

March 13, 2017

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

Mayor Diglio 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, 2016."

Mayor Diglio noted two changes to tonight's agenda:

- 1) Ordinance 2017-5; to be re-introduced due to amendment to the age for seniors; and
- 2) Downtown Improvement/SID discussion will be postponed due to Mr. Russo's absence.

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion Deputy Mayor Levante, seconded by Mr. Elvidge and carried, the minutes for February 27, 2017 (Regular) meeting were unanimously approved.

#### **OPEN TO THE PUBLIC**

Mayor Diglio read the following statement:

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

Stella Dunn, Newton Board of Education Representative, thanked the Town Council for their support with Resolution #48-2017, regarding the underfunding in State Aid to Newton Schools.

Mrs. Dunn asked Council to join the School Administration on a Budget Committee Hearing in Trenton, on May 2, 2017, in order to speak out on the underfunding of school aid to Newton Public Schools.

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

#### **COUNCIL & MANAGER REPORTS**

- a. **Proclamation - Child Abuse Prevention Month**

Mayor Diglio read the following Proclamation:

**P R O C L A M A T I O N**  
**CHILD ABUSE PREVENTION MONTH**  
**April 2017**

**WHEREAS**, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

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**WHEREAS**, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

**WHEREAS**, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior; and

**WHEREAS**, the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community; and

**WHEREAS**, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

**NOW THEREFORE**, be it resolved that the Town Council of the Town of Newton does proclaim April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

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

\_\_\_\_\_  
s/Sandra L. Diglio, Mayor  
Attest: s/Lorraine A. Read  
Date: March 13, 2017

b. **UAB Appeal - Eric Kalugin - 5 Ashford Street**

Mayor Diglio advised that Eric Kalugin was not in attendance.

After a brief discussion, Council directed a letter be sent to Mr. Kalugin and advise him to appear at the next Council meeting on March 27, 2017. If he fails to appear again, the penalty will remain in effort. Deputy Mayor Levante requested a copy of the initial letter sent to Mr. Kalugin.

**ORDINANCES**

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

**ORDINANCE 2017- 4**

**AN ORDINANCE TO AMEND SECTIONS 100-19, 228-1 AND 228-12 OF THE CODE OF THE TOWN OF NEWTON, REGARDING USE AND FEES FOR PUBLIC SEWERS USE AND CERTAIN DISCHARGES**

**WHEREAS**, it has been determined that revisions to Section 228-12 of the Town Code regarding the use of public sewers is necessary, as recommended by the Town Sewer Engineer, and in the best interests of Town residents; and

**WHEREAS**, revisions to Section 228-1 of the Town Code regarding definitions for Chapter 228, Sewer and Water, is necessary, due to revisions to Section 228-12 and as recommended by the Town sewer engineer; and

**WHEREAS**, revisions to Section 100-19 of the Town Code regarding fees for certain discharge and use of public sewers is necessary, due to revisions to Section 228-12, and as recommended by the Town sewer engineer;

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

**Section 1.** Chapter 100-19, Utilities Fees of the Code of the Town of Newton, shall be revised with the addition of a new subsection 100-19.U, as follows:

U. Sewer surcharge fee rates, per §228-12:

BOD5: \$0.70/lb  
TSS: \$1.09/lb  
NH3: \$2.51/lb  
T. Phosphorus: \$1.83/lb

**Section 2.** Chapter 228-1 of the Code of the Town of Newton, "Definitions" shall be revised by the addition of the following at the beginning of §228-1:

**§228-1 Definitions.**

Chapter, 228, Sewer and Water, shall incorporate and utilize the definitions and abbreviations set forth in N.J.A.C. 7:14A-1.1 and N.J.A.C. 7:14A-1.2, as may be amended. In addition, the following words and phrases shall have the meanings ascribed in this Chapter:

**Section 3.** Chapter 228-12 of the Code of the Town of Newton, "Use of Public Sewers" shall be deleted in its entirety and replaced as follows:

**§228-12 Use of public sewers.**

A User shall not introduce into the Town of Newton wastewater treatment plant and all sewers tributary thereto, any pollutant(s) which cause pass-through and/or interference. The discharge prohibitions and limitations listed in the following sections apply to each User introducing pollutants into the Town sanitary sewer system whether or not the User is a domestic, commercial, or industrial User.

**A. Discharge Prohibitions**

No person shall discharge or cause to be discharged any of the following described waters or wastes to the Town sanitary sewer system:

- (1) Stormwater/Surface water/Groundwater: Stormwater from precipitation or snowmelt, surface water and/or groundwater from sump pumps, cellar drains and/or other sources, except as specifically authorized by the Town.
- (2) Unpolluted Wastewater: Any unpolluted water including, but not limited to, cooling water, unpolluted industrial process water, uncontaminated stormwater, pond/pool water, which increase the hydraulic load on the treatment plant, except as specifically authorized by the Town.
- (3) Dilution: Water: Any water added for the purpose of diluting wastewater or wastes which would otherwise exceed applicable discharge limit(s) and restrictions.
- (4) Excessive Discharge: Wastewater at a flow rate or containing concentrations or quantities of pollutant(s) (e.g. BOD5, TSS, ammonia, phosphorus) that, in the judgment of the Town or its representative, may cause a treatment process upset, interference, system overload, or loss of treatment efficiency at the Town's treatment plant. Any waters or wastes having a five-day biochemical oxygen demand greater than 245 parts per million by weight, or containing more than 220 parts per million by weight of suspended solids shall be subject to approval by the Town.
- (5) Slug discharge: Waters and wastes with an unusual volume of flow or concentration of wastes constituting "slugs". A "slug" shall be defined as any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentrations of flows during normal operation.
- (6) Color Materials: Wastes with color not readily removable by the treatment plant, or which may cause, or potentially cause or contribute to causing the treatment plant to exceed Water Quality Standards for the color parameter.
- (7) Corrosive Wastes: Any waste which will cause corrosion or deterioration of the treatment works or sewer system. Any waste discharged to the Town sewer system shall not have a pH value lower than 5.5 or greater than 9.0 Standards Units (SU) at the connection to the Town sewer system. Prohibited materials include, but are not limited to, concentrated acids, alkalines, sulfides, chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products which have a pH value that does not fall within the range stated herein.
- (8) Explosive and/or Flammable Mixtures: Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other

substances, to cause fire or explosive condition in any part of the sewer collection or treatment system or be injurious in any other way to the treatment works or to the operation of the works; such materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

A potentially explosive condition is defined as waste stream with a closed cup Flash-Point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21 and/or any atmosphere in which combustible gases or vapors are at a concentration of 10% or more of the Lower Explosive Limit (LEL).

- (9) Garbage or Shredded Garbage: Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Town.
- (10) Hazardous Substance or Hazardous Waste: Discharge of any hazardous substance or hazardous waste is prohibited, without a written authorization or a permit which may contain the maximum allowable concentration limits for the specific hazardous or toxic waste or each constituent.
- (11) Heat: Heat in the amounts which will inhibit biological activity in the Publicly Owned Treatment Works (POTW) resulting in Interference or causing damage, but in no case heat in such quantities that the temperature at the sewer connection exceeds 65°C (150°F), unless the Town approves alternate temperature limits.
- (12) Medical Wastes: Any medical waste or pollutants unless otherwise authorized under the applicable regulations and/or approved by the Town.
- (13) Noxious Materials: Pollutants which, either singly or by interaction with other wastes, are malodorous, are capable of creating a public nuisance or hazard to life or health, or are present in sufficient concentrations to prevent entry into the Town sewer system for its maintenance and repair.
- (14) Fat, Oil & Grease: Total oil and grease including petroleum hydrocarbons, cutting oil, mineral oils, fats, wax, grease, and/or other oils, whether soluble or emulsified, in excess of 100 mg/l concentration; or containing substances which may solidify or become viscous at temperature between 32°F and 150°F (0°C and 65°C) in the sewer system.
- (15) Radioactive Wastes: Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and discharge, and/or which will, or may, cause damage or hazards to the treatment plant or personnel operating the system.
- (16) Sludge Interfering Substances: Any substance which may cause the treatment plant's sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged into the sewer system cause the treatment plant to be in noncompliance with sludge use or management criteria, guidelines or regulations applicable to the Town treatment plant sludge.
- (17) Solid or Viscous Wastes: Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the treatment works. Prohibited materials include, but are not limited to: excess oil/grease, garbage, animal tissues, human organs or tissue fluids, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances. Other specific materials may be prohibited at the discretion of the Town.
- (18) Toxic Discharge: Waters or wastes containing objectionable or toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to result in the presence of toxic gases, vapors or fumes within the sewer system in a quantity that may cause worker health or safety problems, to constitute a hazard to humans/animals or environment, to create a toxic effect in the receiving waters of the POTW, to result in pass through, to cause interference with the treatment works plant, or to exceed standards promulgated by the EPA pursuant to Section 307 (a),(b) or (c) of the Clean Water Act or the NJDEP pursuant to Section 4 of the State Water Pollution Control Act.
- (19) Trucked/Hauled Waste: No trucked or hauled waste, including but not limited to, septic waste, sludge, residual waste/wastewater, or other waste shall be discharged directly or indirectly into the wastewater treatment plants or at any discharge point within the sewer system, unless specifically authorized by the Town.

- (20) Any waste that can harm the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, may cause pass-through and/or interference in the Town sewer system or otherwise endanger environment, life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Town shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

**B. Discharge Limitations**

Any person who discharges, deposits, causes or allows wastewater/waste to be discharged or deposited to the Town wastewater treatment plant and all sewers tributary thereto, shall comply with the provisions of Prohibited Discharges as stated in Item (A) above. In addition, the Town has established maximum permissible concentrations on some of the conventional, non-conventional and toxic pollutants that are inhibitory or otherwise of concern to the Town wastewater treatment plant and/or its wastewater and sludge management plan. All discharge to the Town sanitary sewer system shall comply with the following discharge limitations:

<u>Pollutant Parameter</u>	<u>Maximum Daily Discharge Limits</u>
Biochemical Oxygen Demand (5)	245 (1)
Total Suspended Solids (TSS)	220 (1)
Ammonia (NH3-N)	18 (1)
Phosphorus (P)	12 (1)
Oil and Grease (Total)	100
Temperature (in Fahrenheit)	65 °F
pH (in S.U.) (Daily Minimum)	5.5 SU
pH (in S.U.) (Daily Maximum)	9.0 SU
Flash Point (in Fahrenheit) (Minimum)	140 °F
Arsenic (Total)	0.13
Cadmium (Total)	0.04
Chromium (Total)	15.56
Copper (Total)	1.62
Lead (Total)	1.01
Mercury (Total)	0.07
Molybdenum (Total)	0.25
Nickel (Total)	1.89
Selenium (Total)	0.23
Silver (Total)	5.77
Zinc (Total)	6.51
Cyanide (Total)	7.34
Total Toxic Organics (2)	(2)

All units in mg/l, unless otherwise specified. The daily maximum limits are based on a composite sample for the 24-hour or working hour period as approved by the Town, except for pH, Oil and Grease, cyanide, and volatile organics. The Town will define the sample collection and sample type of each pollutant for compliance assessment.

- (1) Dischargers exceeding BOD5, TSS, ammonia and/or phosphorus limitations as stated above may request a variance from the Town. Based upon the submitted supporting concentration and loading data and the available treatment plant loadings, the Town may allow discharge of wastewater with the concentration(s) greater than the limits imposed above, upon payment of a sewer surcharge fee, as set forth further in **§228-12.E** and **§100-19.U**, based upon availability of any excess capacity available at the treatment plant. The Town reserves its rights to impose an upper cut-off concentration limit based upon available treatment plant capacity and loadings.
- (2) The Town may impose discharge limitations, restrictions, and/or prohibition of Total Toxic Organics (TTO), including any volatile organics, base/neutral organics, acid extractable organics, pesticides, PCB's and any other toxic organic, on a case by case basis.

**C. Compliance with Federal & State Pretreatment & Other Discharge Regulations**

All industrial and other non-domestic dischargers shall comply with all applicable limitations and other conditions imposed under the Federal "General Pretreatment Regulations" listed under 40 CFR 403. The General Pretreatment Regulations, 40 CFR 403 is hereby incorporated by reference, including all future amendments and supplements thereto.

Upon the effective date of the Federal Categorical Pretreatment Standards for a particular industrial category, the Federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall supersede the limitations imposed under this ordinance. Affected dischargers shall comply with such standards within the stated compliance deadline. Failure to attempt to notify affected industrial dischargers of the applicable reporting requirements by State or the Town does not relieve such dischargers of the obligation to comply with reporting and other requirements. Applicable categories and the Federal categorical standards are listed in 40 CFR Chapter I, Subchapter N (including 40 CFR 404 through 40 CFR 699). 40 CFR Chapter I, Subchapter N is hereby incorporated by reference, including all future amendments and supplements thereto.

**D. Additional discharge Requirements by the Town**

- (1) The Town may require an industrial or non-domestic discharger to submit an application and other documents providing information and data on the facility, contact, operations and processes, chemical use, water use, wastewater generation and discharge, wastewater quality, and pretreatment and discharge connections. The Town will advise the discharger how the discharge will be regulated. If it is determined that the discharge will be subject to permitting by NJDEP, information may be forwarded to the State for further assessment and permit applicability determination.
- (2) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristic enumerated in Items above, and which in the judgment of the Town may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:
  - (a) Reject the wastes;
  - (b) Require pretreatment or an acceptable condition for discharge to the public sewers;
  - (c) Require control over the quantities and rate of discharge; and/or
  - (d) Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewage charges.
- (3) If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances, and laws.
- (4) The Town may impose a discharge flow limitation on a discharger. Any flow limitation may be based upon the property sewer capacity allocation, design capacity and treatment capability of the Town wastewater treatment plant, and effluent characteristics of the nondomestic discharge. The flow limitation on a non-domestic discharge may include additional requirements for isolation of uncontaminated stormwater, unpolluted process wastewater and/or other conditions, as necessary.
- (5) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operating condition by the owner at his expense. The Town may require the industrial/non-domestic discharger to develop and implement a Slug Management Plan, where necessary.
- (6) Oil & Grease Separators & Sand Interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall comply with plumbing codes and other applicable regulations. The interceptor(s) shall be properly maintained by the owner and shall be located to be readily and easily accessible for cleaning and inspection by the Town.
- (7) When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole and/or monitoring chamber, when required, shall be accessible and safely loaded, and shall be constructed in accordance with the plans approved by the Town. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (8) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the Federal 40 CFR 136 regulations and the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall

be determined at the control manhole provided or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The sample collection, sample duration and sample type shall be conducted as defined by the Town.

- (9) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial / nondomestic entity, whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the industrial/nondomestic discharger.
- (10) All industrial, commercial, and other non-domestic discharger shall comply with all applicable Federal and State (New Jersey) regulations, permitting, monitoring, reporting, and other compliance requirements related to the wastewater discharge. Any authorization by the Town for discharge of wastewater to its sewer system does not waive the discharger's obligations to comply with other applicable Federal and State requirements.

#### **E. Sewer Surcharge Provision & Sewer Discharge Limits Exception**

- (1) Surcharge Provision & Surcharge Fee: The Town, based on the performance of the Town wastewater treatment plant and its effluent quality, may allow a variance of some conventional pollutant discharge limitations for BOD5, TSS, NH3, and/or Phosphorus. However, no person shall discharge any waste or wastewater exceeding the Town sewer discharge limitations listed in this ordinance, prior to securing written approval for the variance(s) from discharge limitations. Approval granted by the Town shall be based upon the Town wastewater treatment plant capacity, performance, and available excess pollutant capacity to treat additional pollutant loads without impacting the plant performance and/or plant regulatory compliance requirements. A discharger requesting a variance shall be responsible for the cost borne by the Town or its designee to assess plant available pollutant loadings and impact of the proposed discharge on the treatment plant. Any excess available loadings will be allocated on a first come first basis. The variance allocated to a discharger by the Town shall include the excess allocated loads and concentrations and a surcharge fee. The surcharge fee shall be based upon the Town's estimated costs to manage and treat the excess pollutant loading discharged by the discharger over the allowable domestic equivalent pollutant concentrations. The sewer surcharge fee rates in § 100-19.U may be established by the Town on a yearly or periodic basis, as deemed necessary. A written agreement regarding the payment of sewer surcharge fees may be required by the Town prior to approvals being granted.
- (2) Application Review: The Town Utility Advisory Board is charged with advising the Manager with reference to all matters concerning the water and sewer system of the Town, per Town Code §3-74. Applications for variances from the discharge limitations set forth in this Chapter shall be submitted to the Town, for review by the Town sewer engineer and the Utility Advisory Board. A written approval or denial shall be issued by the Town.
- (3) Exception to the Town's Discharge Limitation: The discharge limits imposed by the Town are based upon the "Uniform Concentration Limit Procedure", which imposes discharge limits to all industrial/commercial dischargers uniformly. However, all Industrial Users do not discharge all pollutants to the maximum allowable levels, thus the Town may have some excess loading available for some pollutants. Therefore, the Town may consider an alternate limit for one or more of the pollutants imposed in §228-12.B as an exceptional case, under a special agreement. A discharger requesting exception to the limit, shall also provide information that it has exhausted the pretreatment and other control options and the cost of any additional compliance measures will be economically burdensome to the discharger. Based upon an exception request submitted by a discharger, the Town will perform detailed review of the plant operation, compliance, safety factor, pollutant mass balance, and assess the impact of the discharge limit exception requested by the discharger. If excess pollutant loading is available, a written authorization will be issued to the discharger by the Town specifying exception to the specific discharge limit, the alternate limit, and any other compliance conditions.

#### **F. Reporting requirements for Industrial or Non-domestic users**

- (1) Permitted industrial or nondomestic users must submit to the Town or its designee, at least monthly (on dates specified), a description of the nature, concentration and flow of the pollutants required to be reported. The report shall be based on sampling analysis performed in the period covered by the report. All reporting shall be in compliance with

N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14 et seq. and regulations developed thereunder. The permittee shall report all samples results on the Industrial/Commercial Discharge Monitoring Report. All results parameters listed on the Effluent Limitations and Monitoring Requirements Table shall be reported along with the flow.

- (2) The permittee shall sign the report and attach a copy of the Certificate of Analysis (on laboratory letterhead) and the Chain-of-Custody from the certified laboratory. An industrial user must report exceedances of the Industrial Discharge Permit to the Department in case of accidental discharges of prohibited materials or other substances regulated by this Ordinance.
- (3) If an industrial user is at zero discharge or not actively discharging wastewater to the treatment works, the permitted industrial user is required to continue to submit Industrial/Commercial Discharge Monitoring Report forms to Newton, clearly specifying No Discharge.

#### **G. Recordkeeping and Monitoring**

- (1) Permitted industrial users discharging or proposing to discharge wastewater to the treatment works shall maintain the following:
  - (a) Records of production.
  - (b) Water consumption and discharge flow records.
  - (c) Complete monitoring reports including:
    - (i) Resampling due to noncompliance in accordance with 40 CFR Part 403.12(g), as may be amended, which now states: "If sampling performed by an industrial user indicates a violation, the user shall repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation."
    - (ii) Monthly reporting due to a serious violation, in accordance with N.J.S.A. 58:10A-6.f.(9) and 6.f.(10), as may be amended, which now states: "Notwithstanding the reporting requirements stipulated in a permit for discharges, a permittee shall be required to file monthly reports with the commissioner or delegated local agency if the permittee (1) in any month commits a serious violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully, the assessment of a civil administrative penalty therefor; or (2) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months." Newton may restore the reporting requirements stipulated in the permit if the permittee has not committed any of the violations identified in this subsection for six consecutive months.
    - (iii) In accordance with 40 CFR 403.12(f) and N.J.S.A. 58:10A-6(f)8, all industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW.
  - (d) Process monitoring reports.
  - (e) Incident reports.
  - (f) Waste handling reports.
  - (g) Any other records necessary to demonstrate compliance with the Code of the Town of Newton, the Industrial Pretreatment Inspection Report and with the State and Federal pretreatment standards and requirements.
- (2) Such records shall be made available to the Town, upon request by the Town or its designee. A summary of such data indicating the industrial user's compliance with this chapter shall be prepared and submitted per permit requirements to the Town or its designee. Records shall be retained for a minimum of five years throughout the course of any pertinent litigation.
- (3) Permitted industrial users shall install at their own cost monitoring equipment approved by the Town to facilitate the accurate observation, sampling and measurement of wastes as required by the permit. Such equipment shall be in working order and kept safe and accessible at all times. Alternatively, the Town may choose to install such equipment at its expense.
- (4) Whether constructed on public or private property, such monitoring facilities shall be constructed according to requirements of the Town and other applicable construction

standards and specifications. Plans and specifications for such work shall be submitted to the Town or its designee, for review and comments before construction.

#### **H. Admission to property**

- (1) In accordance with N.J.S.A. 58:10A-6(g), the Town or its designees, upon the presentation of credentials, may enter upon the premises of any discharger at any time for the purpose of inspecting or copying any records required to be kept under this Ordinance, and Federal and State regulations. Photography shall be allowed as related to the discharge.
- (2) The Town or its designees, upon the presentation of credentials, may enter upon the premises of any discharger, at any time, for the purpose of: inspection, investigation, installing monitoring equipment or to conduct measuring, sampling, or testing of wastewater that is discharged to the treatment works. Any attempt to delay the Town or its designees from entering the property for the purposes of altering the quantity or quality of the wastewater is a direct violation of this chapter.
- (3) The Town or its designee shall be waived from any civil or criminal act of trespass filed by the discharger when they enter the premises occupied by the discharger for the sewer discharge related inquires or investigations.

#### **I. Compliance Enforcement and Penalties**

The Town reserves the authority to take appropriate enforcement action and/or assess penalties, as allowed by the law, for failure by a discharger to the sanitary sewer system to comply with the Town sewer regulations and/or any permit/approval issued by the Town.

#### **J. Termination or Suspension of Discharge**

Based upon noncompliance with the Town's sewer connection, discharge prohibition, discharge limits and/or other requirements stated in the rules, the Town may suspend or terminate eligibility of a User to connect and/or discharge to the Town sewer system, after a written notification from the Town Manager and a response period, as set forth in the written notification.

#### **K. Fee & Charges**

Applicable Federal regulations require that each user of a Publicly Owned Treatment Works (POTW) shall pay a fair and equitable amount of the operation and maintenance of the system. A POTW is designed to treat domestic wastewater, while non-domestic wastewater may require variable treatment or may have different impacts on a POTW and its operation than that of domestic wastewater. A user is subject to sewer use charges in accordance with the Town of Newton sewer regulations. A User may be subject to the following fees and charges:

- (1) Sewer use fee for cost associated with management and treatment of wastewater discharged to the Town's treatment plant and all tributary sewers thereto.
- (2) Fees for review of any permit application, survey, any pretreatment or construction permit, and/or any other project.
- (3) Expenses borne by the Town and/or its designee to review and investigate any spill, slug discharge, accidental discharge or any other incident cause by the User.
- (4) In an event any User shall violate an order of the Town or willfully or negligently fail to comply with any provisions of these rules and regulations, the Town may institute an appropriate action against such person to recover the damages caused to its sewer and treatment system as well as the costs incurred to rectify any treatment process difficulties as may have occurred as a result of such violation, together with reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation. The Town may use Federal and State Water Pollution Control Acts, including Federal General Pretreatment regulations under 40 CFR 403.8(f)(1)(vi), to recover these damages, costs, and expenses.
- (5) Sewer Surcharges for the cost related to excess discharge loading discharged by an industrial or other non-domestic discharge for treatment of excess loading over the domestic equivalent discharge concentrations. The sewer surcharge rates will be established by the Town based upon the cost to treat per pound of the pollutant (BOD<sub>5</sub>, TSS, Ammonia and/or Phosphorus).
- (6) Any other fee as the Town may deem necessary to carry out the requirements contained herein.

**Section 4. 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 5. 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 6. Effective Date.** This Ordinance will take effect after publication and passage according to law.

Mayor Diglio opened the hearing to the public.

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

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
Mayor Diglio		Yes	

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

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

**ORDINANCE 2017-5**

**AN ORDINANCE AMENDING CHAPTER 100-24.A, OF THE CODE OF THE TOWN OF NEWTON, "MISCELLANEOUS FEES AND CHARGES " REGARDING FEES FOR SWIMMING POOL SEASON PASSES AND DAILY ADMISSION**

Mayor Diglio advised the Ordinance is being re-introduced due to a change in age for Seniors Citizens.

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois, who moved its re-introduction, seconded by Deputy Mayor Levante and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
Mayor Diglio		Yes	

This Ordinance will have its second reading and public hearing on Monday, March 27, 2017.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

- a. **Downtown Improvements/Special Improvement District (SID)**

Deputy Mayor Levante advised Mr. Russo has information on the SID and will provide same at the next Council meeting. Deputy Mayor Levante provided Council with a brief summary of Mr. Russo's findings, as outlined in a meeting with Mayor Diglio and himself.

**CONSENT AGENDA**

Mayor Diglio read the following statement:

"All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."

Mrs. Leo, Town Attorney, provided an overview of the Resolutions on the Consent Agenda.

**RESOLUTION # 48-2017\***

**RESOLUTION ON UNDERFUNDING IN STATE AID TO SCHOOLS**

**WHEREAS**, State leaders are currently reviewing the fiscal year spending plan for 2017-2018 (FY18) in the form of appropriations in which school aid amounts will be determined; and

**WHEREAS**, the School Funding Reform Act of 2008 (SFRA) remains the current law to provide state aid to public school districts; and

**WHEREAS**, pursuant to the SFRA, the Newton Public Schools have a deficit in State Aid of \$4,698,817 for 2016-2017 (FY17) alone; and

**WHEREAS**, in FY17, the Newton Public Schools and 238 other New Jersey school districts received less than 70% of their uncapped SFRA funding; and

**WHEREAS**, in FY17, 212 New Jersey school districts received more than 100% of their uncapped SFRA funding, largely through Adjustment Aid that was intended to be phased out years ago; and

**WHEREAS**, this unfair distribution of State Aid has caused the taxpayers of the Town of Newton to pay \$3,810,772 more than their local fair share of property taxes in FY17; and

**WHEREAS**, despite exhausting reasonable means to raise local revenue, the funding of the Newton Public Schools remains underadequacy by an estimated \$488,010, therefore impinging upon the right of students in the Newton Public Schools to the maintenance and support of a thorough and efficient system of free public schools as per New Jersey Constitution, Article VIII, IV, 1; and

**WHEREAS**, past efforts to address underadequacy to districts such as Newton totals only \$16,763,431 statewide, two-tenths of one percent of the total distribution in State Aid to schools; and

**WHEREAS**, the failure to fully fund the SFRA, or to fairly distribute available State Aid to schools, or to increase the amount of Underadequacy Aid, has denied the students of the Newton Public Schools the resources needed for their educational success; and

**WHEREAS**, the Newton Board of Education has held regular, public discussions about the ongoing, severe underfunding in State Aid to the school district; and

**WHEREAS**, the Newton Board of Education has forwarded nearly 200 taxpayer letters to State legislators in support of school funding fairness; and

**WHEREAS**, the Newton Board of Education has informed citizens about the lack of equity in state aid distribution through newsletters, web pages, and social media posts; and

**WHEREAS**, the Superintendent of the Newton Public Schools has testified on school funding on behalf of underfunded districts throughout the State of New Jersey at legislative

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hearings held by the Assembly Education Committee, the Senate Select Committee on School Funding Fairness, and the Joint Committee on the Public Schools;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton does appeal to the Legislature of the State of New Jersey to approve a spending plan that fully funds the SFRA; and

**BE IT FURTHER RESOLVED**, that if the SFRA cannot be fully funded due to fiscal conditions, that the funds available for State Aid to schools be fairly and proportionally divided per the SFRA formula; and

**BE IT FURTHER RESOLVED**, that if full redistribution is not possible this year, that sufficient additional monies be allocated to Underadequacy Aid to close the adequacy gap; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented to the President of the Senate, the Speaker of the General Assembly, and the State Senator and State Assemblypersons from Legislative District 24.

**RESOLUTION # 49-2017\***

**AWARD CONTRACT TO YOUR WAY CONSTRUCTION FOR THE PROPOSED IMPROVEMENTS TO LIBERTY STREET (SIDEWALK IMPROVEMENT PORTION) PROJECT**

**WHEREAS**, the Town of Newton solicited bids for the sidewalk improvement portion of the Proposed Improvements to Liberty Street Project; and

**WHEREAS**, the bids for the sidewalk improvement portion of the Proposed Improvements to Liberty Street Project were publicly opened and read on Wednesday, February 22, 2017 at 11:00 a.m. as follows:

<u>Bidder</u>	<u>Bid Amount</u>
<b>Your Way Construction, Inc. 404 Coit Street Irvington, NJ 07111</b>	<b>\$26,957.16</b>
Abraham General Construction, LLC 39 Condit Terrace West Orange, NJ 07052	\$46,105.00
Tony's Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$49,455.00

**WHEREAS**, after review of all submitted bids, Harold E. Pellow of Harold E. Pellow and Associates, Inc., the Town Engineer, recommends award of the sidewalk improvement portion of the Proposed Improvements to Liberty Street Project to Your Way Construction, Inc., in the amount of \$26,957.16;

**WHEREAS**, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby awards the contract for the sidewalk improvement portion of the Proposed Improvements to Liberty Street Project and authorizes the Mayor and Clerk to execute an agreement with Your Way Construction, Inc., of Irvington, New Jersey in the amount of \$26,957.16.

**RESOLUTION # 50-2017\***

**AWARD THE CONTRACT FOR THE PROPOSED IMPROVEMENTS TO LIBERTY STREET PROJECT TO TILCON, NEW YORK AND DENVER LINE STRIPING**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #85-2016 on June 13, 2016 in an effort to save budgeted monies and improve services for itself by renewing its membership in the Morris County Cooperative Pricing Council; and

**WHEREAS**, Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey was awarded Contract #6, Road Surfacing in the Morris County Co-Op's portion for municipalities with regard

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to Resurfacing of Roads; and

**WHEREAS**, Denville Line Striping, Inc; 2 Green Pond Road, Rockaway, New Jersey was awarded Contract #36, Traffic Striping on Roadways in the Morris County Co-op; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, has recommended that Tilcon New York and Denville Line Striping, Inc. be retained for the Proposed Improvements to Liberty Street Project in the Town of Newton, based on the Morris County Cooperative Pricing Council as outlined in the memo dated March 1, 2017, which is attached to and made part of this resolution; and

**WHEREAS**, in addition to the items through the Morris County Co-op, the Town Engineer has recommended additional items that are needed to complete the project that are not covered under the Morris County Co-op which are also outlined in his memo; and

**WHEREAS**, traffic control will be required for the completion of said project, which staff and costs will be supplied by the Town of Newton also outlined in the Engineer’s memo:

To be awarded to Tilcon New York through the Morris County Co-op	\$28,150.25
To be awarded to Denville Line Striping through the Morris County Co-op	\$775.80

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the contract for the Proposed Improvements to Liberty Street Project in the Town of Newton is hereby awarded to Tilcon New York in the amount of \$28,150.25, and Denville Line Striping, Rockaway, New Jersey in the amount of \$775.80 based on the Morris County Cooperative Pricing Council.

**RESOLUTION # 51-2017\***

**CONCUR WITH THE TOWN MANAGER ’S APPOINTMENT OF A SCHOOL CROSSING GUARD**

**WHEREAS**, New Jersey Statute 40A:9-154.1 states “The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...”;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager’s appointment of the following individual as a School Crossing Guard for the 2016-2017 school year:

Robert Mokrzycki

**RESOLUTION # 52-2017\***

**APPROVE JDP AUTOMOTIVE REPAIR DBA BOONTON TIRE & AUTO REPAIR AS AUTO REPAIR CONTRACTOR PER BID #6-2017**

**WHEREAS**, there is a need for Auto Repair services in the Town of Newton; and

**WHEREAS**, the Town of Newton received bids for Auto Repair Services under Bid #6-2017 duly advertised and received in a public manner on March 8, 2017 at 10:00am; and

**WHEREAS**, JDP Automotive Repair DBA Boonton Tire & Auto Repair, 74 Sparta Ave, Newton, N.J. 07860 has provided the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, the Newton’s Qualified Purchasing Agent has concurred with the legality of the purchase in accordance with the New Jersey Local Publics Contract Law (N.J.S. 40A:11-1 et. Seq.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex as follows:

JDP Automotive Repair DBA Boonton Tire & Auto Repair is authorized to enter into a two

(2) year contract from the date of this authorization to provide for Auto Repair services with the following rates:

<b>Passenger Vehicles</b>	
Standard Repair Rate/ Hour	\$72.00
PM Rate / Hour	\$72.00
Materials/ Parts Cost +%	10%
Parts List	

<b>SUV/ Trucks</b>	
Standard Repair Rate/ Hour	\$72.00
PM Rate / Hour	\$72.00
Materials/ Parts Cost +%	10%
Parts List	

<b>Super Duty Trucks/ Vans</b>	
Standard Repair Rate/ Hour	\$72.00
PM Rate / Hour	\$72.00
Materials/ Parts Cost +%	10%
Parts List	

**RESOLUTION # 53-2017\***

**AUTHORIZE REMITTANCE (CANCELLATION) OF 2014 WATER AND SEWER CHARGES FOR BLOCK 13.05, LOT 13**

**WHEREAS**, there is property known as Block 13.05, Lot 13, also known as 24 Lawnwood Avenue and owned by the Town of Newton, a Municipality in the County of Sussex in the State of New Jersey; and

**WHEREAS**, this property currently has unpaid water and sewer charges for the 2<sup>nd</sup> quarter of 2014 which in total amount to \$332.46; and

**WHEREAS**, on October 29, 2015, during the annual Tax Sale, the Town of Newton was issued Tax Sale Certificate 2015-008 for non-payment of said 2014 water and sewer charges; and

**WHEREAS**, on December 6, 2016, the Town of Newton through the In-Rem foreclosure process, foreclosed on 24 Lawnwood Avenue. The appropriate documents have been recorded at the Sussex County Clerk’s Office in Book 3411, Page 304, therefore, making said water and sewer charges for 2014 uncollectible, and must be remitted (cancelled) in the amount of \$332.46.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges the water and sewer charges for the 2<sup>nd</sup> quarter of 2014 are uncollectible and must be remitted (cancelled); and

**BE IT FURTHER RESOLVED**, the Tax Collector be authorized to remit (cancel) water and sewer charges for the 2<sup>nd</sup> quarter 2014 in the total amount of \$332.46.

**RESOLUTION # 54-2017\***

**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 2016 and 2017 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**

250.00                      ADAM VOUGH    37889

March 13, 2017

66.16	ADVANCE AUTO PARTS	37890
549.73	ALLIANCE BUS GROUP, INC.	37891
136.80	ARF RENTAL SERVICES, INC.	37892
73.64	AW DIRECT INC	37893
707.29	BOONTON TIRE SUPPLY INC.	37894
250.00	CAROL MC NALLY	37895
125.85	CENTURYLINK COMMUNICATIONS, INC.	37896
1,770.00	CHELBUS CLEANING CO., INC.	37897
2,000.00	CIT-E-NET, LLC	37898
3,599.98	COMPASS ENERGY GAS SERVICES, INC.	37899
250.00	COPPOLELLA, DEAN M	37900
338.00	CSS TEST INC.	37901
90.33	DANFORTH'S TRAILER & AUTO, INC	37902
250.00	DAWN BABCOCK	37903
47.23	EMERGENCY MEDICAL PRODUCTS	37904
950.25	EXTRA TECH DATA SERVICES, LLC.	37905
359.97	FAIRFIELD INN & SUITES SOMERSET	37906
50.00	FBI- LEEDA	37907
58.45	FEDERAL EXPRESS	37908
250.00	FINKLE, DANIEL	37909
275.00	GENSERVE INC.	37910
22.62	HAYEK'S MARKET INC.	37911
72.99	HAYEK'S MARKET INC.	37912
64.95	HAYEK'S MARKET INC.	37913
1,245.42	HEWLETT-PACKARD COMPANY	37914
250.00	HOLZHAUER, SCOTT	37915
1,198.38	HOME DEPOT, INC.	37916
800.00	IAMRESPONDING.COM	37917
500.00	IHEARTMEDIA = ENTERTAINMENT INC.	37918
634.93	J & P CRUSHING, LLC.	37919
250.00	JACKI SHACKLETON	37920
438.22	JCP&L	37921
250.00	JOSE MORALES	37922
40.00	JP MONZO MUNIC CONSULTING, LLC	37923
250.00	KATHERINE CITTEBART	37924
7.62	LAFAYETTE AUTO PARTS	37925
34.00	LANGUAGE LINE SERVICES, INC.	37926
250.00	LINDA ROTH	37927
1,304.85	LOU'S GLASS	37928
250.00	LUCY DELORETO	37929
24.18	MICROSYSTEMS-NJ COM, LLC.	37930
250.00	MONACO, MICHAEL	37931
250.00	MULLER, THOMAS	37932
1,199.00	MUNICIPAL RECORD SERVICE	37933
1,300.00	MUNICIPAL SOFTWARE, INC.	37934
114.00	NEW JERSEY PLANNING OFFICIALS	37935
226.00	NEW JERSEY PLANNING OFFICIALS	37936
1,365.00	NEWTON JUNIOR ATHLETIC LEAGUE	37937
670.00	NJLM	37938
172,659.00	NJMEBF	37939
275.00	NJSACOP	37940
185.25	NORTHERN RAIN	37941
250.00	PHILHOWER, FRANK E JR	37942
351.91	QUILL CORPORATION	37943
216.00	R.S. PHILLIPS STEEL LLC	37944
250.00	RAFTERY, VIRGINIA	37945
250.00	READ, LORRAINE	37946
217.35	READY REFRESH BY NESTLE	37947
250.00	RICHARDS, MICHAEL	37948
250.00	SANDRA DIGLIO	37949
761.61	SCMUA	37950
372.27	SEBRING AUTO PARTS, INC.	37951
541.67	STAPLES BUSINESS ADVANTAGE, INC.	37952
304.97	STAPLES CREDIT PLAN, INC.	37953
250.00	STEVE VANNIEUWLAND	37954
1,010.37	STRUTUTAL METAL FABRICATORS, INC.	37955
385.00	SUSSEX CAR WASH INC	37956

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675.00	SUSSEX COUNTY MAILING SERVICE	37957
395.00	TCTANJ	37958
250.00	TERESA ANN OSWIN	37959
1,071.42	THE CANNING GROUP, LLC.	37960
219.50	THYSSENKRUPP ELEVATOR CORP.	37961
191.41	TRACTOR SUPPLY CO	37962
250.00	TREASURER, PETTY CASH FUND	37963
9.32	TRI-STATE RENTALS, INC.	37964
2,655.00	TRIMBOLI & PRUSINOWSKI, LLC	37965
251.31	UNITED TELEPHONE/CENTURY LINK	37966
440.00	USA HOISTCO., INC.	37967
193.20	VERIZON WIRELESS, INC.	37968
1,339.24	VISION SERVICE PLAN	37969
100.11	W.B. MASON, INC.	37970
315.00	WHENTOWORK INC	37971
181,433.09	PAYROLL ACCOUNT	171020
141.93	ELAVON	171019
2,209.58	MITCHELL AGENCY, INC.	37888

**CAPITAL**

357.50	MCMANIMON, SCOTLAND & BAUMANN, LLC	8607
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**Total TOWN BILLS    \$ 396,988.85**

**WATER AND SEWER ACCOUNT**

280.00	ACCURATE WASTE REMOVAL INC.	16176
825.00	AMERICAN AQUATIC TESTING, INC.	16177
1,841.77	COMPASS ENERGY GAS SERVICES, INC.	16178
815.25	EXTRA TECH DATA SERVICES, LLC.	16179
1,500.00	FRANK SEMERARO CONSTRUCTION, INC.	16180
1,550.00	GARDEN STATE LABORATORIES INC	16181
295.63	HOME DEPOT, INC.	16182
889.11	JK HVAC SERVICE, LLC.	16183
103.92	LUBRICATION ENGINEERS INC	16184
650.21	MIRACLE CHEMICAL CO	16185
553.05	MONTAGUE TOOL & SUPPLY, INC.	16186
3,376.47	MOTT MACDONALD GROUP, INC.	16187
4,670.90	PALL CORPORATION	16188
2,800.00	PASSAIC VALLEY SEWERAGE COMM.	16189
2,416.00	PUMPING SERVICES, INC.	16190
2,847.60	R&D TRUCKING INC	16191
614.10	SCMUA	16192
110.47	STAPLES BUSINESS ADVANTAGE, INC.	16193
3,517.67	SUBURBAN PROPANE, LP.	16194
666.80	SUSSEX COUNTY MAILING SERVICE	16195
41.00	SUSSEX COUNTY P & H, INC.	16196
835.00	TREASURER, STATE OF NEW JERSEY	16197
50.00	TREASURER, WATER & SEWER PETTY CASH	16198
625.00	VISION SERVICE PLAN	16199
38,088.27	PAYROLL ACCOUNT	176009
403.54	STATE OF NEW JERSEY - PWT	176008
904.19	SPARTA POSTMASTER	16175

**Total WATER & SEWER Bills    \$ 71,270.95**

**TRUST ACCOUNT**

400.00	GRUBER, COLABELLA & LIUZZA	3590
846.00	LAMBERT CABLE	3591
438.00	LAMBERT CABLE	3592
6,822.60	MCMANIMON, SCOTLAND & BAUMANN, LLC	3593
405.25	MITCHELL AGENCY, INC.	3594
2,916.00	PAYROLL ACCOUNT	177105

**Total TRUST ACCOUNT Bills    \$ 11,827.85**

**DEVELOPERS ESCROW(FUND 72) ACCOUNT**

32.50 MCMANIMON, SCOTLAND & BAUMANN, LLC 1272

**Total DEVELOPERS ESCROW (FUND 72) ACCOUNT Bills \$**  
**32.50**

**FEDERAL/STATE GRANTS ACCOUNT**

21.44 DANIELSON, DEBORAH 1354  
500.00 DANIELSON, DEBORAH 1355  
980.28 SUSSEX COUNTY MAILING SERVICE 1356  
428.23 PAYROLL ACCOUNT 171105

**Total FEDERAL/STATE GRANTS ACCOUNT Bills \$ 1,929.95**

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

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes
Mayor Diglio		Yes	

**INTERMISSION** - None

**INTRODUCTION OF 2017 BUDGET**

**A. TOWN OF NEWTON MUNICIPAL AND WATER & SEWER UTILITY BUDGET**

At this time, Ms. Babcock, CFO outlined the Town of Newton Municipal and Water and Sewer Utility Budget.

**MUNICIPAL BUDGET NOTICE**

Section 1.

Municipal Budget of the Town of Newton, County of Sussex for the Fiscal Year 2017. Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2017; Be it Further Resolved, that said Budget be published in the New Jersey Herald In the issue of March 29, 2017. The Governing Body of the Town of Newton does hereby approve the following as the Budget for the year 2017:

Total 2017 Town of Newton Municipal Budget is \$12,535,000.

Total 2017 Water & Sewer Utility Budget is \$4,432,000.

Ms. Babcock noted the municipal budget represents a 2.61 tax point increase and the tax collection rate was 98.39%.

A motion was made by Deputy Mayor Levante to approve the **INTRODUCED 2017 MUNICIPAL BUDGET AND WATER & SEWER UTILITY BUDGET**, seconded by Mr. Flynn and roll call resulted as follows:

Deputy Mayor Levante	Yes	Mr. Elvidge	Yes
Mr. Flynn	Yes	Mrs. Le Frois	Yes

March 13, 2017

Mayor Diglio

Yes

Notice is hereby given that the Budget and Tax Resolution was approved by the Town Council of the Town of Newton, County of Sussex, on March 13, 2017. A hearing on the Budget and Tax Resolution will be held at the Municipal Building, on April 10, 2017 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

**DISCUSSION - None**

**OPEN TO THE PUBLIC**

James P. Ciaravolo, owner of Kudzu Emporium, 124 Spring Street, addressed Council and requested a meeting with the Governing Body to discuss, in depth, his proposal on the Special Improvement District (SID). Deputy Mayor Levante invited him to attend the Economic Development Commission meeting to be held on Tuesday, March 21, 2017.

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

**COUNCIL & MANAGER COMMENTS**

Councilman Flynn recently received a call from a resident regarding a zoning summons they received for having a dumpster outside their home. Council expressed their concern with the outlined fees under this Ordinance. After a brief discussion, Ms. Leo will work with the Zoning Official to review this Ordinance.

Mrs. Le Frois outlined the details of the State of Emergency announcement made by Governor Christie this evening due to the impending snow storm in effect throughout the State of New Jersey.

Deputy Mayor Levante congratulated, Gregory Poff, for his recent appointment as the new County Administrator.

Deputy Mayor Levante also outlined his recent meeting with the Newton Board of Education regarding the Town's support of the schools lack of funding from State Aid.

Mrs. Le Frois updated Council on an article from the State regarding the potential of municipalities increasing the number of liquor licenses allowed in the Town. After a brief discussion, Council will keep an eye on this discussion for future growth in Newton.

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 8:02 pm.

Respectfully submitted,



Lorraine A. Read, RMC

March 13, 2017

Municipal Clerk