

January 22, 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. Flynn, Mrs. Le Frois, Mrs. Diglio, Deputy Mayor Elvidge, Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

Mayor Levante 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 4, 2018."

Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, the minutes for January 8, 2018 Regular and Executive meetings were unanimously approved.

OPEN TO THE PUBLIC

Mayor Levante 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."

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

SWEARING-IN CEREMONY

At this time, Mayor Levante invited Katherine Quinn to come forward. Ms. Quinn was sworn in by the Mayor as Certified Municipal Court Administrator, as her sister, Joanne, held the Bible.

Katherine Quinn, introduced herself and provided a brief background. She looks forward to working with the Town as well as with her new Deputy, Sarah Grub.

Sarah Grub, Deputy Court Administrator, briefly introduced herself to the Mayor and Town Council.

The Mayor and Town Council welcomed the new Court team and wished them well in their newly appointed positions.

INTERMISSION – none

COUNCIL & MANAGER REPORTS

a. **Mayor Levante**

Mayor Levante updated Council on his meeting with Congressman Josh Gottheimer, who continues to work with Newton on various issues.

Mayor Levante advised of his attendance at the press conference to announce the filing of litigation regarding school funding. Also in attendance was Thomas S. Russo, Jr. Town Manager, Newton Superintendent Dr. Ken Greene, School Board President Stella Dunn, Vice President Jessica Egner, and Board member Anthony Neggers, II. He noted several other Superintendents, School Board members and Elected Officials were in attendance in support of the litigation.

Mayor Levante noted his recent conference call with State Senator Vin Gopal (Monmouth County) who is in support of the school consolidation. A follow-up meeting will take place in the future, along with Deputy Mayor Elvidge, Senator Oroho; and a member of Governor Murphy's team. He also received a phone message from a member of the Governor's transition team, who is also interested in discussing the school consolidation. Mayor Levante will follow up with him and keep Council informed.

b. **Deputy Mayor Elvidge**

Deputy Mayor Elvidge, along with Mayor Levante, have attended various meetings with the Spring Street merchant groups. He is excited with the energy of the groups and believes the communication has improved among the groups and the Town.

c. **Councilwoman Le Frois**

Councilwoman Le Frois wished the entire Municipal Court team the best of luck.

Mrs. Le Frois recognized Fire Chief Verkon and noting the four new members on the agenda this evening, thanked him and his team for promoting the membership of the Newton Fire Department.

Mrs. Le Frois noted her attendance at the Sussex County Republican Women's Committee of New Jersey and would like to pass on an invitation for a Valentine's Dinner to be held on Sunday, February 11, 2018 at Dominick's Restaurant in Newton.

d. **Councilman Flynn**

Councilman Flynn attended the first annual meeting of the Sussex County League of Municipalities on Thursday, January 18, 2018 in Sparta. Mr. Flynn is the liaison to the New Jersey State League of Municipalities Executive Board and provided a brief update of the happenings surrounding the State.

e. **Councilwoman Diglio**

Councilwoman Diglio noted her attendance to various meetings these last two weeks. In addition, she attended the Sussex County Community Law Enforcement Addiction Recovery (CLEAR) meeting and thanked Chief Richards and Becky Carlson, Executive Director of the Center for Prevention and Counseling for their leadership with the program. The CLEAR program provided statistics including saving 92 lives this past year, which is commendable.

Mrs. Diglio noted four of the Newton First Aid Squad members recently passed their EMT course and State test and are now full-fledged members of Newton First Aid Squad.

f. **Town Manager Russo**

Mr. Russo reminded Council of the upcoming budget hearings scheduled for Thursday, February 8th at 6:00 pm and Saturday, February 10th at 9:30 am. Public is invited to attend all meetings.

Mr. Russo noted the bids for the construction of a new firehouse will be taken on February 15th and will keep Council informed of same.

ORDINANCES

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

ORDINANCE #2018-1

AN ORDINANCE AND AGREEMENT FOR THE APPOINTMENT OF ENGINEER FOR CALENDAR YEARS 2018, 2019 & 2020

WHEREAS, municipal engineering services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500 each year; and

WHEREAS, Harold E. Pellow & Associates, Inc., has submitted a *Scope of Services* dated December 20, 2017 outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is three (3) years ending December 31, 2020; and

WHEREAS, Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00 each year; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018, 2019 and 2020 Temporary and Permanent budgets, funds NOT TO EXCEED \$155,000.00 will be encumbered as follows:

2018 Current – Engineer #106216, Stormwater #1082250, Planning Bd #1062216
Trust Escrow
General Capital & W/S Capital – specific ordinances

estimate \$25,000
estimate \$40,000
estimate \$90,000

NOW, THEREFORE BE IT ORDAINED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Harold E. Pellow & Associates, Inc., for services as Municipal Engineer for calendar years 2018, 2019 and 2020:

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance which shall act as the authorization and agreement between the Town of Newton and Harold E. Pellow & Associates, Inc., providing for his retention as Municipal Engineer for the Town of Newton for calendar years 2018, 2019 and 2020.

2) The services to be rendered by Mr. Pellow shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$130.00 per hour not to exceed \$155,000.

3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. Pellow is a licensed engineer of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

4) Political Contribution Disclosure. This contract has been awarded to Harold E. Pellow & Associates, Inc., based on the merits and abilities of Mr. Pellow to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 *et seq.* As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) The maximum dollar value is based on a reasonable estimate of goods or services required over the contract term, and the Town is not obligated to spend that amount.

6) Notice of this action shall be published once in the *New Jersey Herald*.

BE IT FURTHER ORDAINED that a certified copy of this ordinance be kept on file and available for public inspection in the Municipal Clerk’s office.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Ordinance and agree to be bound by its terms, covenants and conditions for the year 2018, 2019 and 2020.

Date: _____

Harold E. Pellow & Associates, Inc.

Mayor Levante opened the hearing to the public.

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

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

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

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

Mayor Levante directed the Clerk to read aloud the following Ordinance relative to introduction of same.

Councilwoman Le Frois asked Mayor Levante for clarification on this Ordinance.

After a brief update, it was noted the Planning Board needs to review said Ordinance. Second reading for Ordinance 2018-2 will take place on February 26, 2018.

ORDINANCE #2018-2

AN ORDINANCE AMENDING SECTIONS 320-2.C AND 320-33 OF THE CODE OF THE TOWN OF NEWTON, ZONING: FORM-BASED CODE, TO ALLOW TATTOO PARLORS IN CERTAIN DISTRICTS

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, February 26, 2018.

OLD BUSINESS

a. Spring Street Parking Analysis – No Update

No update at this time.

b. Town Events and Fees – No Update

No update at this time.

CONSENT AGENDA

Mayor Levante read the following statement:

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"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 #23-2018*

DIRECTING USE OF AFFORDABLE HOUSING TRUST FUND MONIES FOR COMMUNITY OPTIONS, INC.

WHEREAS, Community Options, Inc. has requested the Newton Town Council consider contributing affordable housing trust fund monies towards its three-bedroom group home project in order to assist it in providing affordable housing in the Town; and

WHEREAS, the Newton Town Council has considered the request and has determined there are sufficient funds in its affordable housing trust fund to earmark a \$75,000.00 contribution (\$25,000.00 per bedroom) to Community Options, Inc.; and

WHEREAS, the Community Options project will satisfy a portion of the Town of Newton's affordable housing requirements; and

WHEREAS, Community Options shall enter into a Memorandum of Understanding and Agreement for Payment in Lieu of Taxes with the Town of Newton, pursuant to which Community Options shall pay the Town the municipal portion of the 2018 total tax obligation, with an annual 2% increase thereafter; and

WHEREAS, the Newton Town Council has determined it is appropriate to award a \$75,000.00 contribution from the Town's affordable housing trust fund toward Community Option Inc.'s project;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town professionals are directed to prepare necessary documents relating to a \$75,000.00 contribution from the Town's affordable housing trust fund to Community Option Inc.'s affordable three-bedroom group home.

RESOLUTION #24-2018*

**RESOLUTION AND AGREEMENT
FOR PROFESSIONAL SERVICES**

SPECIAL COUNSEL FOR LABOR RELATIONS

WHEREAS, there exists a need for special legal counsel to be appointed to represent the Town of Newton with respect to municipal matters, specifically labor relations for calendar year 2018; and

WHEREAS, James T. Prusinowski, Esq. has indicated that all such services will be rendered to the Town of Newton on the basis of a \$150.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. Prusinowski agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations;

and

WHEREAS, the Town and Mr. Prusinowski agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3; and

WHEREAS, the Town of Newton’s Chief Financial Officer certifies funds will be provided in the 2018 Municipal Current Budget – ‘Legal Services – Other Expenses’ for expenditures pertaining to this open-ended contract for said municipal matters;

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

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and James T. Prusinowski, Esq., providing for his retention as Special Counsel for Labor Relations for the Town of Newton for calendar year 2018.
- 2) The services to be rendered by Mr. Prusinowski shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$150.00 per hour **not to exceed \$35,000.00**.
- 3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. Prusinowski is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.
- 4) Political Contribution Disclosure. This contract has been awarded to James T. Prusinowski, Esq. based on the merits and abilities of Mr. Prusinowski to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 5) The maximum dollar value is based on a reasonable estimate of goods or services required over the contract term, and the Town is not obligated to spend that amount.
- 6) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2018.

Date: _____

James T. Prusinowski, Esq.
Trimboli & Prusinowski, LLC

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RESOLUTION #25-2018*

**AUTHORIZING MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT FOR 2018,
CONTRACT #3 ROCK SALT & CALCIUM CHLORIDE THROUGH OCTOBER 14, 2018**

WHEREAS, a need exists for the acquisition of road treatment materials for the 2018 year for the effective winter treatment of roads and sidewalks; and

WHEREAS, the Town of Newton may, without advertising for bids, purchase such materials through the Morris County Cooperative Pricing Council, pursuant to N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.1 et. Seq.; and

WHEREAS, under MCCPC award, the Vendor: The Detroit Salt Company, 12841 Sanders Street, Detroit, Michigan 48217 has been awarded the contract for supply of road treatment materials under Contract #3, in the following amounts:

CAT. I: BULK ROCK SALT, DELIVERED BY TRUCK, UNLOADED BY BIDDER	\$53.23/ton
CAT. II: BULK ROCK SALT PICKED UP BY MEMBERS, LOADED BY BIDDER	\$53.00/ton
CAT. VI: ROCK SALT TREATED WITH MAGNESIUM CHLORIDE & AGRICULTURALLY BASED ENHANCER (ABE) – (DELIVERED)	\$69.23/ton
CAT. VII: ROCK SALT TREATED WITH MAGNESIUM CHLORIDE & AGRICULTURALLY BASED ENHANCER (ABE) – (PICKED UP)	\$69.00/ton

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 budget, funds NOT TO EXCEED \$75,000.00 will be handled pursuant to NJAC 5:30-5.5 (b) Open-end contracts: (2) as follows:

2018 Current Budget – Snow Removal #1081239 (approx. \$68,000)

Trust Fund – Reserve for Snow #711202 (approx. \$7,000 if needed)

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council that it authorizes without bidding pursuant to N.J.S.A. 40A: 11-10 Contract #3 with The Detroit Salt Company, 12841 Sanders Street, Detroit, Michigan 48217, for an amount not to exceed \$75,000 through the Morris County Cooperative Pricing Council.

RESOLUTION #26-2018*

TERMINATION OF FIRST COMMUNITY DEVELOPMENT CORPORATION CONTRACT AND AWARD OF CLEANING SERVICES BID 7-2017 TO CHELBUS CLEANING, CO., INC.

WHEREAS, the Town received bids on May 10, 2017 for Bid# 07-2017 to wit; Cleaning Services Re-Bid; and

WHEREAS, the Town duly advertised for bids which were opened on May 10, 2017 at 10:30am, where the lowest apparent bidder, First Community Development Corporation of New Jersey, Belleville, N.J. was awarded a contract under Bid #7-2017 for a base bid plus options of \$20,975.00; and

WHEREAS, the contract as well as the Uniform Commercial Code allows for remedy of negative experience vendors by provision of opportunity to remedy; and

WHEREAS, the vendor, First Community Development Corporation was provided written notice and personal meeting on December 11, 2017 and opportunity to rectify issues within 30 days; and

WHEREAS, First Community Development Corporation failed to perform obligations and minimum standards of service as outlined within the contract reflecting Bid #7-2017; and

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WHEREAS, Contract as well as the Local Public Contract Law and Uniform Commercial Code allow for replacement of the vendor with appropriate vendor to perform the service; and

WHEREAS, Chelbus Cleaning, Co., Inc., 275 Newton Sparta Rd Newton, N.J. has responded with an acceptable bid on May 10, 2017 in the amount of base bid plus options of \$21,765.00; and

WHEREAS, the New Jersey Local Publics Contract Law, 40A:11-1 et. Seq., demands bidders and vendors meet the standards of responsive and responsible as indicated in the Local Publics Contract Law; and

WHEREAS, Chelbus Cleaning Co., Inc., Incorporated has met the standards of responsive and responsible as outlined within law;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the recommendation of Sean Canning, of the Canning Group, LLC the Town of Newton's Qualified Purchasing Agent, is hereby accepted and First Community Development Corporation's contract with the Town of Newton is terminated effective upon passage of resolution; and

BE IF FURTHER RESOLVED by the Town Council of the Town of Newton, Sussex County that the bid provided under Bid #7-2017 by Chelbus Cleaning Co., Inc., of Newton, New Jersey, for Cleaning Services is hereby accepted, and to enter into a contract for services as per the specifications and services outlined in Bid #7-2017 for the remainder of the contract term until May of 2019.

RESOLUTION #27-2018*

AWARD HOME DEPOT SERVICES USA HARDWARE BID 2-2018

WHEREAS, there is a need for Hardware Supply in the Town of Newton; and

WHEREAS, the Town of Newton received bids for Hardware Supply under Bid 2-2018 duly advertised and received in a public manner on January 10, 2018 at 10:45 am; and

WHEREAS, Home Depot USA, 2455 Paces Ferry Rd, Atlanta, GA 30339, has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2018 and 2019 Current and Water/Sewer Utility Budgets, the Chief Financial Officer will certify funds NOT TO EXCEED \$30,000.00 annually, pursuant to NJAC 5:30-5.5 (b) Open-end contract (2) through the budgetary accounting encumbrance process set forth in NJAC 5:30-5.3 and 5.4. Funds are expected to be charged as follows:

2018 Current Budget – Bldg & Grnds, Roads, Snow, Parks, Vehicle Maintenance
2018 Water Sewer Utility Budget - Maintenance

Funds may also be encumbered, as needed:

2018 Parking Authority Budget – Materials & Supplies
General or Water/Sewer Capital Ordinances, if applicable

WHEREAS, Sean Canning of the Canning Group, LLC, the Town of Newton's Qualified Purchasing Agent, has concurred with the legality of the purchase in accord 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:

Home Depot USA is authorized to enter a two (2) year contract from the date of this authorization to provide for Hardware Supply in the attached pricing sheets:

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RESOLUTION #28-2018*

AUTHORIZING WB MASON THROUGH NEW JERSEY STATE CONTRACT PURCHASING AND PROPERTY T-0052, EXPIRING MAY 6, 2018

WHEREAS, a need exists for the acquisition of office supplies, paper and material for the daily operations of the Town of Newton; and

WHEREAS, the Town of Newton may, without advertising for bids, purchase such materials through the New Jersey State Purchase and Property State Contract T-0052 pursuant to N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.29 et. Seq.; and

WHEREAS, under the State contract award, the Vendor: WB Mason Co Inc. 535 Secaucus Road, Secaucus, NJ 07094 is the vendor to whom the Town shall purchase such items under State Contract T-0052; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2018 Current and 2018 Water/Sewer Utility Budgets, the Chief Financial Officer will certify funds pursuant to NJAC 5:30-5.5 (b) open-end contracts: (2) through the budgetary encumbrance process. It is estimated that the amount will approximate \$10,000 – \$20,000 and be charged to both funds and various department office supply subaccounts. ...#247;

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council that it authorizes without bidding pursuant to N.J.S.A. 40A:11-10 purchases from WB Mason Co Inc. 535 Secaucus Road, Secaucus, NJ 07094.

RESOLUTION #29-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR PUMPING SERVICES, INC.

WHEREAS, the Morris Lake Water Treatment Plant SCADA system has a need for maintenance and upgrades; and

WHEREAS, it has been determined the software and technology systems in place for the existing system installed by Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846-0117, is one that requires maintenance, software upgrades and at times repair in relationship to mechanical systems tied into the software operations program; and

WHEREAS, the system operates on a proprietary platform installed by ITS Inc., whom Pumping Services Inc., obtained in 2015 and any upgrades must be compatible with this system and declared proprietary by the Governing Body of the Town of Newton on February 27, 2017; and

WHEREAS, Sean Canning, of the Canning Group, LLC the Town of Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is for the 2018 year(s); and

WHEREAS, Pumping Services, Inc., is anticipated during the 2018 budget year to provide services which will exceed in the aggregate, the Pay-to-Play threshold of \$17,500.00; and

WHEREAS, Pumping Services, Inc., has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies Pumping Services, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit Pumping Services, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2018 Water Sewer Utility Budget, the Chief Financial Officer will certify funds pursuant to NJAC

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5:30-5.5 (b) open-end contract (2) through the budgetary accounting encumbrance process set forth in NJAC 5:30-5.3(c) and 5:30-5.4(b).

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846-0117 not to exceed \$95,000.00 for the 2018 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification, Political Contribution Disclosure and the Determination of Value be placed on file in the Office of the Municipal Clerk.

RESOLUTION #30-2018*

**RESOLUTION AND AGREEMENT
FOR PROFESSIONAL SERVICES**

ENVIRONMENTAL COUNSEL

WHEREAS, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2018; and

WHEREAS, Edward J. Buzak, Esq., of The Buzak Law Group, LLC. has indicated that all such services will be rendered to the Town of Newton by Edward J. Buzak, Esq. on the basis of a \$200.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. Buzak agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and Mr. Buzak agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3; and

WHEREAS, the Town of Newton's Chief Financial Officer certifies funds will be provided in the 2018 Municipal Current Budget – 'Legal Services – Other Expenses' for expenditures pertaining to this open-ended contract for said municipal matters;

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

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and The Buzak Law Group, LLC providing for their retention as Environmental Counsel in and on behalf of the Town of Newton for calendar year 2018.
- 2) The services to be rendered by Edward Buzak, Esq. of The Buzak Law Group, LLC shall be on an hourly basis, on an "as needed" requirement, as sought by the

Town of Newton at the rate of \$200.00 per hour **not to exceed \$17,500.00.**

- 3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Edward J. Buzak of The Buzak Law Group, LLC is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.
- 4) Political Contribution Disclosure. This contract has been awarded to Edward J. Buzak, Esq. based on the merits and abilities of Mr. Buzak to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 5) The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.
- 6) Notice of this action shall be printed once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by the terms, covenants and conditions thereof for 2018.

Date:_____

Edward J. Buzak, Esq.
The Buzak Law Group, LLC

RESOLUTION #31-2018*

RESOLUTION ACCEPTING THE REPLACEMENT OF THE ROTATING BIOLOGICAL CONTACTORS PROJECT AS COMPLETE

WHEREAS, the Town of Newton awarded the contract for the Replacement of Rotating Biological Contactors Project to Fred Devens Construction on December 12, 2016 through the adoption of Resolution #205-2016 for a total contract amount of \$504,750.00; and

WHEREAS, Resolution #73-2017 and Resolution #219-2017 authorized change orders for a total construction price of \$495,924.70; and

WHEREAS, John J. Scheri of Mott MacDonald, the Town Sewer Engineer, recommends the project be accepted as final and complete; and

WHEREAS, Fred Devens Construction has executed a Maintenance Bond for the project;

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NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby accept the Replacement of Rotating Biological Contactors Project and deem it as completed.

RESOLUTION #32-2018*

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

39369	ADVANCE AUTO PARTS	72.83
39370	AG CHOICE, LLC.	72.00
39371	AIRGAS EAST	91.30
39372	SYNCHRONY BANK	240.00
39373	ANN ROSELLEN	1,250.00
39374	ARF RENTAL SERVICES, INC.	287.28
39375	ATLANTIC TACTICAL INC.	1,442.76
39376	BLOOMS OF ELEGANCE	53.00
39377	BONNIE MESSINA	2,177.50
39378	BRAEN STONE SPARTA	777.69
39379	CAMPBELLS SUPPLY OF SUSSEX COUNTY L	4,977.46
39380	CENTURYLINK COMMUNICATIONS, INC.	173.28
39381	CENTURYLINK COMMUNICATIONS, INC.	125.85
39382	CIVIC PLUS INC	12.50
39383	CLIFFSIDE BODY CORP.	756.80
39384	COLEMAN, PHILLIP	169.76
39385	COOPER ELECTRIC SUPPLY CO.	344.08
39386	DANFORTH'S TRAILER & AUTO, INC	1,055.00
39387	DANIELSON, DEBORAH	480.65
39388	DUSTIN MCGARRY	28.00
39389	EXTRA TECH DATA SERVICES, LLC.	1,938.00
39390	FEDERAL EXPRESS	34.88
39391	FIRE & SAFETY SERVICES, LTD., INC.	3,036.67
39392	GRUBER, COLABELLA & LIUZZA	1,233.42
39393	HAYEK'S MARKET INC.	45.14
39394	HOLZHAUER & HOLENSTEIN, LLC	13,750.00
39395	HOLZHAUER, SCOTT	128.75
39396	INTERNATIONAL CODE COUNCIL, INC	55.50
39397	J. CALDWELL & ASSOCIATES, LLC.	1,062.00
39398	JCP&L	7,780.24
39399	KIEFFER ELECTRIC, INC.	3,676.00
39400	KIMBERLY MASON-WILLIAMS	52.67
39401	KRAVE CAFE	41.50
39402	LADDEY, CLARK & RYAN, LLP	9,679.91
39403	LAWYERS DIARY & MANUAL	108.00
39404	LEVANTE, WAYNE	225.00
39405	LOWE'S , INC.	35.10
39406	MORRIS ASPHALT SUPPLY, LLC	180.30
39407	MULHERN, JAYME	150.00
39408	NEWTON BOARD OF EDUCATION	700.00
39409	NJLM	420.00
39410	ELIZABETHTOWN GAS	11,572.39
39411	PAR TROY SOUND OF NEWTON, INC.	100.00
39412	PELLOW, HAROLD & ASSO, INC.	2,257.97
39413	PETRO-MECHANICS, INC.	160.00
39414	PINNACLE WIRELESS FBO UNITEK GLOBAL	64.00

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39415	QUILL CORPORATION	20.57
39416	RAFTERY, VIRGINIA	23.33
39417	READY REFRESH BY NESTLE	93.57
39418	REISINGER OXYGEN SERVICE, INC.	54.44
39419	RUTGERS, CENTER FOR GOVERNMENT SERV	652.00
39420	SARAH GRUB	1,312.50
39421	Schlosser, Theresa	32.64
39422	SEBRING AUTO PARTS, INC.	355.85
39423	SEELY BROTHERS, INC.	84.00
39424	SLOAN, JAMES P.	3,214.17
39425	STAPLES BUSINESS ADVANTAGE, INC.	73.98
39426	SUSSEX COUNTY CLERK	8.00
39427	SUSSEX COUNTY SHERIFF DEPT	7,480.62
39428	SYN-TECH SYSTEMS, INC.	1,175.00
39429	THE CANNING GROUP, LLC.	535.71
39430	THOMAS, CHRISTINE M.	125.00
39431	TIRE KING, INC.	85.00
39432	TRACTOR SUPPLY	717.51
39433	TREASURER, PETTY CASH FUND	250.00
39434	TRIMBOLI & PRUSINOWSKI, LLC.	3,915.00
39435	UNITED TELEPHONE/CENTURY LINK	128.20
39436	VERIZON WIRELESS, INC.	2,741.93
39437	VOSS SINGS, LLC	210.00
39438	WALMART	463.84
181006	US BANK OPER.CTR/TRUST MGMT	102,341.62
181005	NEWTON BOARD OF EDUCATION	1,054,849.00
181004	WELLS FARGO BANK	9,745.45
181003	ELAVON	195.48
181002	TOWN OF NEWTON	200.00
181001	ELECTRONIC FEES - TAX	400.00

CAPITAL

8688	KELLER WELDING COMPANY, LLC.	8,800.00
8689	MOTT MACDONALD	3,191.70
8690	PELLOW, HAROLD & ASSO, INC.	1,397.50

Total TOWN BILLS \$ 1,277,948.79

WATER AND SEWER ACCOUNT

16699	AURORA ELECTRICAL SUPPLY, LLC.	155.93
16700	CIVIC PLUS INC	12.50
16701	EAGLE EQUIPMENT, INC.	348.28
16702	EXTRA TECH DATA SERVICES, LLC.	3,762.00
16703	GARDEN STATE LABORATORIES INC	1,566.00
16704	INDUSTRIAL CHEM LABS & SER	232.12
16705	KKPR MARKETING & PUBLIC RELATIONS	675.00
16706	KRAVE CAFE	41.50
16707	LADDEY, CLARK & RYAN, LLP	160.00
16708	LUBRICATION ENGINEERS INC	424.32
16709	MOTT MACDONALD	1,718.36
16710	ELIZABETHTOWN GAS	5,733.11
16711	ONE CALL CONCEPTS, INC.	95.00
16712	PELLOW, HAROLD & ASSO, INC.	1,016.00
16713	PROCESS TECH SALES AND SERVICE	1,255.95
16714	QUILL CORPORATION	26.07
16715	SMALLEY, JOHN H	1,282.94
16716	SPARTA TOWNSHIP TAX COLLECTOR	16,261.37
16717	SUSSEX COUNTY P & H, INC.	118.50
16718	TOYOTA MOTOR CREDIT CORP.	472.08
16719	TREASURER, WATER & SEWER PETTY CASH	50.00
16720	VERIZON WIRELESS, INC.	223.91

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186001	ELECTRONIC FEES - W/S	500.00
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CAPITAL

2468	FRED DEVENS CONSTRUCTION	10,898.49
2469	MOTT MACDONALD	3,891.66
2470	PELLOW, HAROLD & ASSO, INC.	130.00

Total WATER & SEWER Bills \$ 51,051.09

TRUST ACCOUNT

3686	J. CALDWELL & ASSOCIATES, LLC.	1,231.00
3687	LADDEY, CLARK & RYAN, LLP	48.00
3688	PELLOW, HAROLD & ASSO, INC.	2,669.36
3689	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	705.00

Total TRUST ACCOUNT Bills \$ 4,653.36

DEVELOPERS ESCROW (FUND 72) ACCOUNT

1294	FERRIERO ENGINEERING INC.	99.75
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Total DEVELOPERS ESCROW (FUND 72) Bills \$ 99.75

HOUSING TRUST FUND (COAH) ACCOUNT

160	J. CALDWELL & ASSOCIATES, LLC.	118.00
161	LADDEY, CLARK & RYAN, LLP	80.00

Total HOUSING TRUST (COAH) Bills \$ 198.00

RESOLUTION #33-2018*

**REFUND OF REDEMPTION MONIES TO AN OUTSIDE LIEN HOLDER FOR BLOCK 14.03, LOT 10,
ALSO KNOWN AS 32 HALSTED STREET**

WHEREAS, at the Municipal Tax Sale held on November 17, 2016, a lien was sold on Block 14.03, Lot 10, also known as 32 Halsted St. for 2015 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2016-008 was sold to TWR/Ebury Fund 1 NJ, LLC for 0% redemption fee and a premium of \$22,900.00; and

WHEREAS, Gettler & Gomes, PC, has effected the redemption of Certificate #2016-008 in the amount of \$26,756.75;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges TWR/Ebury Fund 1 NJ, LLC is entitled to a redemption in the amount of \$26,756.75 as well as the return of the premium in the amount of \$22,900.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton approves and acknowledges the Tax Collector will issue a check in the amount of \$26,756.75 for the redemption and a check in the amount of \$22,900.00 for the return of the premium for Certificate #2016-008 to TWR/Ebury Fund 1 NJ, LLC Baltimore, MD.

RESOLUTION #34-2018*

**DESIGNATE OFFICIALS TO SIGN CHECKS FOR THE TOWN OF NEWTON – TOWNSHIP OF GREEN
CONSOLIDATED MUNICIPAL COURT**

BE IT RESOLVED by the Town Council of the Town of Newton, that the Court Administrator, Katherine Quinn as well as the Deputy Court Administrator, Sarah Grub and

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the Hon. James P. Sloan, Judge of the Municipal Court, are hereby authorized to sign General Account checks and Bail Account checks for the Town of Newton and Green Township Consolidated Municipal Court.

RESOLUTION #35-2018*

A RESOLUTION REQUESTING APPROVAL FROM THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY RIDER FOR DONATIONS TO THE TOWN OF NEWTON - RECREATION PURSUANT TO N.J.S.A. 40A:5-29

WHEREAS, permission is required from the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, the State of New Jersey sets forth that any local unit is authorized and empowered to accept bequests, legacies and gifts made to it per N.J.S.A. 40A:5-29 and the Division of Local Government Services sets forth this is an allowable dedication by rider; and

WHEREAS, N.J.S.A. 40A:4-39 provides the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; and

WHEREAS, the Town of Newton recognizes the importance of providing recreational facilities to the area residents, and with budgetary constraints finds it difficult to fund all the worthwhile improvements, and there are residents and businesses willing to donate funds to acquire or improve the recreational facilities and want to do so under the financial mechanisms set forth by the state and supervision of the Town;

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

1. The Mayor and Town Council hereby request permission of the Director of the Division of Local Government Services to accept donations, bequests, legacies and gifts for the Town of Newton Recreation to be utilized for upgrading the scoreboard at the Babe Ruth Field in the Town of Newton as set forth in N.J.S.A. 40A:5-29.

2. The Municipal Clerk of the Town of Newton, County of Sussex is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

The Clerk presented an application for membership into the Newton Fire Department from Eric C. Humbert, 12 Harrison Street, Newton. It was noted the application was in order and signed by the Fire Chief.

The Clerk presented an application for membership into the Newton Fire Department from Timothy R. Fitzpatrick, 14 Shady Lane, Newton. It was noted the application was in order and signed by the Fire Chief.

The Clerk presented an application for membership into the Newton Fire Department from Ryan Harding, 43 Halsted Street, Newton. It was noted the application was in order and signed by the Fire Chief.

The Clerk presented an application for membership into the Newton Fire Department from Clifford Scholtz, 16 Gardner Avenue, Newton. It was noted the

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application was in order and signed by the Fire Chief.

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

Deputy Mayor Elvidge	Yes	Mr. Flynn	Yes
Mrs. Le Frois	Yes	Mrs. Diglio	Yes
	Mayor Levante	Yes (recuse ck#039404)	

DISCUSSION - None

OPEN TO THE PUBLIC

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

COUNCIL & MANAGER COMMENTS

There was no additional Council & Manager comments.

EXECUTIVE SESSION

Upon motion of Mrs. Diglio, seconded by Mrs. Le Frois and unanimously carried, Council entered Executive Session at 7:25 pm.

Upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 8:35 pm.

Councilwoman Le Frois noted the recent memo from Doug Tavella, Consulting Forester of Appalachian Forestry Service, with an update on the ongoing forestry project.

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Le Frois and unanimously carried, the meeting was adjourned at 8:37 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk