

April 8, 2013

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Ricciardo, Mr. Flynn, Mayor Diglio, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Town Attorney. Also in attendance was Mrs. Millikin, Deputy Town Manager, Ms. Babcock, CFO and Mrs. Caldwell, Town Planner.

Mayor Diglio made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2012."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and carried, the minutes of March 25, 2013 Regular meeting and March 25, 2013 Executive meeting were approved. Mayor Diglio and Councilwoman Becker abstained due to their absence.

OPEN TO THE PUBLIC

Mayor Diglio read the following statement:

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

Mrs. Karen Harden-Kitchell, addressed the Council with concerns regarding the boarding homes in Newton and offered to assist with the improvements of same. Mr. Russo advised that at the next Council meeting the Council will be discussing an ordinance which will hold the property owners/landlords of boarding homes accountable for violations incurred by their tenants.

There was no one else from the public to be heard.

COUNCIL & MANAGER REPORTS

a. Good Energy

Carolyn Cantrell, Director of Energy Commodities and Philip Carr, Business Development Director of Good Energy made a presentation to the Town Council on the concept of Government Energy Aggregation (GEA). Through the implementation of GEA program community leaders are providing an additional electricity choice for their residents, harnessing bulk purchasing power and competitive market forces to secure the lowest electricity price in a competitively run bid with the best contract

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terms and no early termination fees from the most responsible Third Party Suppliers (TPS). It was noted that there is no obligation to the residents or to the Town of Newton. Mr. Carr outlined the requirements necessary in order for GEA to work.

After a lengthy discussion, the consensus of the Town Council was to move forward with the Good Energy project. Mr. Russo and Mrs. Leo will work with Good Energy and review all options prior to commitment.

b. North Hudson – Fire Truck

Mr. Russo reviewed correspondence from David Russell, President of Fire & Safety Services. Mr. Russell has requested the use of the Town's Pierce 95" Mid-mount tower apparatus at North Hudson firehouse. North Hudson has viewed Newton's apparatus and would like see how this fire truck will work in their community regarding the reach of their buildings as well as their firehouse. Council agreed to same with stipulations for mutual aid coverage; certificate of insurance; and insurance coverage for full replacement value and rental cost.

c. Newton Fire Department Proclamation

Mr. Russo noted that the following Proclamation was presented to the Newton Fire Department on Saturday, April 6th.

PROCLAMATION

Newton Fire Department

WHEREAS, the Newton Fire Department was established in December 1835, and is currently comprised of a dedicated group of volunteers who sacrifice their time to help those in need; and

WHEREAS, in 2012 under the direction of Chief Mike Teets, the Newton Fire Department responded to 375 calls and performed over 40 training drills, expending over 4,200 man hours while operating 3 Engines, 1 Ladder Truck, 1 Rescue, and 1 Brush Truck; and

WHEREAS, the caring and loyalty of these dedicated volunteers has been evident throughout the years and continues to serve as a sense of comfort and security to the Town's residents and businesses. The Newton Fire Department also works closely with the Newton First Aid & Rescue Squad, Newton Police Department, Newton Office of Emergency Management, Newton Water and Sewer Utility, and Newton Department of Public Works, as well as providing mutual aid to neighboring municipalities; and

WHEREAS, the Newton Fire Department assists in any kind of emergency, day or night; in 2012 they assisted over 45 families and businesses, expending 200 man hours, during Superstorm Sandy;

NOW, THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Newton Fire Department for their endless hours of support and service to the Town of Newton and its residents and businesses and thank each and every one of their members for their dedication and service.

d. Newton Fire Department Steak Bust

Mr. Russo announced that the Newton Fire Department will hold their annual Steak Bust on Saturday, April 27, 2013 at the #1 Firehouse from 4:00 p.m. to 7:00 p.m. With no objection from the Council, Mr. Russo will forward a letter of approval with the standard stipulations as discussed.

e. Diller Avenue

Mr. Russo addressed the correspondence from our Town Engineer regarding the speed limit on Diller Avenue. After a brief discussion, Council agreed to have Mr. Russo and Mrs. Leo further pursue additional options regarding the speed limit.

f. School Budget

Ms. Babcock disseminated a letter of response from Donna Snyder, Business Administrator for the Newton Board of Education, regarding the school budget tax increase by the Newton Board of Education.

Deputy Mayor Ricciardo expressed his disappointment with the increase and directed all residents with concerns of the school tax increase to contact the Newton Board of Education located at 57 Trinity Street, Newton.

g. Municipal Clerk Update

Mr. Russo noted that the Municipal Clerk provided a memo requesting an additional item (raffle application) be added to the agenda this evening. It was noted that the agenda will be amended to reflect the added item.

ORDINANCES

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

ORDINANCE #2013-10

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$400,000 FOR VARIOUS UTILITY CAPITAL IMPROVEMENTS IN THE TOWN OF NEWTON, COUNCY OF SUSSEX, NEW JERSEY

The following **ORDINANCE** was offered by Deputy Mayor Ricciardo, who moved its introduction, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

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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 same to be held on April 22, 2013.

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

ORDINANCE #2013-11

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENT OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,079,000 THEREFOR, INCLUDING A \$140,000 SAFE ROUTES TO SCHOOL PROGRAM GRANT RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$860,050 IN BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

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

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		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 same to be held on April 22, 2013.

OLD BUSINESS

a. Historic Preservation Commission

Mrs. Leo outlined the steps Council would need to take in order to eliminate the Newton Historic Preservation Commission. Mrs. Leo and Mrs. Caldwell, Town Planner, further noted that the Town will have no jurisdiction if an applicant is not required to appear before the Planning Board. Mr. Russo reviewed the grant funding statistics received through the Historic Commission.

After a lengthy discussion, Council would prefer more time to review the proposed information and would like to carry this discussion to the next Council meeting.

CONSENT AGENDA

Mayor Diglio 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."*

Upon motion of Deputy Mayor Ricciardo, seconded by Mrs. Becker and carried, that the agenda be amended to add a raffle application submitted by the Newton VFW Post #5360, Ladies Auxiliary and roll call resulted as follows:

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Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

Mr. Russo reviewed the various resolutions on the Consent Agenda.

RESOLUTION #53-2013*

CERTIFY SELF-EXAMINATION OF 2013 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Newton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality

5. The budget and associated amendments (if any) have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

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BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved: April 8, 2013

Vote recorded as follows: Becker, Elvidge, Ricciardo, Flynn, Diglio

RESOLUTION #54-2013*

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 GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals 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. 1993 Cannondale Bicycles
 - Condition: Fair
 - Quantity: two (2)
- 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 #55-2013*

INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2013 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40a:4-87 (c. 159, PL 1948)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, the Town of Newton is the lead agency, (also including Green Township, Andover Township and Andover Borough) for a grant in the amount of \$18,772.00 from the State of New Jersey Governor's Council on Alcoholism and Drug Abuse through the County of Sussex for a Municipal Alliance Grant; and

WHEREAS, the Town of Newton authorized the submission of the 2013 Action Alliance Grant per Resolution #165-2012 adopted August 13, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2013 Budget of the Town of Newton:

Miscellaneous Revenues:
 Section F: Special Items of Revenue
 Public and Private Revenues Off-set with Appropriations:
 NJ Municipal Alliance Grant\$18,772.00

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General Appropriations:
(A) Operations - Excluded from CAPS
Public and Private Programs Off-Set by Revenues:
 NJ Municipal Alliance Grant\$ 18,772.00
Local Match – Source:
 Current: Police Salaries and Wages\$ 2,693.00
 Current: Pub.&Priv. Prog.-Match Funds, Munic. Alliance\$ 500.00
 Current: Match Funds, Munic. Alliance –Andover Borough\$ 500.00
 Trust: Reserve for Recreation Trust \$1,000.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION #56-2013*

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 2012 and 2013 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

286.37	Quill Corporation	31715
765.50	E.A. Morse & Company, Inc.	31716
529.49	Harold Pellow & Associates, Inc.	31717
120.00	Abcode Security Inc.	31718
820.25	G & G Diesel Service Inc.	31719
6,885.17	JCP & L	31720
65.00	New Jersey Herald, Inc.	31721
1,034.38	SCMUA	31722
122.03	Centurylink Communication, Inc.	31723
186.00	Neopost Leasing, Inc.	31724
50.00	Sussex County League of Municipalities	31725
16.00	William F. Smith	31726
270.00	T.A. Mountford Company, Inc.	31727
367.00	Minisink Press Inc.	31728
2,643.20	Good Year, Inc.	31729
157.04	R & R Radar, Inc.	31730
61.96	Sebring Auto Parts, Inc.	31731
184.95	Sherwin-Williams	31732
500.00	Greater Newton Chamber of Commerce	31733
317.49	Airgas East	31734
374.98	Boonton Tire Supply Inc.	31735
120.99	McGuire, Inc.	31736
747.02	Vision Service Plan	31737
200.00	TCTANJ	31738
191.48	Verizon Wireless, Inc.	31739
120.00	IACP – Membership	31740
1,270.00	Alternate Power Inc.	31741
96.30	Cooper Electric Supply Company	31742
53.50	Wildflowers with Tami	31743
757.50	Vogel, Chait, Collins, Schneider, PC	31744
1,710.97	Home Depot, Inc.	31745
169.61	Oraton Custom Products	31746
240.00	National Entertainment Tech,, Inc.	31747
90.00	Professional Govt. Educators Inc.	31748
205.92	Excelsior Lumber Company Inc.	31749
383.57	Staples Business Advantage, Inc.	31750
800.00	Dominick’s Pizza, LLC	31751
7.77	Nestle Waters, Inc.	31752

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3,815.18	Rachles/Michele's Oil Company, Inc.	31753
2,541.43	Taylor Oil Company Inc.	31754
16.00	Eric Tompkins	31755
1,074.55	Code 96	31756
130,851.00	NJMEBF	31757
2,010.00	Chelbus Cleaning Company Inc.	31758
1,754.63	Direct Energy Business Inc.	31759
100.00	Clear Channel Radio, Inc.	31760
267.00	Darkness to light	31761
159.97	La Police Gear	31762
10,600.86	Cargill Deicing Technology, Inc.	31763
63.28	Tracy Villaverde	31764
590.00	Benchmark Professional Seminars, Inc.	31765
1,239.50	Plastic Printers Com	31766
400.00	Trump Taj Mahal	31767
150.00	AMABC	31768
77.97	Jenna Danbrowney	31769
55.00	Daniel Flynn	31770

CAPITAL

55,000.00	Capital Account	131024
258.31	Harleysville Life Insurance Company	31714
203,388.39	Payroll Account	131023
225,000.00	Chase Bank	131022
64,530.00	Chase Bank	131021
32,264.46	Trust Account, Town of Newton	131020
5,958.00	Federal & State Grant	131019
1,146.51	Harold Pellow & Associates, Inc.	8084
10,967.99	Campbell's Small Engine Inc.	8085
2,534.50	McManimon, Scotland & Baumann, LLC	8086
2,497.10	Lou's Glass	8087
609.11	Petro-Mechanics, Inc.	8088
329.50	The Phillips Companies, Inc.	8089
202.10	Excelsior Lumber Company Inc.	8090
204.50	Spectrum Communications, Inc.	8091
6,650.00	FKA Architects Inc.	8092
435.02	Code 96	8093

Total TOWN BILLS \$790,663.80

DOG RESERVE

1,430.00	Municipal Software, Inc.	8530
3,950.00	Township of Wantage	8531
375.00	Fredon Animal Hospital	8532

Total DOG RESERVE \$5,755.00

WATER AND SEWER ACCOUNT

449.70	Montague Tool & Supply, Inc.	13506
8,496.50	Harold Pellow & Associates Inc.	13507
684.50	Decker's Fire & Safety Equipment Inc.	13508
2,003.82	JCP&L	13509
11,620.90	Pumping Services, Inc.	13510
664.70	SCMUA	13511
34.80	Sussex County P & H, Inc.	13512
6,958.08	Coyne Chemical Corporation Inc.	13513
125.85	Centurylink Communications, Inc.	13514
70.00	Campbell's Small Engine Inc.	13515
750.00	Cosper Environmental Services, Inc.	13516
270.00	T.A. Mountford Company Inc.	13517
186.54	Vision Service Plan	13518

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5,260.00	Passaic Valley Sewerage Commission	13519
1,442.10	Main Pool & Chemical Company Inc.	13520
1,335.00	Alternate Power Inc.	13521
25.19	Home Depot Inc.	13522
3,488.03	Airmatic Compressor Systems, Inc.	13523
21.00	Eric Tompkins	13524
24,133.00	NJMEBF	13525
3,816.32	Direct Energy Business Inc.	13526
800.00	The Buzak Law Group, LLC	13527
1,213.37	Capitol Supply Const. Products, Inc.	13528
415.45	Badger Meter	13529
434.12	Penn Jersey Machinery	13530

CAPITAL

85,000.00	Water & Sewer Capital Account	136012
37,020.31	Payroll Account	136011
34,668.76	Bank of New York	13610

Total WATER & SEWER BILLS \$231,388.04

TRUST ACCOUNT

1,923.75	Harold Pellow & Associates Inc.	3110
487.50	McManimon, Scotland & Baumann, LLC	3111
390.00	Vogel, Chait, Collins, Schneider PC	3112
500.00	Northeast Realty	3113
2,406.25	Payroll Account	137108

Total TRUST ACCOUNT BILLS \$5,707.50

DEVELOPERS ESCROW ACCOUNT

2,181.25	Harold Pellow & Associates, Inc.	1120
36.00	Hollander, Streizik, Pasculli, Hinkes	1121
1,837.50	Vogel, Chait, Collins, Schneider, PC	1122
600.00	The Buzak Law Group, LLC	1123
649.75	J. Caldwell & Associates, LLC	1124

Total DEVELOPERS ECROW BILLS \$5,304.50

The Clerk presented an application for a Special Permit for a Social Affair from the Greater Newton Chamber of Commerce, P.O. Box 386, Newton, to be held on Saturday, June 8, 2013 from 4:30 p.m. to 10:00 p.m. at Memory Park, Moran Street, Newton. It was noted that the application was in order, signed by the Chief of Police, and accompanied by the prescribed fee.

The Clerk presented an application for an on premise raffle (Tricky Tray & 50-50) from the VFW Post #5360, Ladies Auxilliary, 85 Mill Street, Newton, New Jersey to be held on Saturday, April 13, 2013 from 5:30 p.m. to 11:00 p.m. at the Newton VFW, 85 Mill Street, Newton. It was noted that the applications were in order and accompanied by the prescribed fees.

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

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Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

INTERMISSION – 10 minutes

HEARING ON THE 2013 BUDGET

a. **2013 Municipal and Water & Sewer Utility Budget**

Mr. Russo made a power point presentation on the 2013 Municipal Budget and Water & Sewer Utility Budget, while focusing on three (3) core areas: (1) cost effectiveness; (2) protecting core services and (3) revenue enhancement. Ultimately, all three (3) core principles are inexorably tied to the prevailing ideology of enhancing mission achievement – making the Newton municipal organization the best it can be.

Mr. Russo noted that the property tax is divided among the County of Sussex, County Library, County Health Department, County Open Space, Newton Board of Education and the Town of Newton. The percentage for each of the jurisdictions received in 2012 from the average taxpayer in the Town is as follows:

Newton Board of Education	50.99%	\$1.693
Town of Newton	34.28%	\$1.138
County of Sussex	13.28%	\$0.441
County Library	1.00%	\$0.033
County Open Space	00.06%	\$0.002
County Health Department	00.39%	\$0.013
Total	100%	\$3.32 per \$100 of assessed value

Mr. Russo reviewed the 2013 Municipal Budget and Capital Improvements Program which totaled \$11,600,000. The Municipal government is a service-based organization. Approximately 65% of the municipal budget provides funding for the salaries and benefits of 63 full-time and 52 part-time employees, a net decrease of eight (8) employees from 2009.

Mr. Russo reviewed the tax rate for 2013 noting that with State Aid and grant funding continuing to diminish, coupled with the reality of a tax base that is over 35% exempt, it is an ever increasing challenge to maintain appropriate service levels and sound fiscal policies while mitigating any significant municipal tax increases.

The Town experienced a decrease in the Net Valuation Taxable (NVT) in the amount of \$3,596,080, down to \$687,090,410. This caused the average residential structure in Newton to slightly decrease in value from \$222,090 to \$221,256. However, with prudent, conservative budgeting, the Town's 2013 Budget shows a nominal overall

increase of just \$51,207 in the amount to be raised for support of the municipal organization.

Therefore, the Municipal Tax necessary to support the Newton municipal organization, including the Reserve for Uncollected Taxes, is increasing for the 2013 year. The 2013 municipal tax rate will be 1.1514 vs. 1.1380 from 2012, or an increase of 1.34 tax points. The impact on the average assessed residential structure (\$221,256) is only \$20.00 per year or 5 ½ cents per day.

Mr. Russo thanked all department heads, staff and especially Dawn Babcock, CFO for their invaluable assistance in putting together these important documents. In closing, it is my belief that the budget appropriations and revenue projections, as contained in the 2013 budget for Newton, will enable the Town to meet the public's demand and need for critical services. Furthermore, the budget is structured as a fiscally responsible document to ensure that the financial well-being of our municipal government is preserved.

This 2013 budget as presented will enable the municipal organization to continue mission achievement - achieving the excellence in governance expected by our customers: the taxpayers, businesses, and residents of Newton.

Mayor Diglio and the members of the Council thanked Mr. Russo and his staff for a budget which is strong and fiscally responsible.

Upon motion of Mrs. Becker, seconded by Mr. Flynn and carried, the 2013 Budget Hearing was open to the public.

There being no one else from the public to be heard, upon motion of Mrs. Becker, seconded by Mr. Elvidge and unanimously carried, the hearing was closed.

A motion was made by Mrs. Becker to **ADOPT THE 2013 TOWN OF NEWTON MUNICIPAL AND WATER AND SEWER UTILITY BUDGET**, seconded by Deputy Mayor Ricciardo and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

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Section 2 - Upon Adoption for Year 2013

(Only to be included in the Budget as Finally Adopted)

RESOLUTION

Be it Resolved by the Mayor and Town Council of the Town of Newton, County Sussex that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 7,911,487.10 (item 2 below) for municipal purposes ,and
- (b) \$ 0 (item 3 below) for school purposes in Type 1 School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ 0 (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ _____ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

Recorded Vote
(insert last name)

(((
((Abstained
(((
(((
(((
((Absent
(((

Summary of Revenues

1. General Revenues		
Surplus Anticipated	08-100	776,000.00
Miscellaneous Revenues Anticipated	13-099	2,582,512.90

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Receipts from Delinquent Taxes		15-499	330,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet11)		07-190	7,911,487.10
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE 1 SCHOOL DISTRICTS ONLY			
Item 6, Sheet 42	07-195		
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)	07-191	0	
Total Amount to be raised by Taxation for Schools in Type 1 School Districts Only			0.00
4. To Be Added to The Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:			
Item 6(b), Sheet 11 (N.J.S. 40A :4-14)		07-191	
Total Revenues		13-299	11,600,000.00
			0

Sheet 41

Summary of Appropriations

5. GENERAL APPROPRIATIONS:		XXXXXXXX	XXXXXXXX
		X	X
Within "Caps"		XXXXXXXX	XXXXXXXX
		X	X
(a&b) Operations Including Contingent		34-201	6,985,473.00
(e) Deferred Charges and Statutory Expenditures - Municipal		34-209	998,370.08
(g) Cash Deficit		46-885	0.00
Excluded from "CAPS"		XXXXXXXX	XXXXXXXX
		X	X
(a) Operations - Total Operations Excluded from "CAPS"		34-305	1,270,986.71
(c) Capital Improvements		44-999	107,500.00
(d) Municipal Debt Service		45-999	1,819,715.00
(e) Deferred Charges - Municipal		46-999	23,429.71

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(f) Judgments	37-480	0.00
(n) Transfer to Board of Education for Use of Local Schools (N.J.S.40:48-17.1 & 17.3)	29-405	0.00
(g) Cash Deficit	46-885	0.00
(k) For Local District School Purposes	29-410	0.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	394,525.50
6. SCHOOL APPROPRIATIONS - Type 1 School Districts only (N.J.S. 40A:4-13)	07-195	
Total Appropriations	34-499	11,600,000.00

It is hereby certified that the within budget is a true copy budget finally adopted by resolution of the Governing Body on the _____ th day of _____, 2013
 It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2013 approved budget and all amendments thereto, to if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ th day of _____, 2013 _____, Clerk
Signature

April 8, 2013

OPEN TO THE PUBLIC

Mayor Diglio opened the hearing to the public.

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Mayor Diglio commended the Newton Fire Department for hosting a wonderful dinner at their annual Fire Chief Installation event on Saturday, April 6, 2013.

EXECUTIVE SESSION

Mr. Russo read Resolution #57-2013 and Council entered into Executive Session at 9:04 p.m.

Upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and carried, Council left Executive Session at 9:27 p.m.

RESOLUTIONS

RESOLUTION #58-2013

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE UNITED PUBLIC SERVICE EMPLOYEES UNION

WHEREAS, the terms of a contract covering the three-year period from January 1, 2013 to December 31, 2015 have been negotiated by representatives of the United Public Service Employees Union "UPSEU" and representatives of the Town of Newton; and

WHEREAS, an appropriate contract reflecting the changes from the previous agreement has been prepared and executed by UPSEU representatives;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and the Municipal Clerk to execute said three-year contract covering calendar years 2013, 2014, and 2015 with the United Public Service Employees Union.

The aforementioned **RESOLUTION** was offered by Deputy Mayor Ricciardo, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

RESOLUTION #59-2013

A RESOLUTION CONFIRMING THE SALE OF A CERTAIN PARCEL OF LAND AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE LEGAL INSTRUMENTS NECESSARY TO EFFECTUATE SAID SALE

WHEREAS, on the 11th day of February, 2013, the Town Council of the Town of Newton adopted Ordinance #2013-4, entitled "An Ordinance Authorizing the Sale of Certain Lands in the Town of Newton by Public Auction"; and

April 8, 2013

WHEREAS, the Town of Newton, after public sale at auction to the highest bidder on March 27, 2013, has received an acceptable bid by Richard Doren on behalf of Julie Richard, LLC, for Block 18.02, Lot 2 (formerly Block 1301, Lot 1.02); and

WHEREAS, adequate notice of the public sale was properly advertised, pursuant to N.J.S.A. 40A:12-13(a); and

WHEREAS, Richard Doren on behalf of Julie Richard, LLC deposited \$15,000.00 and executed an Acceptance of Offer to Sell Property by the Town of Newton on March 27, 2013; and

WHEREAS, Richard Doren on behalf of Julie Richard, LLC has agreed to pay the balance of the purchase price plus the costs of recording deeds, costs of notice of publication, and \$450 for Town attorney fees related to the property transfer, by May 27, 2013;

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

1. That said parcel more particularly described as Block 18.02, Lot 2 on the Town of Newton Tax Map be sold for a price of \$120,000.00 to Richard Doren on behalf of Julie Richard, LLC.

2. That the Mayor and Clerk are hereby authorized to execute any and all Deeds and all other instruments necessary to effectuate said sale.

The aforementioned **RESOLUTION** was offered by Mr. Flynn, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

There being no further business to be conducted, upon motion of Deputy Mayor Ricciardo, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk