

June 24, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:03 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mr. Schlaffer, 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 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 Municipal Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Deputy Mayor Flynn and unanimously carried, the minutes for the June 10, 2019 Regular meeting were unanimously approved. Councilman Schlaffer abstained from the minutes due to his absence.

#### **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 Municipal 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.

#### **PRESENTATIONS**

##### **a. Newton Housing Authority – Paul Rummerfield**

Mr. Rummerfield, Acting Executive Director of Newton Housing Authority, Commissioner Rick Bitondo, Commissioner William Nannery, Rick Turdo, and Kevin DeGeronamo, Property Manager in Phillipsburg, were present. Mr. Rummerfield outlined the progress and update since his inception as Acting Executive Director through a shared service with Phillipsburg Housing Authority. Mr. Rummerfield outlined the financial subsidies and the short-fall of same. He outlined the budget and the cuts made to same for this fiscal year. He explained funds are available through the HUD under the Rental Assistance Demonstration (RAD) Program. He outlined the RAD program and started the process to obtain such designation.

The Town Council had questions which were addressed by Mr. Rummerfield.

June 24, 2019

Commissioner Bitondo noted the Housing Authority Board is two members short and asked if the Town Council could assist with new members. Council thanked Mr. Rummerfield and the Commissioners for their hard work and their continued communication with the Town Council.

**b. Babe Ruth Field Engineering Analysis – Suburban Consulting**

John Chayko, Engineer of Suburban Consulting, outlined the engineer analysis for the Babe Ruth Field located at Memory Park.

June 24, 2019

**Via Electronic Mail ([trusso@newtontownhall.com](mailto:trusso@newtontownhall.com)) and Regular Mail**

Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

Attn.: Thomas S. Russo, Jr.  
Town Manager

Re.: Town of Newton, County of Sussex, State of New Jersey  
**Memory Park Babe Ruth Field - Drainage Assessment Report**  
Block 10.01, Lot 1  
SCE Project R10683.011

Dear Mr. Russo:

**SUBURBAN CONSULTING ENGINEERS, INC.** (SCE) is pleased to provide the following Drainage Assessment Report pertaining to Babe Ruth Field located at Memory Park in the Town of Newton, County of Sussex, New Jersey. This report is in accordance with SCE's February 19, 2019 scope of services proposal which identified an investigation into the poor drainage characteristics within the site. The Babe Ruth Field is currently used for Town recreational baseball leagues and has been serving this same purpose for many decades dating back to the 1930's.

For the basis of this report, SCE collected and reviewed all existing mapping information provided including data provided by the Town's Engineer. We have also performed an environmental site assessment and produced a topographic survey map of the field and nearby drainage structures. In addition, we set a total of six (6) piezometers within the ballfield to evaluate groundwater conditions at the site. Soil samples were also collected and tested to determine soil permeability classifications.

## **1.0 EXISTING CONDITIONS**

### **Site Description:**

The site in question is identified per Town tax map as Block 10.01, Lot 1, totaling 24.60 acres in area. Six (6) baseball/softball fields occupy the overall property, with the Babe Ruth Field being the largest dimensioned field of the six. The area of the field within the perimeter fencing is approximately 136,000 square feet (SF). This entire playing field area within Memory Park is located on FEMA's Flood Insurance Rate Map (Panel 34037C031 IE 9/29/11) as within the Moore's Brook Floodway, AE Zone; Base Flood Elevation 562.5 feet (NAVD 88 datum). Moore's Brook is located to the south of the playing field, approximately 30 feet from the outfield fence at its closest point.

The dimensions of this ball field are intended for 13-year youth and older league play. The field is comprised of native soil with a clay infield and grass outfield layout. Outfield limits are defined by a chain link fence. Adjacent to the Babe Ruth Field is bleacher style seating area, two (2) asphalt basketball courts, a playground area, grassed open space for picnicking and asphalt parking lot access from Moran Street.

SCE performed a topographic field survey on April 1,2019 of the Babe Ruth Field which is included in the attached map exhibits.

**Site Gradients and Drainage:**

Typical baseball field layout and associated grading design should follow the natural topographic features to the greatest possible extent with the purpose of evenly draining water away from the playing infield. New field design which incorporates native soils should be graded radially at a 1% minimum to 2% maximum slope away from the pitcher's mound. Soil types which are more sand based, can allow slopes to flatten at 0.5% minimum. Subsurface drainage systems such as underdrains are typically incorporated to help aid stormwater removal if soil conditions and groundwater conditions permit. Underdrains also require a location to discharge that can't conflict with the surrounding ground elevations.

The Babe Ruth Field as presently graded does not follow recommended ballfield grading practice. Natural topography of the area drains southerly towards Moore's Brook which flows in an easterly direction beyond the outfield. The Brook is at its closest point in right field, approximately 30' beyond the outfield fence. SCE's survey confirms that the infield slopes towards the outfield at approximately 0.5% grade towards an uneven low-lying swale within the center of the outfield. The outfield swale then drains from right field to left field (west to east) and the swale is unevenly graded at approximately 0.5% slope. Attempting to drain water across the outfield in this poorly sloped manner instead of more directly towards the outfield fence, is promoting the puddling and saturated conditions that are currently being experienced. Water is essentially being trapped in the right and Centerfield areas since the grading at this point is lower than the outer limits towards the fence, with insufficient slope to convey water off the field.

The drainage system along the northeast side of the field consists of several Type "E" Inlets that are interconnected with 15" reinforced concrete pipes (RCP). It is our understanding that this system previously discharged to a channel beyond the outfield fence which is currently buried and filled in with natural soil deposits. The ballfield drainage system also has contributing Town infrastructure piping systems from higher elevation areas including the parking lot, Moran Street as well as the upper ballfields and DPW facility north of Moran Street. All described contributing drainage areas and associated infrastructure is tributary to the adjacent ballfield system. This stormwater system is now essentially plugged and cannot function as designed.

To determine the outfall location, the Town DPW staff mobilized on 4/11/19 to pump out and excavate around the Type "E" Inlet structure located approximately 65' east of the third baseline chain link fencing. Mapping provided by the Town showed an outfall pipe to the south exiting this structure, however this inlet was in a surcharged condition thus any piping into and out of the structure was not visible. The following conditions were encountered with DPW staff:

- Available pumping methods could not dewater the structure due to the volume of water beyond the pump capacity.
- A backhoe was then used to excavate and expose pipe on the outside of structure.
- Excavated soil material was of high clay content including grey mottled color.
- Exposed pipe includes 15" RCP pipe that enters and exits the structure to the east towards northern corner of the isolated foul territory fence, and an 8" corrugated perforated plastic pipe entering the inlet from the southwest side of the ballfield.
- The outfall location was then located and excavated and observed to be buried within the area just east of the northern corner of the isolated fence. The reinforced concrete pipe which exits the inlet structure apparently switches to corrugated metal pipe prior to terminating at the buried outfall.

DPW informed our inspector that this outfall location had previously functioned decades ago when the Town had an NJDEP maintenance permit to allow channel dredging. It appears that the periodic dredging maintenance has not been recently performed at this outfall. As a result, significant siltation deposits and freshwater wetlands vegetation now exist eliminating the existing storm drain network to function as intended.

#### **Groundwater Analysis:**

Piezometer locations were established at six (6) locations as depicted on the topographic survey map (P-1 through P-6). The piezometers were constructed using 3/4" PVC 0.010" slotted well screen installed flush at the surface with #1 well gravel packing and a 2" bentonite seal at the surface. SCE then performed periodic monitoring level inspections of the water depth elevations below grade. Average elevations based on three measurements at each location were then recorded and included as Appendix A. The following summarizes our groundwater findings:

Piezometer P-1 located along the fence directly behind home plate on the highest portion of the field, recorded the lowest groundwater readings; average 2.2' below grade.

Piezometer P-6 which is located nearest to the submerged Type "E" Inlet along the lowest portion of the field, recorded the highest groundwater readings; average 0.4' below grade.

- All but one of the Piezometer readings were significantly lower in the most recent June reading, indicating groundwater levels are trending lower which would be beyond the seasonal high.
- Groundwater elevations when transected perpendicular to Moore's Brook, lower in elevation from west to east which supports the lowering of water surface elevations as the Brook meanders towards the east. This verifies that the data is associated with the unconfined aquifer.

#### **Soil Analysis:**

SCE collected soil samples using an auger at each piezometer location. From our field investigation it was noted that the soil layers consisted of topsoil (3"-6" layer), a gravel/sand layer (varying 2" - 8", however no layer at P-1 location) followed below by native clay subgrade. Soil samples were collected from the topsoil layer and from the native subgrade, at piezometer locations #3, #4 & #5. These locations correspond to the midpoint of the outfield. The collected soil samples were then sent out for analysis to the Rutgers Soil Testing laboratory in New Brunswick, NJ and are included as Appendix B. Soil samples were found to have a high clay content resulting in a poor permeability class rating of KI.

The following is a summary of the soil analysis:

- Subgrade soils tested with a high clay content: average of 50% clay, 31% silt and 19% sand.

Poor soil permeability rating (KI): 0.2-0.6 in/hr

Topsoil has a high organic content at locations #3 and #4 and tested as "sandy loam"; approx. 58% sand, 28% silt and 14% clay.

Topsoil has a high organic content at location #5 and tested as "loamy sand"; approx. 80% sand, 12% silt and 8% clay.

## **2.0 CONCLUSIONS:**

SCE's assessment of the ballfield concludes the following:

1. The subsurface piped drainage system that is intended to drain the ballfield including Moran Street and parking lot areas, is completely silted over at the outfall location beyond the outfield fence. This condition eliminates stormwater runoff to evacuate the field and is introducing additional stormwater as the system surcharges.
2. Existing grading of the field is not radially sloped away from the infield across the entire outfield, with adequate slope to properly convey stormwater runoff. The center of the outfield has an uneven swale that is causing an oversaturation condition in left field.
3. Subsurface soil characteristics are poor draining low permeability due to clay-based soils. These types of soils are not conducive for the growth of a well rooted turf field. The gravel/sand and topsoil layers above the clay subgrade does not provide drainage relief since the soil permeability of the lower subgrade is so poor.
4. There is a high groundwater condition within the site that further results in surface saturation and further hindering the growth of a deep-rooted turf as well as eliminate the ability for surface water infiltration.
5. The site is located entirely within the Moore's Brook floodway with nearby wetland soils present.

### **3.0 RECOMMENDATIONS:**

Recognizing that the existing field was never designed and constructed to follow industry standards and guidelines for this type of facility, major site improvements would be necessary to address the deficiencies. One of most stringent site constraints of the ballfield is that it is entirely mapped with FEMA's floodway AE Zone. NJDEP Flood Hazard Area Control Act 7:13 prohibits fill within a floodway. In addition, the field has freshwater wetlands presence and riparian zone impacts. As a result, all proposed solutions must consider NJDEP permitting jurisdictional requirements affected by these constraints. Note that our recommendations to address the field's drainage deficiencies have only considered gravity type systems instead of less desirable mechanical pumping methods.

SCE recommends the Town to consider these mitigation options ranked in highest priority:

#### **1. Eliminate the upper drainage area from impacting the field.**

As described within our report, the ballfield currently receives piped stormwater from the upper ballfields, Moran Street and nearby parking areas without the ability to discharge into the nearby watercourse. The ballfield elevations are too low and without enough gradient to drain this infrastructure at a suitable elevation along Moore's Brook. A detailed engineering study is thus recommended to disconnect this piping and upper drainage area and to redirect it away from the subject field. This recommendation should be considered independently of whatever option is ultimately chosen to address the field. NJDEP Permits may likely involve a Flood Hazard Area Individual Permit, Freshwater Wetlands General Permit #11, Transition Area Waiver Averaging Plan and LOI for the new outfall.

Estimated cost estimate range for proposed engineering/surveying, NJDEP environmental permitting and construction costs at \$250,000 - \$300,000

#### **2. Reactivate the current storm drainage conveyance system.**

Reactivating the gravity system to dewater the field will involve additional engineering analysis to determine an acceptable means to discharge the piped stormwater. Evidence of a prior channel that was previously cleaned and maintained (as brought to our attention with DPW personnel) does show up on NJ-GeoWeb's database near the buried outfall location and has been included as

part of the attached map exhibits. Engineering and topographic survey analysis in support of re-establishing this channel location, would be needed in conjunction with establishing an NJDEP maintenance permit approval. Note that only accumulated silt, sediment or debris found in attempting to re-establish the channel may be removed from the watercourse. Additional NJDEP Permits may involve a Flood Hazard Area Individual Permit, Freshwater Wetlands General Permit #11, Transition Area Waiver Averaging Plan and LOT

Estimated cost estimate range for proposed engineering/surveying, NJDEP environmental permitting and construction costs at \$125,000 - \$175,000

**3. Relocation to an alternate site.**

The Town may simply want to consider moving the Babe Ruth baseball field to an undeveloped property or by moving this use to another existing higher elevated site location outside of the floodplain. Any site chosen will need to satisfy the necessary dimension requirements for a Babe Ruth baseball field. A potential site re-location to investigate is the existing dual softball field site at the corner of South Park Drive and Moran Street, which is also part of the same Block & Lot property as the Babe Ruth Field. Engineering site improvements including fill/grading modifications to the sloped area between adjacent soccer field would be necessary to accommodate the larger sized field dimensions.

If another site is chosen, modification of the existing Babe Ruth field could be considered for youth baseball ages 12 and under or for potential softball use. This type of use would reduce the outfield areas by over 100' which would place the current poorer draining outfield locations beyond the field limits. It is also possible that areas beyond the new outfield fence limits, be designated upon NJDEP approval, as a future wetland mitigation bank resource for the Town.

- Estimated cost estimate range for proposed engineering, environmental permitting services and construction costs anticipated at \$250,000 - \$300,000

**4. Full regrading and elevating of the field.**

This option requires detailed hydrologic and hydraulic engineering analysis of Moore's Brook and surrounding topography, including review of FEMA's adopted study to determine if the study is inaccurate. If this can be determined, a new hydraulic analysis study would be needed to demonstrate that the floodway width could be reduced. Any modifications to the current mapping would then require FEMA and NJDEP approvals to constitute a formal letter of map revision (LOMR). This approval would thus modify the current fill restrictions that are enforced by NJDEP's floodway regulations. Field elevations would then be re-designed with fill so that it can drain with proper slope grades and better soil permeability. NJDEP Permits would most likely involve a Flood Hazard Area Individual Permit, Freshwater Wetlands General Permit #11, Transition Area Waiver Averaging Plan and LOL It should be noted that this option would still include #1 & #2 recommendation options.

- Estimated cost estimate range for proposed engineering/surveying, NJDEP environmental permitting and construction costs at \$400,000 - \$500,000



Please note that our cost estimate ranges are an approximate guide only based on limited observations, preliminary analysis and engineering assumptions. Timeframes for obtaining engineering bid documents and necessary permitting approvals for options are estimated at a minimum of 12-18 months.

If you have any additional questions, please do not hesitate to contact our office at your convenience.

Very truly yours,  
**SUBURBAN CONSULTING ENGINEERS, INC.**

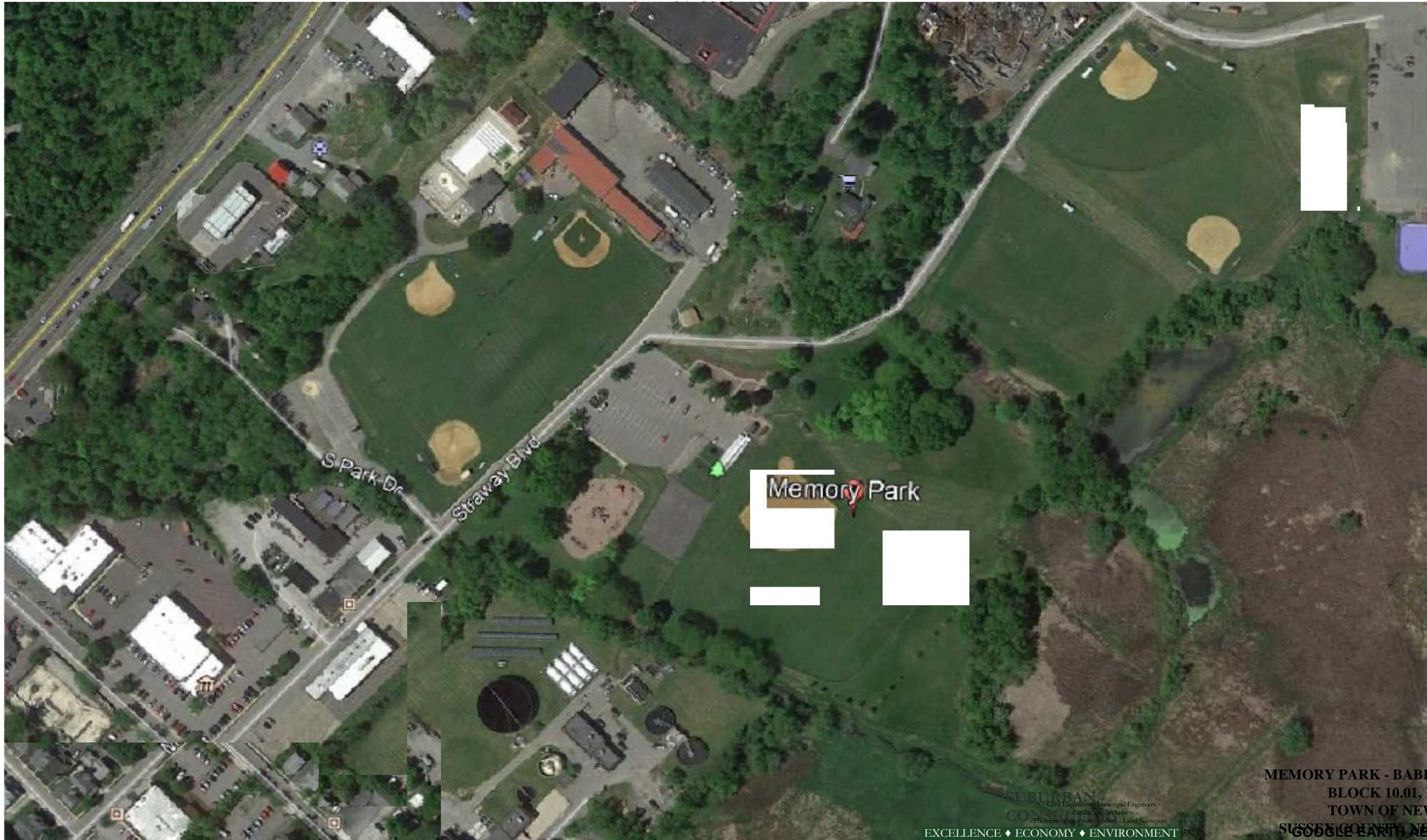
John M. Chayko, CFM  
Department Manager

*Enclosures*    Attachments

NLD

# **EXHIBIT 1**

## **GOOGLE EARTH AERIAL IMAGE**



Memory Park

S Park Dr

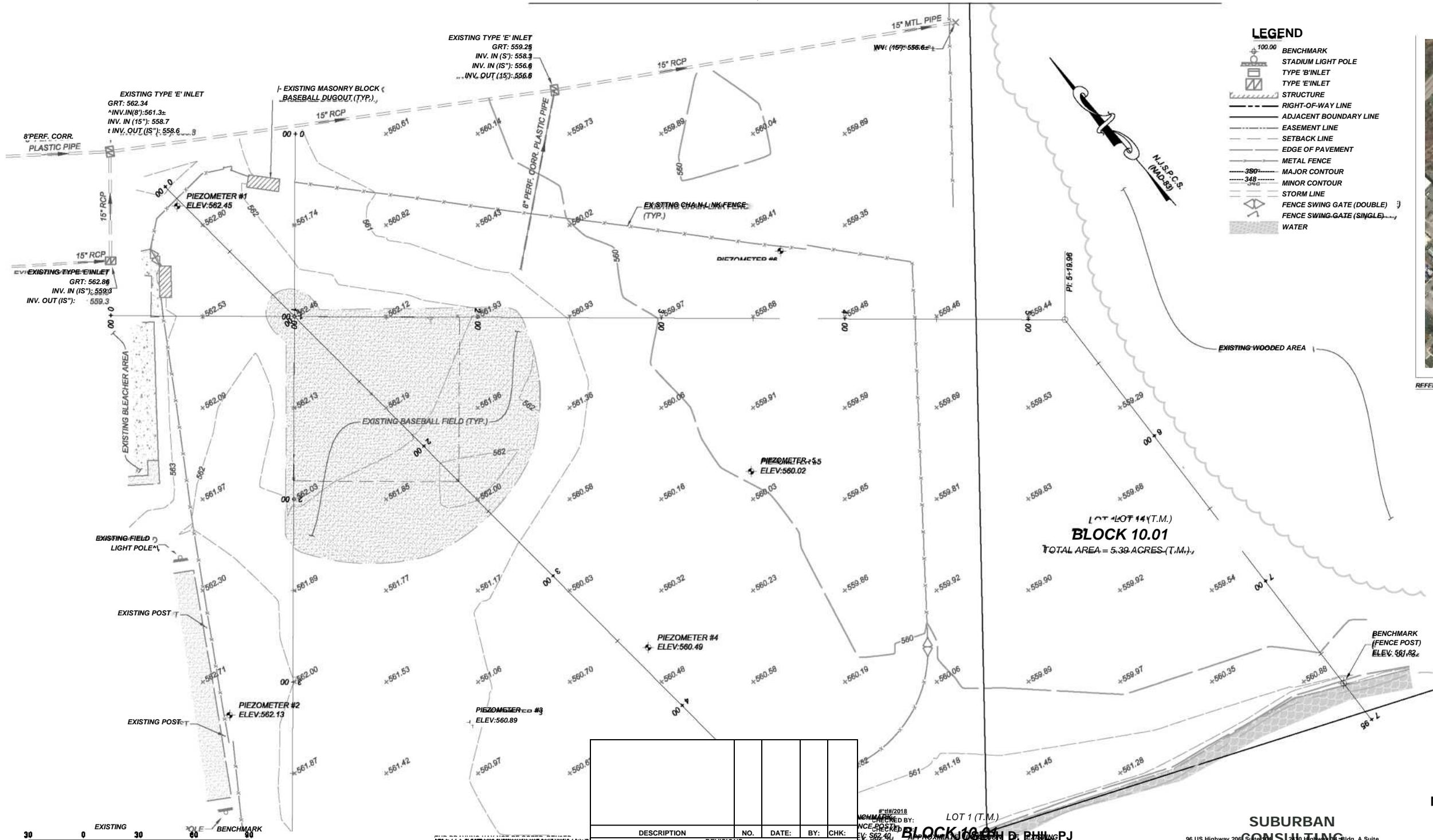
Straway Blvd

**EXHIBIT 2**  
**PIPED DRAINAGE LAYOUT**



**EXHIBIT 3**  
**TOPOGRAPHIC MAP**

June 24, 2019



- LEGEND**
- 100.00 BENCHMARK
  - STADIUM LIGHT POLE
  - TYPE 'B' INLET
  - TYPE 'E' INLET
  - STRUCTURE
  - RIGHT-OF-WAY LINE
  - ADJACENT BOUNDARY LINE
  - EASEMENT LINE
  - SETBACK LINE
  - EDGE OF PAVEMENT
  - METAL FENCE
  - MAJOR CONTOUR
  - MINOR CONTOUR
  - STORM LINE
  - FENCE SWING GATE (DOUBLE)
  - FENCE SWING GATE (SINGLE)
  - WATER



REFERENCE - NJGIN 2015 ORTHO.

**REFERENCES:**

1. TAX MAP - LOT SHEET #10.
2. ORTHOPHO GEOGRAPHIC JERSEY 201 M/SID TILES
3. AEKAL IMAGE

**NOTES:**

1. THIS SURVEY SUPPLEMENT THROUGH COMPLETE RELEVANT SUBJECT TO
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 CHECKED BY: [Signature]  
 DATE: 03/22/2019  
 SUBURBAN CONSULTING  
 96 US Highway 206 Suite 100  
 EXCELLENCE • ECONOMY • ENVIRONMENT

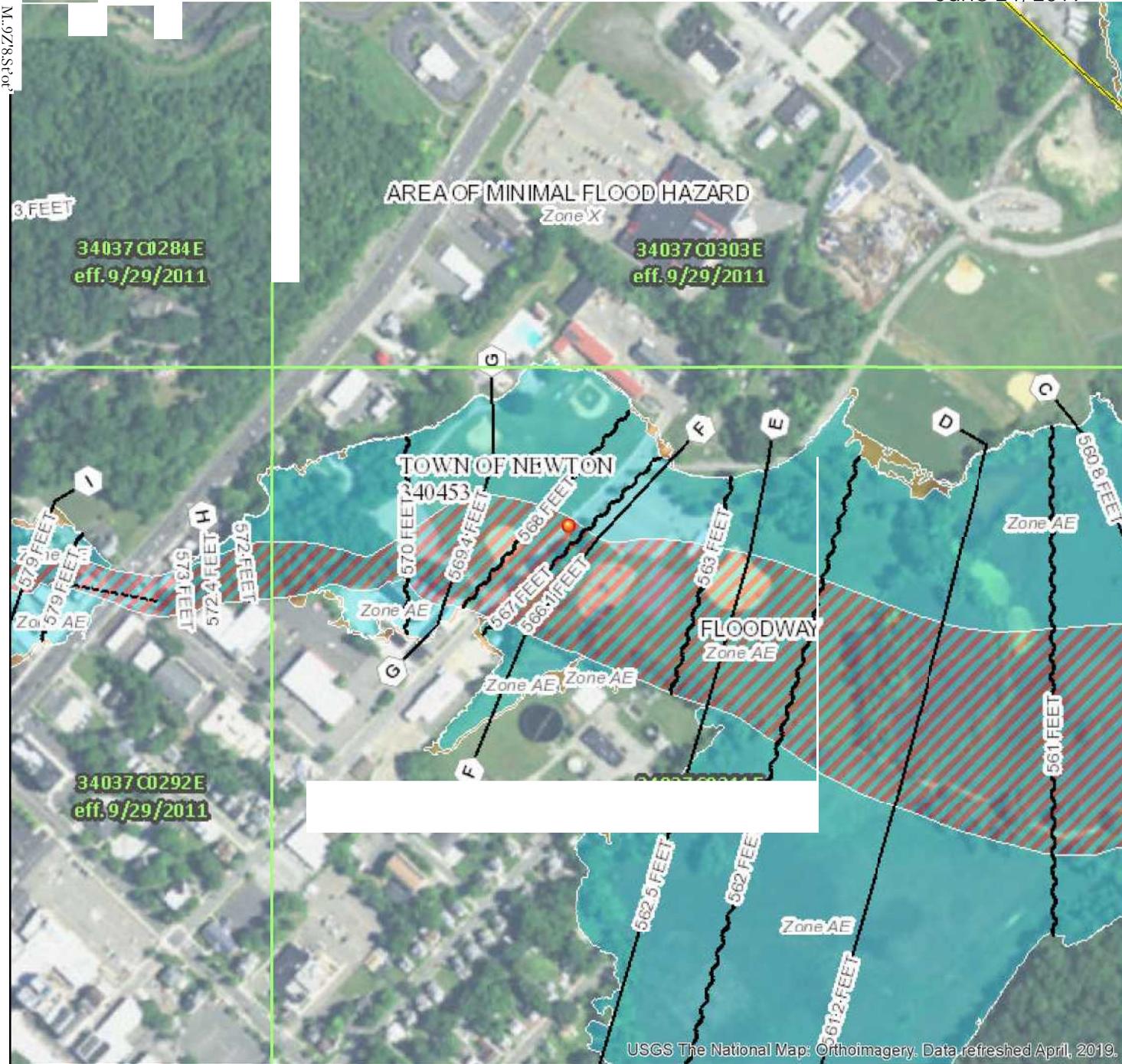


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**EXHIBIT 4**  
**FEMA FIRMETTE**

# National Flood Hazard Layer FIRMette

41°3'54.46"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

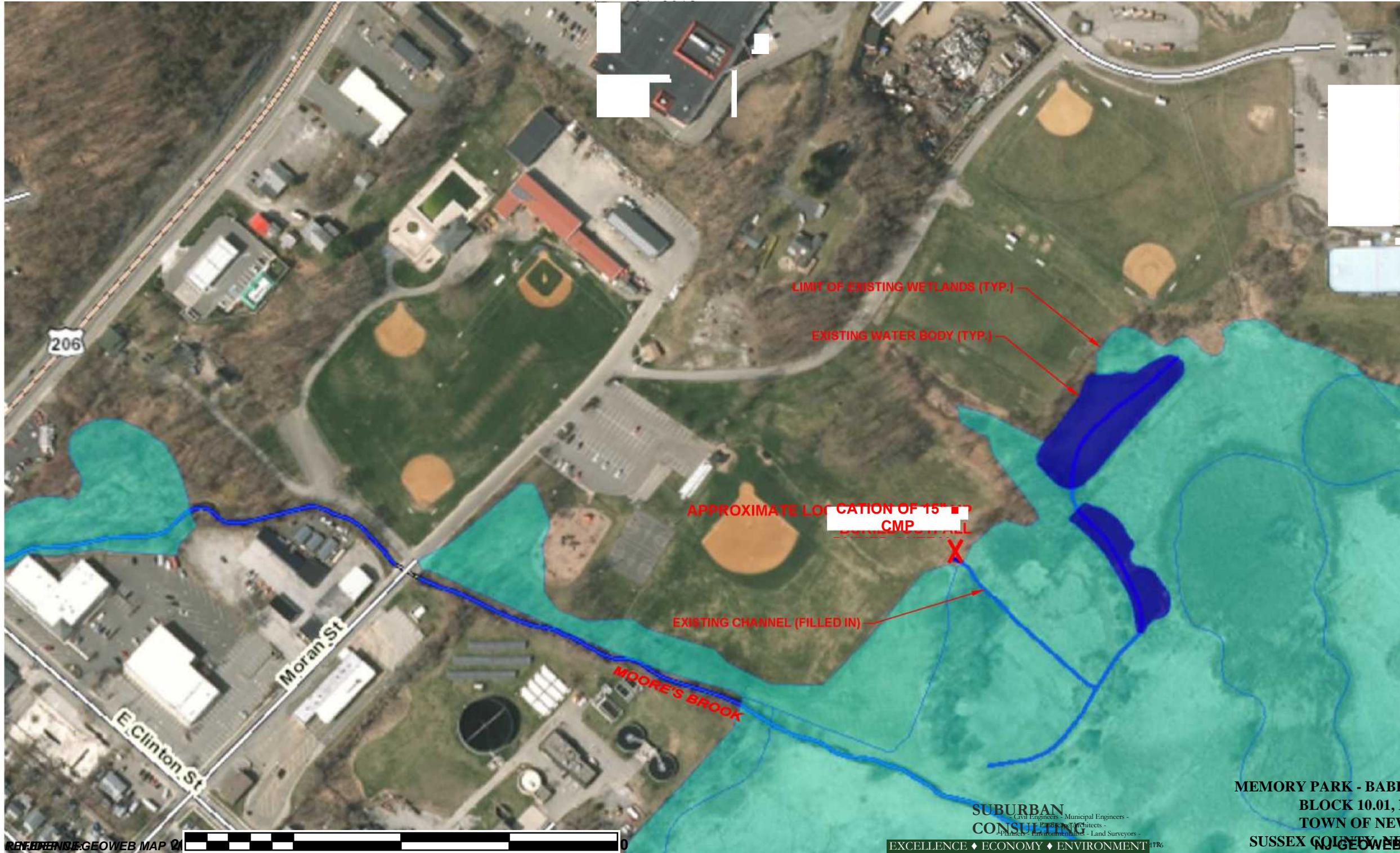
- SPECIAL FLOOD HAZARD AREAS**
    - Without Base Flood Elevation (BFE) Zone A, V, A99
    - With BFE or Depth Zone AE, AO, AH, VE, AR
    - Regulatory Floodway
  
  - OTHER AREAS OF FLOOD HAZARD**
    - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
    - Future Conditions 1% Annual Chance Flood Hazard Zone X
    - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
    - Area with Flood Risk due to Levee Zone D
  
  - GENERAL STRUCTURES**
    - [NO SCREEN] Area of Minimal Flood Hazard Zone X
    - [I] Effective LOMRs
    - [O] Area of Undetermined Flood Hazard Zone D
    - Channel, Culvert, or Storm Sewer
    - || Levee, Dike, or Floodwall
  
  - CROSS SECTIONS**
    - 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
    - Coastal Transect
    - Base Flood Elevation Line (BFE)
  
  - OTHER FEATURES**
    - Limit of Study
    - Jurisdiction Boundary
    - Coastal Transect Baseline
    - Profile Baseline
    - Hydrographic Feature
  
  - DIGITAL DATA AVAILABILITY**
    - Digital Data Available
    - No Digital Data Available
  
  - MAP PANELS**
    - Unmapped
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/17/2019 at 5:16:03 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**EXHIBIT 5**  
**NJ-GEOWEB MAP**

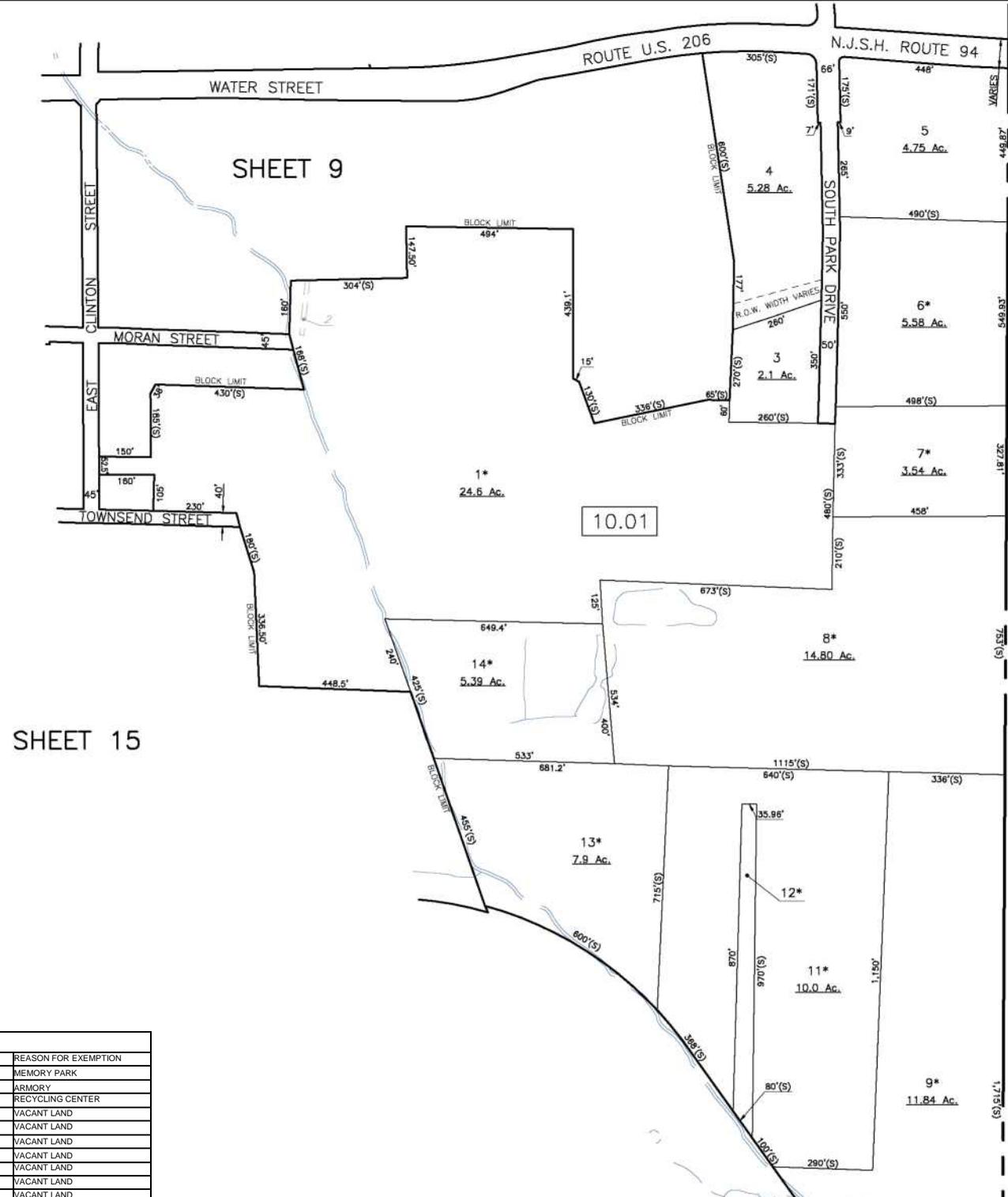


**SUBURBAN CONSULTING ENGINEERS**  
Civil Engineers - Municipal Engineers -  
Architects -  
Planners - Environmentalists - Land Surveyors -  
EXCELLENCE ♦ ECONOMY ♦ ENVIRONMENT 1176

MEMORY PARK - BABY  
BLOCK 10.01,  
TOWN OF NEW  
SUSSEX COUNTY

**EXHIBIT 6**  
**TAX MAP**

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| FEB. 2012  |      |
| DEC. 2011  |      |
| DATE   | DATE |
| REVISED  |      |
| HAROLD E. FELLOW & ASSOCIATES INC.<br>HAROLD E. FELLOW - N.J. PROFESSIONAL<br>ENGINEER & LAND SURVEYOR, LIO, NO. 13229 |      |



SHEET 15

SHEET 9

10.01

| EXEMPTED LOTS * |     |         |                           |                      |
|-----------------|-----|---------|---------------------------|----------------------|
| BLOCK           | LOT | ACREAGE | PROPERTY OWNER            | REASON FOR EXEMPTION |
| 10.01           | 1   | 24.6    | TOWN OF NEWTON            | MEMORY PARK          |
| 10.01           | 6   | 5.58    | STATE OF NEW JERSEY DOT   | ARMORY               |
| 10.01           | 7   | 3.54    | TOWN OF NEWTON            | RECYCLING CENTER     |
| 10.01           | 8   | 14.8    | TOWN OF NEWTON            | VACANT LAND          |
| 10.01           | 9   | 11.84   | STATE OF NEW JERSEY D E P | VACANT LAND          |
| 10.01           | 10  | 1.1     | STATE OF NEW JERSEY D E P | VACANT LAND          |
| 10.01           | 11  | 10      | TOWN OF NEWTON            | VACANT LAND          |
| 10.01           | 12  | 0.93    | STATE OF NEW JERSEY D E P | VACANT LAND          |
| 10.01           | 13  | 7.9     | TOWN OF NEWTON            | VACANT LAND          |
| 10.01           | 14  | 5.39    | TOWN OF NEWTON            | VACANT LAND          |

**EXHIBIT 7**  
**HISTORIC AERIAL IMAGERY**

June 24, 2019



1931



1995



**REFERENCE:**

**SUBURBAN CONSULTING**  
Civil Engineers - Municipal Engineers -  
 Architects -  
 Planning and Environmental - Land Surveyors -

1. EXCELLENCE ♦ ECONOMY ♦ ENVIRONMENT

MEMORY PARK - BABY  
 BLOCK 10.01,  
 TOWN OF NEW

SUBURBAN CONSULTING

**APPENDIX A**  
**PIEZOMETER GROUNDWATER READINGS**

**GOUNDWATER MONITORING ASSESSMENT**

June 24, 2019

**TOWN OF NEWTON  
MEMORY PARK BABE RUTH FIELD  
GROUNDWATER MONITORING READINGS**

| PIEZOMETER LOCATION | DATE      | WELL ELEVATION (Z) | Avg. Depth to Water (Ft. below top of casing) | Groundwater A ELEV. (ft) |
|---------------------|-----------|--------------------|---|--------------------------|
| P-1                 | 4/3/2019  | 562.45             | 2.45  | 560.00                   |
|                     | 4/11/2019 | 562.45             | 2.50  | 559.95                   |
|                     | 4/17/2019 | 562.45             | 1.66  | 560.79                   |
|                     | 4/24/2019 | 562.45             | 2.10  | 560.35                   |
|                     | 5/9/2019  | 562.45             | 1.99  | 560.46                   |
|                     | 5/22/2019 | 562.45             | 2.06  | 560.39                   |
|                     | 6/17/2019 | 562.45             | 2.70  | 559.75                   |
| P-2                 | 4/3/2019  | 562.13             | 1.32  | 560.81                   |
|                     | 4/11/2019 | 562.13             | 1.20  | 560.93                   |
|                     | 4/17/2019 | 562.13             | 0.35  | 561.78                   |
|                     | 4/24/2019 | 562.13             | 0.85  | 561.28                   |
|                     | 5/9/2019  | 562.13             | 0.71  | 561.42                   |
|                     | 5/22/2019 | 562.13             | 0.55  | 561.58                   |
|                     | 6/17/2019 | 562.13             | 1.70  | 560.43                   |
| P-3                 | 4/3/2019  | 560.89             | 0.84  | 560.05                   |
|                     | 4/11/2019 | 560.89             | 1.50  | 559.39                   |
|                     | 4/17/2019 | 560.89             | 0.13  | 560.76                   |
|                     | 4/24/2019 | 560.89             | 0.54  | 560.35                   |
|                     | 5/9/2019  | 580.89             | 0.42  | 580.47                   |
|                     | 5/22/2019 | 560.89             | 0.65  | 560.24                   |
|                     | 6/17/2019 | 580.89             | 1.48  | 579.41                   |

**GOUNDWATER MONITORING ASSESSMENT**

June 24, 2019

**TOWN OF NEWTON  
MEMORY PARK BABE RUTH FIELD  
GROUNDWATER MONITORING READINGS**

| PIEZOMETER LOCATION | DATE      | WELL ELEVATION (Z) | Avg. Depth to Water (Ft. below top of casing) | Groundwater A ELEV. (ft) |
|---------------------|-----------|--------------------|---|--------------------------|
| P-4                 | 4/3/2019  | 560.49             | 1.26  | 559.23                   |
|                     | 4/11/2019 | 560.49             | 1.30  | 559.19                   |
|                     | 4/17/2019 | 560.49             | 1.05  | 559.44                   |
|                     | 4/24/2019 | 560.49             | 1.11  | 559.38                   |
|                     | 5/9/2019  | 580.49             | 1.05  | 579.44                   |
|                     | 5/22/2019 | 560.49             | 1.14  | 559.35                   |
|                     | 6/17/2019 | 580.49             | 1.30  | 579.19                   |
| P-5                 | 4/3/2019  | 560.02             | 0.77  | 559.25                   |
|                     | 4/11/2019 | 560.02             | 0.85  | 559.17                   |
|                     | 4/17/2019 | 560.02             | 0.50  | 559.25                   |
|                     | 4/24/2019 | 560.02             | 0.76  | 559.17                   |
|                     | 5/9/2019  | 580.02             | 0.64  | 559.25                   |
|                     | 5/22/2019 | 560.02             | 0.85  | 559.17                   |
|                     | 6/17/2019 | 580.02             | 0.84  | 559.25                   |
| P-6                 | 4/3/2019  | 559.47             | 0.40  | 559.07                   |
|                     | 4/11/2019 | 559.47             | 0.75  | 558.72                   |
|                     | 4/17/2019 | 559.47             | 0.40  | 559.07                   |
|                     | 4/24/2019 | 559.47             | 0.19  | 559.28                   |
|                     | 5/9/2019  | 559.47             | 0.13  | 559.34                   |
|                     | 5/22/2019 | 559.47             | 0.14  | 559.33                   |
|                     | 6/17/2019 | 559.47             | 0.58  | 558.89                   |

## **APPENDIX B**

### **SOIL ANALYSIS P-3, P-4, & P-5**

## Soil Test Report Lab #: 2019- 74199

Suburban Consulting Engineers  
Andrew Zjawin  
96 US Highway 206  
Suite 101  
Flanders, NJ 07836

**Date Received:** 2019-03-29  
**Date Reported:** 2019-04-08

azjawin@suburbanconsulting.com  
(732)668-7001  
(973)398-2121(fax)  
**Sample ID:** PIEZ -3

### Results and Interpretations

Sandy Loam

**pH:** 6 .88 Very slightly acidic; upper range of optimum pH for many plants.

**Lime Requirement Index:** 7.48

The Lime Requirement Index (LRI) is a measure of the buffering capacity of the soil, its resistance to pH change, and is used to determine the appropriate amount of limestone, when necessary. LRI value near 8.0 indicates low

### Macronutrients (pounds per acre)

|                    |                      | by Mehlich 3 extraction |  |               |                        |
|--------------------|----------------------|-------------------------|--|---------------|------------------------|
|                    |                      |                         |  | Below Optimum | Optimum-<br>Above Opt. |
| <b>Phosphorus:</b> | 108 (Optimum)        | P                       |  |               |                        |
| <b>Potassium:</b>  | 190 (Optimum)        |                         |  |               |                        |
| <b>Magnesium:</b>  | 452 (Above Optimum)  | Mg                      |  |               |                        |
| <b>Calcium:</b>    | 4772 (Above Optimum) | Ca                      |  |               |                        |
|                    |                      |                         |  | Very Low      | Low                    |
|                    |                      |                         |  | Medium        | High                   |
|                    |                      |                         |  |               | Very High              |

### Micronutrients (parts per million)

| Zinc(Zn)         | Copper(Cu)   | Manganese(Mn) | Boron(B)        | Iron(Fe)      |
|------------------|--------------|---------------|-----------------|---------------|
| 11.34 (Adequate) | 22.16 (High) | 65.08 (High)  | 1.70 (Adequate) | 182.40 (High) |

### Special Tests Results

Soluble Salts- Electrical conductivity= 0.16 mmho/cm  
(Satisfactory)

Organic Matter by Carbon Analysis: Organic Matter=9.4%

Very High to Sandy Loam

Gravel Content- Larger than 2mm: 4.2%

Mechanical Analysis- Sand= 58% Silt=28% Clay= 14% Texture: Sandy Loam

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## Soil Permeability Class Rating Report

Lab #: 2019-74202

**Name:** Suburban Consulting Engineers

Andrew Zjawin

**Address:** 96 US Highway 206

Suite 101

Flanders, NJ 07836

**Email:** azjawin@suburbanconsulting.com

**Sample ID:** PIEZO-3

**Date Received:** 2019-03-29

**Date Reported:** 2019-04-05

**Phone:** (732)668-7001

**Fax:** (973)398-2121

### Coarse Fragment Content

|  |                     |       |
|--|---------------------|-------|
| Total weight of Sample                   | W.T.                | 115.6 |
| Weight of material retained on #10 sieve | W.C.F               | 0.2   |
| Weight Percent of coarse fragments       | (W.C.F./W.T.) x 100 | 0.2 % |

### Soil Textural Analysis (Mechanical Analysis)

|                                      |                                       |          |
|--------------------------------------|---------------------------------------|----------|
| Oven dry weight                      | Wt.                                   | 50.0     |
| Hydrometer calibration               | Rc                                    | 5.0 g/L  |
| Hydrometer reading, 40seconds        | R1                                    | 45.0 g/L |
| Temperature of suspension, 40s       | T1                                    | 23.1 °C  |
|                                      |                                       | 73.6 °C  |
| Corrected hydrometer reading, 40s    | $R1' = [(T1 - 68) * 0.2] + (R1 - Rc)$ | 41.1 g/L |
| Hydrometer reading, 2hours           | R2                                    | 29.0 g/L |
|                                      | T2                                    | 22.6 °C  |
|                                      |                                       | 72.7 °C  |
| Corrected hydrometer reading, 2hours | $R2' = [(T2 - 68) * 0.2] + (R2 - Rc)$ | 24.9 g/L |
| Sand                                 | $((Wt. - R1') / Wt.) * 100$           | 17.8 %   |
| Silt                                 | $((R1' - R2') / Wt.) * 100$           | 32.4 %   |
| Clay                                 | $(R2' / Wt.) * 100$                   | 49.9 %   |

### Sieve Analysis

|                                     |                           |        |
|-------------------------------------|---------------------------|--------|
| Sand oven-dry weight                | $\bar{a}$                 | 6.9    |
| Fine+Very fine sand fraction weight | $\bar{b}$                 | 5.5 %  |
| Percent Fine+Very fine sand         | $(\bar{b}/\bar{a}) * 100$ | 79.7 % |

**Estimated K value**

**1 Estimated permeability= 0.2-0.6 in/h**

Estimated permeability has been adjusted, if necessary, to consider fine + very fine sand fractions. Soil structure and consistence, as determined during sampling, must also be

June 24, 2019

**considered to further adjust estimated permeability.**

**Soil Test Report**  
Lab #: 2019-74200

Suburban Consulting Engineers  
Andrew Zjawin  
96 US Highway 206  
Suite 101  
Flanders, NJ 07836

**Date Received:** 2019-03-29  
**Date Reported:** 2019-04-08

azjawin@suburbanconsulting.com  
(732)668-7001  
(973)398-2121(fax)  
**Sample ID:** PIEZ -4

**Results and Interpretations**

Sandy Loam

**pH:** 6.76 Very slightly acidic; upper range of optimum pH for many plants.

**Lime Requirement Index:** 7.49

The Lime Requirement Index (LRI) is a measure of the buffering capacity of the soil, its resistance to pH change, and is used to determine the appropriate amount of limestone, when necessary. LRI value near 8.0 indicates low

**Macronutrients (pounds per acre)**

by Mehlich 3 extraction

|                    |      |                 |    |
|--------------------|------|-----------------|----|
| <b>Phosphorus:</b> | 125  | (Optimum)       | ⋄  |
| <b>Potassium:</b>  | 190  | (Optimum)       | ⋄  |
| <b>Magnesium:</b>  | 811  | (Above Optimum) | Mg |
| <b>Calcium:</b>    | 4407 | (Above Optimum) | Ca |

|               |          |            |
|---------------|----------|------------|
| Below Optimum | Optimum- | Above Opt. |
| Very Low      | Low      | Medium     |
|               | High     | Very High  |

**Micronutrients (parts per million)**

|                  |                   |                      |                 |                 |
|------------------|-------------------|----------------------|-----------------|-----------------|
| <b>Zinc(Zn)</b>  | <b>Copper(Cu)</b> | <b>Manganese(Mn)</b> | <b>Boron(B)</b> | <b>Iron(Fe)</b> |
| 16.41 (Adequate) | 13.57 (Adequate)  | 33.82 (High)         | 1.79 (Adequate) | 205.50 (High)   |

**Special Tests Results**

|                |            |               |      |         |
|----------------|------------|---------------|------|---------|
| Soluble Salts- | Electrical | conductivity= | 0.14 | mmho/cm |
| (Satisfactory) |            |               |      |         |

Organic Matter by Carbon Analysis: Organic Matter=8.7%

Very High to Sandy Loam

Gravel Content- Larger than 2mm: 2.0%

Mechanical Analysis- Sand= 57% Silt=29% Clay= 14% Texture: Sandy Loam

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## Soil Permeability Class Rating Report

Lab #: 2019-74203

**Name:** Suburban Consulting Engineers

Andrew Zjawin

**Address:** 96 US Highway 206

Suite 101

Flanders, NJ 07836

**Email:** azjawin@suburbanconsulting.com

**Sample ID:** PIEZO-4

**Date Received:** 2019-03-29

**Date Reported:** 2019-04-05

**Phone:** (732)668-7001

**Fax:** (973)398-2121

### Coarse Fragment Content

|  |                     |       |
|--|---------------------|-------|
| Total weight of Sample                   | W.T.                | 137.8 |
| Weight of material retained on #10 sieve | W.C.F               | 0.4   |
| Weight Percent of coarse fragments       | (W.C.F./W.T.) x 100 | 0.3 % |

### Soil Textural Analysis (Mechanical Analysis)

|                                      |                                       |          |
|--------------------------------------|---------------------------------------|----------|
| Oven dry weight                      | Wt.                                   | 50.0     |
| Hydrometer calibration               | Rc                                    | 5.0 g/L  |
| Hydrometer reading, 40seconds        | R1                                    | 45.5 g/L |
| Temperature of suspension, 40s       | T1                                    | 23.0 °C  |
|                                      |                                       | 73.4 °C  |
| Corrected hydrometer reading, 40s    | $R1' = [(T1 - 68) * 0.2] + (R1 - Rc)$ | 41.6 g/L |
| Hydrometer reading, 2hours           | R2                                    | 30.0 g/L |
|                                      | T2                                    | 22.6 °C  |
|                                      |                                       | 72.7 °C  |
| Corrected hydrometer reading, 2hours | $R2' = [(T2 - 68) * 0.2] + (R2 - Rc)$ | 25.9 g/L |
| Sand                                 | $((Wt. - R1') / Wt.) * 100$           | 16.8 %   |
| Silt                                 | $((R1' - R2') / Wt.) * 100$           | 31.3 %   |
| Clay                                 | $(R2' / Wt.) * 100$                   | 51.9 %   |

### Sieve Analysis

|                                     |                           |        |
|-------------------------------------|---------------------------|--------|
| Sand oven-dry weight                | $\bar{a}$                 | 7.9    |
| Fine+Very fine sand fraction weight | $\bar{b}$                 | 5.3 %  |
| Percent Fine+Very fine sand         | $(\bar{b}/\bar{a}) * 100$ | 67.1 % |

### Estimated K value

1 Estimated permeability= 0.2-0.6 in/h

Estimated permeability has been adjusted, if necessary, to consider fine + very fine sand fractions. Soil structure and consistence, as determined during sampling, must also be considered to further adjust estimated permeability.

## Soil Permeability Class Rating Report

Lab #: 2019-74204

**Name:** Suburban Consulting Engineers  
Andrew Zjawin  
**Address:** 96 US Highway 206  
Suite 101  
Flanders, NJ 07836  
**Email:** azjawin@suburbanconsulting.com  
**Sample ID:** PIEZO-5

**Date Received:** 2019-03-29  
**Date Reported:** 2019-04-05  
**Phone:** (732)668-7001  
**Fax:** (973)398-2121

### Coarse Fragment Content

|  |       |       |
|--|-------|-------|
| Total weight of Sample                   | W.T.  | 152.0 |
| Weight of material retained on #10 sieve | W.C.F | 0.6   |

### Soil Textural Analysis (Mechanical Analysis)

|                        |     |       |
|------------------------|-----|-------|
| Oven dry weight        | Wt. | 0.4 % |
| Hydrometer calibration | Rc  | 50.0  |

Weight Percent of coarse fragments (W.C.F./W.T.) x 100

|                               |         |          |
|-------------------------------|---------|----------|
| Hydrometer reading, 40seconds | 5.0 g/L | 40.1 g/L |
|-------------------------------|---------|----------|

Temperature of suspension, 40s

|          |          |
|----------|----------|
| 44.0 g/L | 29.0 g/L |
|----------|----------|

Corrected hydrometer reading, 40s

Hydrometer reading, 2hours

23.1 °

R1

73.6 °

T1

$$R1' = [(T1 - 68) * 0.2] + (R1 - Rc)$$

Corrected hydrometer reading, 2hours

$$R2' = [(T2 - 68) * 0.2] + (R2 - Rc)$$

R2 22.1 °

T2 72.9 °

|      |                             |        |
|------|-----------------------------|--------|
| Sand | $((Wt. - R1') / Wt.) * 100$ | 19.8 % |
|------|-----------------------------|--------|

|      |                             |        |
|------|-----------------------------|--------|
| Silt | $((R1' - R2') / Wt.) * 100$ | 30.3 % |
|------|-----------------------------|--------|

|      |                     |        |
|------|---------------------|--------|
| Clay | $(R2' / Wt.) * 100$ | 49.9 % |
|------|---------------------|--------|

### Sieve Analysis

|             |          |
|-------------|----------|
| (b/a) * 100 | 25.0 g/L |
|-------------|----------|

Sand oven-dry weight

|                                     |     |
|-------------------------------------|-----|
| Fine+Very fine sand fraction weight | 8.8 |
|-------------------------------------|-----|

|                             |     |
|-----------------------------|-----|
| Percent Fine+Very fine sand | 4.8 |
|-----------------------------|-----|

54.5 %

### Estimated K value

**1 Estimated permeability= 0.2-0.6 in/h**

**Estimated permeability has been adjusted, if necessary, to consider fine + very fine sand fractions. Soil structure and consistence, as determined during sampling, must also be**

## Soil Test Report Lab #: 2019-74201

Suburban Consulting Engineers  
Andrew Zjawin  
96 US Highway 206  
Suite 101  
Flanders, NJ 07836

**Date Received:** 2019-03-29  
**Date Reported:** 2019-04-08

azjawin@suburbanconsulting.com  
(732)668-7001  
(973)398-2121 (fax)  
**Sample ID:** PIEZ -5

### Results and Interpretations

Loamy Sand

**pH:** 6.89 Very slightly acidic; upper range of optimum pH for many plants.

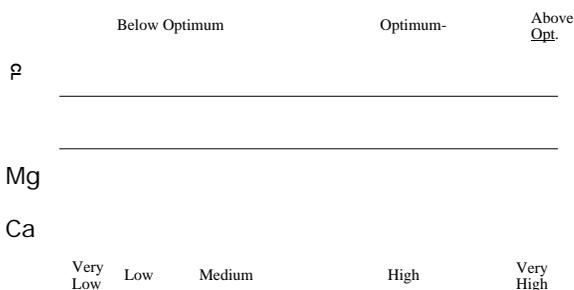
**Lime Requirement Index:** 7.56

The Lime Requirement Index (LRI) is a measure of the buffering capacity of the soil, its resistance to pH change, and is used to determine the appropriate amount of limestone, when necessary. LRI value near 8.0 indicates low

### Macronutrients (pounds per acre)

by Mehlich 3 extraction

|                    |      |                 |    |
|--------------------|------|-----------------|----|
| <b>Phosphorus:</b> | 99   | (Optimum)       | P  |
| <b>Potassium:</b>  | 113  | (Below Optimum) |    |
| <b>Magnesium:</b>  | 817  | (Above Optimum) | Mg |
| <b>Calcium:</b>    | 4763 | (Above Optimum) | Ca |



### Micronutrients (parts per million)

|                  |                   |                      |                 |                 |
|------------------|-------------------|----------------------|-----------------|-----------------|
| <b>Zinc(Zn)</b>  | <b>Copper(Cu)</b> | <b>Manganese(Mn)</b> | <b>Boron(B)</b> | <b>Iron(Fe)</b> |
| 20.75 (Adequate) | 8.39 (Adequate)   | 18.43 (Adequate)     | 1.75 (Adequate) | 186.30 (High)   |

### Special Tests Results

Soluble Salts- Electrical conductivity= 0.11 mmho/cm  
(Satisfactory)

Organic Matter by Carbon Analysis: Organic Matter=9.4%

Very High for Loamy Sand

Gravel Content- Larger than 2mm: 39.3%

Mechanical Analysis- Sand= 80% Silt=12% Clay= 8% Texture: Loamy Sand

June 24, 2019

After a lengthy discussion, Council addressed concerns and directed Mr. Russo to continue reviewing the issues surrounding the drainage at Memory Park.

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

a. **Mayor Le Frois** – thanked Police Chief Richards and dispatch for the enhanced 9-1-1 system, which gives emergency responders key lifesaving information about 9-1-1 callers during an emergency and provides highly accurate caller location data using the best available smartphone technology. This newly implemented Smart911 software will allow anyone to create a safety profile for their whole household that includes any information they might want 9-1-1 and first responders to have in the event of an emergency. You may register at [NewtonPolice.org](http://NewtonPolice.org). Mayor Le Frois noted she and her family participated in a fundraiser @ Scissor Joint for the Faye/Fiore Family this week. She attended the Newton Planning Board meeting on June 19<sup>th</sup> and updated on the projects in progress.

b. **Deputy Mayor Flynn** – no comments.

c. **Councilwoman Diglio** – she thanked the Greater Newton Chamber of Commerce for their hard work during the successful Newton Day event. She also noted the committee is beginning to work on the Taste of Newton event.

d. **Councilman Schlaffer** – asked if the Town could assist Liberty Towers during the Neighbors Helping Neighbors event. He also suggested perhaps a college student or group, in a Construction or Management Major, could assist Liberty Towers with maintenance in and around their complex. Mr. Schlaffer also commended the Newton Day event and feels it was the best one ever. He suggested the entire Newton Day event be moved to Memory Park. He also commended the boardwalk which was built by Newton DPW. The next EDC meeting will be July 9<sup>th</sup>.

e. **Councilman Dickson** – the Newton BOE had their meeting on June 11<sup>th</sup>. A representative from the Wallkill Valley watershed was at the BOE meeting and had said they had tried to reach out to the Town DPW looking for assistance in digging out the area for the rain garden at Halsted. Tom, do you know if they have been able to get in contact with them? I passed along some of the information the Codey Fund had provided about a free mental health recognition program they offer at no cost to school districts to train paraprofessionals and support staff. The board has interest and we will continue to work on that.

Newton Roller hockey has been having issues with the sport court flooring. When it gets hot the flooring starts to bulge up in spots. The end of the spring season had to have the playoff and championship games delayed two weeks as a result. The league has been in contact with the installers and they have come out to see the floor. Since the Town made the investment on the flooring, do we want to get involved in seeing that the issue is resolved?

f. **Town Manager Russo** - also commended the enhanced 9-1-1 system and suggested everyone take advantage of this service. Mr. Russo commended Chief Richards for being honored with a PAARI Leadership Award, on June 26<sup>th</sup>, for his work with the CLEAR initiative in Sussex County. Next Council meeting will be July 8<sup>th</sup>. Town Hall will be closed on Thursday, July 4<sup>th</sup> and Friday, July 5<sup>th</sup> in observation of Independence Day. He advised the Signup Genius is up and running for those who want to take the bus to Hackettstown pool on the assigned days.

Mayor Le Frois advised the Town of Newton has been nominated for the 15<sup>th</sup> Annual SCEDP Awards and wished us luck.

**ORDINANCES** -

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

**ORDINANCE #2019-5**

**AN ORDINANCE AMENDING SECTION 320.2 AND 320.3 OF THE CODE F THE TOWN OF NEWTON**

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 Mr. Dickson, who moved its adoption, seconded by Mrs. Diglio 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 #2019-6**

**AN ORDINANCE ADOPTING A NEW CHAPTER 241, "SOIL IMPORTATION AND GRADING" TO THE CODE BOOK OF TOWN OF NEWTON AND SECTION 100-24.O REGARDING SOIL IMPORTATION AND GRADING FEES**

Mayor Le Frois opened the meeting to the public.

There being no one from the public to be heard, upon motion of Mr. Dickson, seconded by Deputy Mayor Flynn 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.

**OLD BUSINESS** –

Mayor Le Frois noted Council’s previous discussion regarding Ordinance 2019-B, “Zoning Code on Animals”. Ursula Leo, Esq. outlined the changes to the draft Ordinance and addressed questions of the Town Council.

After a lengthy discussion, Council agreed to move forward with Introduction of the draft Ordinance at the next Council meeting on July 8<sup>th</sup>, as presented by the Town Attorney.

Mayor Le Frois opened this discussion of said Ordinance to the public.

Teresa Marquina, 7 Liberty Street, thanked the Town Council for the discussion regarding the draft Ordinance addressing “animals” specifically chickens. She noted she is pleased with the Council’s decision to move forward with allowing chickens and thanked them for their forward thinking.

**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.”*

June 24, 2019

Mr. Russo reviewed the consent agenda items.

**RESOLUTION #149-2019\***

**AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN AGREEMENT WITH THE BOROUGH OF HOPATCONG, NEW JERSEY FOR ANIMAL CONTROL AND POUND SERVICES**

**WHEREAS**, the Town of Newton is in need of animal control and pound services; and

**WHEREAS**, the Town of Newton and the Borough of Hopatcong have determined it would be mutually beneficial to enter into an Agreement, whereby the Borough's Animal Control Official would also service the Town of Newton; and

**WHEREAS**, the Town of Newton and the Borough of Hopatcong desire to enter into an Agreement effective February 1, 2019 through January 31, 2020, which will allow the Town of Newton to call upon the Borough of Hopatcong's Animal Control Official and utilize Hopatcong's Animal Pound; and

**WHEREAS**, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available as follows:

Dog Trust Fund a/c #211201 estimated amount not to exceed \$12,000.00

**WHEREAS**, State Statute permits municipalities to enter into an Agreements pursuant to N.J.S.A. 40A:65-1 et seq., and authorizes municipalities to enter into an Agreement by adoption of a Resolution;

**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 is hereby authorized to execute this Agreement between the Town of Newton and the Borough of Hopatcong, New Jersey.
2. This Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to Hopatcong Borough Clerk's office.

**RESOLUTION #150-2019\***

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2019 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 received a payment in the amount of \$17,046.39 from the State of New Jersey Solid Waste Administration for a FY2019 Clean Communities Grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2019 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:  
 Section F: Special Items of Revenue  
 Public and Private Revenues Off-set with Appropriations:  
 State of New Jersey Clean Communities Grant.....\$17,046.39

June 24, 2019

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

State of New Jersey Clean Communities Grant..... \$17,046.39

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

**RESOLUTION #151-2019\***

**A RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY  
AUTHORIZING EMERGENCY REPAIRS REGARDING MORRIS LAKE MICRON SCREEN**

**WHEREAS**, an emergency has arisen at the Town of Newton Morris Lake, where the distribution facility shut down for unknown reasons, and upon restart sustained severe damage at the prescreen housing, threatening continued use of supply of potable water supply; and

**WHEREAS**, N.J.S.A. 40A:11-6, and N.J.A.C. 5:34-6.1 provides for the appropriate actions to be undertaken by the Town under these circumstances to procure a company that may remedy; and

**WHEREAS**, emergency repairs will be performed by Pall Corporation to replace a ¼ hp motor and 8" SAF- 4500 NSF w/300 Micron Screen for an amount of \$26,777.83; and

**WHEREAS**, the Chief Financial Officer hereby certifies that funds are available NOT TO EXCEED \$26,777.83 as follows:

2019 Water Sewer Utility Budget – Capital Outlay Account #6089293

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to authorize the emergency purchase with Pall Corporation, not to exceed \$26,777.83.

**RESOLUTION #152-2019\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR R&J CONTROLS,  
INC.**

**WHEREAS**, the Town of Newton has a need to maintain the backup generator functions for the operational systems within the Town of Newton through R&J Controls, Inc., 58 Harding Ave., Dover, NJ 07801 as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, Sean Canning, Q.P.A., 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 2019 year (s); and

**WHEREAS**, it is anticipated during the 2019 budget year that R&J Controls, Inc., services will exceed in the aggregate the pay to play threshold of \$17,500.00; and

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

**WHEREAS**, the Chief Financial Officer hereby certifies funds are available NOT TO EXCEED \$22,000.00 will be encumbered as follows:

June 24, 2019

|   |             |
|---|-------------|
| 2019 Current-Building & Grounds, Contractual #1061217       | \$ 9,000.00 |
| 2019 Current-Building & Grounds, Repair/Alteration #1061255 | \$ 5,000.00 |
| 2019 Water/Sewer – Generator Maint #6052234                 | \$ 4,635.00 |
| 2019 Water/Sewer – Sewer Equip Maint #6077226               | \$ 1,680.00 |
| 2019 Water/Sewer – Water Equip Maint #6065241               | \$ 1,685.00 |

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with R&J Controls, Inc., 58 Harding Ave., Dover, NJ 0780, not to exceed \$22,000.00 for the 2019 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 with this resolution.

**RESOLUTION #153-2019\***

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Town Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through Municibid pursuant to NJ State Contract 19-GNSV1-00696 in accordance with the terms and conditions of the State Contract.
- 2) The sale will be conducted online and the address of the auction site is <https://municibid.com>.
- 3) A list of the surplus property to be sold is as follows:
  - a) 2004 US Cargo Round Top Trailer  
Model: Performance USC612SA  
VIN: 5NHUUS2114W017087  
Odometer: 31,070  
Condition: Fair/Poor
- 4) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 5) The Town of Newton reserves the right to accept or reject any bids submitted.

**RESOLUTION #154-2019\***

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES**

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption Licenses are renewed for licensing year 2019-2020, effective July 1, 2019:

**No. 1915-33-009-005** be issued to The Spring Street Pub & Grill LLC, t/a The Spring Street Pub & Grill LLC, 144 Spring Street, Newton, New Jersey; and

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

**RESOLUTION #155-2019\*****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**

|       |                                    |           |
|-------|------------------------------------|-----------|
| 41703 | ABCODE SECURITY INC.               | 200.00    |
| 41704 | ACCURATE DOOR, INC                 | 1,250.00  |
| 41705 | ADVANCE AUTO PARTS                 | 46.55     |
| 41706 | ANN M ROSELLEN                     | 813.00    |
| 41707 | ARF RENTAL SERVICES, INC           | 430.92    |
| 41708 | ARF RENTAL SERVICES, INC           | 211.64    |
| 41709 | ATLANTIC TACTICAL INC.             | 209.15    |
| 41710 | AUTOZONE                           | 51.95     |
| 41711 | BOONTON TIRE SUPPLY INC.           | 722.44    |
| 41712 | CAMPBELL'S SMALL ENGINE INC.       | 99.77     |
| 41713 | CENTURYLINK COMMUNICATIONS, INC    | 82.80     |
| 41714 | CENTURYLINK COMMUNICATIONS, INC.   | 2,719.15  |
| 41715 | CEUNION                            | 95.00     |
| 41716 | CHELBUS CLEANING CO., INC.         | 3,307.50  |
| 41717 | CONSTELLATION NEWENERGY – GAS DIV  | 1,120.97  |
| 41718 | CROSSROADS EDUCATION, LLC          | 500.00    |
| 41719 | CSS TEST INC.                      | 48.00     |
| 41720 | DOUGLAS CUMMINS                    | 1,212.00  |
| 41721 | ESTREMER, MICHELLE                 | 115.00    |
| 41722 | EXTEL COMMUNICATIONS, INC.         | 99.00     |
| 41723 | FEDERAL EXPRESS                    | 31.51     |
| 41724 | FIRST HOPE BANK INC.               | 20,082.99 |
| 41725 | FRISBIE, ARTHUR & RITA             | 1,626.00  |
| 41726 | FURGIUELE, CAMILLE                 | 1,212.00  |
| 41727 | GARRIS, JEAN                       | 813.00    |
| 41728 | GRAMCO BUSINESS COMMUNICATIONS     | 149.00    |
| 41729 | GRUBER COLABELLA LIUZZA & THOMPSON | 1,235.58  |
| 41730 | HAYDEE BALLESTER                   | 165.00    |
| 41731 | HOLZHAUER, SCOTT                   | 115.00    |
| 41732 | HOME DEPOT, INC.                   | 437.92    |
| 41733 | ILIFF, JOHN AND TERRY              | 1,626.00  |
| 41734 | J & D SALES & SERVICES, LLC.       | 2,705.00  |
| 41735 | J. CALDWELL & ASSOCIATES, LLC.     | 1,218.75  |
| 41736 | JAMES J KILDUFF                    | 753.00    |
| 41737 | JCP&L                              | 6,446.50  |
| 41738 | JORRITSMA, BRUCE                   | 813.00    |
| 41739 | KAYS, PETER J.                     | 1,626.00  |
| 41740 | KKPR MARKETING & PUBLIC RELATIONS  | 550.00    |
| 41741 | KLIPPEL, JO ANN                    | 500.00    |
| 41742 | LADDEY, CLARK & RYAN, LLP          | 2,583.33  |
| 41743 | LANGUAGE LINE SERVICES, INC.       | 30.60     |
| 41744 | MCGUIRE, INC                       | 81.96     |
| 41745 | METZGER, CLARENCE                  | 813.00    |
| 41746 | MICHAEL A PANDISCIA                | 813.00    |
| 41747 | MILLER, JASON                      | 115.00    |
| 41748 | MINISINK PRESS INC                 | 1,860.00  |
| 41749 | MORRIS ASPHALT SUPPLY, LLC         | 260.20    |
| 41750 | MORRIS, THOMAS & BULAH             | 1,584.00  |
| 41751 | MUNICIPAL CLERKS ASSOC MORRIS CNTY | 130.00    |

June 24, 2019

|        |                                      |            |
|--------|--------------------------------------|------------|
| 41752  | NEWTON FIRST AID SQUAD               | 6,250.00   |
| 41753  | NEWTON TROPHY                        | 619.25     |
| 41754  | NJMEBF                               | 77,785.00  |
| 41755  | ELIZABETHTOWN GAS                    | 837.57     |
| 41756  | PELLOW, HAROLD & ASSO, INC.          | 585.00     |
| 41757  | PENTELEDATA                          | 769.70     |
| 41758  | PRIME LUBE, INC.                     | 567.83     |
| 41759  | R & J CONTROL INC.                   | 9,326.90   |
| 41760  | RANSNORTH, NANCY                     | 807.00     |
| 41761  | RAZZANO ANTHONY M                    | 115.00     |
| 41762  | RICHARDS, JEAN                       | 813.00     |
| 41763  | ROMYNS, LARRY E.                     | 1,566.00   |
| 41764  | RONALD CLOUSE                        | 1,530.00   |
| 41765  | RULLO & JUILET ASSOCIATES, INC.      | 1,374.00   |
| 41766  | SEELY BROTHERS, INC.                 | 98.00      |
| 41767  | SERVICE ELECTRIC CABLE TV, INC.      | 108.35     |
| 41768  | SF MOBILE-VISION, INC                | 71.80      |
| 41769  | SHERWIN-WILLIAMS, INC.               | 109.12     |
| 41770  | SLOAN, JAMES P.                      | 3,278.50   |
| 41771  | SMITH, WILLIAM P                     | 813.00     |
| 41772  | STAPLES BUSINESS ADVANTAGE, INC.     | 554.30     |
| 41773  | STAPLES BUSINESS ADVANTAGE, INC.     | 42.45      |
| 41774  | STATEWIDE INSURANCE FUND             | 49,233.14  |
| 41775  | STEVE MILLS                          | 777.00     |
| 41776  | SUNLIGHT GENERAL                     | 485.70     |
| 41777  | SUSSEX & WARREN TAX COLL             | 25.00      |
| 41778  | SUSSEX CAR WASH INC                  | 136.00     |
| 41779  | SUSSEX COUNTY LOCK & SAFE            | 33.00      |
| 41780  | SUSSEX COUNTY MAILING SERVICE        | 1,472.46   |
| 41781  | TEAM LIFE, INC.                      | 80.00      |
| 41782  | THE NJ SHADE TREE FEDERATION         | 95.00      |
| 41783  | TRACTOR SUPPLY                       | 148.96     |
| 41784  | TRANSUNION ALTERNATIVE RISK & DATA   | 600.00     |
| 41785  | TREASURER. STATE OF NEW JERSEY       | 2,000.00   |
| 41786  | USA HOIST CO., INC.                  | 460.00     |
| 41787  | VERIZON WIRELESS, INC.               | 1,458.11   |
| 41788  | VISION SERVICE PLAN                  | 1,628.81   |
| 41789  | VOGEL, CHAIT, COLLINS, SCHNEIDER, PC | 1,020.00   |
| 41790  | W.B. MASON, INC.                     | 193.04     |
| 41791  | W. CAMPBELL SUPPLY OF SUSSEX CTY LLC | 798.69     |
| 41792  | WILDFLOWERS WITH TAMI                | 175.00     |
| 41793  | ZENES, NANCY                         | 813.00     |
| 191034 | PAYROLL ACCOUNT                      | 207,626.58 |

**CAPITAL**

|      |                         |            |
|------|-------------------------|------------|
| 8813 | FASTENAL COMPANY, INC.  | 68.42      |
| 8814 | NEW JERSEY HERALD, INC. | 69.60      |
| 8815 | T.R. WENIGER, INC.      | 1,708.24   |
| 8816 | ZITONE CONSTRUCTION     | 112,422.13 |

**Total TOWN BILLS \$ 555,261.83**

**WATER AND SEWER ACCOUNT**

|       |                                     |          |
|-------|-------------------------------------|----------|
| 17566 | AG CHOICE, LLC.                     | 896.00   |
| 17567 | AIRGAS EAST                         | 9.90     |
| 17568 | CAPITOL SUPPLY CONST PRODUCTS, INC. | 251.47   |
| 17569 | CCP INDUSTRIES, INC.                | 853.68   |
| 17570 | CENTURYLINK COMMUNICATIONS, INC.    | 40.14    |
| 17571 | CENTURYLINK COMMUNICATIONS, INC.    | 1,219.80 |
| 17572 | CEUNION                             | 95.00    |
| 17573 | CONSTELLATION NEWENERGY – GAS DIV   | 596.05   |

June 24, 2019

|        |                                     |           |
|--------|-------------------------------------|-----------|
| 17574  | CURRENT ACCOUNT                     | 2,596.42  |
| 17575  | EAGLE EQUIPMENT, INC.               | 3,167.00  |
| 17576  | FISHER SCIENTIFIC                   | 412.48    |
| 17577  | GARDEN STATE LABORATORIES INC       | 7,953.00  |
| 17578  | GREENVILLE, WILLIAM                 | 1,626.00  |
| 17579  | KITHCART, EILEEN                    | 1,816.80  |
| 17580  | LASSO, ERVIN                        | 271.00    |
| 17581  | MAIN POOL & CHEMICAL COMPANY, INC.  | 973.50    |
| 17582  | MGL FORMS – SYSTEMS, LLC.           | 1,121.35  |
| 17583  | MONTAGUE TOOL & SUPPLY, INC.        | 248.75    |
| 17584  | NJMEBF                              | 86,500.00 |
| 17585  | ELIZABETHTOWN GAS                   | 415.55    |
| 17586  | ONE CALL CONCEPTS, INC.             | 77.52     |
| 17587  | PALL CORPORATION                    | 10,310.00 |
| 17588  | PASSAIC VALLEY SEWERAGE COMM.       | 8,496.60  |
| 17589  | PENTELEDATA                         | 399.85    |
| 17590  | PUMPING SERVICES, INC.              | 6,202.00  |
| 17591  | R & J CONTROL, INC.                 | 5,932.79  |
| 17592  | RULLO & JUILET ASSOCIATES, INC.     | 1,374.00  |
| 17593  | RUSSEL REID WASTE & DISPOSAL., INC. | 12,557.59 |
| 17594  | SMALLEY, JOHN H                     | 3,042.66  |
| 17595  | SPARTA TOWNSHIP TAX COLLECTOR       | 17,155.18 |
| 17596  | STATEWIDE INSURANCE FUND            | 55,319.11 |
| 17597  | SUNLIGHT GENERAL                    | 873.84    |
| 17598  | TREASURER, STATE OF NEW JERSEY      | 108.08    |
| 17599  | UNITED FIRE PROTECTION CORP.        | 800.00    |
| 17600  | VERIZON WIRELESS, INC.              | 223.82    |
| 17601  | VISION SERVICE PLAN                 | 575.00    |
| 17602  | WAGNER, WILLIAM                     | 1,626.00  |
| 196027 | PAYROLL ACCOUNT                     | 35,339.70 |

**Total WATER & SEWER Bills \$271,477.63**

**TRUST ACCOUNT**

|        |                                       |          |
|--------|---------------------------------------|----------|
| 3862   | CLIFFHANGER PRODUCTIONS, INC.         | 2,700.00 |
| 3863   | J. CALDWELL & ASSOCIATES, LLC.        | 468.75   |
| 3864   | MINISINK PRESS INC                    | 350.00   |
| 3865   | PELLOW, HAROLD & ASSO, INC.           | 1,431.00 |
| 3866   | VOGEL, CHAIT, COLLINS, SCHNEIDER, PC, | 495.00   |
| 197112 | PAYROLL ACCOUNT                       | 6,162.50 |

**Total TRUST ACCOUNT Bills \$ 11,607.25**

**FEDERAL/STATE GRANTS**

|        |                                    |          |
|--------|------------------------------------|----------|
| 1458   | SYNCHRONY BANK                     | 31.99    |
| 1459   | BLUE DIAMOND DISPOSAL              | 9,906.10 |
| 1460   | CENTER FOR PREVENTION & COUNSELING | 2,500.00 |
| 1461   | HOME DEPOT, INC.                   | 199.70   |
| 1462   | JERSEY SHIRTS & DESIGNS            | 780.00   |
| 1463   | SIERRAZULU LLC aka SZ LLC          | 1,308.96 |
| 1464   | SWANK MOTION PICTURES              | 463.00   |
| 191113 | PAYROLL ACCOUNT                    | 906.97   |

**Total FEDERAL/STATE GRANTS Bills \$16,096.72**

**DEVELOPERS ESCROW (FUND 72)**

|      |                                      |          |
|------|--------------------------------------|----------|
| 1342 | J. CALDWELL & ASSOCIATES, LLC.       | 125.00   |
| 1343 | PELLOW, HAROLD & ASSO, INC.          | 1,423.63 |
| 1344 | VOGEL, CHAIT, COLLINS, SCHNEIDER, PC | 1,125.00 |

June 24, 2019

**Total HOUSING TRUST FUND ACCOUNT Bills \$2,673.63**

A motion was made by Mr. Schlaffer to approve the revised **COMBINED ACTION RESOLUTIONS**, 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           |     |

**DISCUSSION - None**

**OPEN TO THE PUBLIC**

Mayor Le Frois opened the meeting to the public.

Robert Boyle, Owner and Operator of Planet Networks, 4 Park Place, explained his operations at Planet Networks. He asked the Council to provide a blanket approval for access to the right-of-way easements throughout the Town of Newton.

After a brief discussion, Mrs. Leo indicated she is working on the request along with the Town Engineer, Harold Pellow.

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

**COUNCIL & MANAGER COMMENTS**

Mayor Le Frois updated on the recent NJSLOM bulletin update regarding the County Homelessness Trust Funds to be used for Code Blue Emergency Shelters services. And noted that the Town of Newton was the only Town in Sussex County who implemented the Code Blue for homelessness and asked the Town to research the potential funds available for reimbursement through the Trust Funds.

**EXECUTIVE SESSION - None.**

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 9:10 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk