

July 22, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mr. Schlaffer, and Mayor Le Frois. Ursula Leo, Esq., Town Attorney was also present. Mr. Russo 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 Municipal Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Mr. Dickson and unanimously carried, the minutes for the July 8, 2019 Regular and Executive meeting were unanimously approved.

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."

John McGuigan, 10 Emmons Avenue, first commended the Town Council for the "hard work and sacrifices you make as Councilmembers". Noting the several signs throughout the Town, "Save the Pool", he stated the Newton pool is an amenity in this community and is truly missed, this summer, by the residents in Town. Upon receipt of the engineer reports, he asked the Council to give the pool the attention it deserves and hopes it will reopen next summer.

Maureen Snellen, 30 Plainfield Avenue, voiced her concerns regarding the pictures that surfaced on social media showing the Newton pool water as green. She also addressed concern with the pool furniture being left out all year long.

Karen Hardin-Kitchell, resident of Lafayette Twsp., reminisced of her youth in Newton and all the good things Newton had to offer including the Newton pool. She referred to the Newton pool as the "gem of Sussex County" and noted she is willing to assist with any fundraisers needed for the Newton pool.

Sara Lister, 6 Emmons Avenue, addressed concerns regarding the Newton pool and hopes it does not become an empty resource in the Town. She believes it should

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be fixed and reopened.

Ralph Porter, 12 Pine Street, addressed concerns regarding the engineer reports for the pool and asked why they are not available yet. He also inquired when the new firehouse on Woodside Avenue would be completed.

Colleen Rosica, resident of Fredon, noted she grew up in the Town of Newton and has been a part of the Newton Swim team for many years. She believes the Newton pool brings the community together and hopes the Council will reopen this precious commodity in 2020.

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

VIII. COUNCIL & MANAGER REPORTS

a. **Mayor Le Frois** – On July 10, 2019, Mayor Le Frois and Councilwoman Diglio attended the Town Staff meeting held at Morris Lake. On July 17, 2019, Deputy Mayor Flynn and I attended the Newton Planning Board meeting and provided updates. She reminded everyone of the free movie night at Memory Park which will take place on Friday, July 26th @ 8:00pm and Friday, Aug. 9th is the second movie night. July 26th is the last day to register for the Town-wide Garage Sale which will be held on August 2, 3 & 4 and applications can be obtained at the Town Clerk's office.

Regarding the Newton pool, Mayor Le Frois strongly noted it is "not the intension of the Town Council to close the pool". She noted there will be a pool update at the August 5th Council meeting and a more in-depth Engineers presentation, showing results of the study, at the September 11, 2019 Council meeting. "It's about safety, maintenance, and the sustainability of the pool for the future."

b. **Deputy Mayor Flynn** – thanked the First Responders, EMT's, Fire and Police for their hard work and dedication during this "heat wave". He mentioned the new firehouse has been on track during the construction but believes there is a delay in the appliances, which are on order. Deputy Mayor Flynn noted he agrees with Mayor Le Frois regarding the Newton pool and he only wants the pool to thrive.

c. **Councilwoman Diglio** – addressing the concern of the pool deck furniture, she noted it was made to be outside year round. She also wanted to stop the misinformation regarding the pool photos on social media. Mrs. Diglio went to the pool and took pictures herself, which did not show the pool as bad as the photos on social

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media. She noted the pool has since been refilled and the filters are running. The Town is waiting for the reports so the issues can be addressed.

d. **Councilman Schlaffer** – agreed with Mayor Le Frois’s comments regarding the Newton pool. He stated the Council needs to get professional insight so the pool can be fixed properly for all those who use it. He advised Council of the Economic Development Commission updates. He also reminded the public of the free concerts at the Sussex County Community College on August 24th @ 6:00 pm. Also reminders about the free movie nights at Memory Park, Fall Festival, and Holiday Parade.

e. **Councilman Dickson** – mentioned the next BOE meeting will be held tomorrow night. He noted it has always been his intention to have the pool reopened as long as it is feasible and safe.

f. **Town Manager Russo** – Excused.

ORDINANCES - None.

OLD BUSINESS – None.

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.”*

Mayor Le Frois reviewed the consent agenda items.

RESOLUTION #164-2019*

AWARD THE CONTRACT FOR THE PAVING OF VARIOUS STREETS PROJECT TO TILCON, NEW YORK, DENVILLE LINE STRIPING, AND GENERAL FOUNDRIES, INC.

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

WHEREAS, Tilcon New York, 9 Entin Road, Parsippany, New Jersey was awarded Contract #6, Road Surfacing in the Morris County Co-Op’s portion for municipalities with regard to Resurfacing of Roads; and

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

WHEREAS, General Foundries, Inc., 1 Progress Road, North Brunswick, New Jersey was awarded Contract #14, Catch Basins + Manhole Castings in the Morris County Co-op; and

WHEREAS, the Town Engineer, Harold E. Pellow, has recommended Tilcon New York, Denville Line Striping, Inc., and General Foundries, Inc., be retained for the Plainfield Avenue Project in the Town of Newton, based on the Morris County

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Cooperative Pricing Council;

To be awarded to Tilcon New York through the Morris County Co-op	\$77,382.90
To be awarded to Denville Line Striping through the Morris County Co-op	\$585.66
To be awarded to General Foundries, Inc. through the Morris County Co-op	\$2,620.00

Total Cost through Morris County Co-Op for the Plainfield Avenue Project \$80,588.56

WHEREAS, the Chief Financial Officer, has certified funds are available as follows:

Capital Fund –Ord. #2019-3 Road Improvements – Plainfield Ave. a/c#30919031

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the contract for the Plainfield Avenue Project in the Town of Newton is hereby awarded to Tilcon New York in the amount of \$77,382.90, Denville Line Striping, in the amount of \$585.66 and General Foundries, in the amount of \$2,620.00 based on the Morris County Cooperative Pricing Council bid results in the amount of \$80,588.56.

RESOLUTION #165-2019*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

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

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 accounts for amounts billed incorrectly due to the reason(s) stated:

CREDIT FOR PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2738	32 Townsend Street	\$11.57
12051	6 Maple Avenue	\$18.31
20310	37 Kory Road	\$ 7.50

RESOLUTION #166-2019*

TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing

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Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, the Chief Financial Officer has prepared, distributed and filed the Corrective Action Plan in accordance with Federal and State Guidelines; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #167-2019*

AUTHORIZING ELIZABETHTOWN GAS COMPANY'S REQUEST FOR ROAD OPENING AT TRINITY STREET

WHEREAS, Elizabethtown Gas Company has filed an application for a road opening permit for Trinity Street related to the installation of new service at 185 Spring Street; and

WHEREAS, Newton Town Code Section 266-22 requires a permit prior to any excavation under any Town street; and

WHEREAS, Elizabethtown Gas Company has submitted a written request for a road opening permit at Trinity Street; and

WHEREAS, Newton Town Code Section 266-43 generally prohibits openings, cuts, or excavations in streets or sidewalks for a period of five (5) years from the date of paving or re-paving of streets or sidewalks within the Town of Newton, and Trinity Street was paved within the last five years; and

WHEREAS, Newton Town Code Section 266-28 requires the furnishing of a performance guarantee prior to issuance of an application for road openings; and

WHEREAS, the Town Engineer has reviewed the request of Elizabethtown Gas Company and approved the request for a road opening permit, subject to a performance bond in the amount of \$6,830.00, which bond has been provided;

NOW, THEREFORE BE IT RESOLVED, by the Town of Newton that Elizabethtown Gas Company is authorized to be granted a permit pursuant to Newton Town Code Section 266-21 et. seq. for excavation on Trinity Street, with the performance guarantee in favor of the Town of Newton in the amount of \$6,830.00.

RESOLUTON #168-2019*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

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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

41837	ACCURATE DOOR, INC.	1,692.00
41838	ADVANCE AUTO PARTS	159.99
41839	ANY EXCUSE FOR A PARTY, INC.	78.04
41840	ARF RENTAL SERVICES, INC.	424.62
41841	ATLANTIC TACTICAL INC.	85.80
41842	AUTOZONE	32.98
41843	BOONTON TIRE SUPPLY INC.	3,525.97
41844	BRAEN STONE SPARTA	245.99
41845	CENTURYLINK COMMUNICATIONS, INC.	125.85
41846	CENTURYLINK COMMUNICATIONS, INC.	72.32
41847	CHELBUS CLEANING CO., INC.	1,653.75
41848	CRANE SEWER & DRAIN CLEANING	325.00
41849	CSS TEST INC.	192.00
41850	DIFRANCESCO, BATEMAN, KUNZMAN,	220.00
41851	ESI EQUIPMENT INC.	1,114.00
41852	ESS INC.	167.80
41853	FASTENAL COMPANY, INC.	7.88
41854	FEDERAL EXPRESS	26.17
41855	FIRE & SAFETY SERVICES, LTD., INC.	442.42
41856	FIRE FIGHTERS EQUIPMENT CO. INC.	525.00
41857	FRANKLIN PRECAST	4,729.85
41858	GALLS, LLC	215.00
41859	GUZIEWICZ, BRIDEGET M	1,000.00
41860	HAMBURG PLUMBING SUPPLY CO INC	4,286.56
41861	HAYDEE BALLESTER	165.00
41862	HAYEK'S MARKET INC.	144.22
41863	HOLZHAUER, SCOTT	62.50
41864	HOME DEPOT, INC.	67.20
41865	INSTANT VERIFICATION CHILD PROTECTI	231.84
41866	J. CALDWELL & ASSOCIATES, LLC.	500.00
41867	JCP&L	150.81
41868	JESCO INC.	246.01
41869	LANGUAGE LINE SERVICES, INC.	37.40
41870	MINISINK PRESS INC	192.00
41871	NIELSON FORD INC.	456.00
41872	NJ DIV ALCOHOL BEVERAGE CONTR	36.00
41873	ELIZABETHTOWN GAS	572.39
41874	PAYROLL ACCOUNT	500.44
41875	PEGGY PAK	300.00
41876	PELOW, HAROLD & ASSO, INC.	140.85
41877	PRINTING CENTER, INC	3,751.04
41878	PUBLIC EMPLOYEE RETIRE SYSTEM	521.86
41879	RAVE WIRELESS, INC.	4,915.00
41880	READY REFRESH BY NESTLE	2244.09
41881	RICHARDS, MICHAEL	529.59
41882	RR DONNELLEY	367.50
41883	S/NJ TOXICOLOGY LABORATORY	45.00
41884	SEBRING AUTO PARTS, INC.	323.73
41885	SERVICE ELECTRIC CABLE TV, INC.	108.35
41886	SESI CONSULTING ENGINEERS	9,000.00
41887	STAPLES BUSINESS ADVANTAGE, INC.	342.13
41888	SUNLIGHT GENERAL	543.68
41889	SUSSEX CAR WASH INC	152.00
41890	SUSSEX COUNTY COMMUNITY COLLEGE	60.00
41891	SUSSEX COUNTY ECONOMIC	75.00

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41892	THOMSON WEST, INC.	504.00
41893	TIRE KING, INC.	120.00
41894	TOYOTA/SUBARU/SCION OF MORRISTOWN I	84.70
41895	TREASURER, PETTY CASH FUND	150.75
41896	TREASURER, STATE OF NJ	334.00
41897	TRIMBOLI & PRUSINOWSKI, LLC.	3,090.00
41898	USA HOIST CO., INC.	929.00
41899	VISION SERVICE PLAN	1,109.72
41900	VOGEL, CHAT, COLLINS, SCHNEIDER, PC,	975.00
41901	W. CAMPBELL SUPPLY OF SUSSEX CTY LLC	22.85
41902	WALMART	19.91
41903	WAYNE TITLE COMPANY	1,761.77
41904	WITMER PUBLIC SAFETY GROUP, INC.	481.00
191040	ELAVON, INC.	101.08
191039	PAYROLL ACCOUNT	193,610.11
191038	ELAVON, INC.	153.24
41836	LINCOLN FINANCIAL GROUP	1,035.00
191037	WELLS FARGO BANK	9,745.45
191036	US BANK OPER.CTR/TRUST MGMT	513,901.75

CAPITAL

8821	BLUE RIDGE LUMBER, INC.	600.00
8822	CAMPBELL'S SMALL ENGINE INC.	8,569.00
8823	GRAVITY DESIGN WORKS, INC.	1,400.00
8824	MCMANIMON, SCOTLAND & BAUMAN, LLC	600.00
8825	ZITONE CONSTRUCTION	75,814.18

Total TOWN BILLS \$ 860,923.13

WATER AND SEWER ACCOUNT

17619	AIRGAS EAST	9.90
17620	AIRMATIC COMPRESSOR SYSTEMS, INC.	2,017.48
17621	ALL GAS & WELDING SUPPLY CO., INC.	82.53
17622	BRAEN STONE SPARTA	769.19
17623	EXTRA TECH DATA SERVICES, LLC.	548.00
17624	FASTENAL COMPANY, INC.	31.51
17625	GRAPHIC CONTROLS ASQUISITION CORP.	317.45
17626	HAMBURG PLUMBING SUPPLY CO INC	198.27
17627	HOLLAND COMPANY, INC.	6,600.00
17628	HOME DEPOT, INC.	352.39
17629	MAIN POOL & CHEMICAL COMPANY, INC.	1,940.24
17630	MOTT MACDONALD	2,879.93
17631	ELIZABETHTOWN GAS	318.99
17632	ONE CALL CONCEPTS, INC.	81.38
17633	PASSAIC VALLEY SEWERAGE COMM.	5,880.00
17634	PROCESS TECH SALES AND SERVICE	1,255.95
17635	PUMPING SERVICES, INC.	7,809.20
17636	RAVE WIRELESS, INC.	1,500.00
17637	RUSSELL REID WASTE & DISPOSAL., INC.	315.00
17638	RYAN HERCO FLOW SOLUTIONS, INC.	1,064.00
17639	SCHMIDT'S WHOLESALE, INC.	28,650.00
17640	SUNLIGHT GENERAL	985.59
17641	SUSSEX COUNTY ECONOMIC	75.00
17642	TREASURER, STATE OF NEW JERSEY	2,534.00
196030	PAYROLL ACCOUNT	36,902.68

Total WATER & SEWER Bills \$103,128.68

TRUST ACCOUNT

3872	CLIFFHANGER PRODUCTIONS, INC.	3,250.00
3873	J. CALDWELL & ASSOCIATES, LLC.	729.00

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3874	MARKSMEN ENTERPRISES	178.75
3875	MCMANIMON, SCOTLAND & BAUMAN, LLC	1,787.50
3876	PETER CAFASSO	120.00
3877	SAK ASSOCIATES LLC	1,579.61
3878	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1,200.00
197114	PAYROLL ACCOUNT	295.00

Total TRUST ACCOUNT Bills \$ 9,139.86

FEDERAL/STATE GRANTS

1469	ANY EXCUSE FOR A PARTY, INC.	3,216.96
191115	PAYROLL ACCOUNT	906.97

Total FEDERAL/STATE GRANTS Bills \$ 4,123.93

DEVELOPERS ESCROW (FUND 72)

1346	FERRIERO ENGINEERING INC.	157.00
1347	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	75.00

Total HOUSING TRUST FUND ACCOUNT Bills \$ 232.00

The Clerk presented a membership application from Aubrey J. McCarrick, 23 Arrowhead Drive, Sussex, NJ, into the Newton Fire Department.

The Clerk presented a Junior Fireman membership application from Brenden L. Farence, 99 Woodside Avenue, Newton, into the Newton Fire Department.

The Clerk presented a Junior Fireman membership application from Wayne Oliver, 34 Shady Lane, Newton, into the Newton Fire Department.

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn (Recused from ch#1346)	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

DISCUSSION -

Mayor Le Frois again reminded the public the next Council meeting on Monday, August 5, 2019 will provide an update on the Newton pool.

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

Felicia Carlson, 4 Elm Street, Newton, was pleased to hear the Council, in unity, regarding their intentions of not closing the Newton pool. She also advised the 60th Anniversary of Newton pool will be June 24, 2020 and hopes the pool will be reopened to celebrate same.

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Ralph Porter, 12 Pine Street, Newton, commented on an editorial letter in NJH, by Alex Cable and asked if the Town was worried about him moving out. Mayor Le Frois indicated she attended a stakeholders meeting this morning regarding Thorlabs and assured the public the Town is doing everything to move these projects forward.

Karen Hardin-Kitchell, a Lafayette resident, enjoyed the pool as a kid and as a parent and offered to assist if fundraising is necessary.

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

COUNCIL & MANAGER COMMENTS – None.

EXECUTIVE SESSION – None.

There being no further business to be conducted, upon motion of Mayor Le Frois, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 7:41pm.

Respectfully submitted,

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

Lorraine A. Read, RMC
Municipal Clerk