

July 17, 2018

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mr. Schlaffer, Mayor Le Frois and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

Mayor Le Frois 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 July 5, 2018."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio and unanimously carried, the minutes for June 25, 2018 Regular meeting were approved. Upon motion of Mrs. Diglio, seconded by Mr. Schlaffer and unanimously carried, the minutes for July 1, 2018 Reorganization meeting were approved.

OPEN TO THE PUBLIC

At this time, Mayor Le Frois 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 Le Frois opened the meeting to the public.

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

COUNCIL & MANAGER REPORTS

a. Mayor Le Frois - reported she and Councilman Dickson attended the Town staff meeting held at Morris Lake on Wednesday, July 11, 2018. She noted several department heads gave reports on their respective departments. It was a wonderful opportunity to meet with the staff as well as view the beautiful lake. She noted fishing permits are available for purchase for Newton residents at the Town Clerk's office. She and Deputy Mayor Flynn will be attending their first Planning Board meeting.

b. Deputy Mayor Flynn – asked Mr. Russo some questions which were addressed by Mr. Russo. He also asked that Economic Development Commission agendas be forwarded to the Town Council on a regular basis. Deputy Mayor Flynn noted a joint meeting with the Board of Education has not been held in the past few years and

asked if we could schedule one this year. He inquired how the live stream Council meetings would be processed which was explained by Mr. Russo.

c. **Councilwoman Diglio** - advised she was unable to attend the Greater Newton Chamber of Commerce and the Newton First Aid Squad meetings due to being ill but will be attending the CLEAR meeting on July 20th and will keep Council informed.

d. **Councilman Schlaffer** – advised he and Mr. Russo will be meeting with the new businesses in Town shortly. Mayor Le Frois noted Mr. Schlaffer is the Council liaison to the Economic Development Commission.

e. **Councilman Dickson** – reported on the newly opened “El Paraiso” restaurant located at 137 Spring Street. They are truly enthusiastic about their new business. He also checked out the new tattoo parlor, “Free Bird Tattoo” on Spring Street. He congratulated Newton First Aid Squad for obtaining 1st place in Best Ambulance at a recent Sparta/Independence Parade. Councilman Dickson also reported the Newton Board of Education will be receiving an additional \$300,000 in State Aid in their 2019 budget. He noted the BOE will be allocating these funds for tax relief to the Newton residents. He feels the State is moving in a positive direction with fair funding for the Newton BOE and residents of Newton. Mayor Le Frois noted Councilman Dickson is the Council liaison to the Newton Board of Education.

f. **Town Manager Russo** – no reports at this time but noted the items to be addressed in Executive Session later this evening.

ORDINANCES

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

ORDINANCE #2018-16

AN ORDINANCE TO REVISE SECTION 307-49 OF THE CODE OF THE TOWN OF NEWTON, TO REVISE PARKING RESTRICTIONS ON PLAINFIELD AVENUE

Mr. Russo noted the revised Ordinance was submitted to the Governing Body today.

The aforementioned **ORDINANCE, as amended**, was offered by Mrs. Diglio, who moved its introduction, seconded by Mr. Schlaffer and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes

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Mayor Le Frois 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, August 13, 2018.

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

ORDINANCE #2018-17

ORDINANCE APPROPRIATING \$50,000 FROM THE CAPITAL SURPLUS FUND FOR PRELIMINARY PLANNING EXPENSES FOR REDEVELOPMENT PLANNING FOR NEW PROJECTS FOR NEW PROJECTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	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, August 13, 2018.

OLD BUSINESS

There was no old business for discussion.

CONSENT AGENDA

Mayor Le Frois 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 #155-2018*

TO CANCEL CAPITAL APPROPRIATION BALANCE AND NJ DOT GRANT RECEIVABLE BALANCE IN THE GENERAL CAPITAL FUND

WHEREAS, the Town of Newton received an award in 2015 in the amount of \$80,000.00 from the State of New Jersey Department of Transportation for Liberty Street; and

WHEREAS, there is an unexpended balance of \$72,616.08 in General Capital Improvement Authorization - Ordinance 2016-5 for Improvements to Liberty Street; and

WHEREAS, the Town Engineer has certified there are no additional costs for this project and the Mayor and Council have accepted this project as complete per Resolution #275-2017; and

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WHEREAS, there is a grant receivable balance of \$27,417.63 *Due from State of New Jersey Department of Transportation* for Liberty Street on the General Capital balance sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and the unexpended improvement authorization balance (debt was not authorized for the \$80,000 funding expected to be received from the DOT grant);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following grant receivable and the balance of the General Capital appropriation:

General Capital Fund

NJ DOT Grant Receivable – Liberty Street (Ord #2016-5) #3001525	\$27,417.63
Improvement Authorization Ord #2016-5 Liberty Street #30916051	\$72,616.08

RESOLUTION #156-2018*

APPOINTMENT OF KATHRYN WALKER AS ACTION ALLIANCE COORDINATOR FOR THE TOWN OF NEWTON FOR THE REMAINDER OF CALENDAR YEAR 2018

BE IT RESOLVED, by the Town Council of the Town of Newton that Kathryn Walker be and is hereby appointed as the Action Alliance Coordinator for the Town of Newton effective immediately and continuing through the remainder of calendar year 2018.

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RESOLUTION #157-2018*

TOWN OF NEWTON CAPITAL BUDGET AMENDMENT

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 NO. 157-2018		
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 () NAYS () ABSTAIN () (Insert last name) () () ABSENT ()										
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 - CAPITAL IMPROVEMENT FUND	CAPITAL FUND BALANCE	GRANTS IN AID AND OTHER FUNDS	DEBT AUTHORIZED	TO BE FUNDED IN FUTURE YEARS	
Prelim Planning & Redevelopment	2	50,000				50,000				
TOTAL ALL PROJECTS		50,000				50,000				
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		
Prelim Planning & Redevelopment	2	50,000	2019	50,000						
TOTAL ALL PROJECTS		50,000		50,000						
3 YEAR CAPITAL PROGRAM 2018 - 2020										
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS										
PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS			GENERAL CAPITAL - CAPITAL IMPROVEMENT FUND	CAPITAL FUND BALANCE	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES		
		CURRENT YEAR 2018	FUTURE YEARS					GENERAL	SELF LIQUIDATING	ASSESSMENT
Prelim Planning & Redevelopment	50,000				50,000					
TOTAL ALL PROJECTS	50,000				50,000					
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.										
It is hereby certified that this is a true copy of a resolution creating the General Capital Budget section'adopted by the Governing Body on the 17th day of July, 2018.										
Certified by:										
Date		Lorraine A. Read, Municipal Clerk								

RESOLUTION #158-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR SUBURBAN PROPANE LP

WHEREAS, the Town of Newton has a need to maintain operations in its facilities, provide for services and maintain facility's heating and other propane-based source of operations through SUBURBAN PROPANE, LP., 93 HAMPTON HOUSE RD., AUGUSTA, NJ 07822, 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 services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2018 year (s); and

WHEREAS, it is anticipated during the 2018 budget year that Suburban Propane LP services will exceed in the aggregate the pay to play threshold of \$17,500.00; and

WHEREAS Suburban Propane LP., has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies Suburban Propane LP., 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 Suburban Propane LP., from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds are available in the 2018 Water Sewer Utility Budget, NOT TO EXCEED \$20,000 have/will be encumbered as follows:

Water Treatment – OE - Propane – #6064245

“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 SUBURBAN PROPANE, LP., 93 HAMPTON HOUSE RD., AUGUSTA, NJ 07822, not to exceed \$20,000.00 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 in the Municipal Clerk’s Office.

RESOLUTION #159-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR W. CAMPBELL SUPPLY COMPANY OF SUSSEX COUNTY LLC

WHEREAS, the Town of Newton has a need to maintain and repair its larger vehicles for public works, and other Town of Newton operations, in serving the public through W. Campbell Supply Company of Sussex County LLC, 2 Route 94, Lafayette, N.J. 07848, 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 services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2018 calendar year (s); and

WHEREAS, W. Campbell Supply Company of Sussex County LLC, in the aggregate is expected to exceed the pay-to-play threshold of \$17,500.00; and

WHEREAS, W. Campbell Supply Company of Sussex County LLC, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies W. Campbell Supply Company of Sussex County LLC, 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 W. Campbell Supply Company of Sussex County LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that funds are available in the 2017 & 2018 Current Budgets, NOT TO EXCEED \$22,000 will be encumbered as follows:

2017 Vehicle Maintenance, Other Expenses - #10983300A	\$5,000
2018 Vehicle Maintenance, Other Expenses - #10983300	\$17,000

“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 W. Campbell Supply Company of Sussex County LLC not to exceed \$22,000 for the 2018 calendar year; and

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

RESOLUTION #160-2018*

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through Gov Deals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Gov Deals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is **govdeals.com**.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 - (1) 2012 Ford Explorer Rear Seat
Condition: Fair
- 5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #161-2018*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Account is due a credit for the reason stated:

WAIVER OF PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26489	110 SPRING STREET	\$8.15

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 account for amounts billed incorrectly due to the reason(s) stated.

RESOLUTION #162-2018*

A RESOLUTION OF THE TOWN OF NEWTON AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Town of Newton has determined to move forward with the EMEX Reverse Auction in order procure natural gas for Town of Newton; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, the Town of Newton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.50/therm or less for a 12 month term, a price of \$0.50/therm or less for an 18 month term, a price of \$0.49303/therm or less for a 24 month term; the Town of Newton may award a contract to the winning supplier for the selected term;

NOW, THEREFORE BE IT RESOLVED, that the Town Manager of the Town of Newton be and he is hereby is authorized to execute on behalf of the Town of Newton any natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.50/therm or less for a 12 month term, a price of \$0.50/therm or less for an 18 month term, a price of \$0.49303/therm or less for a 24 month term; the Town of Newton may award a contract to the winning supplier for the selected term.

RESOLUTION #163-2018*

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

40331	ARF RENTAL SERVICES, INC.	430.92
40332	BOONTON TIRE SUPPLY INC.	458.02
40333	BUCKMAN'S INC.	1,277.63
40334	CAMPBELLS SUPPLY OF SUSSEX COUNTY L	125.00
40335	CENTURYLINK COMMUNICATIONS, INC.	125.85
40336	CHELBUS CLEANING CO., INC.	1,813.75
40337	CINTAS CORPORATION NO. 2	187.81
40338	DAWN BABCOCK	28.89
40339	DELL MARKETING LP	1,983.92
40340	ESS, INC.	62.72
40341	EXTRA TECH DATA SERVICES, LLC.	200.00
40342	FEDERAL EXPRESS	24.77
40343	FIRE & SAFETY SERVICES, LTD., INC.	976.00
40344	FOSTER ARBORE VELEZ	450.00
40345	GARRIS, JEAN	804.00
40346	HAYEK'S MARKET INC.	46.70
40347	HOME DEPOT, INC.	320.63
40348	HOME DEPOT, INC.	790.55
40349	HOME DEPOT, INC.	251.46
40350	ICORE SYSTEMS	10.00
40351	JCP&L	319.33
40352	JGSC GROUP LLC	500.00
40353	KKPR MARKETING & PUBLIC RELATIONS,	400.00
40354	KRAVE CAFE	160.00

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40355	LADDEY, CLARK & RYAN, LLP	4,752.00
40356	MCGUIRE, INC.	519.35
40357	MGL FORMS - SYSTEMS, LLC.	257.50
40358	MINISINK PRESS INC	783.34
40359	MONTAGUE TOOL & SUPPLY, INC.	949.50
40360	NEC FINANCIAL SERVICES, LLC.	4,119.50
40361	NEW JERSEY HERALD, INC.	145.20
40362	NEWTON TROPHY	223.00
40363	NJ DIV PENSION & BENEFIT	636.69
40364	NJMEBF	179,849.00
40365	NJSACOP	210.00
40366	ELIZABETHTOWN GAS	1,168.55
40367	OFFICE BUSINESS SYSTEMS INC	685.00
40368	PRINTING CENTER, INC	3,196.78
40369	READY REFRESH BY NESTLE	163.29
40370	S K PAPER SHRED	150.00
40371	SCHENCK, PRICE, SMITH, & KING, LLP	3,401.05
40372	Schlosser, Theresa	31.28
40373	SERVICE ELECTRIC CABLE TV, INC.	85.30
40374	SHOP RITE, INC.	17.07
40375	STAPLES BUSINESS ADVANTAGE, INC.	692.08
40376	STATE TREASURER	50.00
40377	STATIONERS INC.	56.23
40378	SUNLIGHTGENERAL	561.09
40379	SUSSEX COUNTY CHAMBER OF COMMERCE	100.00
40380	THE CANNING GROUP, LLC.	625.00
40381	THYSSENKRUPP ELEVATOR CORP.	227.07
40382	TONY SANCHEZ LTD, INC.	493.09
40383	TRACTOR SUPPLY	101.93
40384	TRI-STATE RENTALS/PARTY WORLD INC	42.50
40385	TRIMBOLI & PRUSINOWSKI, LLC.	4,512.50
40386	WEST PAYMENT CENTER	655.90
181047	ELAVON	247.44
181046	PAYROLL ACCOUNT	203,609.12
181045	US BANK OPER.CTR/TRUST MGMT	507,332.70
181044	Wells Fargo Bank	9,745.46

CAPITAL

8722	FKA ARCHITECTS INC.	1,624.13
8723	NEW JERSEY HERALD, INC.	54.00

Total TOWN BILLS \$ 943,821.59

WATER AND SEWER ACCOUNT

16998	AIRGAS EAST	16.41
16999	AIRMATIC COMPRESSOR SYSTEMS, INC.	2,586.15
17000	CCP INDUSTRIES, INC.	1,096.77
17001	CINTAS CORPORATION NO. 2	82.72
17002	COYNE CHEMICAL CORP., INC.	3,288.55
17003	DELL MARKETING LP	468.45
17004	FASTENAL COMPANY, INC.	115.16
17005	HAMBURG PLUMBING SUPPLY CO INC	3,401.00
17006	HOME DEPOT, INC.	198.79
17007	JGSC GROUP LLC	500.00
17008	KISTLER O'BRIEN FIRE PROTECTION, IN	1,339.00
17009	LADDEY, CLARK & RYAN, LLP	240.00
17010	MINISINK PRESS INC	46.66
17011	MONTAGUE TOOL & SUPPLY, INC.	949.50
17012	MOTT MACDONALD	9,418.97
17013	ELIZABETHTOWN GAS	888.42
17014	ONE CALL CONCEPTS, INC.	90.00

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17015	PASSAIC VALLEY SEWERAGE COMM.	13,524.00
17016	SCHMIDT'S WHOLESALE, INC	15,561.23
17017	SUNLIGHT GENERAL	982.95
17018	SUSSEX COUNTY P & H, INC.	288.91
17019	TREASURER, STATE OF NEW JERSEY	720.00
186026	PAYROLL ACCOUNT	35,171.76
186025	ELAVON - ON LINE FEES	174.76

Total WATER & SEWER Bills \$ 91,150.16

TRUST

3755	LOU'S GLASS	542.37
3756	PELLOW, HAROLD & ASSO, INC.	747.50
187114	PAYROLL ACCOUNT	2,592.00

Total TRUST ACCOUNT Bills \$ 3,881.87

SUI (FUND 73)

1117	S/NJ DEPT OF LABOR & WORKFORCE DEV	216.00
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Total SUI (FUND 73) ACCOUNT Bills \$ 216.00

HOUSING TRUST FUND (COAH FUND 75)

168	LADDEY, CLARK & RYAN, LLP	128.00
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Total HOUSING TRUST(COAH) ACCOUNT Bills \$ 128.00

FEDERAL/STATE GRANTS

1416	SYNCHRONY BANK	965.43
1417	CENTER FOR PREVENTION & COUNSELING	5,000.00
1418	SUMMIT SOUNDZ ENTERTAINMENT LLC	425.00
181114	PAYROLL ACCOUNT	445.67
181113	PAYROLL ACCOUNT	1,253.05

Total FEDERAL/STATE GRANTS ACCOUNT Bills \$ 8,089.15

RESOLUTION #164-2018*

AUTHORIZING DEFENSE AND INDEMNIFICATION OF OFFICERS AND EMPLOYEES IN CURRENT LITIGATION, THE NEW JERSEY GOVERNMENT RECORDS COUNCIL DENIAL OF ACCESS COMPLAINT FILED BY WAYNE LEVANTE AND THE COMPLAINT FILED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, NO. SSX-L-313-18, DR. LUDMILLA G. MECAJ, ET AL. V TOWN OF NEWTON, ET AL.

WHEREAS, Newton Town Code Section 3-88 provides the Town will provide a defense and indemnification for Town officers and employees in proceedings related to official duties: "Whenever an officer or employee of the municipality is a defendant in any action or legal proceeding arising out of or incidental to the performance of his duties, the Town shall provide the officer or employee with the necessary defense or, at its option, means for the defense of such action or proceedings and shall hold the officer or employee harmless from any payment, settlement or judgment resulting from the proceeding", except in certain situations; and

WHEREAS, there are currently pending actions against the Town of Newton, the Governing Body, and the Town Clerk, including a New Jersey Government Records Council Denial of Access Complaint filed by Wayne Levante and a Complaint filed in the Superior Court of New Jersey, Law Division, No. SSX-L-313-18, Dr. Ludmilla G. Mecaj, et al. v Town of Newton, et al.; and

WHEREAS, the Town Council desires to confirm, via resolution, its support of Town officers and employees in defense of the New Jersey Government Records Council Denial of Access Complaint filed by Wayne Levante and a Complaint filed in the Superior Court of New Jersey, Law Division, No. SSX-L-313-18, Dr. Ludmilla G. Mecaj, et al. v Town of Newton, et al.;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the Town to provide a defense and indemnification to current Town employees and officers, via providing a legal defense, regarding the New Jersey Government Records Council Denial of Access Complaint filed by Wayne Levante and the Complaint filed in the Superior Court of New Jersey, Law Division, No. SSX-L-313-18, Dr. Ludmilla G. Mecaj, et al. v Town of Newton, et al.

The Clerk presented an application for a Special Permit for a Social Affair from the Greater Newton Chamber of Commerce to be held on September 10, 2018 from 6:30 pm to 9:30pm on Spring Street, Newton, NJ. Mrs. Diglio recused from the Social Affair permit.

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

INTERMISSION - None

DISCUSSION

No additional discussion at this time.

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

Ben Edgar, 16 Windsor Drive, Newton, addressed concern with the water quality issue and asked what the long term plan is for addressing the issue. Mr. Russo advised the Engineers are currently working on the issue but there is no timeline at this point. Mr. Edgar asked how long the Council meetings will be up on the website after the meeting and was advised it would be up indefinitely as long as there are no storage issues.

Michael Malone, 59 Trinity Street, Newton, questioned how the BOE funds will be reallocated and was advised by Mr. Dickson that the new Bill proposed will readjust how the funds are distributed and some school districts may lose funds but the Newton BOE will be getting additional funds.

There being no one else from the public to be heard, Mayor Le Frois closed the

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meeting to the public.

COUNCIL & MANAGER COMMENTS

There were no additional Council & Manager comments.

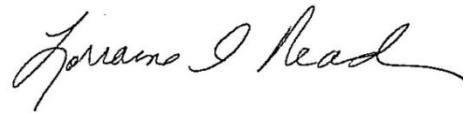
EXECUTIVE SESSION

Upon motion of Mrs. Diglio, seconded by Mr. Schlaffer and unanimously carried, Council entered Executive Session at 7:20 pm.

Upon motion of Mrs. Diglio, seconded by Mr. Schlaffer and unanimously carried, Council left Executive Session at 9:17 pm.

There being no further business to be conducted, upon motion of Mr. Dickson, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 9:18 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk