

May 27, 2015

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mrs. Becker, Mr. Levante, Deputy Mayor Flynn, Mayor Elvidge, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq. Mrs. Diglio was excused.

Mayor Elvidge 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, 2014."

Mayor Elvidge led the Pledge of Allegiance to the flag and the Deputy Clerk called the roll and, upon motion of Mr. Levante, seconded by Deputy Mayor Flynn and carried, the minutes of the May 11, 2015 Regular Meeting was unanimously approved.

OPEN TO THE PUBLIC

Mayor Elvidge 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."

Jonathan Andrews asked that the presentations be done first. Mayor Elvidge agreed to switch the order on the agenda so the Presentation portion was done first.

PRESENTATIONS

Police Chief Michael Richards presented the following:

"Every year in May we take time to honor those Officers who have paid the ultimate sacrifice, during National Police Week, and we were fortunate again this year to have two of our officers join with several others from Sussex County in the Police Unity Tour - riding bicycles from New Jersey to Washington DC to the National Law Enforcement Officers Memorial - we're proud to have Sgt. Mike Monaco and retired Captain, now SLEO, Don Donofrio represent our department in this event - please join me in applauding them.

It's also a time to reflect on Officers' achievements and performance over the past year that deserves special recognition - in previous years we've recognized officers for their life saving efforts and/or for bringing acclaim to the department for their hard work, training or accomplishments.

This year the performance and actions of several Officers certainly merits special recognition. Despite this fact, I think sometimes officers and other people feel that they were just doing their jobs - which I suppose is true, but sometimes Officers are faced with particularly difficult situations or seemingly insurmountable challenges - these officers rise up to face these challenges and the results they accomplish are great - and deserving our recognition.

To begin, I want to briefly recount the case of the kidnapping of Newton business owner - Jeff Muller of J&G Pet Foods. Detective Tom Muller was one of the first officers on scene to investigate this case on that cold Friday morning in January 2010. As the investigation continued into the night, Detective Muller emerged as the lead Detective in the case. I could tell that he was locked in and fully committed - he shied away from no assignments. Sometimes, in the DB we talk about the concept of "**leaving no stone unturned**" in our dedication to duty and commitment in an investigation. This was literally proven to be true as he carried out one of his first assignments which was to search the county landfill for evidence since a dumpster had been recently emptied near the store.

May 27, 2015

Detective Muller stayed with the case through to the early morning hours of the next day and ultimately until the victim had been located in Missouri - he worked tirelessly with other Detectives from the County Prosecutor's Office, the NJ State Police and Special Agents from the FBI - and he helped manage the many assignments that were carried out by so many agencies in order to help piece together everything that happened. By early Sunday morning he was on a flight to Missouri where he stayed for nearly a week and worked with Detectives, crime scene investigators and local Missouri law enforcement to gather evidence and interview witnesses.

Detective Muller's efforts on this case continued with this intensity for several months - ultimately resulting in criminal charges being filed against everyone involved and responsible for kidnapping Jeff Muller. This was always our goal to hold accountable everyone for their role in this terrible crime and it was in large part due to Det. Muller's efforts - Det. Muller's name is the complainant on the criminal complaints for 5 defendants - all of which, except for one, have either pleaded guilty or have been found guilty after a jury trial - and there is no reason to believe that the last remaining defendant won't experience the same outcome.

And it's important to note that the work on this case didn't cease in 2010 - it went on for over five years afterward and it still continues to this day as preparations are under way to try the last defendant. Tom's had to go back to Missouri for follow up investigation and interviews, testified in grand jury and he's processed evidence, prepared for trial and he's provided testimony in a criminal trial, facing cross examination for all the work that had been done going back to January 2010.

The lead Prosecutor in this case, Sussex County First Assistant Prosecutor Greg Mueller, wanted to be here tonight to join me in recognizing Det. Muller but had a schedule conflict so he sent along this message:

It is with regret that I cannot attend the council meeting tomorrow **evening**. I wanted to show my support for the exceptional work done by Detective **Muller**. I have been a prosecutor for 10 years in Sussex County and have had the pleasure to work with many talented and dedicated Detectives. **Detective Muller** is at the top of that **list**. Generally, he has brought a very high level of professionalism, motivation and ability to every case I have worked with him. In the Newton kidnapping case, in particular, he worked tirelessly to investigate conduct that included numerous individuals, in several jurisdictions - spanning more than a **decade**. The discovery produced in that case, by Detective Muller and others, exceeded 60,000 pages of **material**. Without his exceptional effort in that case, Jeff Muller would not have had the **outcome he deserved**. **It is hard to imagine a more deserving Detective of the award.**

Gregory R. Mueller, First Assistant Prosecutor, Sussex County

Chief Tom McCormick - Chief of Detectives with the County Prosecutor's Office is here tonight and we appreciate the fantastic working relationship we have with their office and we are grateful for the great work they do here in Newton - which is ongoing, for while the kidnapping was one of the most significant cases in the long history of our Police Department - I also point out that during the last five years that this case has been going on - we've also had several other serious investigations such as many drug distribution cases, attempted murder, aggravated assaults, sexual assaults and fires with fatalities. We relied on Det. Muller to lead all these investigations and he's done so with an exceptional level of professionalism, dedication to duty and motivation - motivation to do right by the victims of these crimes.

This concern for victims may have been most evident to me when after the guilty verdicts were delivered by the jury in this most recent trial for kidnapping, Det. Muller was the first officer to approach Jeff and give him a hug there in the Courtroom.

For all of this I'm awarding Det. Thomas Muller with the Exceptional Duty Award with this citation bar for his uniform and certificate. He has maintained a high standard of motivation and professionalism for an extended period of time shown through his attitude and job performance.

He may feel that he was just doing his job - but it is worthy of our praise and recognition.

Thank you!

May 27, 2015

Recently, some other officers were just doing their job too but ended up being faced with a challenge that Officers prepare for their entire careers but hope they never have to - the decision to use deadly force.

What should have been a routine arrest quickly turned very serious when members of our Department went to an apartment in Town to help State Parole Officers (recognize Frank/Mike) arrest a subject on a warrant for violating the terms of his community supervision for life. Officers found the subject, a 39 year old registered sex offender, confined in a small room in his apartment. He was very upset and was also very intoxicated. He knew there was a warrant for his arrest and didn't want to go back to jail. It was a little after 3 PM, school had just dismissed students who were walking home on a Monday afternoon near a busy street.

Officers found him in possession of a razor blade and he was cutting himself while threatening officers - swinging the blade at them as well as swinging a metal bar at them. He threatened to kill all the officers and pleaded with them to shoot him.

It was an especially difficult situation due to the size of the room that they had to work but the officers handled it very well. Sgt. Frank Philhower and DSG. Dean Coppolella took the lead roles in containing him, controlling the scene and communicating with the subject. Philhower and Coppolella were leading from the front, as great supervisors are supposed to do, utilizing their years of experience and training.

The incident lasted about 45 minutes where they patiently worked on coaxing the subject to put down the weapon and submit to the arrest. Instead the subject told him that he was going to pull out his own gun and shoot the officers while swinging the razor blade at the officers and continuing to cut himself. They were unsuccessful and there were several times throughout the incident that deadly force was considered and would have been justified but fortunately they were able to seize an opportunity when the subject lost his balance and stumbled in the small room and they tackled him and restrained him.

I have a brief audio recording that I'd like to play to fully understand the intensity of the situation they were dealing with - I condensed the 45 minutes of their in-car camera audio down to just a few minutes. It's too bad that we didn't have body cameras yet when this happened.

----play audio ----

The last part of the audio is the indiscernible noise of the subject being tackled and taken into custody. The Officers were covered in the subject's blood and Sgt. Philhower suffered an injury to his right hand during the incident but everyone involved was saved from significant injury due to their outstanding performance on that day.

For this act in the line of duty, at imminent personal hazard of life, with full knowledge of the risk involved - I award Sgt. Frank Philhower and Det. Sgt. Dean Coppolella with the department's Medal of Honor signified by this citation bar and certificate.

I hope that the public and the members of the Newton Town Council will join with me in expressing how proud we are of these officers and of the entire police department for the great work that they do every day as they go about their work - just doing their jobs."

Sgt. Coppolella publicly thanked Sgt. Philhower for recognizing his vulnerability in not having a bulletproof vest on and taking the lead to ensure his safety.

Mayor Elvidge thanked Chief Richards for bringing forth these stories; he stated he is very proud of our Police Department and thanked all of them for their service.

Deputy Mayor Flynn thanked the Police Department.

Mr. Levante thanked the department for their bravery and service.

May 27, 2015

Mr. Russo announced a brief break to allow for photos with the Governing Body and thanked everyone for attending this important ceremony and recognized the Police Department along with the entire staff of the Town of Newton organization for their outstanding service.

OPEN TO THE PUBLIC

Mayor Elvidge 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.”

Anwar Qarmout, 45 Woodside Avenue, asked why there was no prayer said before tonight’s meeting. Mayor Elvidge explained he simply forgot his notebook tonight, but he normally does say a prayer before each meeting. Secondly, Mr. Qarmout questioned the status of the property on 24 Lawnwood Avenue that was destroyed by fire.

Mayor Elvidge advised it was addressed at the Planning Board. They were given a year to live in the trailer on the property to give them time to work out insurance issues. Jessica Caldwell, Town Planner, clarified that they were issued a Temporary Use Variance. The timeframe is due to expire in September or possibly October.

Jon Andrews of Springboard Shoppes, 145 Spring Street, spoke next. He began by distributing packets to the Council as reference material for his comments. He stated:

1. I will be stepping down as lead person at Downtown Newton Association. This is primarily because of some changes in my business situation which require hands on attention.

2. I Implore the Council to do everything possible to minimize the business disruption during construction activity on Spring Street. We don’t need fancy crosswalks. We do need people to have ready access to our stores.

3. Mr. Andrews asks the Town clean up and improve landscaping in lots and entrance to Newton. He references the 2009 Circulation Plan page 53, 54 and 43 and the 2013 Vision Plan, page 5, Goal 1. Jim Ciaravolo has found a source for free plant material, and volunteers are willing to do the work. The Town however, will not provide insurance for the volunteers.

4. Mr. Andrews requests the Town improve signage in downtown Newton as per 2009 Circulation Plan, pages 40 and 94. This was outlined in that plan as an important step, and has essentially been ignored since 2009.

5. Implore again - Don’t disrupt our downtown.

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

COUNCIL & MANAGER REPORTS

May 27, 2015

Mr. Russo asked the Deputy Clerk to record the proclamation presented by Councilwoman Diglio on May 15, 2015 into the minutes:

Thomas Zappe - Eagle Scout

WHEREAS, Thomas Zappe, a member of Boy Scout Troop 184, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Thomas devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Thomas Zappe has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Thomas's Eagle Scout Leadership Project he designed and constructed an outdoor prayer area at Tranquility United Methodist Church in Green Township, New Jersey; and

WHEREAS, Thomas Zappe serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Thomas is a member of our community.

NOW, THEREFORE BE IT PROCLAIMED, that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Thomas Zappe for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

Mr. Russo introduced new employee Kathryn Walker. Ms. Walker is the Administrative Assistant in the Community Development Office, replacing Suzie Givone. Ms. Walker thanked the Council, and she stated she is really enjoying her new position.

Mr. Russo introduced Mike Stoller of EMEX. Mr. Stoller gave a brief overview on EMEX, explaining they are a DCA-approved vendor for energy procurement. This allows municipalities to use their reverse auction to procure energy instead of the traditional RFP process. Mr. Stoller went on to explain the benefits that Newton has received from the auction in 2013, resulting in a nearly \$50,000 cost savings over two years. Mr. Stoller further explained a reserve bid analysis, it is an anticipated savings before going to bid. Currently, against the JCP&L tariff, the anticipated savings is about \$30,000 over two years. Finally, on the lighting accounts we are looking at a proposed negative savings. Mr. Stoller feels once it goes to auction you will see a savings. If not, Newton can leave the accounts with the current utility provider. The auction is set for Friday, May 29th at 11:00am. As long as the trigger resolution is approved tonight, the auction will go on as planned. A brief discussion ensued with Mr. Stoller on the auction process. Mayor Elvidge thanked Mr. Stoller for his time.

Mr. Russo reminded the Council the Town is operating on the summer hours schedule. The municipal building is open late on Thursdays through 6:30pm and closes early on Fridays at 1:30pm.

Mayor Elvidge acknowledged the excellent job that everyone did on the Memorial Day Parade and ceremony.

Deputy Mayor Flynn stated he would like to look into additional wayfinding signs, in particular some kind of board. Mr. Russo explained Jonathan Andrews in previous meetings had indicated their group was putting together and paying for the signs, and that he offered to have our DPW personnel install them. Mr. Russo does not know where this matter stands. Mr. Russo went on to clarify a comment made earlier by Mr. Andrews, it is not that the Town does not want to insure the volunteers, our insurance provider will not allow us to insure volunteers other than fire department or rescue squad personnel. If the volunteers would like to sign hold harmless agreements, that would be fine, but the Chamber or DNA group would have to provide insurance. As for signage, he is currently waiting on the DNA group, but we can budget it for next year in the Capital Improvement Fund Budget if that is the Council's wish.

Mr. Levante stated he was talking to the merchants and they are very concerned with amount of time it takes to make the loop around Spring Street, Trinity Street and all the way back. Mr. Levante suggested reversing the parking exit by Bula's and Kudzu Emporium and make that an in, and the Adams Street an out, to give the option of a smaller loop to turn around. A brief discussion ensued, everyone agree it was a good idea that should be explored in the future. Mr. Russo offered that it could possibly impact the McGuire Redevelopment Plan, so we should wait and see how things pan out. Mr. Russo reminded the Council, the new traffic pattern will create 24 additional parking space, so we should wait and see. Mr. Levante also commented in reference to the picture Mr. Andrews submitted with the high grass by Bula's, the grass is actually higher, and hopes we can make his day and get it mowed tomorrow.

Deputy Mayor Flynn asked Mrs. Millikin if the timing of the light at Trinity and Route 206 is going to be adjusted for the right hand turn? Mrs. Millikin replied that the plan is to coordinate everything once the traffic lights go in with the DOT. They are aware that new traffic lights are going in.

ORDINANCES

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

ORDINANCE 2015-10

AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, the Mayor and Town Council of the Town of Newton find the indiscriminate and uncontrolled removal and cutting of trees upon large lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

WHEREAS, the Town of Newton's Shade Tree Advisory Commission (NSTAC) recommended a tree protection ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of trees as a result of site plan applications; and

WHEREAS, the Town Council of the Town of Newton implemented Tree Protection for new Major Site Plan applications in the Town of Newton by adding tree protection and replacement requirements in Chapter 240 Site Plan And Subdivision of the Town Ordinances; and

WHEREAS, Chapter 240, Section 7, subsection B.(6) provides for a developer to pay into a Tree Bank, if they choose not to or do not have adequate space to replace the required amount of trees on their property; and

WHEREAS, the Town Council of the Town of Newton would like to establish such a Tree Bank for developers to contribute to, in lieu of planting the required trees, such that trees may be replaced somewhere in the Town, but preferably in the same general area of Town where the trees were removed; and

WHEREAS, the Tree Bank may also be an account where the Town of Newton may accept donations for those interested in providing for trees to be planted within 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 I: Chapter 240-7.B(6)(d) Landscaping, Tree Protection and Replacement shall be amended to read:

(d) Tree protection and replacement must be undertaken as part of the site plan. All existing trees over eight (8) inches in dbh, which are not considered by the New Jersey Department of Environmental Protection to be invasive species, shall be surveyed and shown on the site plan with removal status. Trees that are surveyed shall be marked in the field for verification by the Board Engineer. Trees shown to be removed shall be counted and at least 50 percent of the total number of trees proposed to be removed shall be replaced. For example, if ten (10) trees over eight (8) inches in dbh are shown to be removed; five (5) trees must be replaced on the property. Replacement trees must have a minimum three and a half inch (3 ½") dbh at time of planting. Where a developer cannot or does not wish to replace all trees on the site, that developer shall pay a fee per tree into the Town of Newton Tree Bank at a fee as established in Chapter 100 Fees and Costs.

SECTION II: Chapter 241, Tree Bank, is hereby created and made a part of the Revised General Ordinances of the Town of Newton.

241-1 The purpose of this ordinance is to provide a fund for the planting of trees within the Town of Newton. More specifically, when an applicant for a Major Site Plan cannot or does not wish to fulfill the tree replacement requirements of Chapter 240-7.B(6), then the applicant must contribute to the Tree Bank. Additionally, public or private entities that wish to donate to the Town of Newton to provide for trees to be planted may donate to the Tree Bank for said purpose.

241-2. Applicability .

The Tree Bank applies to all properties seeking Major Site Plan approval in the Town of Newton pursuant to Chapter 240.

241-3. Town Tree Bank.

A. The Town shall establish and maintain a Tree Bank where fees collected from developer contributions pursuant to Section 240-7.B(6)(d) shall be kept. The fund shall be utilized by the Town Manager, or his designee, for tree planting in the Town of Newton. The Town's Shade Tree Commission (NSTAC) shall provide recommendations at least once annually for consideration by the Town Manager, or his designee, for use of the fund. Trees planted by the Town utilizing Tree Bank funds may be any size at the time of planting, as determined to be suitable by the Town Manager, or his designee.

B. Funds within the Tree Bank shall be allocated to at least one (1) tree planting event per year subject to fund availability. Members of the NSTAC shall provide recommendations to the Town Manager, or his designee, in the selection of species and location of planting.

C. Trees planted by Tree Bank funds should be located as closely as possible to the areas where Tree removal occurred that generate payments to the Tree Bank.

D. The Town Tree Bank Fund may also accept donations and/or funds from other sources for the express purpose of planting trees at locations selected by the Town Manager or his designee.

SECTION III: Chapter 100 Fees and Costs is amended as follows:
Section 100-24 Miscellaneous Fees and Charges

100-24-L. Tree Protection and Replacement (Chapter 240 and 241)

(1) Tree Bank Fee for trees proposed for removal that are not replaced on the site pursuant to Section 240-7.B(6)(d): \$200.00 per tree.

SECTION IV: SEVERABILITY AND REPEALER

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held invalid.

SECTION V: EFFECTIVE DATE

Mayor Elvidge opened the hearing to the public.

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

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

Mrs. Diglio	Absent	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

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

ORDINANCE 2015-14

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF NEWTON TO INCREASE THE MINIMUM LIGHTING STANDARDS FOR PARKING AREAS AND SIDEWALKS

WHEREAS, The Mayor and the Town Council of the Town of Newton find that minimum illumination standards are not sufficient to provide adequate lighting in parking areas and on public sidewalks; and

WHEREAS, the Mayor and the Town Council of the Town of Newton find that an increased standard would serve the health, safety and general welfare of the traveling public;

May 27, 2015

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 240, Schedule A - Lighting, shall be replaced as follows:

Schedule A: Lighting

Maintained Illuminance for Parking Lots and Sidewalks Shall Follow the Illuminating Engineering Society of North America (IESNA) Recommendations for Enhanced Security as follows:

Minimum Horizontal Illuminance: 0.5 fc

Maximum to Minimum Uniformity Ratios: 15:1

Minimum Vertical Illuminance: 0.25 fc

The following items should guide Lighting Plan designs for public parking and sidewalk areas:

1. Minimum horizontal illuminance shall not be lower than 0.5 fc.
2. Average horizontal illuminance shall not exceed 2.5 fc.
3. Uniformity ratios are to be used as a guide.
4. Minimum vertical illuminance shall be measured at 5.0 feet above parking surface at the point of lowest horizontal illuminance, excluding facing outward along boundaries.
5. During periods of non-use, the illuminance of certain parking facilities should be turned off or reduced to conserve energy. If reduced lighting is to be used for security purposes only, it is desirable that the minimum (low point) not be less than 0.2 fc. Reductions should not be applied to facilities subject to intermittent night use, such as downtown parking areas, apartments, hospitals and active transportation areas.
6. If personal security or vandalism is a potential issue, an increase above the minimum illuminance levels may be approved by the Planning Board.
7. High vehicular traffic areas must meet minimum standards noted above and may warrant increased illuminance levels as approved by the Planning Board. Exit drives, entry drives and internal connecting roadways or alleys are some examples.
8. All parking areas in the Town of Newton shall follow lighting for "Enhanced Security," as noted above and further described in the Illuminating Engineering Society Report IES RP-20-14, titled "Lighting for Parking Facilities."

SECTION 2: Section 320-24.E(7) shall be amended as follows:

320-24.E(7) All street lights shall have illumination and uniformity ratios which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to roadways shall maintain a minimum 0.5 footcandle coverage.

SECTION 3: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 4: NOTICE

Upon the adoption of this Ordinance, after public hearing, the Town Clerk is directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Elvidge opened the hearing to the public.

May 27, 2015

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

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

Mrs. Diglio	Absent	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

Mayor Elvidge asked for clarification from Mrs. Leo on the procedure for Planning Board review of an ordinance. Mayor Elvidge asked if in the future can an ordinance be sent to the Planning Board before introduction. Mrs. Leo advised yes, the law states that the Planning Board be given 35 days to respond, if there is no response it is deemed as acceptance. Next, Mr. Elvidge asked if one portion of the proposed ordinance is deemed not acceptable to the Council, is it voted on as presented. Mrs. Leo advised you can vote to approve the ordinance, vote to reject the ordinance or vote to amend the ordinance. If the amendment is substantial, which changes the nature of the ordinance as it was intended, then a second public hearing would have to be advertised and held at a later date.

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

ORDINANCE 2015-15

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF NEWTON TO PERMIT VAPOR STORES AND TOBACCONISTS AS PRINCIPAL PERMITTED USES IN THE T-4, T-5 AND SD-3 ZONES

WHEREAS, the Form-Based Code of the Town of Newton currently does not permit retail stores dedicated primarily to selling electronic cigarettes and/or tobacco products, also known as Vapor Stores and Tobacconists; and

WHEREAS, the Mayor and Town Council of the Town of Newton have reviewed the Town's Zoning Map and areas within the Town that may be suitable for such retail facilities; and

WHEREAS, the Mayor and the Town Council of the Town of Newton have determined that the T-4, T-5 and the SD-3 Zones are acceptable locations for Vapor Stores and Tobacconists;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, Sussex County, New Jersey, that the Town Code of the Town of Newton be amended and supplemented as follows:

SECTION 1: Section 320-3 Definitions shall be supplemented with the following:

Electronic Smoking Device is an electronic and/or battery-operated device that uses a heating element to atomize a liquid solution, known as e-liquid, which usually contains a mixture of propylene glycol, glycerin, nicotine, and/ or flavorings. The resulting aerosol

(commonly referred to as vapor) is inhaled by the user in a similar fashion as smoking. Electronic Smoking Device is also known as an e-cigarette, personal vaporizer or electronic nicotine delivery system.

Electronic Smoking Device Paraphernalia means cartridges, cartomizers, e-liquid, e-juice, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers and other items used for Electronic Smoking Devices.

Tobacconist is a retailer that either devotes 25% or more of floor area or display area to, or derives 75% or more of gross sales receipts from the sale or exchange of Tobacco Products or Tobacco Paraphernalia. Tobacconists may permit product sampling within their establishment; in compliance with applicable state and federal regulations.

Tobacco Paraphernalia means cigarette papers or wrappers, pipes, cigarette rolling machines, cigar cutters, humidors, pipe cleaners, pipe tampers and other items designed for the smoking or ingestion of tobacco products.

Tobacco Products are any substance containing tobacco leaves, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

Vapor Store is a retailer that either devotes 25% or more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of Electronic Smoking Devices and/or Electronic Smoking Device Paraphernalia. Vapor Stores may permit product sampling within their establishment, in compliance with state and federal regulations.

SECTION 2: Section 320-2.C “Permitted Uses” shall be amended to include the following:

Transect Zones	T-1	T-2	T-3	T-4	T-5	T-6
Commercial Retail Services						
Vapor Stores or Tobacconists	NP	NP	NP	P	P	NP

Special Districts	SD-1	SD-2	SD-3	SD-4	SD-5	SD-6	SD-7	SD-8	SD-9
Commercial Retail Services									
Vapor Store or Tobacconists	NP	NP	P	NP	NP	NP	NP	NP	NP

SECTION 3: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 4: NOTICE

The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Mayor Elvidge opened the hearing to the public.

May 27, 2015

Becky Carlson, Executive Director of the Center of Prevention and Counseling, gave a brief presentation on vaping and recommends voting “no” tonight on this ordinance. Cigarette smoking is going down, but e-cigarette use has tripled. Mrs. Carlson showed a poster of what a vapor store really looks like. Many young people patronize these stores and even participate in cloud contests that are posted all over the Internet on Facebook and Instagram.

Anmarie Schaeffer, Center Prevention and Counseling. Mrs. Schaeffer advised the Council they should be aware e-cigarettes are used for illicit drugs. In schools the most prevalent paraphernalia they are collecting from students are e-cigarettes and vaporizers. Between 2011-2013 e-cigarette advertising to youth increased 253%. The generation coming up missed the nightmare of the tobacco industry fight. Advertisers are targeting youth. Mrs. Schaeffer encouraged the Council to vote “no” on this ordinance.

Susan Murray, 154 Sparta Avenue stated she is opposed to any ordinance that would allow or even increase the sale of tobacco products. Mrs. Murray went on to voice her concerns with the large area these stores would be permitted in our small town. Finally she is very concerned about the definitions in the ordinance. Mrs. Murray feels it will be problematic that the tobacconists are dealt completely separate from the retailers of the vapor products in the ordinance. If a retailer sells both products, they could have 40% of sales in tobacco and 40% of sales in vapor products resulting in 80% in overall sales, however they would not be in violation of the ordinance restriction of 75% because the two are separated. In closing, Mrs. Murray strongly urges the Council to defeat this ordinance.

Neil Flathery, 154 Sparta Avenue stated he would like to also recommend the Council vote down this ordinance. The ladies from the Center for Prevention and Counseling gave a compelling argument. He went on to state that Mrs. Murray brought up a good point on the definitions in the ordinance. At the Planning Board level it was determined that the percentage of sales is a difficult thing to determine, and even the footage of sales area is somewhat problematic and difficult to enforce. Mr. Flathery closed with suggesting this ordinance be voted down, or at the very least studied further.

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

Mayor Elvidge thanked the public for their comments, stating it was very enlightening. A brief discussion ensued by the Council members on the ordinance.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Flynn, who moved for its rejection, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Diglio	Absent	Mrs. Becker	Yes
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May 27, 2015

Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	Yes		

The above ordinance was rejected.

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

ORDINANCE 2015-1 7

AN ORDINANCE TO REVISE THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) SCHEDULE FOR MEMBERS OF THE NEWTON VOLUNTEER FIRST AID SQUAD

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

Mrs. Diglio	Absent	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
Mayor Elvidge	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 June 8, 2015 .

OLD BUSINESS

There was no old business to be discussed.

CONSENT AGENDA

Mayor Elvidge 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 outlined the various Resolutions on the Consent Agenda.

RESOLUTION # 75-2015*

“Resolution Authorizing Municipal Attorney to Participate in Joint Defense of OPRA Suit”

WHEREAS, Shawn G. Hopkins has filed a complaint in the Superior Court of New Jersey, Law Division, Sussex County, Docket No. SSX-L-000128-15 against numerous Municipal Clerks and Municipalities under the provisions of N.J.S.A. 47:1A-1 et seq. (OPRA) inter alia alleging a denial of access to certain government records; and

WHEREAS, said government records relate to the Tax Assessment Data of the Town of Newton; and

WHEREAS, the Town of Newton has heretofore provided said Tax Assessment Data pursuant to an earlier OPRA request; and

WHEREAS, the Town of Newton has also provided additional Tax Assessment Data to the Plaintiff prior to answering the Plaintiff’s Complaint; and

May 27, 2015

WHEREAS, the Town of Newton wishes to defend the Denial of Access Complaint; and

WHEREAS, the Municipal Attorneys, Laddey Clark & Ryan, also represent other Sussex County Municipalities who have also been sued by Mr. Hopkins, alleging an identical Denial of Access Complaint; and

WHEREAS, the Municipal Attorneys also represent the Township of Sparta; the Township of Byram; the Township of Stillwater; the Borough of Stanhope and the Township of Green; and

WHEREAS, the Town Council wishes to authorize Laddey Clark & Ryan to conduct a joint defense of the Town of Newton and its other municipal clients to the Denial of Access Complaint in accordance with the Township's Professional Service Agreement with Laddey Clark & Ryan for the year 2015;

NOW, THEREFORE BE IT RESOLVED, that the Municipal Attorneys, Laddey Clark & Ryan, be and the same are hereby authorized and directed to engage in a joint defense of the aforesaid Denial of Access Complaint in conjunction with the Township of Sparta; the Township of Byram; the Township of Stillwater; the Borough of Stanhope and the Township of Green; and

BE IT FURTHER RESOLVED, that all Town of Newton officials and employees are authorized and directed to assist the Town Attorney in the defense of the above suit as may be required by the Town Attorney.

RESOLUTION # 76-2015*

“Approve Fireworks Display at Memory Park for Newton Day 2015 ”

WHEREAS, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 13, 2015 as part of the annual “Newton Day” celebration with a rain-date of June 20, 2015; and

WHEREAS, Sussex County Fire Marshal Joseph C. Inga has advised the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Greater Newton Chamber of Commerce is granted permission for a fireworks display during the “Newton Day” celebration to take place on Saturday, June 13, 2015, with a rain-date of June 20, 2015 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ; and

BE IT FURTHER RESOLVED, that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshal, Joseph C. Inga.

RESOLUTION # 77-2015*

“Authorize Agreement with Unites States Department of the Interior Fish and Wildlife Service”

WHEREAS, the Town of Newton received a landowner agreement from the United States Department of the Interior Fish and Wildlife Service regarding conducting certain wildlife management practices on the approximately one (1) mile riparian area owned by the Town of Newton, along Moore's Brook; and

WHEREAS, the Town of Newton, with cooperation from the Sussex County Municipal Utilities Authority Wallkill River Watershed Management Group, will coordinate and facilitate planting activities; and

May 27, 2015

WHEREAS, the Town Attorney has reviewed said Agreement and feels it is acceptable for the Town of Newton to execute;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes the Mayor, Town Manager, and Municipal Clerk to execute the Agreement with the United States Department of the Interior Fish and Wildlife Service in relation to the planting and wildlife management practices within the riparian area owned by the Town of Newton in conjunction with the Sussex County Municipal Utilities Authority Walkkill River Watershed Management Group; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to United States Department of the Interior Fish and Wildlife Service with the executed Agreement.

RESOLUTION # 78-2015*

“Authorize Change Order No. 3 for the Fire Museum Masonry Renovation

WHEREAS, on June 24, 2013 the Newton Town Council adopted Resolution #114-2013, awarding a contract to Edge Property Maintenance, Inc., for the Proposed Fire Museum Masonry Renovation Project; and

WHEREAS, on November 25, 2013 the Newton Town Council adopted Resolution#202-2013 approving Change Order No. 1; and

WHEREAS, on March 23, 2015 the Newton Town Council adopted Resolution #47-2015 approving Change Order No. 2; and

WHEREAS, during the process of removing the brickface from the center pier it was discovered the inner portions of the piers consisted of rubble and were in severely poor structural condition; and

WHEREAS, the Town Engineer, Cory L. Stoner of Harold E. Pellow & Associates, Inc., recommends reconstructing the piers as outlined in Change Order No. 3, for the Fire Museum Masonry Renovation Project, which will increase the total contract amount by \$25,557.45 for a new contract total of \$201,593.32; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support this change order as per attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer’s recommendation and accepts Change Order No. 3 for the Fire Museum Masonry Renovation Project: and

BE IT FURTHER RESOLVED that Change Order No. 3 be attached to and be made part of this Resolution; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Edge Property Maintenance, Inc., and the Town’s Engineer.

RESOLUTION # 79-2015*

“Affirm the Refund of Redemption Monies to Outside Lien Holder for Block 6.01, Lot 1”

WHEREAS, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 6.01, Lot 1, also known as 120 West End Avenue, for 2012 delinquent real estate taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1378, was sold to US Bank Cust for Pro Cap III, LLC for 0% redemption rate and a premium in the amount of \$11,100.00; and

WHEREAS, CTL Title Insurance Agency, Inc., who represents the owner of said property has effected redemption of Certificate #1378 in the amount of \$21,322.05;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges US Bank Cust for Pro Cap III, LLC is entitled to the redemption in the amount of \$21,322.05 as well as \$11,100.00 for the return of the premium; and

BE IT FURTHER RESOLVED, that this Governing Body hereby affirms the actions of the Tax Collector who issued two (2) checks, the first in the amount of \$21,322.05 for the redemption of certificate #1378 and the second in the amount of \$11,100.00 for the return of the premium to US Bank Cust for Pro Cap III, LLC, Attn: Tax Lien Services Group, 2 Liberty Place, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #80-2015*

“Approve Purchase of 2015 Chevrolet Tahoe Police Pursuit Vehicle for Newton Police Department ”

WHEREAS, Mall Chevrolet has supplied a quote under Cranford CO-OP #47CPCPS to the Newton Police Department for the purchase of a 2015 Chevrolet Tahoe Police Pursuit Vehicle in the amount of \$40,336.00; and

WHEREAS, the Purchasing Agent and the Chief of Police have recommended the purchase of the 2015 Chevrolet Tahoe Police Pursuit Vehicle in the amount of \$40,336.00; and

WHEREAS, the Chief Financial Officer has certified funds are available to support this project as per attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2015 Chevrolet Tahoe Police Pursuit Vehicle be purchased from Mall Chevrolet, Cherry Hill, NJ through Cranford CO-OP #47CPCPS in the amount of \$40,336.00.

RESOLUTION #81-2015*

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 2014 and 2015 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

365.01	Quill Corporation	35155
140.00	Sussex Car Wash Inc	35156
1,443.10	Elizabethtown Gas	35157
1,615.75	G&G Diesel Service Inc	35158
3,717.83	JCP&L	35159
522.55	SCMUA	35160
195.86	Centurylink Communications, Inc.	35161
3,364.55	Centurylink Communications, Inc.	35162
243.68	Campbell’s Small Engine Inc.	35163
11,600.00	Neopost Leasing, Inc.	35164
54.75	Federal Express	35165
296.00	Sloan, James PPC.	35166
97.00	Newton Citgo, Inc.	35167
243.00	T.A. Mountford Company, Inc.	35168
297.00	Galls Incorporated	35169
425.00	Lou’s Glass	35170
260.01	R & R Radar, Inc.	35171
928.55	Dempsey Uniform & Supply Inc	35172
169.09	Airgas East	35173
12.03	Service Electric Cable TV	35174
744.10	Boonton Tire Supply Inc.	35175
2,000.00	Treasurer, State of New Jersey	35176
497.50	Statewide Insurance Fund	35177
1,358.33	Verizon Wireless, Inc.	35178
160.00	Petro-Mechanics, Inc.	35179
216.98	Dell Marketing L.P.	35180
96.30	Cooper Electric Supply Co.	35181
85.00	Wildflowers by Tami	35182
58.01	Fairclough Fuel	35183
485.51	Staples Business Advantage, Inc.	35184
24,448.93	First Hope Bank Inc.	35185
144.00	CSS Test Inc.	35186

May 27, 2015

59.00	Krave Café	35187
7,600.00	Pinnacle Wireless FBO Unitek Global	35188
2,609.53	Rachles/Michele's Oil Company, Inc.	35189
1,843.08	Taylor Oil Co., Inc.	35190
224.00	Laddey, Clark & Ryan, LLP	35191
2,458.33	Laddey, Clark & Ryan, LLP	35192
2,768.00	Laddey, Clark & Ryan, LLP	35193
3,448.00	Laddey, Clark & Ryan, LLP	35194
201.01	R & R Radar, Inc.	35195
368.00	Tire King, Inc.	35196
847.15	Jersey Central Power & Light, Inc.	35197
689.70	Penteledata	35198
13,8846.00	NJMEBF	35199
1,590.03	Woodruff Energy US, Inc.	35200
359.23	NJ Div Pension & Benefit	35201
69.99	Shop Rite, Inc.	35202
118.00	J. Caldwell & Associates, LLC	35203
1,100.80	Public Engines, Inc.	35204
128.10	United Telephone/Century Link	35205
472.08	Toyota Motor Credit Corp.	35206
267.50	Resolutions	35207
280.00	Commerce and Industry Association	35208
870.80	Johnny On The Spot, LLC.	35209
47.45	Alexander Communications Group Inc.	35210
181,314.07	Payroll Account	151032
3,587.44	County Of Sussex	35154
55,055.54	County Of Sussex	35153
24,948.67	County Of Sussex	35152
732,552.76	County Of Sussex	35151
1,011,421.34	Newton Board of Education	151031
9,500.00	Greater Newton Chmbr of Comm.	35150
7,875.00	BNY Mellon	151030
173,145.00	BNY Mellon	151029

CAPITAL

903.00	McManimon, Scotland & Baumann, LLC	8416
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Total TOWN BILLS \$ 2,423,854.02

WATER AND SEWER ACCOUNT

19,892.24	Schmidt's Wholesale, Inc	14956
4,934.50	Pellow, Harold & Asso, Inc	14957
848.44	Elizabethtown Gas	14958
6.12	JCP&L	14959
167.90	SCMUA	14960
2,933.75	Coyne Chemical Corp., Inc.	14961
36.51	Centurylink Communications, Inc.	14962
1,331.03	Centurylink Communications, Inc.	14963
110.14	Campbell's Small Engine Inc.	14964
5,000.00	Neopost Leasing, Inc.	14965
606.25	Hamburg Plumbing Supply Co Inc	14966
720.00	Minisink Press Inc	14967
176.90	Dempsey Uniform & Supply Inc	14968
3.67	Airgas East	14969
1,330.00	Instrumentation Tech Systems, Inc.	14970
835.00	Treasurer, State of New Jersey	14971
2,300.00	Treasurer, State of New Jersey	14972
13,360.72	Treasurer, State of New Jersey	14973
137.08	Verizon Wireless, Inc.	14974
1,250.00	Smalley, John	14975
535.09	Airmatic Compressor Systems, Inc.	14976
1,504.00	Laddey, Carl & Ryan, LLP	14977
4,000.00	William Grennille, LLC.	14978
119.90	Penteledata	14979
28,861.00	NJMEBF	14980
219.64	One Call Concepts, Inc.	14981

1,136.16	Woodruff Energy US, Inc	14982
132.00	AG Choice, LLC.	14983
267.50	Resolutions	14984
26,400.61	Payroll	156015

CAPITAL

336.00	Laddey, Clark & Ryan, LLP	2388
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Total WATER & SEWER Bills \$ 119,492.15

TRUST

933.17	Sloan, James PPC.	3360
206.05	Current Account	3361
304.00	Laddey, Clark & Ryan, LLP	3362
708.00	J. Caldwell & Associates, LLC.	3363
975.50	Della Pello Paving Inc.	3364
136.60	Payroll	157110
1,785.59	Payroll	157110

Total TRUST ACCOUNT Bills \$ 5,048.91

HOUSING TRUST FUND (COAH)

192.00	Laddey, Clark & Ryan, LLP	2532
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Total HOUSING TRUST FUND (COAH) ACCOUNT Bills \$ 192.00

RESOLUTION #82-2015*

“A Resolution of the Town of Newton Authorizing the Purchase of Energy Generation Services for Public Use From EMEX ”

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

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of energy generation service for public use through the use of an online auction service; and

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

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

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

WHEREAS, if the general service auction achieves a price of **\$.095/kWh** or less for a term of up to 24 months, a contract may be awarded to the winning supplier for the selected term;

NOW, THEREFORE BE IT RESOLVED, that the Town Manager be and is hereby authorized to execute, on behalf of the Town of Newton, an energy generation service contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the general service auction achieves a price of **\$.095/kWh** or less for a term of up to 24 months; and

BE IT FURTHER RESOLVED, if the outdoor lighting and street lighting auction achieves a price of **\$.061/kWh** or less for a term of up to 24 months, a contract may be awarded to the winning supplier for the selected term; and

BE IT FURTHER RESOLVED, that the Town Manager be and is hereby authorized to execute, on behalf of the Town of Newton, an energy generation service contract proffered by

the participating supplier that submits the winning bid in the EMEX Reverse Auction if the outdoor lighting and street lighting auction achieves a price of **\$.061/kWh** or less for a term of up to 24 months.

RESOLUTION #83-2015 *

“Insertion of Special Items of Revenue in the 2015 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) ”

WHEREAS, N.J.S.A. 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 received a payment in the amount of \$16,434.04 from the State of New Jersey Solid Waste Administration for a FY2015 Clean Communities Grant;

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 2015 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey Clean Communities Grant \$16,434.04

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

State of New Jersey Clean Communities Grant..... \$16,434.04

BE IT FURTHER RESOLVED, that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

The Deputy Clerk presented an application for an on-premise raffle (50/50) from the Sussex County Community College Foundation, 1 College Hill Road, Newton, to be held from 1:00pm to 5:00pm, Saturday, June 13, 2015 at Sussex County Community College. It was noted the application was in order and accompanied by the prescribed fee.

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

Mrs. Diglio	Absent	Mrs. Becker	Yes
Deputy Mayor Flynn	Yes	Mr. Levante	Yes
	Mayor Elvidge	Yes	

INTERMISSION - None

DISCUSSION

Deputy Mayor Flynn asked that we re-look at the sign ordinance with the timing of it going to the Planning Board prior to introduction. Mr. Russo explained it is still being reviewed on the staff level, and is not ready for introduction or Planning Board review. A discussion

May 27, 2015

ensued on the merits of sending an ordinance to the Planning Board prior to introduction. Mayor Elvidge stated in the future it will be evaluated on a case-by-case basis for Planning Board comment prior to introduction.

OPEN TO THE PUBLIC

Mr. Ed Caffrey, of the Newton Board of Education, came before the Council to update them on some happenings of the Board. The Board of Education will be sending a representative to each Town Council meeting. The Board of Education has just hired two new principals, Jeff Waldron at Newton High School and Kristie Green at Halsted Middle School. The Board is reviewing vice-principal positions for Halsted and Merriam Avenue School. Effective August 1st, there will be an opening for an Athletic Director. The Newton Board of Education will be at Newton Day. Halsted graduation is on June 22nd at Newton High School, the High School graduation will be on June 23rd at Palmer Field. Mr. Caffrey extended an invitation to the Council to attend both events. Mr. Caffrey went on to state it was great to have the High School Band participate in the Newton Memorial Day Parade along with the NADS and the Newton Robotics Team. The choir is just getting back from Disney, with a superior rating and two students won regional awards. The move of the fifth grade to Halsted Street last year proved to be very successful. Newton is one of the few schools in the County with growing enrollment, the move of the fifth grade proved to be a benefit to all. The next Board of Education meeting is scheduled for June 9th, Mr. Caffrey invited the Council to attend.

There being no one else from the public to be heard, Mayor Elvidge closed the hearing to the public.

COUNCIL & MANAGER COMMENTS

None.

There being no further business to be conducted, upon motion of Mayor Elvidge, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 8:42 p.m.

Respectfully submitted,



Teresa A. Oswin, RMC
Deputy Municipal Clerk