

June 13, 2016

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, Deputy Mayor Diglio, Mr. Elvidge, 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, 2015."

Mayor Flynn asked for a moment of silence in support of the victims of the terrorist attack in Orlando. Mayor Flynn led the Pledge of Allegiance to the flag and the Deputy Clerk called the roll. Upon motion of Deputy Mayor Diglio, seconded by Mrs. Becker and carried, the minutes of May 23, 2016 Regular meeting and May 31, 2016 Special meeting were 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."*

MaryLou Holterman, 29 West End Avenue, came forward questioning whether the Town had any plans for paving the end of Madison Street or Thompson Street. Mayor Flynn advised her concerns would be addressed later in the meeting.

Ralph Porter, 12 Pine Street, came forward and asked for clarification on what is considered a truck by the Town and whom would enforce violations on this matter. He further stated tractor trailers are coming on Pine Street to Thorlabs. Mr. Russo advised he would check with Katherine Citterbart, the Zoning Officer about the approvals Thorlabs were granted related to their project and have her look into the matter.

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

### **COUNCIL & MANAGER REPORTS**

#### **a. Auditor Letter for the Record**

We have audited the financial statements of the various funds and account group of the Town of Newton, County of Sussex, for the years ended December 31, 2015 and 2014, and have issued our report thereon dated May 10, 2016. Professional standards require that we provide you with the following information related to our audit.

**Our Responsibility Under U.S. Generally Accepted Auditing Standards and Government Auditing Standards**

As stated in our engagement letter, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with accounting principles or practices prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we will consider the internal control of the Town of Newton. Such considerations are solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will also perform tests of the Town of Newton's compliance with certain provisions of laws, regulations, contracts, and grants. However, the objective of our tests is not to provide an opinion on compliance with such provisions.

Our responsibility for the supplementary information accompanying the financial statements, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

**Planned Scope and Timing of the Audit**

We performed the audit according to the planned scope and timing previously communicated to you in our meeting about planning matters.

**Significant Audit Findings**

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town of Newton are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2015. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the financial statements was:

Management's estimate of the annual budget is based on historical data. We evaluated the key factors and assumptions used to develop the budget in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

*Disagreements with Management*

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated May 10, 2016.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with our accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention. We had no material findings for the year ended December 31, 2015 audit.

*Other Matters*

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles or practices prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the members of the Town of Newton and is not intended to be and should not be used by anyone other than these specified parties.

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Very truly yours,

*Ferraioli, Wielkotz, Cerullo & Cuva*

FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A.

Certified Public Accountants

Newton, New Jersey

Ms. Babcock reviewed the two recommendations appearing in the audit and the Corrective Action Plan. The first is a repeat comment regarding the Armory ordinance which is an unfunded ordinance. The project is currently at a standstill and the Town has spent \$120,000 on the project so far. Ms. Babcock stated the Town needs to consider funding it or seek resolution from the State on the project.

The second item is Municipal Court Funds be turned over to the appropriate agencies by the 15<sup>th</sup> of each month. The Court Administrator has responded and made the necessary adjustments to correct this.

Mr. Levante gave a brief update on his meeting with the Parking Authority on June 2<sup>nd</sup>. He shared the Economic Development Commission's recommendations with the Council. Mr. Russo advised the Economic Development Commission is to discuss and create recommendations at their July 12<sup>th</sup> meeting and present them to the Parking Authority at their September 1<sup>st</sup> meeting; the Governing Body will discuss the recommendations at the September 14<sup>th</sup> meeting.

#### **ORDINANCES**

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

#### **ORDINANCE 2016-5**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$1,190,000 THEREFOR, INCLUDING AN \$80,000 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT EXPECTED TO BE RECEIVED, AND AUTHORIZING THE ISSUANCE OF \$1,050,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of

Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,190,000, including an \$80,000 New Jersey Department of Transportation grant expected to be received and further including the aggregate sum of \$59,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,050,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Improvement of Liberty Street road and any adjacent areas, including repaving, curbing and sidewalk work	\$140,000 (including an \$80,000 Department of Transportation grant expected to be received)	\$53,000	20 years
b) Demolition and construction of new Firehouse 2	\$950,000	\$902,500	40 years
c) Acquisition of an ambulance automatic cot lift	\$25,000	\$23,750	15 years

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<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
d) Purchase of SCBA air packs for Fire Department	\$55,000	\$52,250	5 years
e) Renovation of Municipal Buildings and Properties, including the acquisition and installation of furnishings, signage, furniture and equipment	<u>\$20,000</u>	<u>\$19,000</u>	20 years
TOTALS:	<u>\$1,190,000</u>	<u>\$1,050,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the grant and estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose. All improvements or purposes include all work and materials necessary therefor or incidental thereto.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 5.** The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 36.32 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,050,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$334,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

**Section 7.** The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations,

including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**Section 8.** Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance.

**Section 9.** The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 10.** The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real

property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 11.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 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 Deputy Clerk will advertise the above Ordinance according to law.

Mayor Flynn directed the Deputy Clerk to read aloud the following Ordinance relative to final adoption

**ORDINANCE 2016-6**

**ORDINANCE REAPPROPRIATING \$64,290 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE PURCHASE AND INSTALLATION OF JAWS OF LIFE FOR FIRE ENGINE #3 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Section 1.** Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$64,290 of the proceeds of obligations originally made available for various public purposes and improvements of the Town of Newton, in the County of Sussex, New Jersey (the "Town") described in the chart below are no longer necessary for the purposes for which the amounts previously were authorized.

<b>Ordinance Number</b>	<b>Description of Improvement and Date of Adoption of Bond Ordinance</b>	<b>Amount to be Reappropriated</b>
2013-11 (Section 3(h))	Acquisition of firefighter bailout kits, finally adopted 4/22/2013	\$10,000
2014-6 (Section 3(j))	Acquisition of firefighting equipment, including turnout gear and personal air masks and packs, finally adopted 4/14/2014	\$1,659
2015-16	Purchase of fire turnout gear, finally adopted	\$52,631

Ordinance Number	Description of Improvement and Date of Adoption of Bond Ordinance	Amount to be Reappropriated
(Section 3(h))	4/27/2015	

**Section 2.** The \$64,290 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the purchase and installation of jaws of life for Fire Engine #3.

**Section 3.** The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 4.** This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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. Levante and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its 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 Deputy 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.

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**RESOLUTION #85-2016\***

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC) TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Town of Newton desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021;

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

1. The Town Council of the Town of Newton hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council (MCCPC) by the Township of Randolph as Lead Agency dated October 1, 2016, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2016, through September 30, 2021.
2. The Town of Newton Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Town of Newton officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

**RESOLUTION #86-2016\***

**TRANSFER OF SCHOOL MONIES FOR THE PERIOD JULY 1, 2016 TO DECEMBER 31, 2016**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$6,313,697.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted (Exclusive of Debt Service)	\$12,627,394.00
Amount Received to Date	\$0.00
Amount of This Request	<u>\$6,313,697.00</u>
Balance Due Board of Education	\$6,313,697.00

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**RESOLUTION #87-2016\***

**APPROVE PURCHASE OF 2017 FORD F-250 4WD SUPER CAB 158" WB FOR THE WATER/SEWER DIVISION**

**WHEREAS**, Beyer Ford has supplied a quote under State Contract #A88727 to the Water/Sewer Division of the Department of Public Works, for the purchase of a 2017 Ford F-250 4WD Super Cab 158" WB in the amount of \$33,935.00; and

**WHEREAS**, the Purchasing Agent and the DPW Supervisor have recommended the purchase of the 2017 Ford F-250 4WD Super Cab 158" WB in the amount of \$33,935.00 from Beyer Ford; 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 2017 Ford F-250 4WD Super Cab 158" WB be purchased from Beyer Ford, Morristown, NJ through State Contract #A88727 in the amount of \$33,935.00.

**RESOLUTION #88-2016\***

**TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, the Chief Financial Officer has prepared, distributed and filed the Corrective Action Plan in accordance with Federal and State Guidelines; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey a order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton

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hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT  
GROUP AFFIDAVIT FORM  
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY  
COUNTY OF SUSSEX  
TOWN OF NEWTON

We, members of the Governing Body of the *Town of Newton* of, in the County of *Sussex*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Town Council* of the *Town of Newton* in the County of *Sussex*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year *2015*;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

\_\_\_\_\_  
Daniel G. Flynn, Mayor

\_\_\_\_\_  
Sandra Lee Diglio, Deputy Mayor

\_\_\_\_\_  
E. Kevin Elvidge, Councilmember

\_\_\_\_\_  
Kristen S. Becker, Councilmember

\_\_\_\_\_  
Wayne G. Levante, Councilmember

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
Teresa A. Oswin, Deputy Municipal Clerk

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the Governing Body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**RESOLUTION #89-2016\***

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2016 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 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 has received a payment in the amount of \$4,209.65 from the Federal Justice Assistance Grant for a FY2013 \$277.31 and a FY 2014 \$3,932.34 regular fund Bulletproof Vest Partnership 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 2016 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:	
Federal Body Armor Grant .....	\$4,209.65
General Appropriations:	
(A) Operations - Excluded from CAPS	
Public and Private Programs Off-Set by Revenues:	
Federal Body Armor Grant.....	\$4,209.65

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

**RESOLUTION #90-2016\***

**RENEWAL OF CLUB LICENSE**

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Club License be renewed for the licensing year 2016-2017, effective July 1, 2016:

**No. 1915-31-014-001** be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey.

**RESOLUTION #91-2016\***

**REMOVAL OF CLUB LICENSE ISSUED TO LOYAL ORDER OF MOOSE NEWTON LODGE # 432**

**WHEREAS**, the Loyal of Moose Newton Lodge #432 no longer operates in the Town of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Club License is no longer in existence in the Town of Newton:

**No. 1915-31-013-002** issued to Loyal Order of Moose Newton Lodge #432, t/a Loyal Order of Moose Newton Lodge #432, 4 Diller Avenue, Newton, New Jersey.

**RESOLUTION #92-2016\***

**RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES**

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Distribution Licenses be renewed for the licensing year 2016-2017, effective July 1, 2016:

**No. 1915-44-010-003** be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; and

**No. 1915-44-004-012** be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey.

**RESOLUTION #93-2016\***

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES**

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption Licenses are renewed for licensing year 2016-2017, effective July 1, 2016:

**No. 1915-33-001-006** be issued to Chenlin Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; and

**No. 1915-33-002-009** be issued to B&M LLC, t/a O'Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; and

**No. 1915-33-003-007** be issued to Big Tadew, LLC, ABC Pocket License, 112 Tomahawk Trail, Sparta, New Jersey; and

**No. 1915-33-007-005** be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; and

**No. 1915-33-008-004** be issued to F. Roger Pierson Enterprises, Inc., t/a Barrel House, 173 Spring Street, Newton, New Jersey; and

**No. 1915-33-011-008** be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining Cocktails & Caterers, 64 Water Street, Newton, New Jersey; and

**No. 1915-33-006-011** be issued to Thordon Inc., t/a Tuscany Bistro, 216 Woodside Avenue, Newton, New Jersey; and

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Newton, County of Sussex State of New Jersey, that the following Plenary Retail Consumption License w/Broad Package Privilege be renewed for licensing year 2016-2017, effective July 1, 2016:

**No. 1915-32-005-011** be issued to Newton Bar & Liquors, Inc., t/a Shop Rite Liquors of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey.

**RESOLUTION #94-2016\***

**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 2015 and 2016 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**

705.00	Accurate Door, Inc.	36786
10.99	Advance Auto Parts	36787
80.00	American Heart Association, Inc.	36788
369.99	Azul Core	36789
17.50	Between The Bread	36790
3,552.10	Boonton Tire Supply Inc.	36791
563.31	Cartridge World	36792
1,770.00	Chelbus Cleaning Co., Inc.	36793
227.50	Cintas Fire Protection	36794
1,775.99	Compass Energy Gas Services, Inc.	36795
71.40	Cooper Electric Supply Co.	36796
7,350.00	County of Sussex	36797
48.00	CSS Test Inc.	36798
945.03	Cutting Edge Landscape Equip	36799
45.10	Dominick's Pizza LLC	36800
702.50	Extra Tech Data Services, LLC.	36801
7,706.00	Ferraioli, Cerullo & Cuva	36802

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100.00	First United Methodist Church	36803
3,389.40	G & G Diesel Service Inc	36804
315.00	Gold Type Business Machines	36805
165.00	Haydee Ballester	36806
1,419.48	Home Depot, Inc.	36807
7.94	Home Depot, Inc.	36808
875.00	IACP Net/Login, INC.	36809
423.02	JCP&L	36810
475.00	Johnny On The Spot, LLC.	36811
231.52	Kieffer Electric, Inc.	36812
195.00	Kylan, Inc.	36813
18.98	Lowe's Inc.	36814
1,233.78	McGuire, Inc.	36815
155.00	Montague Tool & Supply, Inc.	36816
943.55	Morris Asphalt Co.	36817
181.02	New Jersey Herald, Inc.	36818
11.50	Newton Trophy	36819
36.00	NJ Div Alcohol Beverage Contr	36820
89,351.00	NJMEBF	36821
513.54	HD Supply	36822
1,837.68	Pellow, Harold & Asso, Inc.	36823
13,654.00	Pioneer Pole Buildings, Inc.	36824
334.80	Pioneer Products, Inc.	36825
3,000.00	Prime Time Newton Seniors	36826
1,200.76	Public Engines, Inc.	36827
526.90	Quill Corporation	36828
4,498.14	Rachles/Michele's Oil Company, Inc.	36829
89.59	Ready Refresh By Nestle	36830
155.00	Rectifier Auto Electric	36831
54.44	Reisinger Oxygen Service, Inc.	36832
1,550.00	Reliable Wood Products, LLC.	36833
770.00	Resolutions	36834
451.20	Route 23 Patio, LLC.	36835
3,974.73	Schenck, Price, Smith, & King, LLP	36836
1,657.18	SCMUA	36837
250.00	SCMUA	36838
935.00	Screen Creation Plus	36839
23.53	Sherwin-Williams, Inc.	36840
368.52	Sirchie Finger Print Labs, LLC.	36841
220.00	Some's World Wide Uniforms, Inc.	36842
258.05	Staples Business Advantage, Inc.	36843
1,691.77	Staples Business Advantage, Inc.	36844
97.87	Staples Business Advantage, Inc.	36845
150.00	Sussex & Warren Tax Coll	36846
20.00	Sussex County Clerk's Assn.	36847
50.00	Sussex County Sheriff's Crimestoppe	36848
975.00	Tap Into, LLC	36849
3,110.19	Taylor Oil Co., Inc.	36850
439.00	Team Life, Inc.	36851
3,097.55	The Buzak Law Group, LLC.	36852
131.88	The Star Ledger	36853
212.18	Thyssenkrupp Elevator Corp.	36854
35.00	Tire King, Inc.	36855
60.07	Tractor Supply Co	36856
250.00	Treasurer, Petty Cash Fund	36857
490.00	Trimboli & Prusinowski, LLC.	36858
127.23	United Telephone/Century Link	36859
194.57	Verizon Wireless, Inc.	36860
173.73	Weldon Asphalt Company, Inc.	36861
455.91	Wilfred MacDonald, Inc.	36862
3,000.00	Greater Newton Chmbr of Comm.	36785
9,747.32	First Hope Bank Inc.	36784
200.00	Town of Newton	36783

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204,423.90	Payroll Account	161033
150.00	Spring Street Pub & Grill	36782

**CAPITAL**

2,039.38	Pellow, Harold & Asso, Inc.	8550
390.00	McManimon, Scotland & Baumann, LLC	8551
25.00	Current Account	8552
47,368.73	Skylands Area Fire Equip & Training	8553

**Total TOWN BILLS \$ 440,896.94**

**WATER AND SEWER ACCOUNT**

338.90	Schmidt's Wholesale, Inc	15670
2,262.50	Pellow, Harold & Asso, Inc.	15671
14,097.50	JCP&L	15672
10,465.00	Pumping Services, Inc.	15673
650.94	SCMUA	15674
26.45	Sussex County P & H, Inc.	15675
14,192.04	Coyne Chemical Corp., Inc.	15676
27.75	Campbell's Small Engine Inc.	15677
1,170.00	Garden State Laboratories Inc.	15678
6,529.00	Ferraioli, Cerullo & Cuva	15679
66.65	Sebring Auto Parts, Inc.	15680
500.91	McGuire, Inc.	15681
1,267.50	JCI Jones Chemicals, Inc	15682
12,160.00	Passaic Valley Sewerage Comm.	15683
25.94	Walmart	15684
795.37	Home Depot, Inc.	15685
300.00	Hydro Technology, LLC.	15686
4,684.58	Pall Corporation	15687
80.00	Dominick's Pizza LLC	15688
7.50	Laddey, Clark & Ryan, LLP	15689
360.00	Kieffer Electric, Inc.	15690
83,306.00	NJMEBF	15691
1,392.50	Extra Tech Data Services, LLC.	15692
1,105.29	Hatch Mott MacDonald	15693
975.00	Tap Into, LLC	15694
1,500.00	Resolutions	15695
1,352.86	Compass Energy Gas Services, Inc.	15696
309.20	Atlantic Plumbing Supply Inc.	15697
33,925.16	Payroll Account	166017
917.89	Sparta Postmaster	15669

**CAPITAL**

1,745.75	Pellow, Harold & Asso, Inc.	2421
50,000.00	Water & Sewer Operating Acct	2422

**Total WATER & SEWER Bills \$ 246,538.18**

**TRUST ACCOUNT**

5,562.00	Pellow, Harold & Asso, Inc.	3483
648.00	Pellow, Harold & Asso, Inc.	3484
691.67	Foremost Promotions, Inc.	3485
32.00	Laddey, Clark & Ryan, LLP	3486
48.00	Laddey, Clark & Ryan, LLP	3487
288.00	Laddey, Clark & Ryan, LLP	3488
207.95	Creative Service of New England	3489

**Total TRUST ACCOUNT Bills \$ 8,109.62**

**HOUSING TRUST FUND COAH ACCOUNT**

118.00	J. Caldwell & Associates, LLC.	149
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**Total HOUSING TRUST FUND (COAH) ACCOUNT Bills    \$ 118.00**

**FEDERAL/STATE GRANTS**

159.21	B & H Inc.	1315
22.40	Home Depot, Inc.	1316
1,260.00	Screen Creation Plus	1317
756.00	Swank Motion Pictures	1318
35.44	Payroll Account	161111
463.32	Payroll Account	161111
363.86	Payroll Account	161110
5,000.00	Greater Newton Chmbr of Comm.	1314
363.86	Payroll Account	161109
363.86	Payroll Account	161108
433.83	Payroll Account	161107
363.86	Payroll Account	161106

**Total FEDERAL/STATE GRANTS ACCOUNT Bills    \$ 9,585.64**

A motion was made by Mr. Elvidge to approve the **COMBINED ACTION RESOLUTIONS**, 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	

**INTERMISSION** – None

**DISCUSSION**

First, Mayor Flynn asked Ms. Millikin to address the concerns Ms. Holterman brought up earlier in the meeting. Ms. Millikin explained the portion of Madison Street between Spring Street and Halsted Street is part of our next Safe Route to School Project, which we have applied to the State for funding for. It will most likely be done within the next two years. The Town has to go out to bid for the project because the State of New Jersey does not allow us to use cooperative pricing for this type of project. As for Thompson Street, the Town has no plans at this time. Mayor Flynn advised we will add it to the list for evaluation.

**a.    Drainage Study Update – Harold E. Pellow & Associates, Inc.**

Harold E. Pellow, Town Engineer, presented a plan to address the drainage issues. He advised that he and Debra Millikin met with each property owner in the area between Newtonian Gardens and Liberty Towers. Most people were in favor of the project. The controlling point is the storm drain under Liberty Street in which you can't

increase the flow unless you add detention basins. Newtonian Gardens are okay with the basin on their property. The lower area by the Covenant Church has a high water table, the Town would have to put in concrete plating. Liberty Towers has installed thermal heating with underground wells recently, which we cannot destroy so we are limited to what we can do. We are locked into two areas for detention basins. Mr. Pellow estimates the cost to be \$1.3 million. There would be numerous easements required and DEP does not give funding for drainage projects. Mayor Flynn asked if the 100-year storm was used for the design of the size of the basins, and asked if we could design to the 25-year storm. Mr. Pellow advised no matter what you do it will be a million dollar project. A brief discussion ensued. Mayor Flynn thanked Mr. Pellow and Ms. Millikin for their work on this proposal, but currently the Town does not have the funding for this project.

**b. Straway Boulevard Draft Ordinance**

Ms. Leo reviewed the proposed ordinance with the Council. Straway Boulevard is the access path that is being used more and more by the public. Advising the ordinance proposes limiting parking on certain sides. Parking would be prohibited on the entire length on the east side, and sets forth specific areas for parking and allows uninhibited access for municipal and emergency vehicles only. Straway Boulevard is very narrow and there is real concern for public safety, this will allow the police to enforce the parking regulations and any traffic flow violations. This will be place on the July 1<sup>st</sup> meeting agenda for introduction.

**c. Property Maintenance Code Amendment Draft Ordinance**

Ms. Leo advised the new Code Enforcement Director asked for some clarification on the Certificate of Compliance requirements. Meetings were held with Joe Butto and the County Fire Marshal and this ordinance will clarify the requirements are for single family attached or detached townhouses, one and two family dwellings and mixed use with two or less units. The next section is clean up the numbering in our Code Book to reflect the International Property Maintenance Code numbering with regards to garbage and rubbish. This allows Code Enforcement to properly enforce people keeping their garbage in containers and not allow them to overflow. The other items are to clarify existing numbers in the Code Book relative to property maintenance.

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A brief discussion ensued on the sidewalks and their state of disrepair throughout the Town. This will be placed on the July 1<sup>st</sup> meeting agenda for introduction.

**OPEN TO THE PUBLIC**

Ralph Porter came forward and asked who enforces the parking on lawns portion of the Code. The problem seems to be getting worse. Mr. Russo advised Mr. Porter if there is particular property in question he should let Ms. Citterbart know and she would send letters and enforce it.

Karl Merchant, 18 West End Avenue, came forward and asked if the drainage study presented tonight would be posted on the Town's website or available for the public. Mayor Flynn advised what Mr. Pellow presented tonight will be available in the municipal building. Mr. Russo stated, since the project is not funded and there are no plans at this time to move forward it would not be posted on the website. Ms. Millikin advised she would get Mr. Merchant a set of plans.

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

**COUNCIL & MANAGER COMMENTS**

Deputy Mayor Diglio stated Newton Day went very well and the day was a success.

Mr. Russo advised June 27<sup>th</sup> is Ms. Becker's last Council meeting. A light reception will be held at 6:30pm in her honor. He also reminded Council the Reorganization meeting is on Friday, July 1<sup>st</sup> at 3:30pm.

There being no further business to be conducted, upon motion of Mr. Levante, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 7:49 pm.

Respectfully submitted,



Teresa A. Oswin, RMC  
Deputy Municipal Clerk