

January 28, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:08 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mayor Le Frois and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present. Mr. Schlaffer was excused.

Mayor Le Frois made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 4, 2019."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Mr. Dickson and unanimously carried, the minutes for the January 14, 2019 Special and January 14, 2019 Regular meetings were approved. Deputy Mayor Flynn abstained.

### **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."*

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

### **PRESENTATION**

Mayor Le Frois announced the winners of the 2018 Holiday Decorating Contest and presented the prizes to the 3<sup>rd</sup> Place winners who were present: Brenton & Justine Snyder of 71 Pine Street. The 2<sup>nd</sup> Place, Amanda & Ryan Walsh of Franklin Street and 1<sup>st</sup> Place winners, Meredith & James Meyers of Douma Drive, were not available to attend this evening's meeting. Mayor Le Frois noted this year was the first year for a Business category and presented Keith Mitchell of Mitchell Insurance Agency on Trinity Street with a plaque for the Holiday Decorating Contest for Businesses. Mr. Mitchell thanked the Council for their presentation.

### **COUNCIL & MANAGER REPORTS**

a. **Mayor Le Frois** – attended the Planning Board meeting on Jan. 16<sup>th</sup> and noted this board has been very busy. On January 17<sup>th</sup>, Mayor Le Frois, Councilman Dickson, Ursula Leo, Esq. attended New Jersey Assembly Housing & Community Development

January 28, 2019

Hearings on Bill A2160 and provided testimony. This Bill addresses “rooming and boarding house owners and operators with regard to ordinances holding landlords to certain standards of responsibilities”. It was noted Assemblyman Harold “Hal” J. Wirths and Assemblyman Parker Space co-sponsored this Bill and will keep you posted. Mayor Le Frois congratulated the Newton High School Mock Trial team for winning in the County finals and becoming County Champs and wish them the best of luck at the Northern Regional finals on February 5<sup>th</sup>.

b. **Deputy Mayor Flynn** – nothing at this time.

b. **Councilwoman Diglio** – attended the Greater Newton Chamber of Commerce (GNCC) meeting and they have been planning the Awards Dinner to be held on Thursday, March 7, 2019. She noted this annual Awards Dinner will be honoring Nancy Woods, who recently retired as the long-time Executive Director of GNCC. She noted tickets for this event may be purchased through the GNCC office.

c. **Councilman Schlaffer** – excused.

d. **Councilman Dickson** – attended and testified at the New Jersey Assembly Housing & Community Development Hearings on Bill A2160. The Town will continue to support this Bill and move forward in a positive and constructive manner. Councilman Dickson attended the Newton Board of Education (BOE) meeting and updated Council on the happenings of the BOE.

e. **Town Manager Russo** – correspondence was sent to the Department of Transportation Commissioner regarding 94 flooding issue and will keep Council informed. Mr. Russo noted the upcoming budget hearings on Wednesday, February 6, 2019 at 5pm and Saturday, February 9, 2019 at 9am.

#### **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 #42-2019\***

**APPROVAL OF CONTRACTS FOR CHEMICAL SUPPLIES BID PER BID 16-2018**

**WHEREAS**, there is a need for Chemical Supplies for use at the Town of Newton Water and Sewer Treatment Plants; and

**WHEREAS**, the Town of Newton received bids for two (2) year Chemical Supplies under Bid 16-2018 duly advertised and received in a public manner on November 28, 2018 at 11:00am; and

**WHEREAS**, Holland Company, Inc., 153 Howland Ave, Adams, Massachusetts and Main Pool and Chemical, 110 Commerce Road, Dupont, Pa 18641, have provided for the lowest bids deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; to wit:

**ITEM 1: LIQUID SODIUM CARBONATE 90,000 GALLONS AT 15% MAIN POOL AND CHEMICAL**

PER GALLON PRICE	0.6700000
TOTAL	\$60,300.00
OTHER:	

**ITEM 2: WWW 2400, 24,000 - 26,000 GALLONS YEARLY Holland Company, Inc.**

PER GALLON PRICE	\$3.30
TOTAL	\$79,200-\$85,800
OTHER:	1-3 days

**ITEM 3: LIQUID SULFUR DIOXIDE 10,950 POUNDS Main Pool and Chemical**

PER POUND PRICE	\$1.42
TOTAL	\$15,549.00
OTHER:	

**ITEM 4: LIQUID CHLORINE/GAS 10,950 POUNDS Main Pool and Chemical**

PER POUND PRICE	\$0.88
TOTAL	\$9,636.00
OTHER:	

**ITEM 6: LIQUID SODIUM HYDROXIDE 5,500 GALLONS 25% Main Pool and Chemical**

PER GALLON PRICE	1.88000
TOTAL	\$10,340.00
OTHER:	

January 28, 2019

<b>ITEM 7: LIQUID HYDROFLUSILIC ACID 1,250 GALLONS</b>	<b>Main Pool and Chemical</b>
PER GALLON PRICE	3.89000
TOTAL	\$4,862.50
OTHER:	
<b>ITEM 8: LIQUID SODIUM HYPOCHLORITE 7,500 GALLONS</b>	<b>Main Pool and Chemical</b>
PER GALLON PRICE	1.770000
TOTAL	\$13,275.00
OTHER:	

**WHEREAS**, the 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.; and

**WHEREAS**, subject to the Governing Body appropriating sufficient funds in the 2019 - 2021 Water Sewer Utility Budgets, the Chief Financial Officer hereby certifies funds pursuant to N.J.A.C. 5:30-5.5(b2) open-end contract: through the budgetary accounting encumbrance process set forth in NJAC 5:30-5.3(c) and 5:30-5.4(b), for estimated amounts provided for in the bids as follows:

Sewer Plant –OE- Chlorination/Chemical for Items 1, 2, 3, and 4 #6077208 \$172,000.00  
Water Treatment –OE- Chlorination/Chemical for Items 6, 7, and 8 #6064208 \$30,000.00

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

1. **Main Pool and Chemical** is awarded a two (2) year contract for items: 1, 3, 4, 6, 7, 8 at the corresponding prices and terms as reflected in Bid 16-2018; and
2. **Holland Company, Inc.**, is awarded a two (2) year contract for item 2 at the corresponding prices and terms as reflected in Bid 16-2018.

**RESOLUTION #43-2019\***

**APPROVAL ACCURATE WASTE SYSTEMS SLUDGE HAULING CONTRACT PER BID 1-2019**

**WHEREAS**, there is a need for a Sludge Hauling services contractor in the Town of Newton; and

**WHEREAS**, the Town of Newton received bids for Sludge Hauling services under Bid 1-2019 duly advertised and received in a public manner on January 8, 2019 at 10:30am; and

**WHEREAS**, Accurate Waste Systems Inc. of 160 Gold Mine Road, Flanders, N.J. 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**, Sean Canning, Newton Qualified Purchasing Agent, has concurred with the legality of the purchase in accordance with the New Jersey Local Publics Contract Law (N.J.S.A. 40A:11-1 et. Seq.; and

**WHEREAS**, subject to the Governing Body appropriating sufficient funds in the 2019 and 2020 Water Sewer Utility Budgets, the Chief Financial Officer hereby certifies funds pursuant to N.J.A.C. 5:30-5.5 (b2) open-end contract: through the budgetary accounting encumbrance process set forth in N.J.A.C. 5:30-5.3(c) and 5:30-5.4(b), for an estimated amount of \$95,000.00 as follows:

January 28, 2019

Sewer Plant –OE – Digester Operation A/C#6077221

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

Accurate Waste Systems is authorized to enter a two (2) year contract from the date of this authorization to provide for sludge hauling services at the following rates:

Item 1A	
Unit Price per gallon PVSC	0.0479

Item 1B	
Unit Price Per Gallon Parsippany	0.045

Item 2A	
Unit Price per gallon Sparta to Newton	0.045

**RESOLUTION #44-2019\***

**REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 8.08, LOT 21, ALSO KNOWN AS 120 SPRING STREET**

**WHEREAS**, at the Municipal Tax Sale held on October 20, 2017 a lien was sold on Block 8.08, Lot 21, also known as 120 Spring Street, for 2016 delinquent utilities; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2017-003 was sold to US BANK cust for PC7 FIRSTRUST BANK for a 16% redemption fee; and

**WHEREAS**, Property Debt Services on behalf of Wells Fargo, has effected the redemption of Certificate #2017-003 in the amount of \$595.60;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges US BANK cust for PC7 FIRSTRUST BANK is entitled to a redemption in the amount of \$595.60; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check, in the amount of \$595.60, for the redemption for Certificate #2017-003 to US BANK cust for PC7 FIRSTRUST BANK Philadelphia, PA.

**RESOLUTION #45-2019\***

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

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

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

**UTILITY BOARD RECOMMENDS CREDIT FOR SEWER CHARGES FROM A BROKEN PIPE:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2343	15 Union Place	\$454.13

January 28, 2019

**RESOLUTION #46-2019\***

**2018 TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2018 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Town of Newton's Mayor and Town Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulation; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Town of Newton that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates the Sussex County Municipal Utility Authority for the services of Certified Recycling Professional, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of the recycling.

**RESOLUTION #47-2019\***

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2018 NEWTON FIRE DEPARTMENT LOSAP PARTICIPANTS**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2018 as per the 2018 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 30, for a total contribution of \$30,302.50; and

**WHEREAS**, the Chief Financial Officer has certified sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2018 to cover the cost of this contribution;

January 28, 2019

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Newton Fire Department dated January 21, 2019.

**RESOLUTION #48-2019\***

**RESOLUTION AUTHORIZING THE AWARD OF PAYROLL PROCESSING SERVICES TO ADP ATLANTIC, LLC, THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR CC 13-2018**

**WHEREAS**, the Town has a desire to provide for Payroll Processing Services; 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:11-1 et. Seq., for a period of seven (7) years; and

**WHEREAS**, the Town received Competitive Contract proposals, CC 13-2018, on November 28, 2018; and

**WHEREAS**, the Town authorized the competitive contract process though Council approved resolution, in accord with the prescripts of N.J.S.A.40A:11-4.1; and

**WHEREAS**, the Town established a rating committee, rating the proposals upon the standards of price and other factors, those factors being Technical, Managerial and Cost factors in accord with N.J.A.C.5:34-4; and

**WHEREAS**, ADP Atlantic, LLC, 800 Delaware Ave, Wilmington, DE, has provided a proposal deemed responsive and responsible under the New Jersey Local Publics Contract Law (N.J.S.A.40A:11-1 et. Seq.); and

**WHEREAS**, the report produced by the committee, recommending ADP Atlantic LLC, was made available to the public and Governing Body at least 48 hours prior to the meeting of the Governing Body in accord with N.J.S.A. 40A:11-4.1 and N.J.A.C. 5:34-4

**WHEREAS**, subject to the Governing Body appropriating sufficient funds in the 2019-2025 Current Budgets, the Chief Financial Officer will certify funds pursuant to N.J.A.C. 5:30-5.5(b2) open-end contract: through the budgetary accounting encumbrance process set forth in NJAC 5:30-5.3(c) and 5:30-5.4(b), in an amount NOT TO EXCEED \$71,134.07 as follows:

Account Name	Amount
2019 Current Fund	\$9,917.06
2020 Current Fund	\$9,917.06
2021 Current Fund	\$9,917.06
2022 Current Fund	\$10,016.23
2023 Current Fund	\$10,016.23
2024 Current Fund	\$10,416.88
2025 Current Fund	\$10,833.55

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

The Town Manager is hereby authorized to enter into a contract with ADP Atlantic, LLC, 800 Delaware Ave, Wilmington, DE for a period of seven (7) years encompassing the scope of work and cost proposal as outlined within CC 13-2018.

**RESOLUTION #49-2019\***

**RESOLUTION AMENDING THE WATER SEWER UTILITY FUND BALANCE POLICY**

**WHEREAS**, The Town of Newton adopted Resolution 107-2014, establishing a Water/Sewer Utility Fund Balance Policy on June 9, 2014 and renewed by the adoption of Resolution #223-2018 on November 28, 2018; and

**WHEREAS**, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it has been recommended appropriate to amend the Policy;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby resolves and agrees to amend the Water/Sewer Utility Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 12%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
6. This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

**RESOLUTION #50-2019\***

**RESOLUTION AMENDING THE CURRENT FUND BALANCE POLICY"**

**WHEREAS**, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014 and renewed it by the adoption of Resolution 222-2018 on November 26, 2018; and

**WHEREAS**, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended appropriate to amend the Policy;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby resolves and agrees to amend the current Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 12%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall

be developed to restore fund balance within a three-year period.

4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.

**RESOLUTION #51-2019\***

**APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY"**

**WHEREAS**, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" requires no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as George's Salvage Company Inc., at 10 South Park Drive, Newton, New Jersey; and

**WHEREAS**, Section 156.8 requires the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, George's Salvage Company Inc., has been inspected and approved as required in Section 156-8; and

**WHEREAS**, George's Salvage Company, Inc., has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby approve the application for a renewal Junk Dealer License submitted by Michael Miller, t/a George's Salvage, Inc., 10 South Park Drive, Newton, N.J. which shall expire on December 31, 2019.

**RESOLUTION #52-2019\***

**APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR NEWTON AUTO EXCHANGE**

**WHEREAS**, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" requires no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as Newton Auto Exchange at 79 Mt. View Street, Newton, New Jersey; and

**WHEREAS**, Section 156-8 requires the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, Newton Auto Exchange has obtained the necessary approvals as required in Section 156-8; and

January 28, 2019

**WHEREAS**, Newton Auto Exchange has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, we hereby approve the application for a renewal Junk Dealer License submitted by Michael F. Sesera, Jr., t/a Newton Auto Exchange, 79 Mt. View Street, Newton, N.J., which shall expire on December 31, 2019.

**RESOLUTION #53-2019\***

**RESOLUTION TO APPROVE A PROPOSAL TO PROVIDE ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE REPLACEMENT OF THE GRIT COLLECTOR SYSTEM**

**WHEREAS**, the Town of Newton is in need of replacing the existing Grit Collector System at the Town’s Wastewater Treatment Plan (“WWTP”) due to age and deteriorating operational performance; and

**WHEREAS**, engineering is a professional service and Professional Consulting, Inc., (“PCI”) was procured through a fair and open process by the adoption of Resolution 26-2018 on December 26, 2018; and

**WHEREAS**, PCI has submitted a proposal for two phases related to the replacement of the Grit Collector System: (1) Engineering Design Services for the lump sum of \$31,000.00; and (2) Construction Administration Services for the estimated cost of \$21,000.00; and

**WHEREAS**, the attached Proposal for Engineering Services has been reviewed by the Town Manager and is acceptable to the Town; and

**WHEREAS**, the Chief Financial Officer hereby certifies that funds are available NOT TO EXCEED \$52,000.00 as follows:

2018 Water Sewer Utility Appropriation Reserve Budget – Capital  
Improvement Fund – WWTP Grit Collector #6089341A

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Manager is hereby authorized to accept the proposal from Professional Consulting, Inc., for the replacement of the Grit Collector System for the two phases, Engineering Design Services and Construction Administration Services, for the total estimated cost of \$52,000.00.

**RESOLUTION #54-2019\***

**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 2018 and 2019 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**

41081	ATLANTIC TACTICAL INC.	64.35
41082	BOONTON TIRE SUPPLY INC.	39.76
41083	CENTURYLINK COMMUNICATIONS, INC.	89.37
41084	CONSTELLATION NEWENERGY – GAS DIV.	3,817.61
41085	DUSTIN MCGARRY	55.00
41086	ESS INC.	46.60
41087	EXTRA TECH DATA SERVICES, LLC	380.00

January 28, 2019

41088	GOLD TYPE BUSINESS MACHINES	3,411.00
41089	GRUBER, COLABELLA & LIUZZA & THOMPSON	1,125.00
41090	HAYEK'S MARKET INC.	213.44
41091	J. CALDWELL & ASSOCIATES, LLC	570.00
41092	JCP&L	7,175.70
41093	LADDEY, CLARK & RYAN, LLP	6,519.33
41094	LANGUAGE LINE SERVICES, INC.	37.40
41095	MUNICIPAL RECORD SERVICE	380.00
41096	NEW JERSEY HERALD INC.	379.70
41097	ELIZABETHTOWN GAS	2,364.84
41098	OFFICE OF WEIGHTS & MEASURES	100.00
41099	SK PAPER SHRED	90.00
41100	JAMES P. SLOAN	3,278.50
41101	ANTHONY SMITH	8.70
41102	STAMP FULFILLMENT	1,494.00
41103	STAPLES BUSINESS ADVANTAGE, INC.	693.91
41104	SUNLIGHT GENERAL	191.74
41105	SUSSEX & WARRANT TAX COLL.	90.00
41106	SUSSEX COUNTY ENGINEERING DIVISION	264.13
41107	TAYLOR OIL CO., INC.	1,737.24
41108	TCTANJ	100.00
41109	TREASURER, PETTY CASH FUND	250.00
41110	TREASURER, STATE OF NEW JERSEY	150.00
41111	VERIZON WIRELESS, INC.	1,464.05
41112	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC	1,800.00
41113	WALMART	8.97
41114	WAYNE T. MCCABE	300.00

**CAPITAL**

8765	FKA ARCHITECTS INC.	1,206.86
8766	GARDEN STATE HIGHWAY PRODUCTS, INC.	1,850.00
8767	NEW JERSEY HERALD INC.	20.40
8768	VOGEL, CHAIT, COLLINS, SCHNEIDER PC	240.00
8769	ZITONE CONSTRUCTION	136,285.45

**Total TOWN BILLS    \$ 292,364.09**

**WATER AND SEWER ACCOUNT**

17326	ACCURATE WASTE REMOVAL INC.	3,603.50
17327	JOSEPH CARR	204.80
17328	CENTURYLINK COMMUNICATIONS INC.	40.30
17329	CONSTELLATION NEWENERGY GAS DIV.	1,744.21
17330	CSI EQUIPMENT & CONTROLS, INC.	2,083.94
17331	CURRENT ACCOUNT	899.88
17332	DUKE'S ROOT SERVICE, INC.	5,766.93
17333	EXTRA TECH DATA SERVICES, LLC	60.00
17334	LADDEY, CLARK & RYAN LLP	304.00
17335	MOTT MACDONALD	3,516.60
17336	NEW JERSEY HERALD INC.	324.40
17337	ELIZABETHTOWN GAS	891.85
17338	PELLOW, HAROLD & ASSOCIATES INC.	4,568.75
17339	SMALLEY, JOHN H.	1,416.66
17340	SPARTA TOWNSHIP TAX COLLECTOR	16,464.51
17341	STAMP FULFILLMENT	1,510.05
17342	SUNLIGHT GENERAL	380.23
17343	SUSSEX & WARREN TAX COLLECTORS	30.00
17344	TCTANJ	100.00
17345	TREASURER, WATER & SEWER PETTY CASH	50.00
17346	VERIZON WIRELESS, INC.	224.12

**Total WATER & SEWER Bills    \$ 45,068.42**

**TRUST ACCOUNT**

3822	CUNNEELY, JAMES	1,080.00
17346	VERIZON WIRELESS, INC.	224.12

**Total TRUST ACCOUNT \$1,304.12**

A motion was made by Deputy Mayor Flynn to approve the revised **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Diglio and roll call resulted as follows: (Deputy Mayor Flynn recused from check #1328):

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

**INTERMISSION** – None.

**DISCUSSION**

**a. Generator Ordinance Draft 2019-1**

At this time, Ursula Leo, Esq. reviewed and outlined the draft ordinance for revising generator approval not more than 25kW, regulations in the Town of Newton. Mayor Le Frois indicated this amendment would streamline the process and eliminate permit fees for residents.

After a brief discussion, the Town Council agreed to move forward with this Ordinance and introduce same at the next Council meeting.

**OPEN TO THE PUBLIC**

Mayor Le Frois opened the meeting to the public.

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

**COUNCIL & MANAGER COMMENTS**

Deputy Mayor Flynn advised the next Sussex County League of Municipalities meeting will be held on Wednesday, January 30, 2019.

**EXECUTIVE SESSION**

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

Upon motion of Mrs. Diglio, seconded by Mr. Schlaffer and unanimously carried, Council left Executive Session at 8:08 pm.

January 28, 2019

**RESOLUTION #56-2019**

**RESOLUTION AUTHORIZING GLOBAL SETTLEMENT WITH NEWTON WEST LTD.,  
REGARDING TAX**

**WHEREAS**, in and around 2010-16, Newton West, Ltd. had filed separate tax appeals and substantive motions against the Town of Newton before the N.J. Tax Court for its commercial real estate property consisting of residential rental properties located 100 Swartswood Rd., Newton (more specifically identified on the official Tax Map of the Town of Newton Block 2.01, Lot 1 (previously Lot 1.20), under N.J. Tax Court Docket Nos. 9612-2010, 8730-2011, 6469-2012, 1887-2013, 3009-2014, 05112-2015, 5520-2016, 2893-2017 & 6398-2018; and

**WHEREAS**, at the start of trial before the Honorable Vito Bianco, J.S.C. on January 14, 2019, to address several of the matters in difference between the parties, the parties met and discussed an amicable resolution of all existing and/or potential justiciable claims under the said dockets by way of a global settlement off all issues and claims arising thereunder that have been raised and/or could have been raised; and

**WHEREAS**, upon the recommendation of the Town Tax Assessor, Scott Holzhauer, CTA outside expert Darren Raymond of Appraisal Systems, Inc., and legal counsels Thomas H. Prol, Esq. (Laddey, Clark & Ryan, LLP Law Firm) and Robert McBriar, Esq. (Schenck Price Law Firm), the Town of Newton desires to enter into a settlement agreement with Newton West, Ltd. regarding the said appeals and matters in difference as specifically stated below and being found to be fair and reasonable; and

**WHEREAS**, Newton West, Ltd. will withdraw its 2011-2016 Tax Court appeals for the above property, will withdraw its Motion for Judgment (under the N.J. Freeze Act) in connection with Docket Nos. 009612-2010, 008730-2011 and 006459-2012 and waives any and all rights and claims and requests for a Chapter 91 reasonableness hearing on Docket No. 008730-2011; and

**WHEREAS**, in turn, the Town shall reduce the total assessment on the property to \$8,500,000.00 for the 2017 and 2018 tax years, and a further reduction to \$8,150,000.00 for the 2019 tax year and two tax years thereafter by way of an administrative book change, provided there are no substantive changes at the property or a municipal-wide revaluation or reassessment; and

**WHEREAS**, the attached proposed letter agreement has been reviewed and approved by Robert B McBriar, Esq., Thomas H. Prol, Esq., and Scott Holzhauer, CTA;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that all Town staff and professionals are hereby authorized to execute the Stipulation of Settlement, the letter agreement and any other documents consistent with the this Resolution and thereby settling the tax appeal matter with Newton West, Ltd.

After a brief discussion, upon motion of Mrs. Diglio, seconded by Mr. Dickson and carried, **RESOLUTION #56-2019 WAS TABLED** until the next Council Meeting, 2/11/2019 and roll call resulted as follows:

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

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Mr. Schlaffer and unanimously carried, the meeting was adjourned at 8:10 pm.

January 28, 2019

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned above the printed name.

Lorraine A. Read, RMC  
Municipal Clerk