

December 10, 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, Mr. Schlaffer, Deputy Mayor Flynn, Mayor Le Frois and Thomas S. Russo, Jr., Town Manager. Angelo Bolcato, 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 January 8, 2018."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Mr. Schlaffer and unanimously carried, the minutes for the November 26, 2018 Special, Regular and Executive Session meetings 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."

Luz Maria Villanueva, 117 High Street, updated Council on her transportation issues and advised Rep. Josh Gottheimer's office has been helpful as well.

Mike Alvarez, 8 Hillside Avenue, advised since the recent paving on High Street/Rt. 94, there has been severe flooding after rainfalls. He asked Council to look into this issue.

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

COUNCIL & MANAGER REPORTS

a. **Mayor Le Frois** – attended the annual Holiday Senior Luncheon at Newton High School on Sunday, December 2, 2018. She noted 80 seniors attended this event. On December 3, 2018, she attended an OEM warming/cooling planning meeting with Officer Teets and Officer Finkle along with several other community leaders. The meeting held discussions surrounding the new State mandate for having shelter available for the homeless, if weather necessitates. These meetings will continue on a regular basis. Mayor Le Frois also attended the annual tree lighting at Town Hall held on

Friday, December 7th. She thanked all the organizations who were present, along with the Town Hall team, who made this a successful event.

b. **Deputy Mayor Flynn** – attended the New Jersey League of Municipalities Executive Board meeting on Wednesday, Dec. 5th. He provided an update on the various legislative issues.

c. **Councilwoman Diglio** – advised she too attended the tree lighting event and the OEM meeting. She attended a meeting “Path to Progress” with Senator Oroho and Senator Sweeney regarding issues with pension funding; medical insurance funding; as well as education. She asked for the Town to create a Resolution in support of their efforts and will keep Council informed of their progress. She also noted she attended a ribbon cutting ceremony at 178-180 Spring Street for the newly renovated building owned by John Kweselait (the old Style Shop).

d. **Councilman Schlaffer** – he too attended the annual Holiday Senior Luncheon held on Sunday, Dec. 2nd. He plans on attending the Newton Merchant’s Group meeting this Thursday for updates on their proposed events for 2019.

e. **Councilman Dickson** – he too attended the “Path to Progress” meeting with Senator Oroho and Senator Sweeney and is excited to see what progresses from this group. He attended the senior Holiday Luncheon and looks forward to the annual senior Spring Luncheon. He attended the annual tree lighting event and was pleased with the attendance and thanked all involved.

f. **Town Manager Russo** – thanked staff, volunteers and attendees for the successful tree lighting ceremony on Friday, December 7th. He noted Town Hall will be closing at 12:30 pm on Friday, December 14th for the Town Staff Holiday party. Town Hall will be closed Christmas Eve (12/24) and Christmas Day (12/25) and wished everyone a Merry Christmas. Mr. Russo noted our next Council meeting will be held on Wednesday, December 26th at 4:00 p.m.

PRESENTATION – JOSEPH SAPIO, Retirement NPD

Chief Michael Richards made the following presentation to Joe Sapio who retired this past Friday, December 7, 2018:

“Joe began his service with the Newton Police Department in **1992** as a part-time dispatcher, **26** years ago.

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At the time, he was already working full-time as a dispatcher for the Sparta Police department, having worked there since 1986, his total service in law enforcement being **32 years**.

Back in 1992, Joe and I attended the **Passaic** County Police Academy together to become Class II Special Law Enforcement Officers, he for Sparta and me for Newton. There were two others who attended with us, but their careers weren't fully realized, so to speak.

Not the case with Joe, though. He saw it through and in the process, over the years he worked in just about **every role** the department has.

Eventually, Joe saw an opportunity to become a **full-time Special Officer/Parking Enforcement** Officer in Newton, patrolling our Downtown business area for about 10 years from 2001 to 2011.

Joe was particularly valuable to the Town as he also served as an **EMT** and many times was first on scene to medical calls, which was a big help to our first aid squad and our Patrolmen alike. When he wasn't helping with a squad call, he was probably **fixing** a parking meter, performing **bike patrol**, conducting **community policing** on Spring Street, talking with a local business owner or possibly helping to **cross children** on a school corner.

In 2011, he returned to be a full-time dispatcher and was known for his **calm approach** to handling emergent calls that would rattle anyone else. His experience serving as a Police Officer and EMT surely helped convey a cool and calm confidence that we all appreciated. He was also known for his keen sense of humor and for being a genuine good-hearted guy.

For someone that graduated from **Johnson & Wales with a Culinary Arts Degree**, back then he probably wouldn't have guessed that he would be completing a career in law enforcement so many years later, but we're sure glad for the dedicated service that he has provided, and we wish him the best of everything in life as he turns to his next chapter."

Chief Richards then presented a plaque to Joe Sapio which read "In grateful appreciation of over 26 years of dedicated and devoted service to the Newton Police Department".

Joe thanked Chief Richards, Mayor Le Frois and the members of the Town Council for the presentation.

Mayor Le Frois, on behalf of the Newton Town Council, thanked Joe for his years of service with the Newton Police Department and wished him well in his retirement.

At this time, Isobel Costello, a Junior at Newton High School, addressed the Town Council with a project her created called "The Weekend Bag" program. She advised the Council the "The Weekend Bag" program is an initiative created and run by Isobel which she has run for the past three years. Isobel fundraises and meets local businesses to get donations to help fill her Weekend Bags. She fills the bags needed and delivers them to her school for distribution to the students participating in this program. She advised all students participating are anonymous! Ms. Costello outlined her process and items she supplies each week. She indicated she has been able to have six

schools throughout the County adopt this program. She delivers approximately 400 lbs. of food/hygiene items to schools each week.

After a brief discussion, Isobel advised that monetary donations as well as non perishable food items are always welcome. Mr. Russo and members of the Governing Body offered personal monetary donations to Isobel for her fantastic program. The Governing Body congratulated Isobel for all her work and accomplishments with this program.

Danielle Francisco, Reporter from Tap into Newton, indicated Ms. Costello (who was unaware) was recently nominated and will be honored as "Hometown Hero" by Rep. Josh Gottheimer's office in the new year.

ORDINANCES

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

ORDINANCE #2018-22

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON, SECTIONS 307-10 AND SECTION 307-53, SCHEDULE IV-B REGARDING PARKING IN MUNICIPAL PARKING LOTS

WHEREAS, the Town Council of the Town of Newton desires to amend Sections 307-10 and Section 307-53, Schedule IV-B regarding parking in municipal lots in the Town of Newton;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1: Section 307-10.B shall be deleted in its entirety and replaced as follows:

- (B) Prohibition exceptions
 - (1) No vehicle shall be permitted to remain in any public parking lots between the hours of 4:00a.m. and 6:00 a.m., except:
 - (a) Those listed in § 307.53; and
 - (b) Vehicles parked in the municipal building parking lot after first obtaining a parking pass pursuant to § 307-38.F and paying the required fee per §100-15.

SECTION 2: Section 307-53, Schedule IV-B, Parking Time Limited in Municipal Lots shall be deleted in its entirety and replaced as follows:

<u>Parking Lot – Name</u>	<u>Portion of Lot</u>	<u>Hours</u>
Lot #1 – Adams Street	8 spaces, beginning at the northeast corner of the lot and extending 106 feet west	4:00 a.m. to 6:00 a.m.
Lot #2 – Central Plaza	66 spaces, the entire lot	4:00 a.m. to 6:00 a.m.
Lot #3 – Western Plaza	34 spaces beginning at the northeast corner of the lot and	4:00 a.m. to 6:00 a.m.

extending 325 feet west

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 5. This Ordinance will take effect after publication and passage according to law.

Mayor Le Frois opened the meeting to the public.

There being no one from the public to be heard, upon motion of Deputy Mayor Flynn, seconded by Mr. Dickson and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE**, was offered by Mrs. Diglio, who moved its adoption, 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	

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2018-23

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2019

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to determine salaries, wages or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees and officers;

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

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2019 as shown in Schedules "A" and "B" attached hereto in accordance with §25-12 of the Code of the Town of Newton.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager at his discretion.

Section 3. The Town Manager of the Town of Newton may hire any new

employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Those employees at wage Level 9 serving in the position of Deputy Municipal Court Administrator may be compensated with a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out with written certification.

Section 5. Those officers and employees at wage Level 17 shall be paid their annual salary in equal quarterly payments during the last pay period of each quarter.

Section 6. All ordinances or parts of ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective January 1, 2019.

Mayor Le Frois opened the meeting to the public.

There being no one else from the public to be heard, upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Dickson, who moved its adoption, 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	

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE #2018-24

ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES ON SPRING STREET, DILLER AVENUE AND SPARTA AVENUE (DILLER AVENUE REDEVELOPMENT AREA), PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Flynn, 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	

Jen Credidio, Esq., of McManimon, Scotland and Baumann, addressed questions from Council and outlined the necessary steps of the proposed Ordinance.

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 Wednesday, December 26, 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 #227-2018 and #248-2018 were removed for separate discussion per the request of Mr. Dickson and Deputy Mayor Flynn, respectively.

Councilman Dickson addressed questions of **Resolution #227-2018** which were addressed by Mr. Russo.

RESOLUTION #227-2018

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR CODE 96 LLC

WHEREAS, the Town of Newton has a need to maintain the information technology systems for the public health, safety and welfare services by the police department through Code 96 LLC, 85 Franklin Rd, Dover, N.J. 07801 as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, the Town of Newton's Qualified Purchasing Agent, 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 2019 year(s); and

WHEREAS, Code 96 LLC., it is anticipated during the 2019 budget year that services will exceed in the aggregate the pay to play threshold of \$17,500.00; and

WHEREAS Code 96 LLC., has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies Code 96 LLC., 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 Code 96 LLC. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2019 budget, funds NOT TO EXCEED \$18,000.00 will be encumbered as follows:

**Current – Cencom OE – Contractual & Equip.Maint. #1074317 & 1074326
\$18,000.00**

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"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 Code 96 LLC, 85 Franklin Rd, Dover, N.J. 07801 not to exceed \$18,000.00 for the 2019 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 #228-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR KKPR MARKETING AND PUBLIC RELATIONS

WHEREAS, the Town of Newton has a need to maintain an informative website, promote its marketing events through social media and other venues and ensure the public is well informed regarding events sponsored by the Town of Newton, by KKPR Marketing and Public Relations through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., Newton's Qualified Purchasing Agent, 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 2019 calendar year(s); and

WHEREAS, KKPR Marketing and Public Relations in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, KKPR Marketing and Public Relations has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies KKPR Marketing and Public Relations 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 KKPR Marketing and Public Relations, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer subject to the Governing Body appropriating sufficient funds in the 2019 budget, funds NOT TO EXCEED \$18,000.00 will be encumbered as follows:

2019 Current Budget- Town Manager, Marketing #1050244	\$9,000.00
2019 Water Sewer Utility Budget – Marketing #6051244	\$9,000.00

"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 KKPR Marketing and Public Relations not to exceed \$18,000 for the 2019 calendar year; and

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 #229-2018*

APPOINTMENT OF JOSEPH CARR AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE

BE IT RESOLVED, by the Town Council of the Town of Newton that Licensed Operator, Joseph Carr, is hereby appointed as the municipality's representative to the

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Sussex County Water Quality Policy Advisory Committee for 2019 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED, that, if required, Newton's Licensed or his designee may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Chairman of the Sussex Water Quality PAC.

RESOLUTION #230-2018*

DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR CALENDAR YEAR 2019

BE IT RESOLVED, by the Town Council of the Town of Newton that Thomas S. Russo, Jr., Town Manager, is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2019; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

RESOLUTION #231-2018*

APPOINTMENT OF ADAM VOUGH AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE FOR 2019

BE IT RESOLVED by the Town Council of the Town of Newton the Assistant Public Works Supervisor, Adam Vough, is hereby appointed as the municipality's representative to the Sussex County Solid Waste Advisory Committee to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED that, if required, the Assistant Public Works Supervisor or his designee may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex County SWAC.

RESOLUTION #232-2018*

DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION ON DISABILITY REPRESENTATIVE FOR CALENDAR YEAR 2019

WHEREAS, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

RESOLUTION #233-2018*

APPOINTMENT OF KATHRYN WALKER AS ACTION ALLIANCE COORDINATOR FOR THE TOWN OF NEWTON FOR 2019

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 during calendar year 2019.

RESOLUTION #234-2018*

REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES FOR CALENDAR YEAR 2019

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2019:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Scott Holzhauer	Tax Assessor	200 miles	\$115.00
Michelle Estremera	Recreation Supervisor	200 miles	\$115.00
Jason Miller	Deputy OEM Coordinator	200 miles	\$115.00
Michael Razzano	Deputy Fire Chief	200 miles	\$115.00

BE IT FURTHER RESOLVED, the following employees are to receive an annual stipend for vehicular trips for Town banking purposes:

<u>Employee</u>	<u>Position</u>	<u>Amount</u>
Theresa Schlosser	Tax Collector	\$150.00
Jacki Shackleton	Utility Collector	\$150.00

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2019.

RESOLUTION #235-2018*

AUTHORIZING THE SALE OF BRINE SOLUTION TO MUNICIPALITIES

WHEREAS, the Town of Newton has the equipment necessary to make a brine solution which is used on roadways in preparation for inclement weather; and

WHEREAS, in the past, other municipalities have purchased the brine solution from the Town of Newton; and

WHEREAS, the Newton Town Council desires to authorize the sale of brine solution to other municipalities to the extent it is available, subject to the terms and conditions of this Resolution; and

WHEREAS, the New Jersey Local Public Contracts Law authorizes the sale of items such as the brine solution to a local government agency in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-36(2), without the need for bids or public auctions;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that:

1. The Town of Newton may sell to other municipalities brine solution to the extent that the Town of Newton has the solution available.
2. The DPW Supervisor or his designee shall be responsible for monitoring the quantities of brine solution sold and provide the information to the Town of Newton CFO or his/her designee for invoicing purposes.
3. The sale price of the brine solution at the time of this Resolution is \$0.50 per gallon; however, the Town of Newton reserves the right to adjust the sale price in the event the costs to the Town of Newton increase during the term of this Resolution. Upon receipt of the invoice, the purchasing municipality shall submit a purchase order or voucher to the Town of Newton. Payment of the invoice is expected within 30 days of the invoice date.
4. A copy of this Resolution shall be placed on file with the Clerk of the Town of Newton.
5. This Resolution shall take effect immediately and shall remain in effect through December 31, 2019, or as such time as the Town Council modifies or repeals this Resolution.

RESOLUTION #236-2018*

APPOINT LOCAL EMERGENCY PLANNING COMMITTEE FOR CALENDAR YEAR 2019

WHEREAS, Appendix A:9-41 of the NJ Statutes Annotated, and N.J.A.C. 13:64-2.3 pertaining to Emergency Management, require that every New Jersey municipality create a Local Emergency Planning Committee; and

WHEREAS, the individual appointed as the local Emergency Management Coordinator shall also be a member of, and shall serve as Chairman of, said Local Emergency Planning Committee;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2019 as listed below:

Kenneth A. Teets	Emergency Management Coordinator
Daniel Finkle	Deputy Emergency Management Coordinator
Jason Miller	Deputy Emergency Management Coordinator
Deborah Danielson	NIXLE Coordinator
Chief Michael S. Richards	Newton Police Department
Thomas S. Russo, Jr.	Newton Town Manager
Scott Verkon, Chief	Newton Fire Department
John Paul Couce, Captain	Newton Vol. First Aid and Rescue Squad
Kenneth Jaekel	Newton Public Works Supervisor
Adam Vough	Assistant Newton Public Works Supervisor
Joseph Carr	Licensed Water and Sewer Operator
Lorraine Read	Newton Municipal Clerk
Teresa Oswin	Deputy Municipal Clerk/Assistant to Town Manager
Kimberly Williams	Community Development Director
Joseph Butto	Newton/Hardyston Construction Official
Dr. Kennedy Greene	Newton School Superintendent
Gary Cee, Senior VP of Programming	Clear Channel Radio

BE IT FURTHER RESOLVED, if any positions become held by different individuals in the 2019 calendar year then said individuals will assume the aforementioned titled responsibilities on Newton Local Emergency Planning Committee.

RESOLUTION #237-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR EXTRATECH SERVICES LLC

WHEREAS, the Town of Newton has a need to maintain the viability and functionality of their information technology systems in order to serve the public in an efficient manner through Extratech Services LLC, 6 Terrace Drive, Newton, N.J. 07860, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., Newton’s Qualified Purchasing Agent, 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 2019 year(s); and

WHEREAS, Extratech Services LLC., is anticipated services during the 2019 budget year will exceed in the aggregate the pay to play threshold of \$17,500.00; and

WHEREAS Extratech Services LLC., has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies that Extratech Services 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 Extratech Services LLC., 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 2019 budget(s), funds NOT TO EXCEED \$18,750.00 will be encumbered as follows:

Current – Manager OE –Computer Technology	#1050241	\$9,375.00
Water Sewer – Computer Technology	#6051241	\$9,375.00

"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 Extratech Services LLC, 6 Terrace Drive, Newton, N.J. 07860, not to exceed \$18,750.00 for the 2019 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 #238-2018*

ACCEPTANCE OF PUBLIC IMPROVEMENTS OF NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P.

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P. (“Newton Town Centre”) entered into a Developer’s Agreement with the Town of Newton via Resolution #143-2016 dated August 22, 2016; and

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P. posted a Performance Bond in accordance with the Developer’s Agreement for certain site improvements to be constructed within the public right-of-way as part of the Newton Town Centre Project in the amount of \$229,766.00, which Performance Bond was accepted by the Town of Newton via Resolution #202-2016 dated November 28, 2016; and

WHEREAS, Newton Town Centre has provided a Maintenance Bond in the amount of \$229,776.00 with Arch Insurance Co., which has been reviewed by the Town of Newton attorney and engineer and found acceptable as to form and content; and

WHEREAS, Harold E. Pellow and Associates, Inc., the Town of Newton’s Engineer, has performed an inspection on Newton Town Centre Urban Renewal Associates, L.P.’s property located at Block 805, Lots 4, 7, 8 and 9, 5 Union Place and 50 & 58 Trinity Street in the Town of Newton, New Jersey and the Town Engineer has recommended all public improvements constructed as part of the project be formally accepted by the Town of Newton, and that a two (2) year Maintenance Bond in the amount of \$229,776.00 be posted by RPM Development, and the performance guarantee be released as per the Developer’s Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Newton that the Town accepts the public improvements constructed by Newton Town Centre Urban Renewal Associates, L.P. and releases the performance guarantee, so long as a two (2) year Maintenance Bond in the amount of \$229,776.00 is posted.

RESOLUTION #239-2018*

TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JANUARY 1, 2019 TO JUNE 30, 2019

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$6,178,592.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted Exclusive of Debt Service)	\$12,357,185.00
Amount Received to Date	6,178,593.00
Amount of This Request	<u>6,178,592.00</u>
Balance Due Board of Education	.00

RESOLUTION #240-2018*

RESOLUTION ESTABLISHING THE BASE HEALTH INSURANCE PLAN FOR FULL-TIME NON-UNION TOWN EMPLOYEES

WHEREAS, the Town of Newton Personnel Policies and Procedures Manual and Employee Handbook, last revised February, 2018, Section 4.1, requires full-time non-union employees hired (or moved from part-time to full-time employment) after January 1, 2016, to pay a portion of the premium costs pursuant to a strategy formula under c.78 (N.J.S.A. 40A:10.21.1); and

WHEREAS, for the identified employees the c.78 contribution is based upon the Town's lowest cost "base medical plan"; and

WHEREAS, the Town of Newton desires to establish the Aetna 20/40 medical plan as its lowest cost base medical plan, effective January 1, 2019;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Aetna 20/40 medical plan is hereby recognized and established as the lowest cost base medical plan for full-time non-union Town of Newton employees; and

BE IT FURTHER RESOLVED, that employees hired after January 1, 2016 will pay c.78 premium contributions pursuant to the established lowest cost base medical plan; and

BE IT FURTHER RESOLVED, that if an employee hired after January 1, 2016 elects a medical health plan which has a higher premium than the lowest cost base medical plan, the employee shall pay the c.78 premium contributions based upon the lowest cost base medical plan plus the difference between the lowest cost base medical plan premium and elected plan premium; and

BE IT FURTHER RESOLVED, that if an employee elects a medical plan which is less expensive than the lowest cost base medical plan the c.78 premium contribution shall be based upon the lowest cost base medical plan premium cost.

RESOLUTION #241-2018*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DESIGNATING CERTAIN PROPERTIES ON SPRING STREET, DILLER AVENUE AND SPARTA AVENUE 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 in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Municipal Council (the "**Town Council**") of the Town of Newton (the "**Town**") directed the Town Planning Board (the "**Planning Board**") by Resolution #184-2018 to examine whether certain property identified as Block 18.02, Lot 2 (278 Spring Street), Lot 3 (4 Diller Avenue), Lot 19 (47 Sparta Avenue), Lot 20 (43 Sparta Avenue), Lot 21 (41 Sparta Avenue), Lot 22 (37 Sparta Avenue), Lot 23 (33 Sparta Avenue), Lot 30 (19 Sparta Avenue), Lot 31 (280 Spring Street), and Lot 32 (39 Sparta Avenue) on the tax map of the Town (collectively, the "**Study Area**"), should be designated as 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 Proposed Diller Avenue Redevelopment Area, Block 18.02, Lots 2, 3, 19, 20, 21, 22, 23, 30, 31 & 32" (the "**Study**"); and

WHEREAS, the Study concluded that the Study Area qualifies as a non-condemnation area in need of redevelopment, which designation would authorize the Town Council to use all those powers permitted by the Redevelopment Law for use in a redevelopment area except the power of eminent domain; and

WHEREAS, on November 16, 2018 and November 20, 2018, notice of the Planning Board hearing was published in the New Jersey Herald and on November 21, 2018 notice of the Planning Board hearing was sent to the property owners of the Study Area, all in accordance with the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, on December 3, 2018, the Planning Board caused a duly noticed public hearing to be held concerning the Study, giving all persons who are interested in or would be affected by a determination that the Study Area is a non-condemnation area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Planning 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 December 3, 2018, the Planning Board adopted a resolution 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 the Study Area as a non-condemnation 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 owners of the Study Area.

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

RESOLUTION #242-2018*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS

WHEREAS, New Jersey Statute 40A:9-154.1 states *"The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year..."*;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as a School Crossing Guards for the 2018-2019 school year:

Jean Card

Erika Sliker

RESOLUTION #243-2018*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 14.01, LOT 17, ALSO KNOWN AS 131 MAIN STREET

WHEREAS, at the Municipal Tax Sale held on October 4, 2007 a lien was sold on Block 14.01, Lot 17, also known as 131 Main Street, for 2006 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #1240 was sold to Robert Rothman for 0% redemption fee and a premium of \$5,100; and

WHEREAS, the \$5,100.00 premium was transferred to the Town on August 27, 2013 per Resolution # 147-2013; and

WHEREAS, this lien was assigned to Grand Madison, LLC on October 16, 2017; and

WHEREAS, Ernest G. Ianetti, Esq., has effected the redemption of Certificate #1240 in the amount of \$1,048,532.26;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Grand Madison, LLC is entitled to a redemption in the amount of \$1,048,532.26; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton approves and acknowledges the Tax Collector shall issue a check in the amount of \$1,048,532.26 for the redemption for Certificate #1240 to Grand Madison, LLC, 411 Grand Avenue, Englewood, NJ 07631.

RESOLUTION #244-2018*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 14.01, LOT 17, ALSO KNOWN AS 131 MAIN STREET

WHEREAS, Tax Sale Certificate #1387 was issued at the Tax Sale held on October 9, 2013 with zero percent redemption and a premium of \$15,000.00; and

WHEREAS, N.J.S.A. 54:5-33 states if the lien is not redeemed within 5 years, the premium payment shall be turned over to the Treasurer of the Municipality;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges the premium for Tax Sale Certificate #1387 in the amount of \$15,000.00 be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$15,000.00 for said premium to the Treasurer of the Town of Newton.

RESOLUTION #245-2018*

APPROVE 2018 APPROPRIATION TRANSFERS

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2018 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Court OE 1059200	Town Council OE 1052200	300.00
Employee Group Ins. OE 1066200	Health Benefit Waiver OE 1066300	3,200.00
TOTAL CURRENT TRANSFERS		<u>\$3,500.00</u>

RESOLUTION #246-2018*

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

40886	AG CHOICE, LLC.	1,032.00
40887	ANN ROSELLEN	804.00
40888	CENTURYLINK COMMUNICATIONS, INC.	125.85
40889	CENTURYLINK COMMUNICATIONS, INC.	2,771.87
40890	CHELBUS CLEANING CO., INC.	1,813.75
40891	CINTAS CORPORATION NO. 2	127.81
40892	COOPER ELECTRIC SUPPLY CO.	60.51
40893	COUNTY OF SUSSEX	4,260.22
40894	CSS TEST INC.	192.00
40895	D & E SERVICE CENTER, INC.	137.50
40896	DANIELSON, DEBORAH	342.30
40897	DEMPSEY UNIFORM & SUPPLY INC	1,415.06
40898	DOMINICK'S PIZZA LLC	43.15
40899	DOUGLAS CUMMINS	1,203.00
40900	EXTEL COMMUNICATIONS, INC.	325.00
40901	EXTRA TECH DATA SERVICES, LLC.	433.75
40902	FEDERAL EXPRESS	75.06
40903	FRISBIE, ARTHUR & RITA	1,548.00
40904	FURGIUELE, CAMILLE	1,203.00
40905	GARRIS, JEAN	804.00
40906	GRUBER, COLABELLA & LIUZZA	398.38
40907	HARFORD REAL ESTATE	75.00
40908	HAYDEE BALLESTER	165.00
40909	HAYEK'S MARKET INC.	99.41
40910	HOLZHAUER, SCOTT	115.00
40911	HOME DEPOT, INC.	136.30
40912	ILIFF, JOHN AND TERRY	1,530.00
40913	J. CALDWELL & ASSOCIATES, LLC.	510.00
40914	JACKI SHACKLETON	150.00
40915	JAMES J KILDUFF	684.00
40916	JCP&L	12,228.67

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40917	KAYS, PETER J.	1,560.00
40918	KIMBERLY MASON-WILLIAMS	293.88
40919	LADDEY, CLARK & RYAN, LLP	11,239.33
40920	LINCOLN FINANCIAL GROUP	115.00
40921	LORI SHEMEK, PHD,CNC	225.00
40922	LOU'S GLASS	204.95
40923	METZGAR, CLARENCE	750.00
40924	MICHAEL A PANDISCIA	714.00
40925	MILLER, JASON	115.00
40926	284 AGGREGATES, LLC.	1,715.55
40927	MORRIS, THOMAS & BULAH	1,482.00
40928	NEWTON BOARD OF EDUCATION	1,125,231.00
40929	NEWTON FIRST AID SQUAD	6,245.00
40930	NEWTON TROPHY	65.00
40931	NEWTON URGENT CARE LLC	50.00
40932	ELIZABETHTOWN GAS	692.11
40933	PELLOW, HAROLD & ASSO, INC.	394.00
40934	PENTELEDATA	769.70
40935	PRIME LUBE, INC.	1,489.31
40936	QUILL CORPORATION	440.70
40937	RACHLES/MICHELE'S OIL COMPANY, INC.	8,755.86
40938	RAFTERY, VIRGINIA	197.76
40939	RANSNORTH, NANCY	708.00
40940	READ, LORRAINE	191.86
40941	READY REFRESH BY NESTLE	127.33
40942	REISINGER OXYGEN SERVICE, INC.	78.96
40943	RICHARDS,	804.00
40944	ROMYNS, LARRY E.	1,488.00
40945	RONALD CLOUSE	1,392.00
40946	SANDRA DIGLIO	240.56
40947	Schlosser, Theresa	185.86
40948	SCMUA	1,207.03
40949	SHOP RITE, INC.	5.78
40950	SLOAN, JAMES P.	3,214.13
40951	SMITH, WILLIAM F	804.00
40952	SPACE FARMS	31.00
40953	SPECTROTEL	630.37
40954	STAPLES BUSINESS ADVANTAGE, INC.	898.75
40955	STEVE MILLS	696.00
40956	SYN-TECH SYSTEMS, INC.	1,175.00
40957	TAYLOR OIL CO., INC.	3,361.39
40958	THE CANNING GROUP, LLC.	625.00
40959	THYSSENKRUPP ELEVATOR CORP.	222.07
40960	TIMMERMAN COMPANY, INC.	1,303.07
40961	TRIMBOLI & PRUSINOWSKI, LLC.	1,285.00
40962	UNITED TELEPHONE/CENTURY LINK	259.22
40963	USA HOIST CO., INC.	225.00
40964	VARIDESH, LLC.	2,380.00
40965	VISION SERVICE PLAN	2,119.96
40966	VISIONTRON CORP	3,397.00
40967	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	575.00
40968	WEIS MARKETS, INC.	20.37
40969	ZENES, NANCY	798.00
40885	NJMVC	2.00
181075	ELAVON, INC.	173.24
181074	PAYROLL ACCOUNT	201,713.70
40883	NJMVC	2.00
40882	NJMVC	2.00

CAPITAL

8756	FKA ARCHITECTS INC.	1,602.32
8757	GARDEN STATE HIGHWAY PRODUCTS, INC.	241.00

Total TOWN BILLS \$ 1,431,740.71

WATER AND SEWER ACCOUNT

17252	CENTURYLINK COMMUNICATIONS, INC.	1,221.97
17253	COYNE CHEMICAL CORP., INC.	4,520.75
17254	CURRENT ACCOUNT	1,942.16
17255	DEMPSEY UNIFORM & SUPPLY INC	457.63
17256	EXTRA TECH DATA SERVICES, LLC.	944.75
17257	GRENNILLE, WILLIAM	804.00
17258	HOLLAND COMPANY, INC.	13,611.22
17259	HOME DEPOT, INC.	126.44
17260	JCP&L	14,665.28
17261	KITHCART, EILEEN	1,809.00
17262	KKPR MARKETING & PUBLIC RELATIONS,	925.00
17263	LADDEY, CLARK & RYAN, LLP	784.00
17264	LUBRICATION ENGINEERS INC	312.41
17265	MORRIS ASPHALT SUPPLY, LLC	1,025.80
17266	MOTT MACDONALD	4,217.00
17267	ELIZABETHTOWN GAS	370.77
17268	PALL CORPORATION	4,677.17
17269	PASSAIC VALLEY SEWERAGE COMM.	5,586.00
17270	PENTELEDATA	399.85
17271	SCMUA	890.10
17272	SMALLEY, JOHN H	2,858.00
17273	SPARTA TOWNSHIP	3,150.00
17274	STAPLES BUSINESS ADVANTAGE, INC.	257.82
17275	SUI ACCOUNT	4,300.00
17276	VARIDESH, LLC.	1,670.00
17277	WAGNER, WILLIAM	1,578.00
17278	WILLIAM GRENNILLE, LLC.	6,300.00
186046	STATE OF NEW JERSEY - PWT	409.58
186045	ELAVON - ON LINE FEES	86.95
186044	PAYROLL ACCOUNT	40,210.06
17251	SPARTA POSTMASTER	942.11

Total WATER & SEWER Bills \$ 121,053.82

TRUST ACCOUNT

3805	AG PIZZA INC.	25.00
3806	ALERT-ALL CORP.	2,004.00
3807	ANDOVER TOWNSHIP	688.50
3808	BYRAM POLICE DEPARTMENT	720.00
3809	GRUBER, COLABELLA & LUIZZA	835.00
3810	HAYEK'S MARKET INC.	357.95
3811	J. CALDWELL & ASSOCIATES, LLC.	4,427.50
3812	MOTT MACDONALD	1,409.55
3813	PELLOW, HAROLD & ASSO, INC.	1,839.05
3814	SPARTA POLICE DEPARTMENT	742.98
3815	SUSSEX COUNTY SHERIFF DEPT	720.00
187125	TOWN OF NEWTON	25,000.00
187124	PAYROLL ACCOUNT	11,761.50

Total TRUST ACCOUNT Bills \$ 50,531.03

DEVELOPERS ESCROW (FUND 72)

1325	PELLOW, HAROLD & ASSO, INC.	1,752.00
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Total DEVELOPERS ESCROW ACCOUNT Bills \$1,752.00

FEDERAL/STATE GRANTS

1430	DRAEGER, INC.	179.00
1431	JACK CHOMA	120.00
1432	LISA BECHTEL	120.00
1433	LISA CASAMASSINA	120.00
1434	MARY LICATA	120.00
1435	SHOP RITE, INC.	228.08
181124	PAYROLL ACCOUNT	2,222.78

Total FEDERAL/STATE GRANTS ACCOUNT Bills \$ 3,109.86

HOUSING TRUST FUND(COAH FUND 75)

3235	J. CALDWELL & ASSOCIATES, LLC.	120.00
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Total HOUSING TRUST FUND ACCOUNT Bills \$ 269.00

RESOLUTION #247-2018*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

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 following accounts for amounts billed incorrectly due to the reason(s) stated:

CREDIT FOR USAGE DUE TO A MISREAD:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2128	98 Trinity St.	\$472.34

CREDIT FOR ACCOUNT THAT SHOULD HAVE BEEN IN FINAL STATUS:

20529	23 York Rd.	\$75.00
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Deputy Mayor Flynn asked questions regarding **Resolution #248-2018** which were addressed by Mr. Russo.

RESOLUTION #248-2018

RESOLUTION FINDING AND DETERMINING THE DEVELOPMENT PROPOSAL SUBMITTED BY CCI FOUNDATION, INC., TO CONSTRUCT A SUPPORTIVE AND SPECIAL NEEDS GROUP HOUSING PROJECT ON MADISON AVENUE (BLOCK 14.03, LOT 11.01) IN THE TOWN OF NEWTON, MEETS OR WILL MEET AN EXISTING HOUSING NEED, AND PLEDGING \$60,000.00 FROM THE TOWN'S AFFORDABLE HOUSING TRUST FUND

WHEREAS, CCI Foundation, Inc. c/o Capitol Care, Inc. ("Sponsor") proposes to construct a 4-bedroom improvement designed and intended to serve as a supportive and special needs group home for income-qualified individuals with disabilities pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency ("HMFA") Law of 1983, as amended, N.J.S.A. 55:14K-1, et seq., the rules promulgated thereunder, N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (collectively referred to as the "HMFA Requirements"), within the Town of Newton ("Town") on property situated along Madison Avenue, identified on the Town's Official Tax Maps as Block 14.03, Lot 11.01 ("Project"); and

WHEREAS, the Project is subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and HMFA; and

WHEREAS, the Project shall also be subject to the requirements set forth in the New Jersey Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1 et seq., Town of Newton

Land Use Ordinance, and all approvals, findings, recommendations and conditions of the Town Planning Board; and

WHEREAS, pursuant to the HMFA Requirements, the Town Council of the Town of Newton ("Town Council") hereby determines that there is a need for the Project on the above-described property within the municipality; and

WHEREAS, the Town Council desires to increase the amount of creditable affordable housing units to meet its fair share obligation in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, in furtherance of the foregoing, the Town Council desires to pledge a contribution in the amount of \$60,000.00 from its Affordable Housing Trust Fund towards the construction of the Project which will further the important mission of providing permanent supportive and special needs housing within the community; and

WHEREAS, this pledge is contingent upon all necessary contracts being approved by the Town Council by future resolution and negotiation and review by the Town Attorney, as well as Sponsor's satisfaction of all requirements imposed by HMFA, Town Council, and Town Planning Board; and

WHEREAS, this pledge shall also be contingent upon the Sponsor providing the Town with a copy of a license from the State of New Jersey to operate the supportive and special needs group home, a certificate of occupancy demonstrating the construction of 4-bedrooms as proposed, a 30-year deed restriction on the property providing that the residence will be operated as a supportive and special needs group home solely for low income individuals, and a fully executed special needs housing loan from HMFA;

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

1. The Town Council finds and determines the Project as proposed by the Sponsor on the property described above meets or will meet an existing housing need.
2. The Town Council does hereby adopt this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the HMFA to process the Sponsor's application for HMFA funding to finance the Project.
3. The Town Council does hereby pledge a contribution of \$60,000.00 from the Town of Newton Affordable Housing Trust Fund towards the construction of a 4-bedroom residence designed and intended to serve as a supportive and special needs group home for income-qualified individuals with disabilities.
4. The Town Council's pledge is fully contingent upon the execution of all necessary contracts to be approved by future approved resolution as negotiated and reviewed by the Town Attorney, as well as Sponsor's satisfaction of all requirements imposed by HMFA, Town Council, and Town Planning Board.
5. The Town Council's pledge shall also be contingent upon the Sponsor providing the Town with a copy of a license from the State of New Jersey to operate the supportive and special needs group home, a certificate of occupancy demonstrating the construction of 4 bedrooms as proposed, a 30-year deed restriction on the property providing that the residence will be operated as a supportive and special needs group home solely for low income individuals, and a fully executed special needs housing loan from HMFA.
6. The Council hereby authorizes the Town Attorney and Town Administrator to work with the Sponsor in drafting necessary documents (including drafting an amendment to the Town's Affordable Housing Trust Fund Spending Plan) to

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adhere to HMFA guidelines, to receive affordable housing credits, and for the Mayor to sign letter(s) of support which will include a Town contingent pledge in the amount of \$60,000.00 to the Sponsor.

RESOLUTION #249-2018*

AUTHORIZE ENTERING INTO AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF HARDYSTON FOR CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT SERVICES

WHEREAS, the Town of Newton desires to enter into a shared services agreement with the Township of Hardyston to furnish the Town of Newton with Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its subcodes; and

WHEREAS, the parties desire to enter into an Agreement pursuant to the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1, et seq., for the furnishing of such services;

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

1. The Mayor and Town Clerk are hereby authorized and directed to execute the Shared Services Agreement, a copy of which is attached hereto, with the Township of Hardyston for the provision of Construction Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its subcodes.
2. The Mayor and Clerk are hereby authorized to execute any additional non-substantial amendments and/or modifications to the Agreement without the consent of the Town Council.
3. This Resolution shall take effect immediately.

RESOLUTION #250-2018*

RESOLUTION AUTHORIZING THE EXECUTION OF A SUBORDINATION AGREEMENT WITH NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P. AND BONNEVILLE MORTGAGE COMPANY

WHEREAS, the Town Council previously approved a \$45,000.00 loan with Newton Town Centre Urban Renewal Associates, L.P. ("Newton Town Centre") by the adoption of Resolution 102-2013 and also authorized the execution of loan documents for the loan by the adoption of Resolution #150-2016, which loan documents were executed and dated December 13, 2016; and

WHEREAS, the Town Council previously approved a \$50,000.00 loan with Newton Town Centre Urban Renewal Associates, L.P. by the adoption of Resolution #73-2015 and also authorized the execution of loan documents for the loan by the adoption of Resolution #149-2016, which loan documents were executed and dated December 13, 2016 (the \$45,000.00 loan and the \$50,000.00 loan are collectively referred to as the "Loans"); and

WHEREAS, the Mortgages for the Loans specifically provides in Paragraph 14 that the Town's Loans would be subordinate to a loan from Bonneville Multifamily Capital, in connection with permanent financing for the project in the approximate amount of \$2,199,943.00; and

WHEREAS, the Town has been informed that Bonneville Multifamily Capital is a related entity to Bonneville Mortgage Company ("BMC"), the entity that is actually making the loan to Newton Town Centre; and

WHEREAS, BMC is prepared to close on the loan for the permanent financing and have requested that the Town execute a Subordination Agreement in the form attached to this resolution in order to confirm the subordination of the Town’s Loans; and

WHEREAS, the Town Council desires to authorize the execution of this Subordination Agreement and any related documents, subject to the review and approval of the form of the documents by the Town Attorney and Town Manager.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton as follows:

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **EXECUTION OF SUBORDINATION AGREEMENT**

The Mayor is hereby authorized to execute, and the Town Clerk is hereby authorized to attest to and impress the municipal seal upon, the documents required in connection with the Subordination Agreement and any related documents in connection with the subordination.

III. **SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. **AVAILABILITY OF THE RESOLUTION**

A copy of this Resolution shall be available for public inspection at the offices of the Town.

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage, however, it shall be void and of no effect in the event that the other parties to the Subordination Agreement fail or refuse to sign the documents.

Having addressed the two Resolutions, a motion was made by Mr. Schlaffer to approve the **COMBINED ACTION RESOLUTIONS**, in addition to Resolutions 227 and 248, seconded by Deputy Mayor Flynn and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio (recuse ck #40946)	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

RESOLUTION

RESOLUTION #251-2018

AUTHORIZE WAIVING OF WATER AND SEWER UTILITY CHARGES FOR THE NEWTON VOLUNTEER FIRST AID SQUAD FOR CALENDAR YEAR 2019

WHEREAS, the Newton First Aid Squad, “NFAS”, is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

WHEREAS, the “NFAS” owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

WHEREAS, the “NFAS” operating expenses are funded through donations and fundraising efforts; and

WHEREAS, the Newton Town Council supports the efforts of the “NFAS” and would like to assist, so they may continue to provide this valuable emergency service to the people of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2019.

A motion was made by Mr. Dickson to approve **RESOLUTION #251-2018**, seconded by Deputy Mayor Flynn and roll call resulted as follows:

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

INTERMISSION – None

DISCUSSION - None

OPEN TO THE PUBLIC

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 COMMENTS

Councilman Schlaffer noted he was impressed with Isobel’s “Weekend Bag” program and asked for the Town to support her efforts through the Town social media.

Councilwoman Diglio wished everyone a Happy Holiday and Merry Christmas.

Mayor Le Frois also wished everyone a very Merry Christmas and Happy Holiday season.

EXECUTIVE SESSION

Upon motion of Mr. Dickson, seconded by Deputy Mayor Flynn and unanimously carried, Council entered Executive Session at 8:04 pm.

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Flynn and unanimously carried, Council left Executive Session at 10:20 pm.

There being no further business to be conducted, upon motion of Mr. Dickson, seconded by Mr. Schlaffer and unanimously carried, the meeting was adjourned at 10:22 pm.

December 10, 2018

Respectfully submitted,

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

Lorraine A. Read, RMC
Municipal Clerk