

April 23, 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 Deputy Mayor Elvidge, Mr. Flynn, Mrs. Le Frois, Mrs. Diglio, 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 January 8, 2018.”

Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Deputy Mayor Elvidge and unanimously carried, the minutes for April 9, 2018 Regular and Special meetings were approved, with minor corrections.

OPEN TO THE PUBLIC

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.

Robert F. Phillips, 89 Flocktown Road, Long Valley, NJ, addressed the Council and advised he is “cleaning up Hopatcong” by renovating homes in their community and offered assistance to Newton if necessary.

Ludmilla Mecaj, 9 Madison Street, Newton, stated she is one of the organizers of the petition recently submitted to the Town Clerk. She advised the petition is requesting the Municipal Election be moved to the General Election held in November and is looking for a response from Council.

John Paul Couce, 26 Linmor Avenue, Newton, Captain of Newton First Aid Squad (NFAS), addressed the Town Council and advised that during the tour of the newly constructed Newton Town Centre on Trinity Street, the Squad discovered the ambulance could not fit under the building (parking garage) nor could the stretcher fit in the elevator. He noted this is a significant issue and would like the Town to share the new construction building plans with the NFAS in the future for their review and approval.

Ralph Porter, 12 Pine Street, commented on the bulk pickup held on Saturday, April 21, 2018 in Newton and suggested that construction material should be allowed with the bulk pickup. As a homeowner who does his own repairs, he feels construction material should be permitted. He advised Hampton Township provides bulk pick every week.

COUNCIL & MANAGER REPORTS

April 23, 2018

a. **Mayor Levante** - commended Neighbors Helping Neighbors event held on Saturday, April 21, 2018. The volunteers assisted 27 residents in Town with their individual projects around their homes. Mayor Levante thanked all the volunteers who assisted during this event.

b. **Deputy Mayor Elvidge** - no report at this time.

c. **Councilwoman Le Frois** - also thanked the Town and volunteers for a terrific day during Neighbors Helping Neighbors this past Saturday. She advised that she purchased a permit for the bulk pickup which was a great service during this event and noted 42 permits were purchased.

d. **Councilman Flynn** - no report at this time.

e. **Councilwoman Diglio** - also thanked the volunteers during the Neighbors Helping Neighbors event. She reported on the Chamber meeting and announced the upcoming events; Memorial Day parade on Monday, May 28, 2018; and Newton Day on Saturday, June 9, 2018. She also attended a service for a Revolutionary War Hero, Matthew Davis, who was given a proper burial and a tombstone.

f. **Town Manager Russo** - noted a Proclamation for Arbor Day was presented this past Saturday, April 21, 2018 at a tree planting ceremony and read as follows:

ARBOR DAY CELEBRATION

April 21, 2018

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world; and

WHEREAS, living trees can reduce erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the Newton Advisory Shade Tree Commission is celebrating this important occasion, by planting 15 large root plants at Memory Park on Saturday, April 21, 2018;

NOW, THEREFORE, We, the Town Council of the Town of Newton, do hereby proclaim Saturday April 21, 2018 as an "ARBOR DAY CELEBRATION" in the Town of Newton, and urge all citizens to plant trees to promote the well-being of this and future generations.

In witness whereof I have hereunto set my Hand and caused this seal to be affixed.

s/Wayne F. Levante, Mayor
Attest:____s/Lorraine A. Read, Town Clerk

Date:____April____21,
2018_____

Mr. Russo recapped the Neighbors Helping Neighbors event, which included the bulk pickup for the residents. He informed the Council that nine (9) tons of garbage was picked up during the bulk pickup event.

Mr. Russo reminded Council of the RPM "Newton Town Centre" grand opening scheduled for April 25th.

Mr. Russo noted other upcoming events and disseminated flyers on same. May 5, 2018 is Cinco de Mayo on Spring Street and May 19, 2018 is A Royal Celebration with discounts from various merchants on Spring Street. He also announced an upcoming Newton Recreation sponsored event; "Subway Series", Yankees vs. Mets at Citi Field on June 10, 2018.

Mr. Russo also announced the Newton Junior Athletic League Cheerleading Squad recently won the championship at the Cheer Champ Elite Nationals contest and noted the Mayor will present the 16 Cheerleaders with certificates at one of the Council meetings in May.

ORDINANCES

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

ORDINANCE #201 8-7

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$220,000.00 FOR VARIOUS ACQUISITION AND IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

The aforementioned **ORDINANCE** was offered by Mrs. Diglio, 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 | Yes |
| | Mayor Levante | Yes | |

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, May 14, 2018.

OLD BUSINESS

a. Spring Street Parking Analysis - (May 14th)

Mayor Levante advised Harold Pellow of Harold Pellow and Associates will be at the May 14th meeting to address the Spring Street Parking Analysis.

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

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the Consent Agenda and considered in its normal sequence on the Agenda.”

Mr. Russo reviewed the Resolutions on the consent agenda.

RESOLUTION # 90-2018*

| TOWN OF NEWTON CAPITAL BUDGET AMENDMENT | | | | | | | | | | | |
|--|----------------|--|---------------------------------|----------------------------|------------------------------------|----------------------|-------------------------------|----------------------------|------------------------------|------------|--------|
| Whereas , the local Capital Budget for the year 2018 was approved on the 9th day of April 2018; and | | | | | | | | RESOLUTION #90-2018 | | | |
| Whereas , it is desired to amend said adopted Capital Budget Section; | | | | | | | | | | | |
| Now, Therefore Be It Resolved , by the Town Council of the Town of Newton, County of Sussex that the following General Capital Budget amendment of 2018 be made: | | | | | | | | | | | |
| RECORDED VOTE: | AYES | (Elvidge | | | (| | | | | | |
| (Insert last name) | | (Flynn | | NAYS | (| | ABSTAIN | (| | | |
| | | (Le Frois | | | (| | | | | | |
| | | (Diglio | | | (| | ABSENT | (| | | |
| | | (Levante | | | (| | | | | | |
| CAPITAL BUDGET (Current Year Action) | | | | | | | | | | | |
| 2018 | | | | | | | | | | | |
| PLANNED FUNDING SERVICES FOR CURRENT YEAR 2018 | | | | | | | | | | | |
| PROJECT | PROJECT NUMBER | ESTIMATED COST | AMOUNTS RESERVED IN PRIOR YEARS | 2018 BUDGET APPROPRIATIONS | GENERAL CAPITAL - IMPROVEMENT FUND | CAPITAL FUND BALANCE | GRANTS IN AID AND OTHER FUNDS | DEBT AUTHORIZED | TO BE FUNDED IN FUTURE YEARS | | |
| Various Improvements | 1 | 220,000 | | | | 130,000 | 90,000 | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| TOTAL ALL PROJECTS | | 220,000 | | | | 130,000 | 90,000 | | | | |
| 3 YEAR CAPITAL PROGRAM 2018 - 2020 | | | | | | | | | | | |
| Anticipated Project Schedule and Funding Requirements | | | | | | | | | | | |
| PROJECT | PROJECT NUMBER | ESTIMATED COST | ESTIMATED COMPLETION TIME | FUNDING AMOUNTS PER YEAR | | | | | TO BE FUNDED IN FUTURE YEARS | | |
| | | | | BUDGET YEAR: 2018 | 2019 | 2020 | 2021 | 2022 | | | |
| Various Improvements | 1 | 220,000 | 2018 | 220,000 | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| TOTAL ALL PROJECTS | | 220,000 | | 220,000 | | | | | | | |
| 3 YEAR CAPITAL PROGRAM 2018 - 2020 | | | | | | | | | | | |
| SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS | | | | | | | | | | | |
| PROJECT | ESTIMATED COST | BUDGET APPROPRIATIONS | | | GENERAL CAPITAL - IMPROVEMENT FUND | CAPITAL FUND BALANCE | GRANTS IN AID AND OTHER FUNDS | BONDS AND NOTES | | | |
| | | CURRENT YEAR 2018 | FUTURE YEARS | | | | | GENERAL | SELF LIQUIDATING | ASSESSMENT | SCHOOL |
| Various Improvements | 220,000 | | | | | 130,000 | 90,000 | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| TOTAL ALL PROJECTS | 220,000 | | | | | 130,000 | 90,000 | | | | |
| 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. | | | | | | | | | | | |
| CERTIFICATION | | | | | | | | | | | |
| THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, April 23, 2018. | | | | | | | | | | | |
| Date | | Lorraine A. Read, RMC Municipal Clerk | | | | | | | | | |

RESOLUTION # 91-2018*

APPOINTMENT OF KELLY ROSSI TO THE ADVISORY RECREATION COMMISSION

WHEREAS, there is currently a vacancy for a Regular Member on the Advisory Recreation Commission; and

WHEREAS, Kelly Rossi has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the following five-year appointment to fill an unexpired term is made, effective immediately to the Advisory Recreation Commission:

Kelly Rossi - expires December 31, 2019

RESOLUTION # 92-2018*

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE MUNICIPAL ALLIANCE FISCAL YEAR 2019

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE BE IT RESOLVED, by the Town of Newton, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the **Action Municipal Alliance** grant for fiscal year 2019 in the amount of:

| | |
|------------|-------------|
| DEDR | \$18,772.00 |
| Cash Match | \$4,693.00 |
| In-Kind | \$14,079.00 |
| Total | \$37,544.00 |

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____s/Wayne F. Levante_____
Wayne F. Levante, Mayor

RESOLUTION # 93-2018*

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

| | | |
|-------|------------------------------------|------------|
| 39822 | ADVANCE AUTO PARTS | 264.47 |
| 39823 | ARF RENTAL SERVICES, INC. | 405.28 |
| 39824 | BOONTON TIRE SUPPLY INC. | 1,335.59 |
| 39825 | BURLINGTON CNTY MUNIC COURT ASSOC | 250.00 |
| 39826 | CENTURYLINK COMMUNICATIONS, INC. | 56.83 |
| 39827 | EXTRA TECH DATA SERVICES, LLC. | 1,389.00 |
| 39828 | FEDERAL EXPRESS | 126.62 |
| 39829 | FERRAIOLI, CERULLO & CUVA | 2,025.00 |
| 39830 | G.F.O.A. OF N.J. | 90.00 |
| 39831 | GALLS, LLC | 214.95 |
| 39832 | GENSERVE INC. | 1,727.35 |
| 39833 | GOLD TYPE BUSINESS MACHINES | 679.91 |
| 39834 | GREATER NEWTON CHMBR OF COMM. | 500.00 |
| 39835 | GRUBER, COLABELLA & LIUZZA | 108.42 |
| 39836 | HOLZHAUER, SCOTT | 115.00 |
| 39837 | J. CALDWELL & ASSOCIATES, LLC. | 1,465.00 |
| 39838 | JANIEN N ROBERTS | 30.00 |
| 39839 | JCP&L | 6,445.69 |
| 39840 | JK HVAC SERVICE, LLC. | 355.00 |
| 39841 | Katherine Citterbart | 30.00 |
| 39842 | KKPR MARKETING & PUBLIC RELATIONS, | 250.00 |
| 39843 | LADDEY, CLARK & RYAN, LLP | 2,583.37 |
| 39844 | MATTHEW BENDER & CO, INC. | 78.00 |
| 39845 | LINCOLN FINANCIAL GROUP | 17,997.50 |
| 39846 | MONTAGUE TOOL & SUPPLY, INC. | 682.03 |
| 39847 | NJ DIV PENSION & BENEFIT | 668.49 |
| 39848 | NJMEBF | 171,279.00 |
| 39849 | NORTH JERSEY COURT ADMIN. ASSOC. | 40.00 |
| 39850 | ELIZABETHTOWN GAS | 8,258.24 |
| 39851 | PELLOW, HAROLD & ASSO, INC. | 3,069.78 |
| 39852 | SERVICE ELECTRIC CABLE TV, INC. | 17.00 |

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| | | |
|--------|---------------------------------------|--------------|
| 39853 | SLOAN, JAMES P. | 3,214.17 |
| 39854 | STAPLES BUSINESS ADVANTAGE, INC. | 574.64 |
| 39855 | SUNLIGHT GENERAL | 348.00 |
| 39856 | SUSSEX & WARREN TAX COLL | 200.00 |
| 39857 | THYSSENKRUPP ELEVATOR CORP. | 908.28 |
| 39858 | TONY SANCHEZ LTD, INC. | 469.63 |
| 39859 | TOYOTA MOTOR CREDIT CORP. | 472.08 |
| 39860 | VERIZON WIRELESS, INC. | 1,466.19 |
| 39861 | VOGEL, CHAIT, COLLINS, SCHNEIDER, PC, | 645.00 |
| 39862 | WALMART | 367.33 |
| 39863 | WILDFLOWERS WITH TAMI | 125.00 |
| 181026 | TRUST ACCOUNT, TOWN OF NEWTON | 200.00 |
| 181025 | PUBLIC EMPLOYEE RETIRE SYSTEM | 276,927.34 |
| 181024 | POLICE & FIRE RETIREMENT SYSTEM | 707,814.35 |
| 181023 | ELAVON | 134.33 |
| 181022 | NEWTON BOARD OF EDUCATION | 1,054,850.00 |

CAPITAL

| | | |
|------|------------------------------------|--------|
| 8705 | MCMANIMON, SCOTLAND & BAUMANN, LLC | 815.00 |
|------|------------------------------------|--------|

Total TOWN BILLS \$2,272,068.86

WATER AND SEWER ACCOUNT

| | | |
|--------|------------------------------------|-----------|
| 16839 | AIRGAS EAST | 16.41 |
| 16840 | AMERICAN AQUATIC TESTING, INC. | 825.00 |
| 16841 | CAMPBELL'S SMALL ENGINE INC. | 59.60 |
| 16842 | COYNE CHEMICAL CORP., INC. | 1,747.08 |
| 16843 | EXTRA TECH DATA SERVICES, LLC. | 485.00 |
| 16844 | GARDEN STATE LABORATORIES INC | 3,737.50 |
| 16845 | KKPR MARKETING & PUBLIC RELATIONS, | 200.00 |
| 16846 | MONTAGUE TOOL & SUPPLY, INC. | 254.22 |
| 16847 | MOTT MACDONALD | 2,555.60 |
| 16848 | ELIZABETHTOWN GAS | 2,712.10 |
| 16849 | ONE CALL CONCEPTS, INC. | 143.75 |
| 16850 | PALL CORPORATION | 4,683.44 |
| 16851 | PROCESSFLO, INC. | 835.12 |
| 16852 | PUMPING SERVICES, INC. | 1,400.00 |
| 16853 | SMALLEY, JOHN H | 1,250.00 |
| 16854 | SPARTA TOWNSHIP TAX COLLECTOR | 16,261.35 |
| 16855 | STAPLES BUSINESS ADVANTAGE, INC. | 164.81 |
| 16856 | SUNLIGHT GENERAL | 726.19 |
| 16857 | SUSSEX COUNTY P & H, INC. | 1,140.09 |
| 16858 | TREASURER, STATE OF NEW JERSEY | 6,000.00 |
| 16859 | VERIZON WIRELESS, INC. | 233.70 |
| 186012 | PUBLIC EMPLOYEE RETIRE SYSTEM | 16,750.00 |

CAPITAL

| | | |
|------|------------------------------------|----------|
| 2477 | MCMANIMON, SCOTLAND & BAUMANN, LLC | 8,970.27 |
|------|------------------------------------|----------|

Total WATER & SEWER Bills \$ 71,151.23

TRUST ACCOUNT

| | | |
|------|-------------------------------------|----------|
| 3721 | GRUBER, COLABELLA & LIUZZA | 1,125.00 |
| 3722 | J. CALDWELL & ASSOCIATES, LLC. | 180.00 |
| 3723 | MCMANIMON, SCOTLAND & BAUMANN, LLC | 3,051.64 |
| 3724 | MUSKY TROUT HATCHERY | 1,800.10 |
| 3725 | PELLOW, HAROLD & ASSO, INC. | 423.00 |
| 3726 | VOGEL, CHAIT, COLINS, SCHNEIDER, PC | 390.00 |

Total TRUST ACCOUNT Bills \$ 6,969.74

DEVELOPERS ESCROW (FUND 72) ACCOUNT

| | | |
|------|---------------------------------------|--------|
| 1306 | J. CALDWELL & ASSOCIATES, LLC. | 60.00 |
| 1307 | VOGEL, CHAIT, COLLINS, SCHNEIDER, PC, | 885.00 |

in the T-4 and T-5 Zones. She noted it will allow the permitted uses in the T-4 and T-5 Zones to be consistent with the redevelopment in these areas.

After a brief discussion, the majority of the Council agreed to move forward with the proposed Ordinance and forward same to the Newton Planning Board for their review in May.

c. Sign Ordinance

Prior to discussion, Councilwoman Le Frois recused herself from the dais due to her conflict with serving on the SCCC Foundation Board.

The Town Planner outlined the proposed Ordinance, amending the Code of the Town of Newton, Section 320-25, "Sign Standards", regarding the existing signs at 116-118 Spring Street. This would allow for the existing signs located at the Plaza Restaurant, to remain and be replaced if removed.

Deputy Mayor Elvidge expressed his disappointment with not knowing about this situation or the negotiations that have taken place with the SCCC and Mr. Vegas, owner of Plaza Restaurant. Mayor Levante suggested he reach out to the two parties involved for more information.

After a brief discussion, the majority of the Council agreed to move forward on the Sign Ordinance and Mr. Russo will forward same to the Newton Planning Board at their next regularly scheduled meeting in May.

OPEN TO THE PUBLIC _____

Mayor Levante opened the meeting to the public.

Robert F. Philips, 89 Flocktown Road, Long Valley, NJ, questioned whether the Town has a Real Estate Committee and was advised Newton does not have a Real Estate Committee. Mr. Phillips suggested the Town create such a Committee to monitor all new development. He is willing to assist Newton to move forward with Redevelopment.

Ralph Porter, 12 Pine Street, Newton, advised the Town Council that he is one of several local artists who recently began a group called "Art News New Jersey". They have begun to hang their art work in various buildings in Newton and are looking for additional places in Town. Council was pleased with Mr. Porter's report.

Anwar Qarmout, 45 Woodside Avenue, Newton, addressed the Council and expressed his disappointment with the Council's demeanor while people are addressing the Governing Body. He stated the Town Council members are elected by the people and believes they should show respect when being addressed at the microphone.

Maureen Snellen, 30 Plainfield Avenue, Newton, stated she is surprised a member of the Council was uninformed of the Plaza Restaurant issue. She has known about it, having read it in the newspaper and knows this item was discussed at the last Council meeting.

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Ben Egner, 16 Windsor Drive, Newton, commended the Council on the respect and courtesy he receives while addressing them. He noted the audience should also respect those speakers at the microphone. He also commended the Council on not moving forward with the Vapor Ordinance and feels it would be a detriment to the community.

Ludmilla Mecaj, 9 Madison Street, Newton, believes the Council should be more unified during a Council meeting.

Neil Flaherty, 154 Sparta Avenue, Newton, commended the Council on not moving forward with the Vapor Ordinance. This does not promote the health, safety and general welfare of the community, he concluded.

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

COUNCIL & MANAGER COMMENTS

Mr. Russo requested Mrs. Leo address the personnel complaint question as well as the Municipal Election petition question.

Mrs. Leo advised she is not at liberty to discuss the personnel complaint in public session.

Mrs. Leo outlined the regulations regarding the filing of a petition, to move the Municipal Election to November. The petition was filed on April 18, 2018 and the Municipal Clerk has 20 days to certify the petition. The Clerk will then notify the Town Council at the next regular meeting and Council then has 20 days to act on the petition.

Councilwoman Le Frois reminded the public of the upcoming Municipal Election to be held on Tuesday, May 8, 2018. A debate will be held at Sussex County Community College Theater on Tuesday, May 1, 2018 at 7:00 pm.

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 8:10 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk