

February 26, 2018

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:05 pm. Present were Mr. Flynn, Mrs. Le Frois, Deputy Mayor Elvidge, Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Angelo Bolcato, Esq., Town Attorney was also present. Mrs. Diglio was 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 January 8, 2018."

Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Le Frois, seconded by Mr. Flynn and carried, the minutes for February 8 and 10, 2018 Budget meetings and the February 12, 2018 Regular meeting were approved 4-0.

OPEN TO THE PUBLIC

Prior to the public speaking, Mayor Levante made the following statement: "For the last three days I've had some people email me, harass me regarding a post I put on Facebook, which I am entitled to. It is my personal opinion. I put that the media is playing us, they are pushing an agenda with this tragedy. And I stand by that statement. We've got all media outlets standing firm in a certain agenda, whether it's left or right. It's my opinion that it is too early for this. We have to come together as a society, work together on all parties to see if we can come to some type of solution that will keep our schools safe, keep our society safe and move us forward as a society in a positive manner. My understanding is that some people may have taken my post the wrong way. I understand that some people are annoyed and upset about it but, as I said, I have a right to a personal opinion. I did not claim that anyone was flown in from Hollywood and put on TV. These students were in a tragedy that is heartbreaking for any family. Being an educator, I can feel for these people. So, tonight I would like to not see a political stance or a political stunt or a political debate about this. I think the best forum would be to have partisan leaders throughout the county come together and we have a forum at a later time where we could all share ideas and come together as civil human beings instead of standing firm in the sand on the left and the right, not budging, to reason and ideas that the other party, or other citizens, may have."

At this time, 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 take one turn at the microphone and please limit their comments to 5 minutes. The Clerk will keep time. 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."

Mayor Levante opened the meeting to the public.

Anwar Qarmout, 45 Woodside Ave., registered a complaint with regard to several violations he received from the Zoning Officer for his property located at 20-26 Diller Avenue. Mr. Qarmout outlined the violations and indicated the violations were dismissed in Municipal Court. He believes the violations should go to the tenant/occupant and not the property owner. Mr. Qarmout requested Council create a procedure outlining the process for violations being issued and review of this incident.

Mayor Levante indicated he recalls the process regarding complaints for the Code Enforcement and asked if Zoning had a process and was advised by Mr. Russo that Zoning and Code Enforcement issues provide for various levels of discretion and it varies by the infraction.

COUNCIL & MANAGER REPORTS

a. **Mayor Levante** – noted he and Deputy Mayor Elvidge recently attended a meeting on Liberty Towers. He outlined meeting held with the Executive Director, Dr. Kimberly Iozzi, regarding HUD funding. He noted progress continues with the Spring Street merchants. Discussion tonight will proceed with regard to events on Spring Street.

Councilwoman Le Frois questioned the HUD funding issue at Liberty Towers which was addressed by Mayor Levante.

b. **Deputy Mayor Elvidge** – reiterated the meeting held on Liberty Towers and agreed the Town is working with them to be proactive on this issue.

c. **Councilwoman Le Frois** – welcomed the new restaurant "Pearsons Crawdaddy's", to Newton and wish them well. She attended a seminar last week and learned of a grant available for municipalities supporting projects to enhance communities. She updated on Senate Bill S-1893 passed this week, 28-9, which would establish charitable funds for specific purposes and permitting property tax credits for certain donations. The Town needs to keep this Bill on the radar and watch same.

d. **Councilman Flynn** – congratulated Jessica Caldwell, Town Planner, for her recent purchase of a building on Spring Street. The Zoning Ordinance was recently

amended and allows her to occupy the first floor which will house her business, J. Caldwell and Associates.

- e. **Councilwoman Diglio** – was excused from the meeting.
- f. **Town Manager Russo** – nothing at this time.

ORDINANCES

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

ORDINANCE #2018-2

AN ORDINANCE AMENDING SECTIONS 320-2.C AND 320-33 OF THE CODE OF THE TOWN OF NEWTON, ZONING: FORM-BASED CODE, TO ALLOW TATTOO PARLORS IN CERTAIN DISTRICTS

WHEREAS, the Town of Newton wishes to amend the Code of the Town of Newton to allow Tattoo Parlors in certain commercial retail districts within the Town;

NOW, THEREFORE BE IT ORDAINED, as follows:

Section 1. Newton Town Code Section 320-2.C, Permitted Uses Table- Transect Zones, shall be revised by the addition of a new number 66 under Commercial Retail Services. All entries after the new number 66 shall be renumbered beginning with new number 67, General and professional offices, and so on:

Use		T-1	T-2	T-3	T-4	T-5	T-6
66	Tattoo Parlor	NP	NP	NP	P	P	P

Section 2. Newton Town Code Section 320-2.C, Permitted Uses Table- Special Districts, shall be revised by the addition of a new number 63 under Commercial Retail Services. All entries after the new number 63 shall be renumbered beginning with new number 64, General and professional offices, and so on:

Use		SD-1	SD-2	SD-3	SD-4	SD-5	SD-6	SD-7	SD-8	SD-9
63	Tattoo Parlor	NP	NP	P	NP	NP	NP	NP	NP	P

Section 3. Newton Town Code Section 320-33, "Prohibited Uses", shall be revised by the deletion of sub-paragraph A, Tattoo parlors, and re-lettered as follows:

- A. Sexually oriented businesses...
- B. Pawn shops...
- C. Drug paraphernalia shops...
- D. Drug rehabilitation clinics...
- E. Boarding houses...
- F. Rooming houses...
- G. Junkyards...
- H. Self-storage facilities...
- I. Outdoor furnaces...

Section 4. 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 5. 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 6. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Levante opened the hearing to the public.

Anwar Qarmout, 45 Woodside Avenue, supports this Ordinance and feels all businesses are welcome in order to avoid vacancies in the business district. He stated that "tattoo parlors are not what they use to be" and feels this Ordinance supports the business district.

There being no one else 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 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	Absent
	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 #2018-3

AN ORDINANCE TO EXCEED THE 2018 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$93,281.52 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$93,281.52, and that the CY 2018 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RECORDED VOTE:

AYES:	(Elvidge	NAYES:	(
	(Flynn		(
	(Le Frois		(
	(Levante		(
	((
ABSTAIN:	(
ABSENT:	(Diglio		

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 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	Absent
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 #2018-4

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON, SECTION 100-12, REGARDING ALCOHOLIC BEVERAGE CONTROL LICENSE FEES; SECTION 100-21.A, REGARDING PROPERTY MAINTENANCE CODE FEES; SECTION 41.10.A, REGARDING VACANT PROPERTY REGISTRATION REQUIREMENTS; AND SECTION 41.11.A, REGARDING VACANT PROPERTY INSPECTIONS

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
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, March 12, 2018.

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

Richard Valenti, Esq. updated the Council on the proposed Ordinance 2018-5 and asked Council to open the meeting to the public, due to the State Statute requirement.

Mayor Levante opened the meeting to the public on **Ordinance 2018-5**.

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.

ORDINANCE #2018-5

AN ORDINANCE OF THE TOWN OF NEWTON GRANTING MUNICIPAL CONSENT TO PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS TO CONSTRUCT, MAINTAIN AND OPERATE GAS LINES FOR THE DISTRIBUTION OF NATURAL AND MIXED GAS

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
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 and the same to be held on Monday, March 12, 2018, with hearing from the public.

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

ORDINANCE #2018-6

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$700,000 FOR THE CONSTRUCTION OF NEW FIREHOUSE #2 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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The aforementioned **ORDINANCE** 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	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, March 12, 2018.

OLD BUSINESS

a. Spring Street Parking Analysis – No Update

No update at this time.

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 #64-2018 was added to the Consent Agenda. Mr. Flynn requested Resolution #69-2018 be removed for separate discussion.

RESOLUTION #50-2018*

APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Town of Newton wishes to apply for funding in the amount of \$25,811 with a match of \$75,025.58 by the Town for an approximate project total cost of \$100,836.58 for a project under the New Jersey Safe and Secure Communities Program (Grant # P-7002-17) for the project duration of March 14, 2018 to March 13, 2019; and

WHEREAS, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that:

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and

4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

BE IT FURTHER RESOLVED, that the Town Manager of the Town of Newton is hereby authorized to accept and execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. 18-1915.

CERTIFICATION OF RECORDING OFFICER

This is to certify that the foregoing Resolution is a true and correct copy of a resolution which was duly and regularly introduced and finally adopted at the meeting of the Town of Newton held on the 26th day of February, 2018 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and what I am duly authorized to execute this certificate.

SEAL

	Municipal Clerk, RMC
Signature of Certifying Officer	Title
Lorraine A. Read	
Name of Certifying Officer	

RESOLUTION #51-2018*

RESOLUTION RECOGNIZING TOWN EVENTS AND TOWN ENDORSED EVENTS

WHEREAS, the Town of Newton sponsors certain events throughout the year and endorses other privately held events for which it lends specified assistance; and

WHEREAS, the Town Council of the Town of Newton has adopted a policy whereby it will recognize Town and Town endorsed events by Resolution to be considered on an annual basis.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that there shall be two categories of events run or endorsed by the Town:

Town Events – Events that are run by the Town.

Town Endorsed Events – Privately held events the Town will provide specified assistance to (some of which will be free, other which will include escrow or other fee payment).

BE IT FURTHER RESOLVED that the Town events and Town endorsed events for the year 2018 shall be as follows:

Town Events	Town Endorsed Events
Easter Egg Hunt	Saint Patrick’s Day Parade
Events at Newton Town Pool	May the 4 th Be With You
Halloween Parade	Memorial Day Parade
Ladies’ Night Out	Newton Day/Fireworks
Movie Nights @ Memory Park	Taste of Newton
Bacon, Brews & Blues Festival	Fall Festival
Miss Newton Contest	Holiday Parade/Wizards Event
Farmers Market	Sidewalk Sales
Town-wide Garage Sale	
Neighbors Helping Neighbors	
Annual Christmas Tree Lighting	
Newton Recreation Department Events	
Newton Recreation Commission Events	

BE IT FURTHER RESOLVED that Town Endorsed Events must meet the following criteria:

1. The event must be sponsored by a private non-profit organization located within the Town of Newton or County of Sussex.
2. The event must be open to all Town residents, whether free or by fee.
3. Each organization shall be limited to one or two events per calendar year.
4. The Greater Newton Chamber of Commerce (GNCC), due to its importance and special relationship with the Town of Newton for many decades, shall be limited to six (6) outdoor events per calendar year.
5. Organizations utilizing Town-owned facilities, parks or roadways must be in compliance with all applicable resolutions and ordinances of the Town of Newton, including, but not limited to, Chapter 307 regarding parking and traffic and Chapter 115 concerning fire prevention; and the event shall not interfere with or obstruct contiguous traffic, access to residences or businesses, or the movement of firefighting, first aid or other safety vehicles.
6. Each organization is required to inform the Newton Town Manager's Office in writing the date of an event at least sixty (60) days prior to the event. The written notice must also include their request of the Newton DPW and/or the Newton Police.
7. The Newton Town Manager shall review all DPW and/or Police requests and determine the amount of escrow funds necessary to be provided by the sponsoring organization to the Town of Newton. Escrow funds must be provided by the sponsoring organization to the Town of Newton twenty-one (21) calendar days prior to the date of the scheduled event. Any funds not utilized for the event shall be returned after the event within thirty (30) days by the Town of Newton Finance Department to the sponsoring organization.
8. Each organization shall be responsible for providing honest and thorough answers to the "Town of Newton Event Checklist Application" which will be available at the Community Development Office in the Town of Newton. The Community Development Director and Town Manager shall both be required to be signatories on a final event checklist application which must be completed no later than seven (7) calendar days prior to the event. The Town will not charge a fee for the review of said Event Checklist Application.
9. Town Endorsed Events may include but not be limited to the following: shows, carnivals, circuses, festivals, fairs, flea markets, outdoor plays, dances, concerts or theatrical events, parades, sporting events not sponsored by the Town of Newton or Town of Newton recognized league; any event requiring temporary or permanent closure of any Town streets or sidewalks or impacting the public health, safety and welfare of the Town or its residents; excludes funerals, memorials, graduations or Town-sponsored functions.

RESOLUTION #52-2018*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(E)

WHEREAS, the Town of Newton, in the County of Sussex, New Jersey (the "Town") desires to make application to the Local Finance Board for its approval of a non-conforming maturity schedule in connection with a loan from the United States Department of Agriculture and Rural Development pursuant to the provisions of N.J.S.A. 40A:2-26(e); and

WHEREAS, the Town believes:

- (a) it is in the public interest to accomplish such purpose; and
- (b) the purpose or improvements are for the health, the welfare, the convenience or the betterment of the inhabitants of the Town; and
- (c) the amounts to be expended for the purpose or improvements are not unreasonable or exorbitant; and

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- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town;

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

Section 1. The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel and Auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Clerk of the Town is hereby directed to prepare and file a copy of the resolution authorizing the Bonds with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote:

AYE: Elvidge; Flynn; Le Frois; Levante

NO:

ABSTAIN:

ABSENT: Diglio

RESOLUTION #53-2018*

**AMEND AGREEMENT WITH JOHN J. SCHERI, PE, BCEE, ENV, SP, OF MOTT MACDONALD, LLC.,
SEWER ENGINEER FOR 2017**

WHEREAS, the Town of Newton requires the services of a qualified Sewer Engineer for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A. 19:44A-20; and

WHEREAS, the Town Council appointed John J. Scheri, PE, BCEE, ENV, SP, of Mott MacDonald, LLC., as Sewer Engineer for calendar year 2017 by the adoption of Resolution #259-2017 at their meeting on December 28, 2016; and

WHEREAS, said contract stipulated the amount expended during the term of the contract is not expected to exceed \$25,000.00; and

WHEREAS, by way of Resolution #185-2017, adopted on September 13, 2017, the contract amount for 2017 was increased to a new amount not to exceed \$40,000.00; and

WHEREAS, due to circumstances beyond the Town's control the costs of sewer engineering services exceed the \$40,000.00 allocated for the year 2017; and

WHEREAS, both parties have agreed to increase the amount of the original contract by \$7,000.00 to a new amount not to exceed \$47,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the additional amount of \$7,000.00 are available in the 2017 Water Sewer Utility Budget – Other Expenses, Consultant Services, #6051216A;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the \$7,000.00 increase for the professional services agreement with Mott MacDonald related to the sewer engineering consulting services for the year 2017 for an amount not to exceed \$47,000.00; and

BE IT FURTHER RESOLVED, that a fully executed copy of said amended agreement be provided to John J. Scheri, PE, BCEE, ENV, SP, of Mott MacDonald, LLC., and filed in the Office of the Municipal Clerk.

RESOLUTION #54-2018*

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF A GENERAL OBLIGATION BOND OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY IN AN AMOUNT NOT TO EXCEED \$839,000 AND PROVIDING FOR THE SALE OF SUCH BOND TO THE UNITED STATES OF AMERICA

BE IT RESOLVED, by the Town Council of the Town of Newton (not less than two-thirds of the full membership thereof concurring) as follows:

Section 1. Of the \$1,450,000 General Obligation Bonds authorized by the Town of Newton, in the County of Sussex, New Jersey (the "Town"), referred to and described in Bond Ordinance #2013-19 finally adopted by the Town Council on June 10, 2013 and entitled, "Bond Ordinance Providing for the Construction of a 20" HDPE Water Transmission Main across Fox Hollow Lake in and by the Town of Newton, in the County of Sussex, New Jersey, Appropriating \$839,000 Therefor and Authorizing the Issuance of \$839,000 Bonds or Notes of the Town for Financing the Cost Thereof," as supplemented by Bond Ordinance #2014-5 finally adopted by the Town Council on April 14, 2014 and entitled, "Bond Ordinance Providing a Supplemental Appropriation of \$300,000 for the Construction of a 20" HDPE Water Transmission Main Across Fox Hollow Lake in and by the Town of Newton, in the County of Sussex, New Jersey and Authorizing the Issuance of \$300,000 Bonds or Notes of the Town to Finance the Cost Thereof" and as further supplemented by Bond Ordinance #2017-14 finally adopted by the Town Council on August 14, 2017 and entitled, "Bond Ordinance Providing a Supplemental Appropriation of \$250,000 for the Construction of a 20" HDPE Water Transmission Main Across Fox Hollow Lake in and by the Town of Newton, in the County of Sussex, New Jersey and Authorizing the Issuance of \$250,000 Bonds or Notes of the Town to Finance the Cost Thereof," a General Obligation Bond shall be sold to the United States of America on the following terms:

- Designation: General Obligation Bond,
- Date: A date (the "Closing Date") to be selected by the Chief Financial Officer of the Town and the United States of America,
- Interest Rate: Not to exceed three and twenty-five hundredths per centum (3.25%) per annum payable semiannually,
- Par Amount: To be established with USDARD in an amount not to exceed \$839,000 as set forth herein.
- Principal and Interest Payments: An amount payable semiannually in relatively level amounts calculated at a rate not to exceed 3.25% per annum as determined by USDARD beginning the day of the month six months after the month the Bond is dated and terminating if not sooner paid, in the 40th year on the day and the month on which the Bond is dated except that the eightieth payment will be in an amount equal to the unpaid principal plus accrued interest thereon on the day and the month on which the Bond is dated.
- Place of Payment: Office of the United States Department of Agriculture Rural Development, Mount Laurel, New Jersey.

Section 2. There shall be issued one Bond in the amount not to exceed \$839,000 or such additional bonds as may be required and the details concerning the payment of principal and interest on such Bond shall be specified in the form of the Bond, which shall be in substantially the following form with such changes as are necessary to evidence the par amount of the Bond and as USDARD may reasonably require, the exact amount of the loan depending on the evidence of the project payments provided to and confirmed by USDARD:

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No. 2018-R1

\$839,000

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF SUSSEX

TOWN OF NEWTON

GENERAL OBLIGATION BOND

TOWN OF NEWTON (the "Town"), a municipal corporation of the State of New Jersey, situate in the County of Sussex, hereby acknowledges itself indebted and for value received promises to pay to the United States of America, or its registered assigns, the principal sum of Eight Hundred Thirty-Nine Thousand Dollars (\$839,000) plus interest on the unpaid principal sum from the date of this Bond until it matures, unless sooner paid as herein provided, at the rate of _____ per centum (___%) per annum. Such principal and interest shall be paid semiannually in the amount of \$_____ on the ____ day of each _____ and _____, commencing _____, 2018 and terminating on _____, 20__ (except that the eightieth payment shall be in the amount equal to the unpaid principal plus accrued interest thereon), unless the principal amount of the Bond is sooner paid as provided herein.

Payments made on the indebtedness evidenced by this instrument, regardless of when made, shall be applied first to interest due through the date of payment and next to principal.

This Bond shall be subject to redemption without penalty at any time prior to maturity at the option of the Town by the payment of all of the unpaid principal then due plus interest due to the date of redemption.

Upon the surrender of this Bond and the written request of the registered holder thereof satisfactory to the Town, this Bond will be transferred to a new registered owner. No transfer of this bond shall be valid unless recorded on books of the Town kept for this purpose in the office of its Chief Financial Officer and noted on the back of this Bond.

This Bond is issued pursuant to the Local Bond Law of the State of New Jersey, bond ordinance #2013-19 of the Town finally adopted June 10, 2013, as supplemented by bond ordinance #2014-5 of the Town finally adopted April 14, 2014 and bond ordinance #2017-14 of the Town finally adopted August 14, 2017, authorizing obligations in the aggregate principal amount of \$1,450,000, and a resolution of its governing body adopted February 26, 2018.

The full faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that this bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by such Constitution or statutes.

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IN WITNESS WHEREOF, the TOWN OF NEWTON has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by its Town Clerk and this Bond to be dated the ____ day of _____, 2018.

[SEAL]

TOWN OF NEWTON

ATTEST:

By: _____
Wayne F. Levante, Mayor

Lorraine A. Read, RMC
Municipal Clerk

By: _____
Dawn L. Babcock
Chief Financial Officer

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby assigns to

(Please Print or Type Name and Address of Assignee)

the within Bond and irrevocably appoints _____, as Attorney, to transfer this Bond on the registration books of the Town, with full power of substitution and revocation.

NOTE: The signature of this assignment must correspond with the name as it appears on the face of the within note in every particular.

Dated: _____

Signature Guarantee:

TRANSFER CERTIFICATE

It is hereby certified that upon the request of the registered owner the within Bond is transferred to and registered as to principal and interest as follows:

<u>Date and Transfer</u>	<u>Name of New</u>	
<u>and Registry</u>	<u>Registered Owner</u>	<u>Registered By</u>

February 26, 2018

Section 3. The Bond shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal, affixed and attested by the Town Clerk. Such officials are authorized to execute such replacement bonds in registered or coupon form as may be necessary from time to time and are authorized to execute all certificates, agreements and other documents required by the United States of America in connection with such Bond.

Section 4. All other details or requirements of the Local Bond Law of New Jersey, including any changes in the terms of the Bond otherwise set forth herein, shall be determined by the Chief Financial Officer of the Town.

Section 5. This resolution shall take effect immediately.

AYES:

NAYES:

RESOLUTION #55-2018*

APPROVING REVISED TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

WHEREAS, the Town of Newton has adopted a Personnel Policies and Procedures Manual and Employee Handbook ("Handbook"), which applies to all Town officials, appointees, employees, volunteers and independent contractors, providing guidelines covering public service by Town employees, and is not a contract; and

WHEREAS, the Town of Newton has completed a review of the Handbook and has determined that certain portions of the Handbook are in need of revision; and

WHEREAS, amendments and supplements to the Handbook become effective via resolution of the Town Council, per Ordinance 2013-34;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Handbook is hereby amended, as set forth in the copy of the Handbook dated February 2018 which is on file in the Municipal Clerk's Office.

RESOLUTION #56-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR MAILFINANCE, INC.

WHEREAS, the Town of Newton has a need to operate automated postage machinery for its daily operations for the Town of Newton through MailFinance, Inc., P.O. Box 123682, Dallas, TX 75312-3682, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Town of Newton's Qualified Purchasing Agent, Sean Canning, Q.P.A., of the Canning Group, Inc., 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 2018 year (s); and

WHEREAS, MailFinance, Inc., is anticipated during the 2018 budget year to provide services which will exceed in the aggregate Pay-to-Play threshold of \$17,500.00; and

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

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WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 budget, funds NOT TO EXCEED \$20,500.00 will be encumbered as follows:

2018 Current Budget – Clerk OE – Postage	#1051251	\$13,300
2018 Current Budget – Bldg & Grnds OE – Contractual	#1061217	\$ 2,200
2018 Water Sewer Utility Budget – Adm&Fin OE -Postage	#6051251	\$ 5,000

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with MailFinance, Inc., P.O. Box 123682, Dallas, TX 75312-3682 not to exceed \$20,500.00 for the 2018 calendar year; and

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

RESOLUTION #57-2018*

REJECTION OF WATER METER SUPPLY BID #1-2018

WHEREAS, the Town received bids on January 10, 2018 at 11:30am, for Bid #1-2018 to wit; Water Meter Supply Services; and

WHEREAS, the Town duly advertised for bids and bids were opened on January 10, 2018 where the lowest apparent bidder, Core & Main, LP of Edison, New Jersey provided for a response that represented to be equal to or better than the specifications standard as solicited in the public bid; and

WHEREAS, the Town of Newton's Qualified Purchasing Agent, Sean P. Canning of the Canning Group, LLC forwarded the bid response of Core & Main, LP to the Town of Newton's Water Engineer, David B. Simmons, Jr., of Harold Pellow and Associates, for determination of responsiveness to the written bid specifications; and

WHEREAS, the professional determination of the Town of Newton's Water Engineer was that Core & Main's bid submittal was not to the level of responsiveness to the bid specification and did not attain the level of equal to or better than the standard as solicited in the public bid; and

WHEREAS, the New Jersey Local Publics Contract Law, 40A:11-13.2(e), allows for rejection of bids in such circumstances as being unresponsive to the bid specifications; N.J.S.A. 40A:11-1 et. Seq.;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, New Jersey that the recommendation of the Water Engineer and Qualified Purchasing Agent is hereby accepted, the bid provided under Bid #1-2018 by Core & Main of Edison, New Jersey is hereby rejected.

RESOLUTION #58-2018*

APPROVAL OF SCHMIDT'S WHOLESALE, INC., WATER METER SUPPLY FOR BID #1-2018

WHEREAS, there is a need for water meter supply in the Town of Newton; and

WHEREAS, the Town of Newton received bids for Water Meter Supply under Bid #1-2018 duly advertised and received in a public manner on January 10, 2018 at 11:30am; and

WHEREAS, Schmidt's Wholesale, Inc., of Monticello, N.Y. has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

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WHEREAS, the Town of Newton's Qualified Purchasing Agent, Sean P. Canning of the Canning Group, LLC has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. seq.;

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2018 and 2019 Water/Sewer Utility Budget, the Chief Financial Officer will certify funds NOT TO EXCEED \$42,000.00 annually, pursuant to NJAC 5:30-5.5 (b) Open-end contract (2) through the budgetary accounting encumbrance process set forth in NJAC 5:30-5.3 and 5.4. Funds are expected to be charged as follows:

2018 Water Sewer Utility Budget

Capital Outlay #6089296, Meter Repair/Maint #6066243,

Water Distribution-Main/Replace/Maint #6065238

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

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

Schmidt's Wholesale is authorized to enter into a two (2) year contract from the date of this authorization to provide for water meter supply services in accordance with the auspices as contractually set forth within Bid #1-2018.

RESOLUTION #59-2018*

RESOLUTION CONDITIONALLY AWARDING BID TO ZITONE CONSTRUCTION & SUPPLY CO., INC., FOR FIREHOUSE #2 RENOVATIONS

WHEREAS, the Town of Newton publicly accepted bids for the Firehouse #2 Renovations Project on February 15, 2018 at 2:00 p.m. as follows:

<u>Name and Address of Bidder</u>	<u>Base Bid</u>	<u>Total with Alternates</u>
Zitone Construction & Supply Co., Inc. P.O. Box 1829 Montague, NJ 07827	\$1,980,000	\$1,988,600
Walkill Group, Inc. P.O. Box 213 McAfee, NJ	\$2,025,000	\$2,048,000
TomCo Construction, Inc. 22 Howard Blvd., Suite 204 Mt. Arlington, NJ 07856	\$1,989,000	\$1,999,000
M&M Construction 540 North Avenue Union, NJ 07083	\$2,273,000	\$2,286,500
Benard Associates, Inc. 321 Hamburg Turnpike Wayne, NJ 07470	\$2,298,000	\$2,314,000
Bismark Construction Corp. 207-209 Berkley Avenue Newark, NJ 07107	\$2,221,000	\$2,233,500
SLS Construction P.O. Box 1626 Clifton, NJ 07015	\$2,369,000	\$2,403,000

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UniMak, LLC 82 Midland Avenue Saddle Brook, NJ 07663	\$2,042,000	\$2,067,000
------------------------------------------------------------	-------------	-------------

DASKAL, LLC 164 Lincoln Place, Fl 2 Garfield, NJ 07026	\$2,131,000	\$2,181,500
--------------------------------------------------------------	-------------	-------------

WHEREAS, based on their review of the bid documents the Town’s Consultant, Feitlowitz & Kosten Architects, the Town Attorney and Qualified Purchasing Agent recommend conditionally awarding the Firehouse #2 Renovation Project in the amount of \$1,988,600, for the base bid with alternates #1 and #2 to Zitone Construction & Supply Co., Inc.; and

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

WHEREAS, this contract award is conditioned upon the Town encumbering and budgeting funding for 100% of the project cost and the Town’s Chief Financial Officer providing a certification of available funds. In order to fund the project the Town of Newton will be introducing a bond ordinance in order to encumber the additional funds required for the project. Upon the bond ordinance becoming effective the Chief Financial Officer will provide a certification of available funds in the amount of \$1,988,600;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the contract for Firehouse #2 renovation project is conditionally awarded to Zitone Construction & Supply Co., Inc. in the amount of \$1,988,600. This contract award is specifically conditioned upon the Town taking all steps required to encumber the requisite funds to pay for the contract and in the event funding is not encumbered or approved for any reason by May 31, 2018, this Resolution and the contract shall be void and of no effect. A copy of this Resolution and the proposed Contract, containing the funding condition is to be forwarded to Zitone Construction & Supply Co., Inc. for execution.

RESOLUTION #60-2018*

AUTHORIZE AGREEMENT WITH PASSAIC VALLEY SEWERAGE COMMISSION FOR DISPOSAL OF MUNICIPAL SLUDGE

WHEREAS, the Town of Newton is required to dispose of sludge from its Waste Water Treatment Plant; and

WHEREAS, the Town of Newton has utilized the Passaic Valley Sewerage Commission (PVSC) for disposal of the Town of Newton’s sludge pursuant to written 2001 contract since 2001; and

WHEREAS, PVSC has proposed a new written agreement to the Town of Newton for the disposal of sludge, the terms of which agreement include, but are not limited to a term of five years and a basic cost of \$42.00 per 1,000 gallons; and

WHEREAS, the Town of Newton, through its qualified purchasing agent, has investigated all available and economically feasible opportunities for the proper disposal of sludge from the Town of Newton and has concluded that the PVSC is the most economical and comprehensive service available to the Town of Newton; and advised the Town accordingly; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2018, 2019, 2020, 2021, and 2022 Water Sewer Utility Budgets, the Chief Financial Officer has certified funds are available as follows:

W/S Utility – Sewer Plant, OE –Digester Operation #6077221	@\$42.00	per	thousand
gallons			
			Estimate \$82,000

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NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, that it hereby authorizes the Mayor, Town Manager, and Municipal Clerk to execute an agreement with Passaic Valley Sewerage Commission for a five year contract for the disposal of sludge in a form substantially similar to that set forth in Schedule A. attached; and

BE IT FURTHER RESOLVED that a certified copy of the resolution accompany the agreement with the Passaic Valley Sewerage Commission.

RESOLUTION #61-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR ACCESS CONTROL TECHNOLOGIES

WHEREAS, the Town of Newton has a need to maintain and upgrade access and security systems through Access Control Technologies, 429 Getty Avenue, Clifton, N.J. 07011, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Town of 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 2018 year (s); and

WHEREAS, Access Control Technologies Inc., has submitted a proposal October 23, 2017 indicating they will provide the services for \$19,210.00, in addition to support per hour rates outside of scope of proposal exceeding in aggregate the pay-to-play threshold of \$17,500.00; and

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

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 budget, funds NOT TO EXCEED \$21,000.00 will be encumbered as follows:

2018 Cencom OE - Contractual #1074317

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Access Control Technologies 429 Getty Avenue, Clifton, N.J. 07011, not to exceed \$21,000.00 for the 2018 calendar year; and

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

RESOLUTION #62-2018*

RESCIND 2017 APPROPRIATION RESERVE TRANSFER

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2017 appropriation reserve transfer requested per Resolution #48 -2018 on February 12, 2018 was

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not made and is hereby rescinded. Pursuant to N.J.S.A. 40A:4-45.38 there is a Limitation on Transfer of Funds from outside the CAP line items to inside the CAP line items.

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Rescind the below 2/12/18 Appropriation Reserve Transfer:		
Stormwater OE 1082226A	Vehicle Maint. OE 1083300A	\$3,000.00

RESOLUTION #63-2018*

AMENDMENT TO 2018 TEMPORARY OPERATING BUDGET

WHEREAS, the Town Council of the Town of Newton adopted the 2018 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #1-2018 dated January 8, 2018; and

WHEREAS, N.J.S.A. 40A:4-20 provides the Governing Body, by resolution, adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget and that a copy of this resolution be filed with the Director of Local Government Services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2018 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON
2018 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Occupational Health OE	1085200	2,000
PERS	1098296	235,644
PFRS	1098297	<u>610,653</u>
Total Current Temp Amendment		\$848,297
Pub&Priv Revenue & Offset Appropriation:		
Police Safety Outerware Grant	1094873	4,567.93

CURRENT

\$12,535,000
 2,168,430
187,000
 \$10,179,570
 x 1/12
 \$848,297

2017 TOWN OF NEWTON BUDGET

Total 2017 General Appropriations
 Less: Debt Service
 Capital Improvements
 Total Amount to calculate upon
 Allowable 2018 Temporary Budget Amendment

RESOLUTION #64-2018*

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2017 NEWTON FIRST AID SQUAD
LOSAP PARTICIPANTS**

WHEREAS, the Town Council of the Town of Newton adopted the 2018 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #1-2018 dated January 8, 2018; and

WHEREAS, N.J.S.A. 40A:4-20 provides the Governing Body, by resolution, adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an

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amount not to exceed one-twelfth (1/12) of the preceding year's Budget and that a copy of this resolution be filed with the Director of Local Government Services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2018 Temporary Operating Budget be hereby amended as follows:

TOWN OF NEWTON - LOSAP EMS 2/12/18

Last	First	MI	2017
BROOKS	SABRINA		115.00
CARD	JEAN		575.00
CICCIA	APRIL		1,150.00
CHAVARRIA	JOSEPH		862.50
CORLEY	DEBORAH		1,150.00
COUCE	JOHN PAUL		1,150.00
COUCE	JOSHUA		287.50
COUCE	JONATHAN	P	575.00
DIGLIO	SANDRA	L	1,150.00
HENNIGGAN	LAUREN		1,150.00
HRUSKA	LUCAS		862.50
HUGHES	ALEX		115.00
MURESAN	ROBERTA		115.00
NANNERY	NICK		1,150.00
NANNERY	WILLIAM		1,150.00
POSEY	BRANDON	W	1,150.00
POSEY	GARY		1,150.00
PRICE	JOSHUA	R	1,150.00
RAZZANO	ANTHONY		115.00
SAPUNARICH	SEANA		575.00
SURIANO	DAVID		115.00
TENIS	WAYNE	P	1,150.00
URENA	JOSEPH		115.00
WILSON	KYLE		1,150.00
			18,227.50

RESOLUTION #65-2018*

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 2017 and 2018 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

TOWN BILLS

39560	ADVANCE AUTO PARTS	37.98
39561	AIRMARK POOLS, INC.	1,129.94
39562	ANN ROSELLEN	250.00
39563	APMM	270.00
39564	ARF RENTAL SERVICES, INC.	95.76
39565	ATLANTIC TACTICAL INC.	247.44
39566	BRAEN STONE SPARTA	473.47
39567	CENTURYLINK COMMUNICATIONS, INC.	261.96
39568	CENTURYLINK COMMUNICATIONS, INC.	3,621.63
39569	CHELBUS CLEANING CO., INC.	2,511.35
39570	DOMINICK'S PIZZA LLC	52.10
39571	E-Z FACILITY, INC.	200.00
39572	EMERGENCY MANAGER PROJECT, LLC.	500.00
39573	GALLS, LLC	42.19
39574	GAVAN, GLENN	1,750.00
39575	GRUBER, COLABELLA & LIUZZA	1,233.42
39576	HARTER EQUIPMENT INC.	123.00
39577	HAYDEE BALLESTER	165.00
39578	HOME DEPOT, INC.	37.55
39579	J. CALDWELL & ASSOCIATES, LLC.	708.00
39580	JCP&L	12,635.72
39581	JMC ENVIRONMENTAL CONSULTANTS, INC.	157.50
39582	KALAHARI RESORTS LLC	316.10
39583	KKPR MARKETING & PUBLIC RELATIONS,	675.00
39584	KLIPPEL, JO ANN	125.00
39585	LADDEY, CLARK & RYAN, LLP	9,505.43
39586	LOCK & KEY WORLD	1,330.00
39587	MINISINK PRESS INC	60.00
39588	284 AGGREGATES, LLC.	587.80
39589	284 AGGREGATES, LLC.	1,576.42
39590	MUNICIPAL GRAPHICS INC	624.32
39591	NEW JERSEY HERALD, INC.	44.70
39592	NJAPZA	100.00
39593	NJSACOP	275.00
39594	ELIZABETHTOWN GAS	7,114.94
39595	PETRO-MECHANICS, INC.	160.00
39596	PINNACLE WIRELESS FBO UNITEK GLOBAL	3,864.00
39597	QUILL CORPORATION	676.30
39598	READY REFRESH BY NESTLE	93.57
39599	REISINGER OXYGEN SERVICE, INC.	47.18
39600	SERVICE ELECTRIC CABLE TV, INC.	90.93
39601	SHOP RITE, INC.	23.46
39602	SLOAN, JAMES P.	3,214.17
39603	SOME'S WORLD WIDE UNIFORMS, INC.	145.00
39604	STAPLES BUSINESS ADVANTAGE, INC.	152.00
39605	SUSSEX & WARREN TAX COLL	78.00
39606	SUSSEX CAR WASH INC	238.00
39607	SUSSEX EXTERMINATING CO., INC.	110.00
39608	T.A. MOUNTFORD COMPANY, INC.	1,319.00
39609	TERESA ANN OSWIN	335.72
39610	TIMMERMAN COMPANY, INC.	474.51
39611	TOYOTA/SUBARU/SCION OF MORRISTOWN I	235.07

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39612	TREASURER, STATE OF NEW JERSEY	3,365.00
39613	TRI-STATE RENTALS, INC.	148.85
39614	TRIMBOLI & PRUSINOWSKI, LLC.	2,445.00
39615	UNITED TELEPHONE/CENTURY LINK	257.92
39616	VERIZON WIRELESS, INC.	1,711.72
39617	VISION SERVICE PLAN	1,885.90
39618	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	2,725.00
39619	W.B. MASON, INC.	426.37
39620	WALMART	125.33
39621	WEIS MARKETS, INC.	279.96
39622	WITMER PUBLIC SAFETY GROUP, INC.	818.00
181015	CAPITAL ACCOUNT	35,000.00
181014	NEWTON BOARD OF EDUCATION	1,054,849.00
181013	PAYROLL ACCOUNT	199,917.09
181012	JP MORGAN CHASE BANK	50,823.75

CAPITAL

8693	DENVILLE LINE PAINTING, INC.	20.83
8694	MOTT MACDONALD	194.76
8695	TILCON NEW YORK, INC.	519.50
8696	YOUR WAY CONSTRUCTION, INC.	453.01

Total TOWN BILLS \$1,416,062.62

WATER AND SEWER ACCOUNT

16764	ELIZABETHTOWN GAS	3,318.62
16765	PELLOW, HAROLD & ASSO, INC.	552.50
16766	PUMPING SERVICES, INC.	8,272.50
16767	STAPLES BUSINESS ADVANTAGE, INC.	19.54
16768	TOYOTA MOTOR CREDIT CORP.	472.08
16769	UNITED STATES PLASTIC CORP	159.44
16770	VERIZON WIRELESS, INC.	223.91
186006	PAYROLL ACCOUNT	34,900.25

CAPITAL

2473	MOTT MACDONALD	6,380.50
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Total WATER & SEWER Bills \$ 91,862.37

TRUST ACCOUNT

3698	J. CALDWELL & ASSOCIATES, LLC.	5,841.00
3699	MOTT MACDONALD	2,242.69
3700	PELLOW, HAROLD & ASSO, INC.	32.50
3701	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC	330.00
187104	PAYROLL ACCOUNT	4,252.50

Total TRUST ACCOUNT Bills \$ 12,698.69

DEVELOPERS ESCROW (FUND 72) ACCOUNT

1296	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC	495.00
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Total DEVELOPERS ESCROW (FUND 72) Bills \$ 495.00

HOUSING TRUST FUND(COAH)

162	LADDEY, CLARK & RYAN, LLP	320.00
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Total HOUSING TRUST (COAH) Bills \$ 320.00

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RESOLUTION #66-2018*

TOWN OF NEWTON TEMPORARY CAPITAL BUDGET AMENDMENT

TOWN OF NEWTON TEMPORARY CAPITAL BUDGET AMENDMENT							
RESOLUTION # 66-2018							
Whereas, the local capital budget for the year 2018 has not been introduced, however the Town is using \$35,000 of Capital Improvement Funding from the Temporary 2018 Current Budget as a source of the required 5% down payment; and							
Whereas, it is desired to adopt a temporary capital budget which amends the adopted capital budget section of a prior year:							
Now, Therefore Be It Resolved, by a majority of the full membership of the Governing Body of the Town of Newton, County of Sussex, New Jersey, that the following capital budget amendment of 2018 be made:							
RECORDED VOTE:	AYES	(NAYS	(
		((
	(Insert last name)	((
		((
ABSTAIN		((
ABSENT		((
				Funding as Amended			
Project Title	Project Number	Cost Estimate as Adopted	Cost Estimate as Amended	Capital Improvement Fund	Prior Year Reserves	Grants in Aid	Debt Authorized
General Capital							
Construction of New Firehouse #2	#2018-1	\$700,000.00		\$35,000.00			\$665,000.00
Total - All Projects		\$700,000.00		\$35,000.00			\$665,000.00
Be It Further Resolved, that one certified copy 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 filed with the Chief Financial Officer.							
It is hereby certified that this is a true copy of a resolution adopted by the Governing Body on the 26th day of February 2018.							
Date		Lorraine A. Read, RMC Municipal Clerk					

RESOLUTION #67-2018*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 22.01, LOT 23, ALSO KNOWN AS 64 SUSSEX STREET

WHEREAS, at the Municipal Tax Sale, held on October 29, 2015, a lien was sold on Block 22.01, Lot 23, also known as 64 Sussex Street for 2014 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2015-015 was sold to MTAG as Cust/Alterna Funding II, LLC for an 18% redemption fee; and

WHEREAS, the owner, Gary and Tracy Drake, have effected the redemption of Certificate #2015-015 in the amount of \$17,809.64;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges MTAG as Cust/Alterna Funding II, LLC is entitled to a redemption in the amount of \$17,809.64; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton approves and acknowledges the Tax Collector will issue a check in the amount of \$17,809.64 for the redemption of Certificate #2015-015 to MTAG as Cust/Alterna Funding II, LLC, New Orleans, LA.

RESOLUTION #68-2018*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 18.02, LOT 7, ALSO KNOWN AS 36 DILLER AVE.

WHEREAS, at the Municipal Tax Sale, held on October 20, 2017, a lien was sold on Block 18.02, Lot 7, also known as 36 Diller Avenue for 2016 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2017-007 was sold to US BANK CUST PC 7 FIRSTRUST BANK for an 0% redemption fee and a \$1,000.00 premium; and

WHEREAS, on behalf of the owners, Ocwen Financial Corp. has effected the redemption of Certificate #2017-007 in the amount of \$513.80;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges US BANK CUST PC 7 FIRSTRUST BANK is entitled to a redemption in the amount of \$513.80 as well as the return of the premium in the amount of \$1,000.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton approves and acknowledges the Tax Collector will issue a check in the amount of \$513.80 for the redemption and a check in the amount of \$1,000.00 for the return of the premium for Certificate #2017-007 to US BANK CUST PC 7 FIRSTRUST BANK, Philadelphia, PA.

A motion was made by Mr. Flynn to approve, the revised **COMBINED ACTION RESOLUTIONS**, adding Resolution #64-2018 and removing Resolution #69-2018, seconded by Mrs. Le Frois roll call resulted as follows:

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

Councilman Flynn addressed questions of Resolution #69-2018 which were addressed by Mr. Russo. Councilman Flynn requested Jessica Caldwell, Town Planner, comes in for a "drawing board" discussion regarding this area of redevelopment.

RESOLUTION #69-2018

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DESIGNATING 121 WATER STREET (BLOCK 10.01, LOT 4) AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "Area in Need of Redevelopment", as defined in the Redevelopment Law; and

WHEREAS, the Town Council of the Town of Newton directed the Planning Board by Resolution #263-2017 to examine whether Block 10.01, Lot 4 (commonly known as 121 Water Street, the "Study Area"), should be designated a Non-Condemnation Area in Need of Redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the "Planning Consultant") prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled "Area in Need of Redevelopment Study for Block 10.01, Lot 4 - 121 Water Street" (the "Study", a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Study concluded that the Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, on January 31, 2018 notice of the Planning Board hearing was sent to the property owner of the Study Area and on February 2, 2018 and February 9, 2018, notice of the Planning Board hearing was published in the New Jersey Herald; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board caused a duly noticed public hearing to be held concerning the Study on February 21, 2018, giving all

persons who are interested in or would be affected by a determination that the Study Area is a Non-Condensation Area in Need of Redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, on February 21, 2018, the Planning Board adopted a resolution (a copy of which is attached hereto as Exhibit B) accepting and adopting the recommendations contained in the Study, and recommending that the Study Area be declared a non-condemnation area in need of redevelopment for the reasons set forth therein; and

WHEREAS, after careful consideration of the Study, the Planning Board resolution, and all of the relevant facts and circumstances concerning this matter;

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

Section 1. Designation of the Redevelopment Area. Based on substantial evidence and the recommendation of the Planning Board, the Town Council hereby designates Block 10.01, Lot 4 as a Non-Condensation Area in Need of Redevelopment.

Section 2. Transmittal of Resolution to Commissioner of Community Affairs. The Town Council hereby directs the Town Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 3. Transmittal of Resolution to Property Owner. The Town Council hereby directs the Town Clerk to transmit a certified copy of this resolution within 10 days of the adoption of this Resolution to the property owner of the Study Area.

Section 4. Effective Date. This resolution shall take effect in accordance with law:

1. The Mayor is hereby authorized to execute this Shared Services Agreement between the Town of Newton and the Borough of Hopatcong, New Jersey.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to Hopatcong Borough Clerk's office.

A motion was made by Mrs. Le Frois to approve, **Resolution #69-2018**, as presented seconded by Mr. Flynn roll call resulted as follows:

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

INTERMISSION – none at this time.

DISCUSSION – None.

INTERMISSION – None.

OPEN TO THE PUBLIC

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

COUNCIL & MANAGER COMMENTS

February 26, 2018

Councilwoman Le Frois thanked everyone for attending as well as the media.

Mr. Russo reminded everyone that demo will begin on the Woodside Ave. #2 Fire House on Wednesday.

There being no further business to be conducted, upon motion of Mrs. Le Frois seconded by Mr. Flynn and , the meeting was adjourned at 7:36 pm.

Respectfully submitted,

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

Lorraine A. Read, RMC
Municipal Clerk