

October 14, 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 Mr. Elvidge, Deputy Mayor Diglio, Mrs. Becker, Mr. Levante, Mayor Flynn, Thomas S. Russo, Jr., Town Manager and Ursula H. Leo, Esq.

Mayor Flynn made the following declaration "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2014."

Mayor Flynn led the Pledge of Allegiance to the flag and the Clerk called the roll and, upon motion of Deputy Mayor Diglio, seconded by Mr. Levante and carried, the minutes of the September 28, 2015 Regular Meeting was approved. (4-1) Mr. Elvidge abstained.

OPEN TO THE PUBLIC

Mayor Flynn 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."

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

SWEARING-IN CEREMONY

At this time, Municipal Clerk Lorraine Read swore in Stephen Moran as Special Officer, while Mayor Flynn held the bible.

Chief Richards gave a brief bio on Officer Moran. He noted Officer Moran is a retired Captain from the Vernon Township Police Department. He comes with full police qualifications and will be an asset to the Newton Police Department.

Mayor Flynn welcomed Officer Moran to the Newton Police Department. He believes being a Special Officer in Newton is extremely important to the community and the Town and wished him well in his new position.

COUNCIL & MANAGER REPORTS

- a. **Proclamation - Arbor Day**

P R O C L A M A T I O N

Arbor Day Celebration

October 17, 2015

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

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

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

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

WHEREAS, the Newton Advisory Shade Tree Commission is celebrating this important occasion, by planting 15 large root plants at Memory Park on Saturday, October 17, 2015;

NOW, THEREFORE, We, the Town Council of the Town of Newton, do hereby proclaim **Saturday, October 17, 2015** as an **“ARBOR DAY CELEBRATION”** in the Town of Newton, and urge all citizens to plant trees to promote the well-being of this and future generations.

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

s/Mayor Daniel G. Flynn
Attest: s/Lorraine A. Read
Date: October 17, 2015

Mr. Russo updated Council on the Neighbors Helping Neighbors event which will take place on Saturday, October 17, 2015. This event will begin at Town Hall at 8:30 am and end at Memory Park at noon. Mr. Russo noted volunteers are still needed and should contact the Town Manager’s office to participate.

Ms. Babcock, CFO, advised Council of recent correspondence from the Division of Local Government Services (DLGS) regarding the rejection of Resolution #129-2015. This Resolution would Change Text and Title within the 2015 Current Budget, pursuant to NJSA 40A:4-85. Ms. Babcock will make the necessary changes to the 2015 Current Budget due to the rejection from DLGS.

ORDINANCES

Mayor Flynn directed the Clerk to read aloud the following Ordinances relative to final adoption of same.

ORDINANCE 2015-2 6

AN ORDINANCE AMENDING CHAPTER 200 ENTITLED “PARKS AND RECREATION AREAS” OF THE CODE OF THE TOWN OF NEWTON TO REVISE PROHIBITED ACTIVITIES IN PARKS AND RECREATION AREAS IN THE TOWN OF NEWTON

WHEREAS, the Town Council recently reviewed prohibited activities in Town public parks and recreational areas, and has determined that **§200-2.B(4)** is in need of a revision to permit animals under certain conditions.

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

Section 1. **§200-2.B.(4)** is hereby deleted in its entirety; and the following language shall be inserted in its place:

- 4)** Have animal(s) in any public park or recreational area within the Town, unless animal waste is immediately picked up and properly disposed of and the animal is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long.

Section 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Flynn opened the hearing to the public.

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

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

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

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

ORDINANCE 2015-2 7

AN ORDINANCE AMENDING SECTION 320-30 OF THE CODE OF THE TOWN OF NEWTON, ENTITLED "WIRELESS COMMUNICATION FACILITIES ," AND SECTION 100-23 ZONING FEES, REGARDING COLLOCATION REQUIREMENTS

WHEREAS, the Town of Newton has reviewed Section 320-30 of the Town Code, entitled "Wireless Communication Facilities", and has determined this section must be revised in order to comply with recent law and regulations; and

WHEREAS, the current Code provisions regarding cellular antennas is insufficient to protect the Town and its residents, particularly concerning wireless collocation applications; and

WHEREAS, on October 21, 2014, the Federal Communications Commission issued a Report and Order which sweepingly overrides and preempts State and local land use law with respect to wireless collocation applications: and

WHEREAS, under §6409(a) of the Spectrum Act, federal law provides that governments may not deny, and shall approve, eligible facilities' request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. §6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L. 112-96, §6409 (2012); and

WHEREAS, a local government may continue to enforce and condition approval on compliance with general applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety and allows municipalities to have discretion over a modification application if it: entails any excavation or deployment outside the current site of the tower or base station; would defeat the existing concealment elements of the structure; or does not comply with conditions associated with the prior approval of the structure, subject to certain exceptions such as non-substantial increase in height; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-46.2, holds that an application for development to collocate wireless communications equipment on a wireless communications support structure or an existing equipment compound shall not be subject to site plan review, subject to certain requirements: the wireless communications structures was previously granted all necessary approvals; the proposed collocation shall not increase the overall height of the wireless communications support structure by more than ten (10%) percent of the original height, the width of the wireless communications support structure, or the square footage of the existing equipment compound to an area greater than 2,500 square feet; and the proposed collocation complies with the final approval of the wireless communications support

structure and all conditions attached thereto and does not create a condition for which variance would be required;

NOW, THEREFORE, BE IT ORDAINED by the by the Town Council of the Town of Newton that Chapter 320 of the Town Code, known as “Zoning”, specifically Section 30, entitled “Wireless Communication Facilities” shall be and is hereby amended as follows:

Section 1. §320-30.A “Purpose” shall be and is hereby amended to add the following subsection (9):

- (9) Provide requirements for Eligible Facilities Requests for modifications to existing towers that do not constitute a substantial change.

Section 2. §320-30.B “Definitions” shall be and is hereby amended to add the following definitions:

ELIGIBLE FACILITIES REQUEST

A request for modification of an existing wireless tower or base station that does not constitute a substantial change (as defined herein) and involves collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

SUBSTANTIAL CHANGE

A modification that substantially changes the physical dimensions of an eligible support structure, as defined by 47 CFR 1.50001(c), as may be amended, but which currently provides the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater¹;
- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i) - (iv) of this section.

Section 3. §320-30.D shall be deleted in its entirety and revised as follows:

D. Collocation on an Existing Structure; Eligible Facilities Request.

¹ Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR §1.40001(b)(7)(i)(A).

- (1) Application. All applicants shall submit the information necessary for the Town to consider whether an application is an Eligible Facilities Request, as set forth in 320-30.J, below. The applicant will not be required to demonstrate a need or business case for the proposed modification.
- (2) Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Planning Board Engineer shall review such application to determine whether the application so qualifies.
- (3) Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the Town of Newton shall approve the application unless it determines that the application is not covered by this Chapter.
- (4) Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Town of Newton and the applicant, or in cases where the Planning Board Engineer determines that the application is incomplete.
 - i. To toll the timeframe for incompleteness, the Planning Board Engineer must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Board Engineer's notice of incompleteness.
 - iii. Following a supplemental submission, the Planning Board Engineer will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (5) If the Planning Board Engineer determines that the applicant's request for collocation is a substantial change to collocation on an existing structure as defined in this Ordinance, the presumptively reasonable timeframe, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Board Engineer's decision that the application is not a covered request. To the extent such information is necessary the Planning Board Engineer may request additional information from the applicant to evaluate the application. When the Planning Board Engineer determines that such an application constitutes a substantial change, applicable portions of this Chapter and the Newton Town ordinances must be complied with.
- (6) Failure to Act. In the event the Planning Board Engineer fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Town of Newton in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- (7) Remedies. Applicants and the Town of Newton or its agents may bring claims related to this Chapter to any court of competent jurisdiction.

Section 4. §320-30.G shall be revised to amend only the following title to subsection G, as follows:

G. Site plan submission and approval requirements for new wireless facilities and substantial changes with collocation on an existing tower.

Section 5. A new §320-30.J shall be and is hereby enacted, as follows:

J. Eligible Facilities Request Application requirements. An Eligible Facilities Request Application shall include the following:

1. Applicant's certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
2. The identity of the owner of the parcel.
3. Detailed site information. Except where the facility will be located entirely within an existing structure or an existing building, detailed site plan information shall show:
 - a. Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
 - b. Elevation. The benchmarks and datum used for elevations.
 - c. Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
 - d. Setbacks. All existing setbacks.
 - e. Location of accessways. The location of all existing accessways and the location and design of all proposed accessways.
4. All applications for cellular towers, including collocation and Eligible Facilities Requests, shall comply with any and all general applicable building, structural, electrical, and safety codes, as well as any others deemed by the Town to be related to health and safety.
5. Further, all such applications shall also comply with the requirements of the Historic Preservation District, as applicable, and any concerns or comments made by the Commission thereto.

Section 6. Section 100-23, Zoning Fees, shall be revised to add a new review fee as follows, as a new Section 100-23.C(5):

(5) Collocation on Existing Cellular Tower Structure/Eligible Facilities Request Review Fee, pursuant to 320-30.D and J.

Application
\$300

Section 7. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 8. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 9. Effective Date. This Ordinance will take effect after publication and passage according to law.

Section 10. 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 Sussex County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Town Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Town 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 Flynn opened the hearing to the public.

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

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The aforementioned **ORDINANCE** was offered by Deputy Mayor Diglio, who moved its final adoption, seconded by Mr. Levante and roll call resulted as follows:

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

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

ORDINANCE 201 5-28

AN ORDINANCE TO AMEND CHAPTER 307 "VEHICLES AND TRAFFIC " OF THE CODE BOOK OF THE TOWN OF NEWTON

WHEREAS, Newton’s Court Administrator, Lucy M. DeLoreto, has recommended amending certain parking fines in §307-69 Schedule XIX, Local Supplemental Violations Bureau Schedule of Code Book of the Town of Newton; and

WHEREAS, the State Administrative Office of the Court, Assignment Judge, the Hon. Andrew M. Wubbenhorst, AJSC of the Superior Court of Morristown, has reviewed the proposed changes to the Local Supplemental Violations Bureau Schedule and has granted approval for said changes to be made by the Newton Governing Body;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that §307-69 Schedule XIX, Local Supplemental Violations Bureau Schedule of the Code Book of the Town of Newton be amended to include the following:

§ 307-69. Schedule XIX: Local Supplemental violations Bureau Schedule.

Code Section	Short Description	Proposed
§307-27A	Vehicles must park in designated areas between lines.	\$35

Mayor Flynn opened the hearing to the public.

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

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

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

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

ORDINANCE 2015-2 9

AN ORDINANCE TO AMEND CHAPTER 307-48 SCHEDULE I "NO PARKING " OF THE CODE OF THE TOWN OF NEWTON

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton that Chapter 307-48, Schedule I entitled “No Parking” of the Code of the Town of Newton be hereby amended to include the following:

Section 1. 307-48 Schedule I: No Parking

Jefferson Street	East Side	Beginning at southeast corner of Jefferson Street and Halsted Street and extending 173 feet north on Jefferson Street.
Jefferson Street	West Side	Beginning 76 feet north from northwest corner of Jefferson Street and Halsted Street and extending 158 feet north on Jefferson Street.

Section 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date. This Ordinance will take effect after publication and passage according to law.

Mayor Flynn opened the hearing to the public.

Neil Flaherty, 154 Sparta Avenue, feels the Ordinance is flawed due to the direction on the parking schedule. Mr. Russo verified, with the Town Engineer, the information is correct and stands by his professional opinion.

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

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

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

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

Mayor Flynn directed the Clerk to read aloud the following Ordinances relative to introduction of the same.

ORDINANCE 2015-30

AN ORDINANCE REVISING CHAPTER 45, “ALARMS”

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

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 26, 2015.

ORDINANCE 2015-31

AN ORDINANCE AMENDING SECTION 30-7. A(1) OF THE NEWTON TOWN CODE REGARDING POLICE DEPARTMENT APPOINTMENTS

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

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 26, 2015.

ORDINANCE 2015-32

AN ORDINANCE REVISING SECTION 307-65 OF THE CODE OF THE TOWN OF NEWTON TO DELETE RIGHT TURN ON RED PROHIBITION ON SPRING STREET

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

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	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 October 26, 2015.

OLD BUSINESS

There was no Old Business to be discussed.

CONSENT AGENDA

Mayor Flynn 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 resolutions on the Consent Agenda.

Councilman Levante requested Resolution 176-2015 be removed from the Consent Agenda for separate discussion.

RESOLUTION # 169-2015*

APPROVE PURCHASE OF TWENTY- FIVE (25) BODY VISION CAMERAS FOR THE NEWTON POLICE DEPARTMENT

WHEREAS, Mobile-Vision, Inc. has supplied a quote dated April 29, 2015 under NJ State Contract #A81311 to the Newton Police Department for the purchase of twenty-five (25)

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Body Vision Camera Systems in the amount of \$25,482.24; and

WHEREAS, the Purchasing Agent and the Chief of the Newton Police Department recommend the purchase of twenty-five (25) Body Vision Camera Systems in the amount of \$25,482.24; and

WHEREAS, the Chief Financial Officer has certified that 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 twenty-five (25) Body Vision Camera Systems be purchased from Mobile-Vision, Inc., Boonton, NJ through NJ State Contract #A81311, in the amount of \$25,482.24.

RESOLUTION # 170-2015*

APPOINTMENT OF A CLASS II - SPECIAL LAW ENFORCEMENT OFFICER - STEPHEN MORAN

WHEREAS, §30-8 within Chapter 30, Police Department, of the Code of the Town of Newton indicates the Town Council may appoint Special Law Enforcement Officers for a term not to exceed one year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body appoints the following individual as a Class II - Special Law Enforcement Officer for calendar year 2015 based on the recommendation of the Town Manager and Chief of Police:

Stephen Moran

RESOLUTION #1 71-2015*

PREMIUM PAYMENT TURNED OVER TO TREASURER FOR TAX SALE CERTIFICATE #1327

WHEREAS, Tax Sale Certificate #1327 was issued at the Tax Sale held on June 2, 2010 with zero percent redemption and a premium of \$1,300.00; and

WHEREAS, N.J.S.A. 54:5-33 states if redemption is not made within five years from the date of the sale the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, five years has lapse since the issuance of Tax Sale Certificate #1327 on June 2, 2010, therefore the premium in the amount of \$1,300.00 is to be turned over to the Treasurer;

NOW, THEREFORE BE IT RESOLVED, by the Council of the Town of Newton that this Governing Body acknowledges the premium for Tax Sale Certificate #1327 be turned over to the Treasurer; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$1,300.00 for said premium to the Treasurer of the Town of Newton.

RESOLUTION #172-2015*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 7.04, LOT 6

WHEREAS, at the Municipal Tax Sale held on October 2, 2013 a lien was sold on Block 7.04, Lot 6, also known as 74 High Street, for 2012 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1379, and was sold to US Bank cust for Pro Cap III LLC for 0% redemption fee as well as a premium of \$13,100.00; and

WHEREAS, Core Logic, a representative of the owners mortgage company, has effected the redemption of Certificate #1379 in the amount of \$1,548.05;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Cap III LLC is entitled to a redemption in the amount of \$1,548.05; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$1,548.05 for the redemption of Certificate #1379 as well as the return of the premium in the amount of \$13,100.00 to US Bank cust for Pro Cap III LLC, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #173-2015*

AUTHORIZE A REFUND OF 2015 OVERBILLING OF REAL PROPERTY TAX FOR BLOCK 14.04, LOT 27

WHEREAS, the Tax Assessor, Scott J. Holzhauer has reduced the assessed value for 2015 on Block 14.04, Lot 27 also known as 77 Madison Avenue, creating an overbilling as reflected in the Tax Collector, Linda A. Roth's extended tax duplicate issued by the Sussex County Board of Taxation in July 2015; and

WHEREAS, the property taxes for the preliminary first half of 2015 were paid by the owner, Huff, Maryann & et al as they were billed on the 2014/2015 tax bill issued in July 2014; and

WHEREAS, Maryann Huff & et al now requests a refund in the amount of \$1,644.97 be issued;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Maryann Huff & et al is entitled to a refund in the amount of \$1,644.97; and

BE IT FURTHER RESOLVED that the Treasurer of the Town of Newton is here by authorized to issue a refund for Maryann Huff & et al, 99 Morgan Road, Salem, CT 06420-6606.

RESOLUTION #174-2015*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER ON BLOCK 22.02, LOT 3

WHEREAS, at the Municipal Tax Sale held on October 9, 2013, a lien was sold on Block 22.02, Lot 3, also known as 19 Merriam Avenue, for 2012 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1391, and was sold to Tower Fund Services cust for Ebury Fund 1NJ LLC for 0% redemption fee as well as a premium of \$4,000.00; and

WHEREAS, John K. and Kathleen M. McChesney members of 19 Merriam Avenue, LLC, mortgage holder, has effected the redemption of Certificate #1391 in the amount of \$29,939.65;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Tower Fund Services cust for Ebury Fund 1NJ LLC is entitled to a redemption in the amount of \$29,939.65; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$29,939.65 for the redemption of Certificate #1391 as well as the return of the premium in the amount of \$4,000.00 to Tower Fund Services cust for Ebury Fund 1NJ LLC., PO Box 37695, Baltimore, MD 21297-3695.

RESOLUTION #1 75-2015*

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

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383.27	Quill Corporation	35725
1,376.75	Pellow, Harold & Assoc., Inc.	35726
120.00	ABCCode Security Inc.	35727
189.00	Sussex Car Wash Inc	35728
210.86	JCP&L	35729
928.00	New Jersey Herald, Inc.	35730
125.85	Centurylink Communications, Inc.	35731
234.11	Campbell's Small Engine Inc.	35732
146.65	Federal Express	35733
21.33	Hayek's Market Inc.	35734
192.78	ZEP Manufacturing Company Corp.	35735
19.00	New Jersey Planning Officials	35736
470.00	Willco, Inc.	35737
588.66	J&D Sales & Services, LLC.	35738
112.95	R&R Radar, Inc.	35739
91.33	Sebring Auto Parts, Inc.	35740
232.30	Zee Medical, Inc.	35741
411.85	Dempsey Uniform & Supply Inc	35742
351.63	Boonton Tire Supply Inc.	35743
1.21	McGuire, Inc.	35744
626.03	Vision Service Plan	35745
194.12	Verizon Wireless, Inc.	35746
234.83	Petro-Mechanics, Inc.	35747
73.15	Mr. John, Inc.	35748
80.00	Wildflowers with Tami	35749
5,862.50	Holzhauer & Hostenstein, LLC	35750
44.47	Advance Auto Parts	35751
1,951.12	Home Depot, Inc.	35752
90.00	Professional Govt. Educators	35753
344.42	Buckman's Inc.	35754
320.20	Seely Brothers, Inc.	35755
279.93	Staples Business Advantage, Inc.	35756
0.93	Lowe's, Inc.	35757
48.00	CSS Test Inc.	35758
3,098.55	Rachels/Michele's Oil Company, Inc.	35759
941.14	Taylor Oil Co., Inc.	35760
50.00	Steve Van Nieuwland	35761
640.00	Laddey, Clark & Ryan, LLP	35762
387.95	R & R Radar, Inc.	35763
728.00	Municipal Record Service	35764
115.00	Kieffer Electric, Inc.	35765
1,118.41	B & H Inc.	35766
75.00	NJLM	35767
2,147.88	Trimboli & Prusinowski, LLC.	35768
130,729.00	NJMEBF	35769
1,770.00	Chelbus Cleaning Co., Inc.	35770
9.77	Janien N Roberts	35771
205.11	Thyssenkrupp Elevator Corp.	35772
787.50	Extra Tech Data Services, LLC.	35773
53.96	Shop Rite, Inc.	35774
2,740.00	Crafco, Inc.	35775
600.00	P.O.S. Solutions, NJ, LLC.	35776
76.69	Toyota/Subaru/Scion of Morristown I	35777
486.22	Sunlight General	35778
210.00	USA Hoistco., Inc.	35779
1,050.00	Resolutions	35780
70.00	Morris County Tax Collectors & Treas.	35781
4,732.00	Witmer Public Safety Group, Inc.	35782
1,644.97	Huff Maryann & Etal	35783
204,432.66	Payroll Account	151061
101.99	Elavon	151060
60.00	NJ Motor Vehicle Services	35724
50,375.00	JP Morgan Chase Bank	151059
1,031,649.83	Newton Board of Education	151058

CAPITAL

2,944.25	Pellow, Harold & Assoc., Inc.	8469
5,200.00	Lou's Glass	8470

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75.28	Cooper Electric Supply Co.	8471
987.54	Home Depot, Inc.	8472
196.00	Sparta Block, Inc.	8473
5,974.00	PM Pool Service	8468

Total TOWN BILLS \$ 1,472,820.93

WATER AND SEWER ACCOUNT

383.26	Quill Corporation	15235
328.61	Schmidt's Wholesale, Inc.	15236
3,704.50	Pellow, Harold & Assoc., Inc.	15237
15.97	JCP&L	15238
372.00	New Jersey Herald, Inc.	15239
116.27	Sussex County P & H, Inc.	15240
1,500.00	Garden State Laboratories Inc	15241
1,327.75	Hamburg Plumbing Supply Co Inc	15242
15,376.95	Sparta Township Tax Collector	15243
239.54	Dempsey Uniform & Supply Inc	15244
2,992.00	R&D Trucking Inc	15245
94.84	Treasurer, State of New Jersey	15246
176.00	Vision Service Plan	15247
1,790.70	Main Pool & Chemical Company, Inc.	15248
360.81	Home Depot, Inc.	15249
615.79	Airmatic Compressor Systems, Inc.	15250
771.47	B & H Inc.	15251
4,000.00	William Grenville, LLC.	15252
28,960.00	NJMEBF	15253
178.64	One Call Concepts, Inc.	15254
220.32	Braen Stone Sparta	15255
872.19	Sunlight General	15256
251.81	Morris Asphalt Co.	15257
369.99	Azul Core	15258
30,421.31	Payroll Account	156031
23,975.00	JP Morgan Chase Bank	156030

CAPITAL

3,412.00	Pellow, Harold & Assoc., Inc.	2403
512.47	Hatch Mott MacDonald	2404

Total WATER & SEWER Bills \$ 123,340.19

TRUST ACCOUNT

1,218.75	Pellow, Harold & Assoc., Inc.	3414
197.85	Hayek's Market	3415
1,080.00	Vogel, Chait, Collins, Schneider, PC	3416
4,239.01	Madison Square Garden/Entertainment	3417
1,162.50	Nancy Arnold	3418
5,901.03	Payroll Account	157121

Total TRUST ACCOUNT Bills \$ 13,799.14

DEVELOPER'S ESCROW ACCOUNT

843.75	Pellow, Harold & Assoc., Inc.	1246
823.50	Ferriero Engineering Inc.	1247

Total DEVELOPER'S ESCROW ACCOUNT Bills \$ 1,667.25

FEDERAL/STATE GRANTS

4,750.00	Current Account	1287
672.81	Payroll Account	151108

Total FEDERAL/STATE/GRANTS \$ 5,422.81

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The Clerk presented an application for an off-premise raffle (Merchandise) from Birth Haven, Inc., to be held on January 15, 2016 at 7:00 pm at 4 Academy Street, Newton. It was noted the application was in order and accompanied by the prescribed fee.

The Clerk presented an application for an on-premise raffle (Merchandise) from St. Joseph RC Church, to be held on December 4, 2015 at 3:00 pm at 17 Elm Street, Newton. It was noted the application was in order and accompanied by the prescribed fee.

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

Mr. Elvidge	Yes	Deputy Mayor Diglio	Yes
Mrs. Becker	Yes	Mr. Levante	Yes
	Mayor Flynn	Yes (Recused from Check #1247)	

Councilman Levante had questions regarding Resolution #176-2015 which were addressed by Mrs. Millikin.

RESOLUTION #1 76-2015

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CHURCH STREET PROJECT

WHEREAS, the Town of Newton is filing a grant application through the NJDOT Municipal Aid Program for the milling and paving of Church Street;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Church Street-00292 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

A motion was made by Mr. Levante to approve the above **RESOLUTION #176-2015**, seconded by Mr. Elvidge, and roll call resulted as follows:

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

INTERMISSION - None

DISCUSSION

Mayor Flynn addressed several areas of Town in need of new signage and was advised by Mr. Russo he will be reviewing all signs around Town after the traffic lights are installed. Mrs. Millikin also noted the State Department of Transportation (NJDOT) will be addressing signs as

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well after all the paving projects are complete.

OPEN TO THE PUBLIC

Sara Migletti, owner of PB&J, 219 Spring Street, inquired on the timeframe for the new signage pointing to Downtown. Mr. Russo advised any new signs should take approximately 1-2 weeks. Mrs. Migletti also asked for more directional signage to the downtown area from Rt. 94.

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

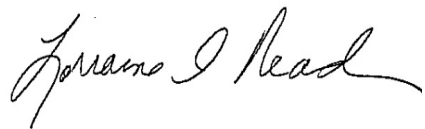
COUNCIL & MANAGER COMMENTS

Deputy Mayor Sandy Diglio advised Council the Grand Re-Opening/Ribbon Cutting ceremony of Spring Street Pub and Grill will be held on Thursday, October 29, 2015. Invitations will be sent out shortly.

Councilman Elvidge concurred with Mrs. Migletti and feels the Town needs more signage for clear directions to get to Downtown Spring Street.

There being no further business to be conducted, upon motion of Mr. Elvidge, seconded by Mr. Levante and unanimously carried, the meeting was adjourned at 7:28 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk