Grant .....	\$18,772.00
Other Special Item of Revenue	
Munic. Alliance Cash Match – Andover Twp .....	\$500.00
Munic. Alliance Cash Match – Andover Boro.....	\$500.00
Munic. Alliance Cash Match – Green Twp.....	\$500.00
General Appropriations:	
(A) Operations - Excluded from CAPS	
Public and Private Programs Off-Set by Revenues:	
NJ Municipal Alliance Grant.....	\$18,772.00
Local Match – Source:	
Current: Celebration of Public Events .....	\$2,000.00
Current: Recreation, Other Expenses.....	\$693.00
Munic. Alliance Match from Andover Twp. & Boro. & Green Twp..	\$1,500.00
Current: Public & Private - Matching Funds Munic. Alliance.....	\$500.00

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

**RESOLUTION #201-2017\***

**RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE ARBITRATION CONTRACT AWARDS**

**WHEREAS**, local municipalities require specific tools to address the rising cost of municipal government; and

**WHEREAS**, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police fire arbitration contract awards; and

**WHEREAS**, salary costs, to a great extent, drive property tax increases; and

**WHEREAS**, in December 2010 the Legislature unanimously approved and the Government enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and costs under control; and

**WHEREAS**, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

**WHEREAS**, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

**WHEREAS**, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

**WHEREAS**, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

**WHEREAS**, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in December 2010 legislation, is not due until the same day the expiration of the cap on interest arbitration awards, December 31, 2107; and

**WHEREAS**, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will due for negotiations after the sunset date; and

**WHEREAS**, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby urge the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

**BE IT FURTHER RESOLVED**, that a copy this Resolution is forwarded to representatives for of the 24<sup>th</sup> District, Assemblyman Parker Space, Assemblywoman Gail Phoebus, and Senator Steven V. Oroho, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of the State of New Jersey and the League of Municipalities.

The Clerk presented an application for membership into the Newton Fire Department from Peter J. Naumowicz, 16 Dogwood Drive, Newton. It was noted the

application was in order and signed by the Fire Chief.

The Clerk presented an application for a permit for a social affair from the Karen Ann Quinlan Memorial Foundation, 99 Sparta Avenue, Newton, to be held on Sunday, November 12, 2017 from 5:30 pm to 10:00 pm at Krave Café & Caterer, 102 Sparta Avenue, Newton. It was noted the application was in order.

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Absent
Mrs. Le Frois	Yes	Mrs. Diglio	Absent
Mayor Levante	Yes (recused Check #38798)		

The Clerk presented an application for a permit for a social affair from the Sussex County Community College, One College Hill Road, Newton, to be held on Saturday, December 2, 2017 from 6:00 pm to 9:00 pm at One College Hill Road, Newton. It was noted the application was in order.

At this time, upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge, the social affair permit for SCCC be approved as submitted and roll call resulted as follows:

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

**INTERMISSION** – 5 minute

**DISCUSSION**

**a. Food Truck Ordinance**

Mr. Russo requested the Food Truck Ordinance discussion be carried to the next Council meeting on Monday, October 23, 2017. Mr. Russo noted he will give a copy of the Greater Newton Chamber of Commerce for their review.

**OPEN TO THE PUBLIC**

Brian Farence, 99 Woodside Avenue, addressed several questions regarding the Armory property which was addressed by Mr. Russo. Mr. Farence also provided his opinion on the food truck ordinance.

Anwar Qarmout, 45 Woodside Avenue, addressing Zoning Ordinance 320-28 (h) of the Code, asked Council to amend this Ordinance to eliminate the number of

vehicles allowed on commercial property. He also requested amendment on the Zoning Ordinance which does not permit outdoor storage. Mr. Qarmout feels these restrictions hinder the use of the commercial properties, which hurts the commercial property owner.

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

**COUNCIL & MANAGER COMMENTS**

Mrs. Le Frois commended on the recent NJH insert which displayed the Town of Newton and all the businesses in Town. Mrs. Le Frois also commended the Newton Fire Department on the successful County parade held in Newton, which was hosted by Newton Fire Department. She recently attended by Sussex County League of Municipality meeting and congratulated SCCC as well as the Newton Police Department for their accommodations received at the meeting. Finally, Mrs. Le Frois noted "she will reserve comment" all the comments this evening but thanked all in attendance. Mrs. Le Frois extended congratulations for all the good things happening in Town.

Deputy Mayor Elvidge also thanked those involved in the County parade held on Saturday. He also advised of an upcoming meeting at SCCC surrounding the proposed sports complex to be placed in front of SCCC. The committed representatives will be presenting a feasibility study to the Board of Trustees at the college on October 25<sup>th</sup>, in hopes to get permission to move forward with the project.

Mayor Levante also commended the Newton Fire Department on the recent County parade. He too was glad to see the public attend the Council meeting this evening. He feels the public input "good or bad" is feedback to the Town Council.

Mr. Russo noted the upcoming Fall Festival to be held on Saturday, October 21, 2017 on Spring Street, Newton.

Mrs. Le Frois noted a meeting tomorrow at Town Hall to address all questions regarding the RPM "Newton Town Centre" project on the corner of Union Place and Spring Street. The target date of completion is December 15, 2017.

**EXECUTIVE SESSION**

Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and

October 11, 2017

unanimously carried, Council entered Executive Session at 8:40 pm.

Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and unanimously carried, Council left Executive Session at 9:09 pm.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mr. Elvidge and unanimously carried, the meeting was adjourned at 9:10 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.

Lorraine A. Read, RMC  
Municipal Clerk