

October 23, 2017

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:11 pm. Present were Deputy Mayor Elvidge, Mr. Flynn, Mrs. Le Frois, Mrs. Diglio (via teleconference), Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

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

Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and carried, the minutes for October 11, 2017 Regular and Executive meetings were approved. Mr. Flynn abstained.

OPEN TO THE PUBLIC

Mayor Levante read the following statement:

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

Jackie Espinoza, JCP&L Representative, advised Council of the upcoming tree trimming. Ms. Espinoza also updated Council on the forthcoming work to be performed on the property on East Clinton Street.

Mel Dennison, 2 Old Creamery Road, Andover Borough, President of Greater Newton Chamber of Commerce (GNCC), expressed his concerns with the Food Truck Ordinance draft. He suggested limiting the number of trucks permitted due to parking. Additionally, Mr. Dennison voiced his trepidation with the loss of revenue it would cause the GNCC as well.

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

COUNCIL & MANAGER REPORTS

There was no Council & Manager report to discuss at this time.

ORDINANCES

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

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 OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1. \$60,000.00 is hereby appropriated for Rehabilitation of Sewer Treatment Plant Clarifiers (2) and all costs necessary therefore or incidental thereto from the Water Sewer Capital – Capital Improvement Fund.

Section 2. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of local Government Services and is filed and available for public inspection in the office of the Clerk.

Section 3. This ordinance shall take effect as provided by the law.

Mayor Levante opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mr. Flynn, seconded by Deputy Mayor Elvidge 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 #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

WHEREAS, it has been determined that parking along Halsted Street, between Madison Street and Main Street/Route 206, should be permitted between 8:00 am and 4:00 pm due to the closing of St. Joseph’s School, as recommended by the Town of Newton Police Department;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, as follows:

Section 1. Chapter 307-49, Schedule II of the Code of the Town of Newton, Parking Prohibited During Certain Hours on Certain Streets, shall be revised by the deletion of the following:

Name of Street	Sides	Hours	Location
Halsted Street	Northeast	8:00 a.m. to 4:00 p.m., school days	From Madison Street to Main Street (US #206) a distance of about 900 feet

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 Deputy Mayor Elvidge, seconded by Mrs. Le Frois and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois, 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	No
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.

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 #203-2017*

AUTHORIZE THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR GOLD TYPE BUSINESS MACHINES

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WHEREAS, the Town of Newton Police Department has a need to maintain, inquire and ascertain criminal and motor vehicle warrants and other law enforcement sensitive information through applicable software provided by Gold Type Business Machines as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

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

WHEREAS, Gold Type Business Machines in the aggregate is expected to sell in excess of the pay-to-play threshold of \$17,500.00; and

WHEREAS, Gold Type Business Machines has completed and submitted a Business Entity Disclosure Certification which certifies Gold Type Business Machines 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 Gold Type Business Machines, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$27,500.00, an increase of \$5,000.00 from the prior authorizing Resolution #134-2017 and funds are available as follows:

2017 Current Budget

#1074317 Communications OE	\$5,000.00
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NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Gold Type Business Machine not to exceed \$27,500.00 for the 2017 calendar year; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value remain on file in the Municipal Clerk's office.

RESOLUTION #204-2017*

AMEND AGREEMENT WITH JAMES T. PRUSINOWSKI, ESQ., AS LABOR RELATIONS LEGAL COUNSEL FOR 2017

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, the Town Council appointed James T. Prusinowski, Esq., of Trimboli & Prusinowski, LLC as Labor Relations Attorney for calendar year 2017 by the adoption of Resolution #262-2017 at their meeting on December 28, 2016; and

WHEREAS, said contract stipulated that the amount expended during the term of the contract is not to exceed \$30,000.00; and

WHEREAS, due to circumstances beyond the Town's control the costs for labor relations legal counsel will exceed the \$30,000.00 allocated and thus Resolution #127-2017 was adopted on July 17, 2017 to amend the contract to an amount not to exceed 45,000.00; and

WHEREAS, both parties have agreed to increase the amount of the original contract to be increased by \$20,000.00 to a new amount not to exceed \$65,000.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2017 Current Budget – Legal OE A/C #1058204 \$20,000;

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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to amend the agreement with James T. Prusinowski, Esq., of, Trimboli & Prusinowski, LLC as the Town of Newton's Labor Relations Attorney for the remainder of calendar year 2017 for an amount not to exceed \$65,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be attached to the amended agreement with James T. Prusinowski, Esq. and filed in the Office of the Municipal Clerk.

RESOLUTION #205-2017*

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:

Cindy Bailey

RESOLUTION #206-2017*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 9.02, LOT 12, ALSO KNOWN AS 25 HAMILTON STREET, NEWTON, NJ

WHEREAS, at the Municipal Tax Sale held on November 17, 2016, a lien was sold on Block 9.02, Lot 12, also known as 25 Hamilton Street, Newton, NJ for 2015 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2016-004 was sold to FWDSL & Assoc., LP for 0% redemption fee and a premium of \$24,600.00; and

WHEREAS, Robert Mattia, the Attorney, representing the owners, William and Elizabeth Street has effected the redemption of Certificate #2016-004 in the amount of \$21,127.42;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges, FWDSL & Assoc., LP is entitled to a redemption in the amount of \$21,127.42 as well as the return of the premium in the amount of \$24,600.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges that the Tax Collector has issued a check, in the amount of \$21,127.42 for the redemption and a check in the amount of \$24,600.00 for the return of the premium for Certificate #2016-004 to FWDSL & Assoc., LP, 17 W. Cliff St., Somerville, NJ 08876.

RESOLUTION #207-2017*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR JMC ENVIRONMENTAL CONSULTANTS

WHEREAS, the Town of Newton has a need to maintain environmental services provided by JMC Environmental Consultants as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

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

WHEREAS, JMC Environmental Consultants in the aggregate is expected to sell in excess of the pay-to-play threshold of \$17,500.00; and

WHEREAS, JMC Environmental Consultants has completed and submitted a Business Entity Disclosure Certification which certifies JMC Environmental Consultants 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 JMC Environmental Consultants, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that funds shall NOT EXCEED \$30,000.00, and funds are available as follows:

2017 Current Budget		
#1060218	Engineering –Environmental	\$3,000.00
General Capital		
Ord #2017-9	UST Wells DPW #30917092	\$27,000.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with JMC Environmental Consultants not to exceed \$30,000.00 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 #208-2017*

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

38937	ABCODE SECURITY INC.	120.00
38938	ACCESS CONTROL TECHNOLOGY INC.	2,695.00
38939	AIRGAS EAST	437.50
38940	ANN ROSELLEN	250.00
38941	ARF RENTAL SERVICES, INC.	430.92
38942	BONNIE MESSINA	1,237.50
38943	BOONTON TIRE SUPPLY INC.	422.85
38944	C. WILLIAM BOWKLEY JR.	1,262.25
38945	CAMPBELL'S SMALL ENGINE INC.	657.14
38946	CAMPBELL'S SUPPLY OF SUSSEX COUNTY	68.63
38947	CENTURYLINK COMMUNICATIONS, INC.	389.34
38948	CENTURYLINK COMMUNICATIONS, INC.	125.02
38949	CENTURYLINK COMMUNICATIONS, INC.	250.00
38950	CINTAS CORPORATION NO. 2	36.92
38951	D & E SERVICE CENTER, INC.	165.00
38952	DANIELSON, DEBORAH	115.00
38953	DOVER BRAKE & CLUTCH	351.06
38954	EM SIGNS, LLC	141.00

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38955	FAMILY FORD, INC.	663.98
38956	FIRST COMMUNITY DEVELOPMENT CORP I	3,567.26
38957	FIRST UNITED METHODIST CHURCH	100.00
38958	GALLS, LLC	107.95
38959	GRAINGER	187.85
38960	HAYDEE BALLESTER	165.00
38961	HAYEK'S MARKET INC.	70.82
38962	HOLZHAUER, SCOTT	115.00
38963	HOME DEPOT, INC.	561.21
38964	J. CALDWELL & ASSOCIATES, LLC.	118.00
38965	JCP&L	7,031.20
38966	JK HVAC SERVICE, LLC.	135.00
38967	JOHN MULHERN	2,916.67
38968	KIEFFER ELECTRIC, INC.	4,449.35
38969	KITHCART, BROCK	37.50
38970	KKPR MARKETING & PUBLIC RELATIONS	675.00
38971	KLIPPEL, JO ANN	400.00
38972	LADDEY, CLARK & RYAN, LLP	5,942.45
38973	LAFAYETTE AUTO PARTS	351.27
38974	MCGUIRE, INC.	1,188.68
38975	MILLER, THOMAS	225.00
38976	MINISINK PRESS INC.	153.00
38977	MORRIS COUNTY POLICE ACADEMY	25.00
38978	MOTOROLA SOLUTIONS	53.00
38979	MUNICIPAL GRAPHICS INC	62.92
38980	NJLM	35.00
38981	NJLM	125.00
38982	P.O.S. SOLUTIONS, NJ, LLC.	600.00
38983	PAR TROY SOUND OF NEWTON, INC.	235.00
38984	PROFESSIONL GOVT EDUCATORS INC	90.00
38985	PUMPING SERVICES, INC.	2,501.06
38986	QUILL CORPORATION	33.73
38987	RACHLES/MICHELE'S OIL COMPANY, INC.	6,033.83
38988	READ, LORRAINE	27.82
38989	REISINGER OXYGEN SERVICE, INC.	54.44
38990	RODRIGUEZ, MAGRET	210.00
38991	ROGO FASTENER CO., INC.	236.02
38992	SARAH GRUB	312.50
38993	SEBRING AUTO PARTS, INC.	189.30
38994	SERVICE ELECTRIC CABLE TV	52.40
38995	SHERWIN-WILLIAMS, INC.	508.90
38996	SHOP RITE, INC.	40.87
38997	SLOAN, JAMES PPC.	106.25
38998	SOUL II SOUL HEALTH & WELLNESS, LLC	75.00
38999	SPEAKWRITE	1,314.38
39000	STAPLES BUSINESS ADVANTAGE, INC.	433.54
39001	SUNLIGHT GENERAL	456.53
39002	SUSSEX CAR WASH INC	280.00
39003	T.A. MOUNTFORD COMPANY, INC.	250.00
39004	TAYLOR OIL CO., INC.	3,742.29
39005	TERESA ANN OSWIN	37.50
39006	THE NJ SHADE TREE FEDERATION	330.00
39007	THOMAS, CHRISTINE M.	175.00
39008	THYSSENKRUPP ELEVATOR CORP.	219.50
39009	TIRE KING, INC.	760.00
39010	TREASURER, STATE OF NEW JERSEY	325.00
39011	TRIMBOLI & PRUSINOWSKI, LLC.	5,670.00
39012	UNITED TELEPHONE/CENTURY LINK	126.37
39013	USA HOISTCO., INC.	220.00
39014	VANDERGROEF, JUDY	152.20
39015	VERIZON WIRELESS, INC.	193.17
39016	VERIZON, WIRELESS, INC.	1,700.88
39017	W.B. MASON, INC.	6,618.59

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39018	WALMART	9.97
39019	WILDFLOWERS WITH TAMI	65.00
39020	WITMER PUBLIC SAFETY GROUP, linc.	1,323.50
171067	PAYROLL ACCOUNT	199,525.87

CAPITAL

8669	DENVILLE LINE PAINTING, INC.	1,020.77
8670	JMC ENVIRONMENTAL CONSULTANTS, INC.	14,869.71
8671	MCMANIMON, SCOTLAND & BAUMANN, LLC	195.88
8672	TRACTOR SUPPLY	320.94

Total TOWN BILLS \$ 290,261.95

WATER AND SEWER ACCOUNT

16555	ACCURATE WASTE REMOVAL INC.	4,070.25
16556	ADVANCE AUTO PARTS	59.66
16557	AIRGAS EAST	11.01
16558	AMERICAN AQUATIC TESTING, INC.	1,650.00
16559	CAPITOL SUPPLY CONST PRODUCTS, INC.	5,031.36
16560	CCP INDUSTRIES, INC.	742.85
16561	CINTAS CORPORATION NO. 2	53.14
16562	GARDEN STATE LABORATORIES INC	3,132.00
16563	HOLLAND COMPANY, INC.	6,498.76
16564	INDUSTRIAL CHEM LABS & SERV	188.13
16565	J. CALDWELL & ASSOCIATES, LLC	118.00
16566	LADDEY, CLARK & RYAN, LLP	352.00
16567	LISA MOORE	1,321.29
16568	LOWE'S, INC.	250.60
16569	MONTAGUE TOOL & SUPPLY, INC.	338.02
16570	MORRIS ASPHALT SUPPLY, LLC	2,580.30
16571	MOTT MACDONALD	1,614.96
16572	ELIZABETHTOWN GAS	298.33
16573	ONE CALL CONCEPTS, INC.	187.50
16574	PARKHURST DIST CO., INC.	751.41
16575	PASSAIC VALLEY SEWERAGE COMM.	5,840.00
16576	PUMPING SERVICES, INC.	1,917.09
16577	QUILL CORPORATION	33.72
16578	SCHMIDT'S WHOLESALE, INC	345.26
16579	SHOP RITE, INC.	24.93
16580	SMALLEY, JOHN H	1,250.00
16581	SUNLIGHT GENERAL	824.11
16582	T.A. MOUNTFORD COMPNY, INC.	250.00
16583	TOYOTA MOTOR CREDIT CORP.	472.08
16584	VERIZON WIRELESS, INC.	223.67
16585	WALMART	4.58
176032	PAYROLL ACCOUNT	37,607.84

Total WATER & SEWER Bills \$ 78,042.85

TRUST ACCOUNT

3663	J. CALDWELL & ASSOCIATES, LLC.	649.00
3664	LADDEY, CLARK & RYAN, LLP	64.00
3665	MCMANIMON, SCOTLAND & BAUMANN, LLC	1,763.00
3666	SLOAN JAMES PPC.	1,125.00
3667	SUSSEX COUNTY MAILING SERVICE	970.86
177121	PAYROLL ACCOUNT	10,125.00

Total TRUST ACCOUNT Bills \$ 14,696.86

FEDERAL/STATE GRANTS

1380	SCREEN CREATION PLUS	1,520.00
171120	PAYROLL ACCOUNT	436.95

Total FEDERAL/STATE GRANTS Bills \$ 1,956.95

RESOLUTION #209-2017*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated:

UTILITY BOARD RECOMMENDS WAIVER OF EXCESS SEWER CHARGES DUE TO A LEAK:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10746	117 MAIN STREET	\$320.46

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.

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

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

INTERMISSION – none

DISCUSSION

a. Food Truck Ordinance

Mr. Russo and the Town Council had a lengthy discussion regarding the pending food truck ordinance.

After some minor adjustments to the draft food truck ordinance, Council agreed to move forward with introducing same at the next Council meeting in November.

b. Taxi and Limo Draft Ordinance Discussion

Mrs. Leo, Esq. and Mrs. Read updated Council on the draft Taxi and Limo Ordinance. Mrs. Leo advised the current Taxi and Limo Ordinance needed updating and this will allow the taxi and limo companies to be on an even playing field with same regulations.

Council addressed concerns with the draft Taxi/Limo Ordinance and asked Legal Counsel and the Town Clerk to review areas of concerns and resubmit to the Town Council.

OPEN TO THE PUBLIC

Mel Dennison, President of GNCC, voiced his concerns with the food trucks as well as taxi/limo licenses.

Ralph Porter, 12 Pine Street, questioned Council regarding the food truck ordinance which was addressed by Mayor Levante.

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

COUNCIL & MANAGER COMMENTS

Mayor Levante congratulated the merchants for the success of the recently held Fall Festival in Newton.

Deputy Mayor Elvidge also commended the merchants on the Fall Festival event.

Mr. Flynn asked about the upcoming Lower Spring Street community event. Mr. Russo noted this event will take place on Thursday, Nov. 2nd from 6:30 pm to 9 pm. There will be music, games, activities, prizes, food and more. Spring Street will be closed from the Theater to O'Reilly's.

Mr. Flynn commended the Facebook page team for their commitment on all the events in and around Newton and would like them to attend a Council meeting for an update on their future game plan.

Mrs. Le Frois noted a deadline for applications for the RPM "Newton Town Centre" project on the corner of Union Place and Spring Street.

Mrs. Le Frois reminded everyone the Newton Fire Department will host their annual Halloween parade on Tuesday, October 31st at 6:00 pm.

Mrs. Le Frois noted the upcoming General Election on Tuesday, November 7th.

Mr. Russo also reminded Council of the upcoming Chamber dinner to be held on Wednesday, October 25th. Mr. Russo and Mayor Levante will be in attendance.

EXECUTIVE SESSION

Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and unanimously carried, Council entered Executive Session at 7:56 pm.

Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and unanimously carried, Council left Executive Session at 9:11pm.

RESOLUTION

RESOLUTION #211-2017

RESOLUTION AUTHORIZING THE TOWN ATTORNEY UNDER THE DIRECTION OF THE TOWN MANAGER TO WORK WITH LEGAL COUNSEL FROM THE NEWTON BOARD OF EDUCATION IN ORDER TO RESEARCH A COMPLAINT AGAINST THE STATE OF NEW JERSEY, ET. AL, FOR FAILURE TO MEET THE REQUIREMENTS OF THE SCHOOL FUNDING REFORM ACT OF 2008

WHEREAS, the School Funding Reform Act of 2008 (SFRA) remains the current law to provide State Aid to public school districts and pursuant to the SFRA, the Newton Public Schools have a deficit in State Aid of \$4,698,817 for 2016-2017 (FY17) alone; and

WHEREAS, in FY17, the Newton Public Schools and 238 other New Jersey school districts received less than 70% of their uncapped SFRA funding; and

WHEREAS, the unfair distribution of State Aid has caused the taxpayers of the Town of Newton to pay \$3,810,772 more than their local fair share of property taxes in FY17; and

WHEREAS, despite exhausting reasonable means to raise local revenue, the funding of the Newton Public Schools remains below adequate, therefore impinging upon the right of students in the Newton Public Schools to the maintenance and support of a thorough and efficient system of free public schools as per New Jersey Constitution, Article VIII, §IV, ¶ 1; and

WHEREAS, the failure to fully fund the SFRA, and to fairly distribute available State Aid to schools, has denied the students of the Newton Public Schools the resources needed for their educational success; and

WHEREAS, the Town of Newton and the Newton Board of Education have previously discussed the underfunding and adopted resolutions seeking full funding of the SFRA; and

WHEREAS, the State of New Jersey, the State Board of Education and others have failed to fully fund the SFRA; and

WHEREAS, the Town Council desires to take further action to require that the SFRA be fully funded;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby authorize the Town Attorney under the direction of the Town Manager to work with Legal Counsel from the Newton Board of Education to research a Complaint against the State of New Jersey and other entities and individuals deemed appropriate, as soon as practically possible

Upon motion of Mr. Flynn, seconded by Deputy Mayor Elvidge, Resolution #211-2017 be approved and roll call resulted as follows:

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

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 9:13 pm.

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Respectfully submitted,

A handwritten signature in black ink that reads "Lorraine A. Read". The signature is written in a cursive style with a large, prominent initial 'L'.

Lorraine A. Read, RMC
Municipal Clerk