

October 26, 2015

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:02 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. Upon motion of Mr. Levante, seconded by Deputy Mayor Diglio and carried, the minutes of the October 9, 2015 Special Meeting were approved. Councilman Elvidge and Councilwoman Becker abstained.

Upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and carried, the minutes of the October 14, 2015 Regular Meeting were unanimously approved.

### **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."

John Daly, 57 Trinity Street, addressed the Council and advised he was upset due to a recent issue at his building. He apologized for his behavior and thanked the Town for the amicable plan that was created which resolved his issue. Mr. Daly thanked all those who assisted with his issue.

Michael Malone, 59 Trinity Street, inquired about the missing solar panel in the lobby of Town Hall and was advised by Mr. Russo the panel was not working properly therefore it was removed.

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

### **COUNCIL & MANAGER REPORTS**

Mr. Russo reminded Council of the annual Halloween parade this Saturday, October 31, 2015 at 6:00 pm. All participants will march down Spring Street and continue on to the Central Parking lot where a costume contest will take place.

Mr. Russo reminded the Governing Body of the General Election on Tuesday, November 3, 2015 from 6 am to 8 pm. Municipal Clerk, Lorraine Read is ready for a busy election day.

Mr. Russo introduced Debra Doudoukjian, Code Enforcement Director and Jennifer DeMartino, Code Enforcement Trainee as the newest members of the Town Hall team.

Mrs. Doudoukjian introduced herself and provided a brief background. She is a resident of Stillwater and has a background in Real Estate and believes this will be helpful in her current position as Code Enforcement Director.

Mrs. DeMartino introduced herself and believes her background in retail will be an asset to this position. She thanked the Town Manager and Town Council for the opportunity to work and serve the Town of Newton.

**ORDINANCES**

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

**ORDINANCE 2015- 30**

**AN ORDINANCE REVISING CHAPTER 45, "ALARMS"**

**WHEREAS**, the Town Council of the Town of Newton reviewed its current ordinances regarding "Alarms", Chapter 45 of the Code of the Town of Newton; and

**WHEREAS**, the Town Council found that Chapter 45 needs to be revised for clarification and simplicity;

**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.** Chapter 45, "Alarms" is deleted in its entirety and replaced by the following:

Chapter 45. Alarms

**§45-1. Purpose.**

The purpose of this Chapter is to provide minimum standards and regulations for the use of privately installed emergency alarm systems, to establish permit and registration procedures, establish a system of administration, and establish fees and penalties for violations. The provisions of this Chapter shall apply to any person who operates, maintains or owns any alarm system in the Town of Newton.

**§45-2. Definitions.**

As used in this Chapter:

**ALARM SYSTEM**

The installation in one or more buildings, residential or otherwise, of one or more alarms to provide visual or audible warnings, or both, of an emergency, such as unauthorized intrusion, fire, smoke, flood or similar hazard requiring urgent attention, which are intended to summon law enforcement response. Alarm system shall not include:

- A. An alarm installed on or in a vehicle, unless the vehicle is permanently located at a site.
- B. An alarm designed to alert only the inhabitants of a single-family residential premises or residential unit and not designed to be seen, heard or communicated to a third person outside of the particular premises or unit.
- C. Medical alert systems and/or devices for individual use.

**CHIEF**

The Chief of Police of the Town of Newton or his or her designee.

**DIAL ALARM**

Alarm equipment that employs an automatic dialing system programmed to connect with the police headquarters telephone and emit a prerecorded voice message. Such dial alarms are NOT permitted in the Town.

**FALSE ALARM**

An alarm actuated for which there is no evidence of an attempted unauthorized entry or for which there exists evidence of an equipment failure or evidence of inadvertence on the part of any permittee, agents, servants and employees requiring a response by police, fire or other municipal agency. False alarms shall include actuations caused by malfunctioning of the alarm or other relevant equipment but shall not include alarm actuations caused by natural forces or other extraordinary circumstances not subject to control by the permittee.

**OCCUPANT**

A person in possession of premises in or upon which an alarm system has been installed.

**PERMITTEE**

A person to which a permit has been issued to install, operate or maintain an alarm system.

**PERSON**

An individual, corporation, partnership, association, organization or similar entity.

**§45-3. Permit Required.**

- A. No person shall install, maintain, operate, use or cause to be operated or used any alarm system within the Town unless an annual permit has been issued by the Chief in accordance with the provisions of this section.
- B. Every permit issued for an alarm system shall expire on December 31<sup>st</sup> of the year in which it is issued. No person shall use an alarm system during any period when the permit has expired or is suspended.
- C. With each permit, the applicant must provide a list of two (2) persons to be contacted in the event of an actuation. This contact person(s) must respond within 20 minutes of contact.
- D. **Dial alarm systems, as defined in §45-2, are prohibited.**
- E. All alarm systems shall be installed in accordance with the requirements of N.J.A.C. 5:23-1.1, et seq., the New Jersey Uniform Construction Code. All fire alarms shall be installed with the approval of the fire official and in accordance with N.J.A.C. 5:70-4.1, et seq., the New Jersey Uniform Fire Code.

**§45-4. Fees.**

- A. Fees for alarm system permits shall be \$25.00 for residential alarm systems and \$50.00 for commercial alarm systems.
- B. The renewal fee for residential and commercial alarm system permits shall be \$25.00.
- C. The fee shall not be prorated by reason of the date upon which an application is filed, but the fee shall be refunded to the applicant in the event that a permit is not issued.
- D. Any person who fails to obtain a permit on or before January 31<sup>st</sup> of each year shall pay a surcharge of \$25.00. Such person shall also remain liable for the penalties.

**§45-5. Investigation and Issuance of Permit.**

The Chief shall issue a permit for an alarm system unless the Chief concludes that the system covered by the application does not meet the applicable standards of this Chapter. Whenever the Chief shall refuse to issue a permit, he shall advise the applicant, in writing, of the reason(s) for refusal.

**§45-6. Registration Form.**

Any person utilizing an alarm system shall complete and file with the Chief a registration form, which may be obtained from the Police Department, correctly containing the following information:

- A. Full name, address and telephone number of the applicant, including an address description which will permit the appropriate municipal department to respond to the alarm.
- B. Use of property (residential or commercial) and type of business conducted on the property.
- C. Common name of the alarm premises.
- D. Name and address of the person(s) installing, maintaining and owning the alarm system.

- E. Description of the alarm system's operation, including, not by way of limitation, activation points of the alarm system and the mechanism(s) by which the alarm system becomes activated.
- F. Name, address and telephone number of the person monitoring and initially responding to an activation of the alarm system.
- G. Name, address and telephone numbers of two (2) responsible persons other than the permittee to be contacted in case of alarm and/or malfunction.
- H. Any additional relevant information specifically requested by the Chief.
- I. Provisions relating to false alarms and testing procedures.

If there has occurred any material change in the information submitted for alarm registration, it shall be the duty of the alarm user, within ten (10) calendar days of such material change, to file a supplemental or revised registration form containing accurate current information. Failure to comply with these provisions will be deemed a violation of this Chapter and subject the violator to the penalties contained herein.

#### **§45-7. Terms and Conditions of Permit.**

All permits for alarm systems shall be issued upon the following terms and conditions:

- A. A permit shall be issued for each separate improved property, building and/or facility, and no permit shall be transferred or assigned in any manner.
- B. Every permittee shall be subject to the rules and standards set forth in this Chapter.
- C. If an alarm system is disconnected, the permittee shall give written notice to the Police Department within seven (7) calendar days of such disconnection. Any permittee who fails to give the notice required under this subchapter shall be subject to the penalties contained herein.

#### **§45-8. Suspension of Permit.**

Any permit issued for an alarm system may be suspended by the Chief if it appears that:

- A. The permittee has failed to comply with the terms and conditions of the permit or has failed to comply with rules or standards promulgated by the Chief concerning alarm systems, including failure to pay fines or fees assessed pursuant to this Chapter.
- B. The permittee or his agents knowingly installed or maintains a faulty alarm system.
- C. A false material statement was submitted with alarm registration.
- D. The permittee or his agents failed to comply with a request by the Chief to render necessary services to a faulty alarm system within 36 hours after such request was made or failed to disconnect such alarm system that has not been repaired. Five (5) false alarms within any calendar year shall constitute prima facie evidence that an alarm system is faulty.
- E. In the event that the Chief shall determine that a permit for an alarm system shall be suspended by reason of the provisions of this subsection, the Chief shall notify the permittee of the suspension in writing, by certified mail, to the last known address setting forth the reason or reasons for the suspension.
- F. A suspension shall be terminated by the Chief when he is satisfied that the conditions stated in the notice of suspension have been corrected.

#### **§45-9. Disconnection of Unauthorized Equipment; Consent to Inspection.**

Any unauthorized alarm system or equipment may be disconnected by Town personnel for noncompliance with this Chapter, and any person installing or maintaining an unauthorized alarm system equipment shall be prosecuted for violation of this Chapter, and each day such equipment is in operation shall be considered a separate violation.

#### **§45-10. Appeal.**

Any person aggrieved by the action of the Chief in the denial or suspension of a permit for an alarm system shall have the right of appeal to the Town Manager. The appeal shall be taken by filing with the Town Manager, within fifteen (15) calendar days after the notice of action complaint has been mailed to the person's last known address, a written statement setting forth fully the grounds for appeal. The Town Manager shall set a time and place for hearing of the appeal and notice of the hearing shall be given to the appellant by certified mail to his last known address at least five (5) calendar days prior to the date set for hearing. The decisions of the Town Manager and the reasons therefor shall be set forth in writing by the Town Manager within fifteen (15) calendar days of the hearing.

**§45-11. False Alarms; Fees and Fines.**

- A. In the case of a false alarm, any person, permittee or his agent or representative having knowledge thereof shall immediately notify the Town Police Department.
- B. Where a person, permittee or his agent or representative notifies the Town Police Department within 60 seconds of the activation of the alarm, the actuation shall not be deemed to be a false alarm for the purpose of imposing penalties upon the permittee.
- C. The Chief shall cause an investigation to be made of all false alarms and a record of such false alarms kept on file.

- 1. For false alarms within any 12 consecutive months, the following penalties shall apply:

<b>Number of False Alarms</b>	<b>If Registered</b>	<b>If No Current Registration</b>
For the first 2	A written warning shall be issued.	\$100.00 (each occurrence)**
For the 3 <sup>rd</sup>	\$50.00	\$200.00
For the 4 <sup>th</sup>	\$75.00	\$300.00
For the 5 <sup>th</sup>	\$100.00	\$400.00
For the 6 <sup>th</sup> and each subsequent	\$200.00	\$500.00

\*\* If registration is obtained within ten (10) calendar days of the first warning, the \$100.00 penalty shall be waived.

- 2. All fines under this Chapter may be joint and several against all persons owning an alarm system, any occupant of a premises in which an alarm system is installed, and any alarm company or contractor.
- 3. All false alarms, commencing with the first, which occur while construction, alteration or renovations are occurring at the site, or when the alarm systems are being serviced, maintained or repaired, and the person conducting such work fails to notify the Town Fire and Police Departments that such work is being conducted, may be issued a summons to the individual or contractor performing the construction, alteration or renovations, and carry a penalty of \$200.00, in addition to any and all other penalties provided in this Chapter.

D. Where the investigation of the Police Department discloses the failure of a permittee or occupant to take remedial steps to prevent false alarms, the Chief may require said permittee or occupant to disconnect the alarm system.

E. All fines shall be issued by summonses, which are answerable to the Newton Municipal Court.

**§45-12. Disclaimer of Responsibility.**

Neither the Town nor the Police Department shall assume any responsibility whatsoever with respect to the adequacy, operation or maintenance of any alarm system. No action taken by the Town or the Police Department pursuant to the provisions of this Chapter, including disconnection of alarms, shall create any liability upon the Town or the Police Department by reason of any failure of any alarm system, any failure to respond to any emergency or any act or omission relating to any alarm system.

**§45-13. Indemnification.**

By installing an alarm system and registering same with the Town, each alarm user agrees to indemnify and hold harmless the Town, its agents, servants and employees from and against all claims, suits, damages, costs, losses and expenses and to release the Town, its agents, servants and employees from any and all liability or damages in any way resulting from or arising out of or connected with the installation, operation or maintenance of the alarm system or any act or omission connected therewith.

**§45-14. Additional Rules and Regulations.**

The Chief may from time to time promulgate written rules and regulations supplementing this Chapter to provide for recordkeeping and efficient management of the system, provided that no

such rules and regulations shall be effective until the Town Council shall first approve such rules and regulations, or any amendments thereto, by appropriate resolution.

**§45-15. Violations, Penalties and Enforcement.**

Any person found guilty in the Municipal Court of the Town for violation of the terms of this Chapter other than for violating the terms of Subsection 45-11, which provides specific penalties for violations thereof, shall be subject to a fine of not more than \$2,000.00 or imprisonment for a period not exceeding 90 days, or both. Responsibility for enforcement of the provisions of this Chapter, including but not limited to fines, disconnections, summons and permit suspensions shall be the Police Department, Construction Official or Fire Official.

**SECTION 2.** Section 100-24.K, "Alarm registration fees" shall be and is deleted in its entirety.

**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. EFFECTIVE DATE**

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

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 Mrs. Becker 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.

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

**ORDINANCE 2015-31**

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

**WHEREAS**, the Town Council of the Town of Newton has determined that §30-7.A(1) of the Code of the Town of Newton, regarding Police Department appointments, requires amendment to delete the Town residency class of appointment;

**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 30-7.A.(1) "Classification of Applicants" shall be and is hereby deleted in its entirety and shall read as follows:

- (1) The following classes are hereby established for appointment of all members of the Police Department of the Town of Newton:

- (a) Class 1: residents of municipalities in the County of Sussex.
- (b) Class 2: residents of any other County than Sussex in the State of New Jersey.
- (c) Class 3: all other qualified persons.

**Section 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstance 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 shall take effect after adoption and publication in accordance with law.

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.

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its final adoption, seconded by Deputy Mayor Diglio 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 final adoption of same.

**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**

**WHEREAS**, it has been brought to the Town Council’s attention by the Newton Police Department that the right turn on red prohibition at the intersection of Madison Street, Spring Street and Union Place is no longer necessary due to Spring Street being designated as one-way only and thereby eliminating the limited sight distance of East bound traffic; and

**WHEREAS**, the Town Engineer, Harold E. Pellow has indicated his support of this recommendation; and

**WHEREAS**, the Town Council is in agreement that the right turn on red prohibition at this intersection is no longer necessary and should be eliminated;

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

**Section 1.** §307-65 entitled “Schedule XV: Right Turn on Red Prohibited” shall be and is hereby amended to delete the following intersection/location designation:

Spring Street, Madison Street, Union Place - Northbound on Madison Street to eastbound on Spring 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.

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

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.

**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.

**RESOLUTION # 177-2015\***

**APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTHCARE SYSTEM**

**WHEREAS**, a Resolution of the local 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**, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 14, 2015 as part of the annual “Festival of Lights”; and

**WHEREAS**, the Sussex County Fire Marshal, Daniel Stoll, 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 Newton Medical Center is hereby granted permission for a fireworks display during the “Festival of Lights” event to take place on November 14, 2015 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; 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, Daniel Stoll.

**RESOLUTION # 178-2015\***

**APPROVE CHANGE ORDER NO. 1 FOR THE MILLING AND PAVING OF SPRING PROJECT**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #89-2015 on June 8, 2015 awarding the contract for the Milling and Paving of Spring Street project to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey through Contract #6 Road Resurfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads; and

**WHEREAS**, the Town Engineer recommends the approval of Change Order No. 1 for the Milling and Paving of Spring Street Project. This change order will result in a \$6,126.98 decrease in the contract amount to a new contract total of \$89,416.72;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Milling and Paving of Spring Street Project for a new contract total of \$89,416.72; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1 be attached to and made part of this resolution.

**RESOLUTION #1 79-2015\***

**AUTHORIZE A CREDIT DUE WATER AND SEWER UTILITY ACCOUNT**

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

**NOW THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned account for the amount billed incorrectly due to the reason stated:

**Utility Board Recommends Credit of Delinquent Penalty:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
11267	205 Main Street	\$168.40

**RESOLUTION #180 -2015\***

**AUTHORIZE CHANGE ORDER NO. 1 FOR THE REPLACEMENT OF THE PRIMARY SETTLING TANK DRIVE AND COVERS AT THE NEWTON WWTP**

**WHEREAS**, on January 28, 2015 the Newton Town Council adopted Resolution #14-2015, awarding a contract to JEV Constructions, LLC., for the Replacement of the Primary Settling Tank Drive and Covers at the Newton WWTP in the amount of \$156,000.00; and

**WHEREAS**, the Project Engineer, Anthony R. Gagliostro, of Hatch Mott McDonald, recommends in his memo dated October 19, 2015, approving Change Order No. 1, for the Replacement of the Primary Settling Tank Drive and Covers at the Newton WWTP with a credit \$350.00 for work deleted based on a circuit breaker in working order and additional work needed in the inlet building of saw cutting to provide an opening to allow equipment maintenance and channel cleaning along with a new aluminum grate cover for the opening resulting in an increase of \$10,800.00 for a total contract total of \$166,450.00; 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 Project Engineer's recommendation and accepts Change Order No. 1 for the Replacement of the Primary Settling Tank Drive and Covers at the Newton WWTP; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1, and Mr. Gagliostro's recommendation letter of October 19, 2015 be attached to and made part of this Resolution.

**RESOLUTION #1 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**

587.97	Quill Corporation	35784
365.92	Montague Tool & Supply, Inc.	35785
531.25	Pellow, Harold & Assoc., Inc.	35786
217.00	ABCCode Security Inc.	35787
197.60	Elizabethtown Gas	35788
209.96	G & G Diesel Service Inc.	35789
7,188.47	JCP&L	35790
293.14	New Jersey Herald, Inc.	35791
810.32	SCMUA	35792
226.69	Centurylink Communications, Inc.	35793
3,351.43	Centurylink Communications, Inc.	35794
504.00	Neopost Leasing, Inc.	35795
22.76	Tri-State Rentals, Inc.	35796
73.34	Federal Express	35797
100.00	Sussex County Economic	35798
461.49	Lafayette Auto Parts	35799
1,678.40	Kays, Peter J.	35800
869.17	Sloan, James PPC.	35801
90.00	NJLM	35802
575.00	Treasurer, State of New Jersey	35803
955.00	T.A. Mountford Company, Inc.	35804
236.78	Ben Shaffer & Recreation Inc.	35805
24.35	Sebring Auto Parts, Inc.	35806
174.94	Airgas East	35807
20.37	Service Electric Cable TV	35808
630.87	Boonton Tire Supply Inc.	35809
1,447.33	Verizon Wireless, Inc.	35810
341.80	Medtronic Physio-Contrl Corp	35811
79.34	Walmart	35812
96.30	Cooper Electric Supply Co.	35813
1,185.00	Vogel, Chait, Collins, Schneider, PC	35814
249.01	Rogo Fastener Co., Inc.	35815
722.19	Staples Business Advantage, Inc.	35816
99.02	Sussex County Engineering Division	35817
31.00	<b>Krave Café</b>	35818
750.00	Black Lagoon	35819
1,919.05	Rachels/Michele's Oil Company, Inc.	35820
1,091.52	Taylor Oil, Inc.	35821
2,458.33	Laddey, Clark & Ryan, LLP	35822
3,312.00	Laddey, Clark & Ryan, LLP	35823
787.50	JMC Environmental Consultants, Inc.	35824
135.00	Tire King, Inc.	35825
689.70	Penteledata	35826
443.19	Woodruff Energy US, Inc.	35827
1,888.00	Extra Tech Data Services, LLC.	35828
177.00	J. Caldwell & Associates, LLC.	35829
56.35	Daniel Flynn	35830
125.93	United Telephone/Century Link	35831
111.50	Swimoutlet.com	35832
472.08	Toyota Motor Credit Corp.	35833
924.55	American Coachworks LLC	35834
480.80	Johnny On The Spot, LLC.	35835
1,356.86	Schenck, Price, Smith, & King, LLP	35836
250.00	DLS Health Works, LLC.	35837
149.95	Jennifer Dodd	35838
2,916.67	John Mulhern	35839
273.85	Municipal Safety Supply	35840
14.95	Enom, Inc.	35841
187,673.82	Payroll Account	151062

**CAPITAL**

166.00	Pellow, Harold & Assoc., Inc.	8474
5,000.90	McManimon, Scotland & Baumann, LLC	8475
87,628.39	Tilcon New Jersey, Inc.	8476
7,992.10	Denville Line Painting, Inc.	8477
2,500.00	Phoenix Advisors, LLC.	8478
238.95	Sparta Block, Inc.	8479

**Total TOWN BILLS    \$ 336,632.15**

**WATER AND SEWER ACCOUNT**

29.90	Quill Corporation	15259
141.80	Aurora Electrical Supply, LLC.	15260
27.30	Elizabethtown Gas	15261
365.00	New Jersey Herald, Inc.	15262
135.70	SCMUA	15263
37.06	Centurylink Communications, Inc.	15264
1,159.06	Centurylink Communications, Inc.	15265
320.40	Hamburg Plumbing Supply Co Inc	15266
1,635.00	T.A. Mountford Company, Inc.	15267
22.26	Sebring Auto Parts, Inc.	15268
22.02	Airgas East	15269
147.05	Verizon Wireless, Inc.	15270
1,250.00	Smalley, John	15271
14.99	Advance Auto Parts	15272
1,262.95	Process Tech Sales And Service	15273
368.00	Laddey, Clark & Ryan, LLP	15274
50.00	Tire King, Inc.	15275
4,000.00	William Grennille, LLC.	15276
219.90	Penteledata	15277
191.43	Woodruff Energy US, Inc.	15278
554.99	Extra Tech Data Services, LLC.	15279
6,074.44	Hatch Mott MacDonald	15280
18,749.00	P. Cipollini, Inc.	15281
35,439.05	Payroll Account	156032

**CAPITAL**

49,802.00	P. Cipollini, Inc.	2406
8.00	Sussex County Clerk	2405

**Total WATER & SEWER Bills    \$ 122,027.30**

**TRUST ACCOUNT**

2,281.00	Pellow, Harold & Assoc., Inc.	3419
62.50	Pellow, Harold & Assoc., Inc.	3420
692.00	Alert-All Corp.	3421
360.00	Sloan, James PPC.	3422
915.00	Vogel, Chait, Collins, Schneider, PC,	3423
195.00	Vogel, Chait, Collins, Schneider, PC,	3424
64.00	Laddey, Clark & Ryan, LLP	3425
1,604.00	J. Caldwell & Associates, LLC.	3426
11,766.92	Payroll Account	157122

**Total TRUST ACCOUNT Bills    \$ 17,940.42**

**DEVELOPER'S ESCROW ACCOUNT**

1,499.50	Pellow, Harold & Assoc., Inc.	1248
885.00	Vogel, Chait, Collins, Schneider, PC	1249
1,062.00	J. Caldwell & Associates, LLC.	1250

**Total DEVELOPER'S ESCROW ACCOUNT Bills    \$ 3,446.50**

**HOUSING TRUST ACCOUNT (COAH)**

416.00	Laddey, Clark & Ryan, LLP	136
8,378.00	J. Caldwell & Associates, LLC.	137

**Total HOUSING TRUST ACCOUNT (COAH) Bills    \$ 8,794.00**

**FEDERAL/STATE GRANTS**

4,850.00	Current Account	1288
600.00	Screen Creation Plus	1289
700.00	Lisa Bechtel	1290
966.70	Payroll Account	151109

**Total FEDERAL/STATE/GRANTS    \$ 7,116.70**

The Clerk presented an application for membership into the Newton Fire Department from Tyler J. Brown, 59 Madison Street, Newton. It was noted the application was in order and signed by the Fire Chief.

The Clerk presented an application for membership into the Newton Fire Department from Michael J. Kooger, Jr., 6 Davis Terrace, Newton. It was noted the application was in order and signed by the Fire Chief.

A motion was made by Deputy Mayor Diglio to approve the **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	

**INTERMISSION** - None

**DISCUSSION**

**a. Universal Health Fair - Tree of Health Center, LLC.**

Linda Mitchell, Director of The Tree of Health Center, LLC, addressed the Council with a request to hold a Health Fair on Sunday, September 18, 2016. Ms. Mitchell outlined the Health Fair held this year and is looking to expand the location of this event to Spring Street.

After a brief discussion, the Council had no objection in expanding onto Spring Street for the Health Fair event. Mr. Russo outlined the requirements necessary (ie. Insurance & overtime cost) in order to utilize the DPW workers as well as the Newton Police officers for the event.

**b. Charles Tice - Historic Designation Request**

Wayne T. McCabe, Sussex County Historian & owner of McCabe & McCabe, LLC, addressed Council with a proposal to designate the former Episcopal Church Parsonage, 3 Dunn Place, (B:7.09; L:4) Newton, as a local historic landmark. Mr. McCabe, on behalf of Charles Tice, advised Council the proposed designation of this historic property is being made in accordance with Section 139-9 of the Newton General Code. This request would provide

protection of this structure in the future. He outlined the six (6) criteria's required in order to designate a landmark structure as per the Ordinance and noted the three (3) criteria's which have already been met.

After a lengthy discussion, upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker, and carried, the Council agreed to move forward with the request to designate the former Episcopal Church Parsonage, 3 Dunn Place, Block 7.09; Lot 4, as a local historic landmark. Roll call resulted as follows:

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

Mr. Russo noted he will work with Ursula Leo, Esq. on the necessary ordinance.

**OPEN TO THE PUBLIC**

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

**COUNCIL & MANAGER COMMENTS**

Mayor Flynn requested an update on the benches which have been moved or relocated on Spring Street and was advised by Mr. Russo some benches were removed for repair. He will obtain an update from DPW and forward to Council.

Deputy Mayor Diglio requested a bench placed on Trinity Street at the County bus stop location. Mr. Russo noted he has scheduled that project for the spring next year. DPW will be required to do some additional work for proper placement.

Councilman Levante inquired about the possibility of advertising on the Town buses for potential revenue. He indicated there are several municipalities who do advertising on their buses and Mr. Levante would like to consider it as well.

Councilman Elvidge inquired about making designated transportation areas around the Town of Newton.

**EXECUTIVE SESSION**

Mr. Russo read **Resolution #182-2015** and Council entered into Executive Session at 7:36 pm.

Upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and unanimously carried, Council left Executive Session at 8:22 pm.

There being no further business to be conducted, upon motion of Deputy Mayor Diglio, seconded by Mr. Levante and unanimously carried, the meeting was adjourned at 8:22 pm.

Respectfully submitted,

October 26, 2015

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

Lorraine A. Read, RMC  
Municipal Clerk