

October 10, 2018

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

Mayor Le Frois 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 January 8, 2018."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Deputy Mayor Flynn and unanimously carried, the minutes for the September 20, 2018 Special meeting and the September 24, 2018 Special and Regular meetings were approved with minor corrections.

OPEN TO THE PUBLIC

At this time, Mayor Le Frois 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 take one turn at the microphone and please limit their comments to 5 minutes. The Clerk will keep time. 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."

Mayor Le Frois opened the meeting to the public.

Ralph Porter, 12 Pine Street, provided several photos and addressed the parking issues on Pine Street/Mason Avenue and Merriam Avenue. He noted several deficiencies with the parked cars in this area and asked Council to address these issues.

Hank Pomerantz, 155 Mill Street, commended the Town Council on the pending zoning changes to the SD-3 Zone to be discussed by the Town Planner tonight.

Kathy Pomerantz, 155 Mill Street, also thanked the Council and her neighbor, Kris Hansen, for requesting the zoning change.

Luz Maria Villanueva, 117 High Street, addressed an issue her husband encountered at the Newton Post Office and was advised by Mayor Le Frois to address her concerns with the Newton Postmaster.

Joe Webster, 65 Spring Street, addressed concern with no trash can at the County Park. He also addressed concern with the leaf blowing being completed at 4am last week.

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Becky Burkhart, 20 Ryerson Avenue, owner of the Barrel House Restaurant, expressed her concerns regarding the potential cancelling of WizardCon event on Spring Street. She asked the Town to support this event and hopes a mutual agreement can be made with the Big Brothers/Big Sisters who plan on running the event.

Reverend Todd Lattig, First United Methodist Church, read from a prepared statement:

"Good evening. For the record, my name is Rev. Todd Lattig and I am the pastor of First United Methodist Church of Newton up on Ryerson Ave. I am also a resident of Newton. I come tonight saddened to hear that the town has raised the cost of closing Spring Street down for the purpose of the Spells on Spring Street event. Last year's event, albeit chaotic, was such a success that I believe far more positive came from it than not. Since that event, which only aimed to hold people over from the parade for Small Business Saturday, business owners have opened up shop on Spring Street, people have moved to here, and a very positive spark of community has been ignited. Even phenomenal organizations like Big Brothers and Big Sisters have looked to open up a location in Newton and have offered to be a part of the community building efforts here.

For me, this latest turn of events is the opposite of what promotes good community. In order for positive and long-lasting community to be built, there needs to be trust established between all members of the community, from its leaders, to its store front owners, to its non-profit organizations, and right down to its residents. I have personally been at planning meetings for this event, where town officials were present and stressed the need for communication. I agree that communication is important, but it is also a two-way street.

Having been a part of the planning process, I know that Erin, Becky and the other organizers have been in communication with the town. Yet, this decision came seemingly out of nowhere and I am not aware of any communication from the town to the organizers that this was even being thought of, let alone decided upon at last week's meeting. Perhaps I am ignorant of such communication, but I am certainly not aware of any. On top of that, this decision comes so close to the actual event.

While I understand that such events cost the town money, I believe this decision to be very small-minded in scope and vision. This decision will shut down the event altogether and bring in zero dollars for the town. It will also hurt businesses that are looking to bring Spring Street to life and bring people to Newton to support our local businesses on and off Spring Street. It will, more than likely, result in some of those businesses moving and setting up shop in a community friendlier toward small businesses. This decision will ultimately cost the town more money than the event itself will cost. Beyond money, it will cost the town the trust that has been built up between the merchants and town leadership, as well as the growing sense of pride our merchants and others have for being in this wonderful community. #ThisIsNewton

My heart is with this whole community. I am proud of serving as a pastor in Newton. I love this town, its leaders, its business owners, its clergy and its residents. I can see such great potential for positive growth in our community and I am immensely saddened to see all of this great momentum be hindered by such a decision."

Margaret Baldini, 10 Barry Lane, asked for the definition of a colony of cats.

Councilman Schlaffer indicated a colony will be determined by the Animal Control Officer. She continued by stating the area in and around the Firehouse being constructed has lots of weeds and needs to be addressed. She also noted there is an

issue with the code enforcement office emails, as she has been unable to email them. Ms. Baldini noted she recently received a letter from Code Enforcement office and feels they are "overstepping their bounds".

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

COUNCIL & MANAGER REPORTS

a. **Mayor Le Frois** – recently celebrated the 102nd birthday with Walter "Wally" Atchison of Bristol Glen. She noted his many accomplishments and enjoyed celebrating with him and several other residents of Bristol Glen. She noted the following Proclamation was presented:

PROCLAMATION

Walter "Wally" Atchison
102nd Birthday

WHEREAS, Walter "Wally" Atchison currently residing in Bristol Glen has reached the venerable age of 102; and

WHEREAS, Wally has a lifetime of memorable experiences including being a World War II Veteran, a lifelong golfer, where he caddied for Babe Ruth as a teenager, and now keeps in shape playing shuffleboard; and

WHEREAS, Wally grew up in New Jersey and was drafted into the United States Army in 1942 where he initially trained in artillery and subsequently was assigned to the Army Air Corps, and trained as a Chemical Warfare Instructor and an Aircraft Crash Recovery Team member; and

WHEREAS, his military career included his time on the ship the *Queen Elizabeth* avoiding submarine attacks in Scotland, landing on Omaha Beach joining the invasion forces, and finishing his career in Paris the day the war ended in which he was a participant in the celebration parade; and

WHEREAS, after his military career, Wally returned to New Jersey, married and raised a family including 5 children, 15 grandchildren and 34 great grandchildren, 15 great great grandchildren and 1 great great great grandchild;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton hereby proclaim our HappyB wishes for Wally Atchison on his 102nd birthday. We thank him for his service to his country and are honored to have him as a Newton resident.

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

s/Helen R. Le Frois, Mayor

Attest: s/Lorraine A. Read

Date: September 27, 2018

Mayor Le Frois complimented and showed the insert, on Newton the County Seat, which appeared in the New Jersey Herald on Sunday, September 23, 2018. She noted the success of the Fall Festival event held on Spring Street and thanked all involved.

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She noted Mr. Russo attended the annual Governor's Housing Conference in Atlantic City. Newton Town Centre project was nominated but unfortunately did not win an award. Mayor Le Frois announced the American Planning Association of New Jersey has selected Spring Street Newton as 2018 Great Places in New Jersey and an awards reception will take place in October.

b. **Deputy Mayor Flynn** – also commented the Newton Fall Festival event was successful this past Sunday. Deputy Mayor Flynn recently learned of a program called “weekend bags” which was created by a Newton High School Junior. This program is designed to give underprivileged students food, toiletries, and necessities for the weekend. He was impressed with the program and would like to help out with publicizing it. Deputy Mayor Flynn attended and updated on the recent SCLOM meeting held at the Mohawk House in Sparta.

c. **Councilwoman Diglio** – attended the 2018 EMS Conference in Atlantic City on October 5th. The Newton First Aid Squad (NFAS) was awarded the 2018 Outstanding EMS Agency of the Year. Three members of the NFAS: Kyle Wilson; John Paul Couce; Laura Hennigan were also nominated for Outstanding EMS Call; and Kyle Wilson was also nominated for Outstanding Hospital ER Nurse. She noted she is extremely proud of the NFAS members and all their accomplishments. She also attended the Newton Fall Festival and thanked Erin and all the volunteers for all their effort with this event. Mrs. Diglio also reported the Holiday parade is underway with the planning.

d. **Councilman Schlaffer** – attended a press conference on October 2nd at the Sussex County Community College, along with Mayor Le Frois, Councilman Dickson, Sen. Steven Oroho, Congressman Josh Gottheimer, and several other dignitaries. The press conference addressed intolerance of recent acts of vandalism to a home in Hampton. Mr. Schlaffer agreed the Town will continue to stand against racism and bias intimidation will not be tolerated. He commended Mayor Le Frois for being the only Mayor in Sussex County to make a stance on this incident.

e. **Councilman Dickson** – provided an update on the BOE meeting held on September 25th. He noted the Newton BOE was thankful for the joint meeting with the Governing Body on September 24th. Councilman Dickson also attended the press conference and agreed the Town will not tolerate hatred in Sussex County. He attended “Coffee with a Cop” on October 3rd and would like to pursue the Newton

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Governing Body working along side the Newton Police with a similar gathering. Mr. Dickson also attended Fall Festival and was pleased with the outcome of the event. He congratulated the Newton First Aid Squad on their awards and acknowledged Newton Police Officers Morales and Post for their recognition as First Responders.

f. **Town Manager Russo** – updated Council on the Fall Festival event and recognized the efforts of all volunteers. Mr. Russo announced the next event will be the Halloween parade on October 31st. He noted he will be meeting with the CEO of Big Brothers/Big Sisters tomorrow to address the Wizard Con event to be held on November 24, 2018. Mr. Russo congratulated Officer Ken Teets on his induction into the Newton High School Hall of Fame. He also recognized the EMS awards received by Newton First Aid Squad as well as the recognition of Officers Morales and Post. He noted the Town received recognition from TransOptions for “Outstanding Achievement Creating Programs”, a gold level program. Mr. Russo read the following letter by the Mayor of South Orange/President of NJ Chapter of APA:

“On behalf of the 2018 Great Street in New Jersey On behalf of the New Jersey Chapter of the American Planning Association, I’m so very pleased to share that **Spring Street in Newton** has received the distinguished honor of being designated a **2018 “Great in New Jersey**.”

Launched in 2012, Great Places in New Jersey recognizes unique and exemplary downtowns, public spaces, streets and neighborhoods – four essential components of exceptional communities. These places thrive as testaments to forward-thinking planning that promotes community involvement, showcases unique natural features and diverse architectural styles, fosters economic opportunity, and inspires a vision for tomorrow.

Your nomination was very compelling and can certainly serve as a blueprint for other communities to emulate. Needless to say, each year the Awards Jury faces the daunting task of reviewing many high-quality nominations that embody strong planning principles and success stories but yours stood out.

This year, five new great places have joined the ranks of thirty other special locations throughout the state and are featured (and celebrated) on our interactive map with pictures and descriptions. Please visit: www.GreatPlacesNJ.com.

Three weeks from today, we invite you along with Newton leaders and community members to join us at our annual **Great Places in New Jersey Awards Reception which will take place on Monday, October 29th from 6 p.m. to 8 p.m. at the South Orange Performing Arts Center located in downtown South Orange.** The reception features great food, entertainment, open bar and our formal designation ceremony.”

An award dinner will take place on Monday, October 29th from 6 p.m. to 8 p.m. at the South Orange Performing Arts Center located in downtown South Orange. Mr. Russo advised he is a recipient of an award from Seton Hall for the marketing project he worked on with students of Seton Hall. A ceremony will take place on Thursday, April

11, 2019. Mr. Russo outlined the marketing project which was completed earlier this year.

Mayor Le Frois commended her fellow colleagues for their individual reports at each Council meeting. It's not only informational for fellow Councilmembers but for the public as well. She also commended the Governing Body on their positive and promotional reporting. Mayor Le Frois also commented on her attendance at the press conference and reiterated the Town Council's stance against intolerant acts of vandalism to a family in Hampton. She shared her speech with the Council.

Deputy Mayor Flynn suggested a Resolution be created in support of intolerant acts of vandalism and hatred in Sussex County.

Mr. Russo outlined his notes and actions to be taken by the various comments made during public portion of the meeting.

Mr. Russo noted the next Council meeting will be held on Monday, October 22, 2018 at 7 pm and Department of Public Works will make their presentation.

ORDINANCES

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

ORDINANCE #2018-18

AN ORDINANCE AMENDING CHAPTER 3 OF THE NEWTON CODE, BEING THE ADMINISTRATIVE CODE, MOVING MUNICIPAL ELECTIONS FROM THE MONTH OF MAY TO NOVEMBER, PURSUANT TO THE RESULTS OF A SPECIAL ELECTION HELD ON JULY 31, 2018

WHEREAS, pursuant to N.J.S.A. 40:45-7.1 any municipality governed by the Uniform Non-Partisan Election's Law may hold regular municipal elections on the day of the general election, the first Tuesday after the first Monday in November; and

WHEREAS, the Town of Newton held a special election on July 31, 2018 at which time the voters of the Town voted to adopt an ordinance, initiated by petition, providing for municipal elections to be moved from May to November; and

WHEREAS, certain provisions of the Newton Town Code must be revised in order to reflect the change of municipal elections from May to November;

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

Section 1. Section 3-2 of the Newton Town Code shall be deleted in its entirety and a new Section 3-2 shall be adopted as follows:

§3-2 Organization of Council; election; terms; compensation.

The Town Council shall consist of five members who shall be elected at large and by the voters of the Town at the regular municipal election and who shall serve for terms of four years on a staggered basis, pursuant to the Charter, beginning on the first day of January next following their election. Council members shall

serve with compensation as set forth in the duly adopted annual municipal budget and annual salary and wage ordinance.

Section 2. Section 3-7.A shall be deleted in its entirety and a new Section 3-7.A shall be adopted as follows:

§3-7. Meetings and procedures.

A. Regular meetings. The Council shall meet for organization during the first week in January. The Council shall meet regularly thereafter on the second and fourth Mondays of the month. When the time for any regular meeting of the Council falls on a legal holiday as prescribed by law, such meeting shall be held at the same hour on the next following Wednesday.

Section 3. **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 4. **Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. **Effective date.** This Ordinance shall take effect after its final passage and publication as required by law.

Mayor Le Frois opened the meeting to the public.

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

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

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

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

ORDINANCE #2018-19

REVISING CHAPTER 57 OF THE CODE OF THE TOWN OF NEWTON TO ADD A NEW ARTICLE VI, ENTITLED "FERAL CATS", TO PROVIDE FOR A TRAP, NEUTER, RELEASE ("TNR") PROGRAM IN THE TOWN OF NEWTON

WHEREAS, the Town of Newton's Animal Control Officer ("ACO") has determined that a Trap/Neuter/Release ("TNR") Program should be implemented to reduce the feral cat population within the Town of Newton; and

WHEREAS, a TNR Program and the reduction of the feral cat population will benefit and protect the public health, welfare and safety, and provide for the humane treatment of feral cats within the Town; and

WHEREAS, the Town Council desires to implement the TNR Program, supported by cat licensing funds as set forth below;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1: Chapter 57, Animals, shall be amended by adoption of a new Article VI, Feral Cats, as follows:

Article VI Feral Cats

§57-35 Purpose

The Town of Newton, like many communities throughout the State of New Jersey and the United States, desires to effectively and humanely control feral cat populations within the Town. The ACO has recommended that the Town institute a Trap, Neuter and Release Program (TNR) in an effort to reduce the feral cat population over time without the necessity of wholesale capture and euthanization. The Town Council adopts this Ordinance in an effort to improve the public health, welfare and safety within the Town.

§147-36 Definitions

As used in this Article, the following terms shall have the meanings indicated:

ANIMAL CONTROL OFFICER (“ACO”)

The person appointed annually by the Town Council, per §57-23 of the Code of the Town of Newton.

CAREGIVER

Any volunteer, who is an uncompensated person, who agrees to facilitate a TNR program within the Town in accordance with this Article and any rules and regulations that may be established by the Town . A Caregiver shall not be deemed an employee of the Town and shall hold such volunteer position at the pleasure of Town Council and may be removed from or precluded from holding such volunteer position in the sole discretion of Town Council. All Caregivers must execute a Hold Harmless and Indemnification Agreement with the Town of Newton.

EAR TIPPING

The marking of a cat's ear through a surgical procedure performed by qualified personnel.

FERAL CAT

Any cat that is not licensed in accordance with §57-14 of the Town Code and is free- roaming.

§57-37 Funding

The Town shall provide funding each year from the collection of monies related to cat licensing, per Chapter 57, Article III above, up to a maximum of the amount collected the previous year from Town Cat Licensing. Such funds shall be utilized to offset the costs of trapping, neutering, and vaccinating captured feral cats that can be returned to an appropriate, controlled, protected and registered colony site. Caregivers for such colonies, whether one or several animals, may be aided by the Town in providing traps for the capture of the cat, transportation to a spay/neuter facility and offsetting costs, to the extent that funding is available.

§57-38 Registration of feral cat colonies; Role of Animal Control Officer

Each feral cat colony will be registered with the ACO, who will serve as a clearinghouse for information on current Caregivers, education, and assistance for persons found in violation of this Article.

§57-39 Ear tipping.

Ear tipping shall be used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.

§57-40 Enforcement; responsibilities of caregivers.

In addition to the ACO's authority per §57-18 of the Town Code, any person or Caregiver determined to be in violation of Subsections A through E below shall be issued a written warning and be allowed no longer than 90 days to come into compliance, or provide satisfactory evidence of working to achieve compliance. Caregivers of feral cat colonies shall implement proper management and sterilization practices, as well as seek the assistance of the Animal Control Officer, as follows:

- A. Sterilize (spay/neuter) all adult cats that can be captured.
- B. Vaccinate, as required by law, all cats that can be captured against rabies, preferably with a three-year vaccine; and any other infectious disease as mandated by law.
- C. Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.
- D. Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or humane euthanasia.
- E. Assure responsibility and arrangements for providing food and water to the cat colony regularly throughout the year and vaccinations.
- F. Make every attempt to ear tip all cats with a single cut preferably on the left ear for each cat in the colony.
- G. Maintain proof of sterilization, vaccination, ear tipping and medical records for all cats. These records shall be provided to the Animal Control Officer upon request.
- H. Register the feral cat colony with the ACO for the Town of Newton.
- I. Execute all documents required by the Town which may be established by this Article or by resolution of the Town Council.

§57-41 Restrictions on locations for cat colonies.

No feral cat colony shall be permitted to be established on Spring Street within the Town of Newton. The ACO shall impound all feral cats on Spring Street in accordance with §57-18 of the Town Code.

§57-42 Penalty.

The ACO shall be responsible for issuing citations and summons for violation(s) of this Article. Any person who violates, or who fails, or refuses to comply with this Article shall be liable for a penalty of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for a first offense, and no less than one hundred fifty (\$150.00) dollars nor less than one thousand (\$1,000.00) dollars for each additional offense, to be recovered by and in the name of the Town of Newton.

SECTION 2: SEVERABILITY AND REPEALER

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

SECTION 3: EFFECTIVE DATE

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

Mayor Le Frois opened the meeting to the public.

Ralph Porter, 12 Pine Street, noting he has two cats (1 inside & 1 outside) questioned how feral cats will be identified and was advised the ACO will have to

make the determination. Mayor Le Frois noted all cats must be licensed to determine ownership.

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

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

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

OLD BUSINESS

There was no old business for discussion.

CONSENT AGENDA

Mayor Le Frois 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 reviewed the Resolutions on the consent agenda.

RESOLUTION #190-2018*

AUTHORIZE UNPAID LEAVE OF ABSENCE FOR ADAM GOURLAY

WHEREAS, Adam Gourlay (Gourlay) is an employee in the Police Department employed as a Public Safety Telecommunicator and has been out on an approved medical leave since March 21, 2018 for a non-work-related illness. Gourlay has exhausted all available FMLA leave as of June 21, 2018 and has used available sick days and donated sick leave to continue in a paid status, but the donated sick leave is expected to be exhausted before the end of October, 2018, and based on the medical information provided by Gourlay to date, it does not appear Gourlay will be able to return to work by the time his donated leave is exhausted; and

WHEREAS, the Town desires to grant an additional unpaid leave of absence pursuant to Article 22 of the CNA between the Town and the CWA, Section 5-10 of the Town Handbook and Town Code 25-36 so Gourlay will have additional time to recover from his illness, with the hope he will be able to return to work by the end of the additional leave;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town hereby grants and approves an unpaid leave of absence to Gourlay starting upon exhaustion of his donated sick leave and ending on January 31, 2019. During said unpaid leave, Gourlay will continue to receive medical insurance benefits

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on the same terms as an active employee under the CWA contract, including the requirement he pay the Chapter 78 contributions towards the cost of the insurance.

RESOLUTION #191-2018*

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

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

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Plainfield Avenue-00244 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

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

My signature and Municipal Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

Lorraine A. Read, RMC
Municipal Clerk

Helen R. Le Frois
Mayor

RESOLUTION #192-2018*

RESCIND RESOLUTION #169-2018 INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2018 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (C. 159, PL 1948)

WHEREAS, the Town of Newton authorized the submission of a grant received from the State of New Jersey Governor's Council on Alcoholism and Drug Abuse through the County of Sussex for a 2019 Municipal Alliance Grant for the period July 1, 2018 through June 30, 2019 per Resolution #92-2018 adopted April 23, 2018; and

WHEREAS, the Town of Newton adopted Resolution #169-2018 on August 13, 2018 for the Insertion of Special Item of Revenue in the 2018 Budget Pursuant to NJSA 40A:4-87 (C. 159, PL 1948) in the grant amount of \$18,772.00 with a Local Match of \$4,693.00; and

WHEREAS, the Sussex County Municipal Alliance has advised the Town of Newton of a \$363.00 decrease in the grant allocation to permit the County to include funding for the Borough of Hamburg; and

WHEREAS, the Division of Local Government Services has advised the Town to adopt resolutions to 1) rescind the original grant award in the amount of \$18,772.00 and 2) request Division approval of the new grant award in the amount of \$18,409.00;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby rescinds Resolution #169-2018 Insertion of Special Item of Revenue in the 2018 Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) in the grant amount of \$18,772.00 with a Local Match of \$4,693.00.

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

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NJ Municipal Alliance Grant<\$18,772.00>
General Appropriations:
 (A)Operations - Excluded from CAPS
 Public and Private Programs Off-Set by Revenues:
 NJ Municipal Alliance Grant.....<\$18,772.00>
Local Match – Source:
 Current: Celebration of Public Events<\$2,693.00>
 Match Funds-Mun. Alliance: Andover Twp. & Boro., Green, Newton. ...<\$2,000.00>

BE IT FURTHER RESOLVED that a paper version of this Resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION #193-2018*

RESOLUTION OF THE TOWN OF NEWTON AUTHORIZING THE HIRING OF AN AUTOMATED DATA PROCESSING FIRM FOR THE PAYROLL PROCESSING AND PAYROLL SERVICES FOR THE TOWN OF NEWTON THROUGH THE COMPETITIVE CONTRACTING PROCESS

WHEREAS, the Town of Newton has a desire to provide Payroll Data Processing Services as an efficient outsourced service for its payroll and human resources function; and

WHEREAS, such services are currently available to be provided through the competitive contracting process under the New Jersey Local Publics Contract Law, N.J.S.A. 40A:11-4.1(b)(3); and

WHEREAS, the Town desires to evaluate such software offerings from Vendors within the procedures as set forth in the New Jersey Local Publics Contract Law (N.J.S.A.40A:11-4.1 et. seq. and N.J.A.C. 5:34-4 et. seq.); and

WHEREAS, the Town desires to enter into a contract for up to a seven (7) year contract that will satisfy the needs of the Town; and

WHEREAS, as per statute the process will be administered by the Town Manager, Legal Counsel or Qualified Purchasing Agent;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Newton, County of Sussex, State of New Jersey, as follows:

The Qualified Purchasing Agent is hereby authorized to commence the competitive contract/ procurement as allowable under the New Jersey Local Publics Contract Law allowing for a minimum of 20 days' notice after advertisement to receive responses, per Local Publics Contract Law.

RESOLUTION #194-2018*

AUTHORIZE REFUND OF HOMESTEAD BENEFIT; BLOCK 6.01, LOT 10, ALSO KNOWN AS 18 DOUMA DRIVE, NEWTON, NEW JERSEY FOR A 100% DISABLED VETERAN EXEMPTION

WHEREAS, Jose Lopez owns Block 6.01, Lot 10, also known as 18 Douma Drive, Newton, New Jersey; and

WHEREAS, the Municipal Tax Assessor has granted a 100% Disabled Veteran Tax Exemption effective January 16, 2018 for the property owned by Jose Lopez; and

WHEREAS, the property taxes for Block 6.01, Lot 10, were previously refunded to Mr. Lopez in May, 2018; and

WHEREAS, the State has granted a Homestead Benefit for the 4th quarter 2018 on Mr. Lopez's property in the amount of \$500.00;

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NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Jose Lopez in the total amount of \$500.00; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the total amount of \$500.00 to Jose Lopez, 18 Douma Drive, Newton, NJ 07860.

RESOLUTION #195-2018*

AUTHORIZE THE SUBMISSION OF A STRATEGIC PLAN FOR THE MUNICIPAL ALLIANCE FISCAL YEAR 2019 WITH NEW FUNDING AMOUNTS

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Newton Town Council authorized the submission of a Strategic Plan for the Municipal Alliance Fiscal Year 2019 by the adoption of Resolution #92-2018 on April 23, 2018; and

WHEREAS, Nick Loizzi, Sussex County's Municipal Alliance Coordinator has advised participants in an email dated September 21, 2018 that the Borough of Hamburg has agreed to return to the Municipal Alliance program for FY2019. As a result, funds need to be reallocated from several alliances. In order to adjust the overall budget for Sussex County to allow for the inclusion of Hamburg, a new resolution from all the municipalities participating in the Action Municipal Alliance reflecting the new funding amounts must be adopted;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the **Action Municipal Alliance** grant for fiscal year 2019 with new adjusted amounts of:

DEDR	\$18,409.00
Cash Match	\$4,602.00
In-Kind	\$13,807.00

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #196-2018*

INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2018 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (C. 159, PL 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of

any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, the Town of Newton is the lead agency, (also including Green Township, Andover Township and Andover Borough) for a grant in the amount of \$18,409.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex for Municipal Alliance Grant; and

WHEREAS, the grant period to runs from July 1, 2018 through June 30, 2019; and

WHEREAS, the Town of Newton authorized the submission of the 2019 Action Alliance Grant per Resolution #195-2018 adopted October 10, 2018; and

WHEREAS, the Town of Newton authorized the Insertion of Special Item of Revenue for a Municipal Alliance Grant per Resolution #169-2018 on August 13, 2018 in the grant amount of \$18,772.00 which was rescinded per Resolution #192-2018 on October 10, 2018;

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 2018 Budget of the Town of Newton:
Miscellaneous Revenues:

Section F: Special Items of Revenue	
Public and Private Revenues Off-set with Appropriations:	
NJ Municipal Alliance Grant	\$18,409.00
General Appropriations:	
(A)Operations - Excluded from CAPS	
Public and Private Programs Off-Set by Revenues:	
NJ Municipal Alliance Grant.....	\$18,409.00
Local Match – Source:	
Current: Celebration of Public Events	\$2,602.00
Match Funds-Mun. Alliance: Andover Twp. & Boro., Green, Newton.	\$2,000.00

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

RESOLUTION #197-2018*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated:

INACTIVE ACCOUNT ERRONEOUSLY BILLED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
24040	9 Gregg Court	\$75.00
23199	7 Gregg Court	\$75.00

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned accounts for amounts billed incorrectly due to the reason(s) stated.

RESOLUTION #198-2018*

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 2017 and 2018 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

40602	ABCODE SECURITY INC.	120.00
40603	AMBASSADOR MEDICAL SERVICE	180.00
40604	ARF RENTAL SERVICES, INC.	95.76
40605	BANK OF NEW YORK MELLON	1,650.00
40606	BOONTON TIRE SUPPLY INC.	2,299.41
40607	CENTURYLINK COMMUNICATIONS, INC.	62.48
40608	CENTURYLINK COMMUNICATIONS, INC.	2,706.77
40609	CINTAS FIRE PROTECTION	284.97
40610	Danielle Rocco	296.00
40611	DANIELSON, DEBORAH	115.00
40612	DOUBLE RADIUS, INC.	355.90
40613	EXTRA TECH DATA SERVICES, LLC.	910.00
40614	FIRE & SAFETY SERVICES, LTD., INC.	1,396.85
40615	FIREFLOW SERVICES, LLC.	4,311.30
40616	GRUBER, COLABELLA & LIUZZA	1,233.42
40617	HAYEK'S MARKET INC.	186.74
40618	HOLZHAUER, SCOTT	115.00
40619	HOME DEPOT, INC.	204.94
40620	JCP&L	8,104.59
40621	LADDEY, CLARK & RYAN, LLP	7,471.37
40622	LERETA TAX & FLOOD	2,080.42
40623	LOWE'S , INC.	141.55
40624	MILLER, JASON	115.00
40625	L-3 COMM. MOBILE-VISION	1,672.62
40626	NEW JERSEY HERALD, INC.	72.60
40627	NEWTON FIRST AID SQUAD	6,245.00
40628	ELIZABETHTOWN GAS	43.13
40629	PENTELEDATA	769.10
40630	PHYSIO-CONTROL INC. MEDTRONIC PHYSI	389.00
40631	PORTER, MIKE	75.00
40632	PowerDMS, Inc.	2,768.71
40633	QUILL CORPORATION	434.11
40634	REISINGER OXYGEN SERVICE, INC.	61.70
40635	RICCIARDI BROTHERS, INC.	442.50
40636	S K PAPER SHRED	150.00
40637	SCHENCK, PRICE, SMITH, & KING, LLP	1,185.10
40638	SERVICE ELECTRIC CABLE TV, INC.	85.30
40639	SHERWIN-WILLIAMS, INC.	371.39
40640	SLOAN, JAMES P.	3,214.17
40641	SPECTRUM COMMUNICATIONS, INC.	136.80
40642	STAPLES BUSINESS ADVANTAGE, INC.	1,206.55
40643	SUNLIGHT GENERAL	646.32
40644	SUSSEX CAR WASH INC	119.00
40645	SUSSEX COUNTY CLERK	37.52
40646	T.A. MOUNTFORD COMPANY, INC.	250.00
40647	TROPICANA ATLANTIC CITY CORP	240.00
40648	UNITED TELEPHONE/CENTURY LINK	127.23
40649	USA HOIST CO., INC.	225.00
40650	VERIZON WIRELESS, INC.	2,019.14
40651	WALMART	10.46
181061	PAYROLL ACCOUNT	197,644.72
181060	NEWTON BOARD OF EDUCATION	1,029,765.00
181059	JP MORGAN CHASE BANK	38,175.00

CAPITAL

8736	J. CALDWELL & ASSOCIATES, LLC.	420.00
8737	MCMANIMON, SCOTLAND & BAUMANN, LLC	600.00

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8738	NEW JERSEY HERALD, INC.	202.80
8739	PELLOW, HAROLD & ASSO, INC.	710.88
8740	ZITONE CONSTRUCTION	79,453.50
8735	HANOVER POWERSPORTS	13,906.00

Total TOWN BILLS \$ 1,418,312.82

WATER AND SEWER ACCOUNT

17132	ACCURATE WASTE REMOVAL INC.	6,398.00
17133	CAMPBELL'S SMALL ENGINE INC.	115.98
17134	CENTURYLINK COMMUNICATIONS, INC.	1,215.67
17135	COYNE CHEMICAL CORP., INC.	9,653.80
17136	CURRENT ACCOUNT	1,969.85
17137	Danielle Rocco	500.00
17138	DIAMOND SAND & GRAVEL, INC	3,022.50
17139	DOUBLE RADIUS, INC.	355.90
17140	EAGLE EQUIPMENT, INC.	354.99
17141	EXTRA TECH DATA SERVICES, LLC.	80.00
17142	FISHER SCIENTIFIC	283.80
17143	HACH COMPANY	68.70
17144	HAYEK'S MARKET INC.	31.71
17145	JCP&L	12,724.54
17146	KKPR MARKETING & PUBLIC RELATIONS,	1,150.00
17147	LADDEY, CLARK & RYAN, LLP	176.00
17148	MOTT MACDONALD	1,683.88
17149	ONE CALL CONCEPTS, INC.	75.00
17150	PELLOW, HAROLD & ASSO, INC.	1,247.47
17151	PENTELEDATA	399.85
17152	QUILL CORPORATION	127.96
17153	SMALLEY, JOHN H	1,250.00
17154	STAPLES BUSINESS ADVANTAGE, INC.	100.67
17155	SUNLIGHT GENERAL	1,167.00
17156	VERIZON WIRELESS, INC.	223.43
17157	WALMART	10.47
186035	PAYROLL ACCOUNT	37,294.55
186034	JP MORGAN CHASE BANK	19,675.00

CAPITAL

2484	JEV CONSTRUCTION, LLC.	27,400.00
2485	MOTT MACDONALD	398.98

Total WATER & SEWER Bills \$ 129,155.70

TRUST ACCOUNT

3774	COUNTRY CLUB ICE CREAM, LLC.	335.11
3775	KAREN ANN QUINLAN HOSPICE	443.50
181121	PAYROLL ACCOUNT	2,511.00
181120	TRUST ACCOUNT, TOWN OF NEWTON	3,177.50

Total TRUST ACCOUNT Bills \$ 6,467.11

DOG RESERVE

8570	HOPATCONG BOROUGH	2,750.40
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Total DOG RESERVE ACCOUNT Bills \$ 2,750.40

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

October 10, 2018

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
Mayor Le Frois		Yes	

INTERMISSION – 7:53 pm – 8:01 pm

DISCUSSION

a. Master Plan Revision – J. Caldwell

Jessica Caldwell, Town Planner, made a lengthy presentation and outlined the process for the Master Plan revision. She noted the Master Plan revision is required every ten (10) years and the last update was in 2008. She asked the Governing Body to provide any goals and objectives to her which can be implemented in the Master Plan. Ms. Caldwell noted the Town is on a good track with the Plan and feels the Plan only needs to be fine-tuned.

Mayor Le Frois encouraged the Council to review the Master Plan and noted the importance of the Plan for future planning in Newton.

Deputy Mayor Flynn feels Newton is ahead of the curve due to the implementation of transect zoning. He suggested a look at the residential area in the working district as well as allowing more creative and flexible components for residential parking.

b. Permitted Uses in SD-3 Zone – J. Caldwell

Jessica Caldwell outlined the draft ordinance which would amend the “Permitted Uses” of the Town Code to allow existing single-family detached and duplex residential as a permitted use in the SD-3 Zone.

After a brief discussion, the Town Council agreed to move forward as recommended by Ms. Caldwell, Town Planner. It was suggested the draft ordinance be sent to the Planning Board for their review prior to Council introducing same.

c. Water/Sewer Connection Fees – T. Ferry

Tom Ferry, Town Auditor, outlined the draft ordinance which would amend Newton Town Code Section 100-19 regarding Water and Sewer Connection Fees. Mr. Ferry noted this is an annual process which is required at the end of each budget year. The revised connection fees are then imposed upon those who subsequently connect to the system. Mr. Ferry advised the calculation results in residential water connection fee of \$3,759 and a sewer connection fee of \$6,011.

After a lengthy discussion, Council thanked Mr. Ferry for his presentation.

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

Ralph Porter, 12 Pine Street, thanked the Newton First Aid Squad for their recent response to his residence. He noted the members were very courtesy and helpful. He noted the construction of the new firehouse is coming along nicely. He commended DPW on the street cleaning during the past year. Mr. Porter advised the bike decorating recipients will be at the Holiday parade and asked if a police officer will be available to ensure the safety of the children. Mr. Russo indicated the Newton Police will be at the parade for safety of the community.

Mel Dennison, President of GNCC, 18 Church Street, addressed concerns with the potential cancellation of the WizardCon event on Spring Street in November and hopes the meeting tomorrow will be productive and favorable to holding this event. Mr. Dennison noting he addressed this issue before, addressed concern with the danger of parking on both sides of Halsted Street. He noted it is a busier street due to Spring Street being one way and requested Council review this potentially dangerous issue.

Becky Burkhart, 20 Ryerson Ave, owner of Barrel House Restaurant, addressed concern with the potential cancellation and hopes the Town and Big Brothers/Big Sisters (BBBS) can come to an agreement, at the meeting tomorrow, in order to hold this event. She noted several merchants as well as BBBS have expended money thus far for this event.

Kris Hansen, 161 Mill Street, thanked the Town Council and staff for the pending Ordinance which will allow her to fully insure her new home at full value. Mr. Russo outlined the process of the Ordinance and advised the adoption will take place at the November 26th meeting.

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

COUNCIL & MANAGER COMMENTS

Councilman Schlaffer suggested an idea to the merchants, "May the 4th Space Theme" for an event on Spring Street. He noted he has several "movie quality" laser swords for usage.

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Councilwoman Diglio reminded the public of the Halloween parade on Wednesday, October 31, 2018 @ 5 pm. A few new additions this year: Trunk or Treat; dog contest as well as a senior citizen age group contest.

Deputy Mayor Flynn noted his support of the WizardCon event and hopes this event takes place in Newton this year.

Mayor Le Frois noted "safety is of utmost importance" for this event and any event held in the Town of Newton. Some statements this evening have been skewed regarding this WizardCon event. She noted Mr. Russo is prepared for his meeting tomorrow with BBBS tomorrow and as always has the best interest of the Town of Newton, residents, merchants and taxpayers of this community.

Mr. Russo outlined the entire chain of events surrounding the WizardCon event. Mr. Russo will meet with BBBS tomorrow and will keep Council informed.

There being no further business to be conducted, upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio and unanimously carried, the meeting was adjourned at 9:09 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read".

Lorraine A. Read, RMC
Municipal Clerk