

The regular meeting of the Town Council of the Town of Newton was held in person and via Zoom on the above date at 7:00 pm. Present were Mr. Couce, Mrs. Teets, Deputy Mayor Schlaffer, Mayor Dickson, Municipal Clerk Teresa A. Oswin, and Thomas S. Russo, Jr., Town Manager. Phil LaPorta, Esq., was also present representing the Town Attorney's office. Eric Bernstein, Esq., Town Attorney attended via telephone. Mrs. Diglio was excused.

Mayor Dickson then 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, 2021".

Mayor Dickson led the Pledge of Allegiance to the flag and the Clerk called the roll.

PRESENTATION

a. Jordan Harvey - Oath of Office

Mr. Russo read the following bio:

"Jordan is a husband to his wife Wilma a long-time Newton resident and a father to his 3 boys Adrian, Cameron, Zayden, and they are currently expecting a baby girl this upcoming year. Jordan grew up in Rockaway NJ, where he participated in sports throughout his childhood and teenage years. Jordan participated in track and field during his childhood years participating in National Championship meets and setting records in 4x100 relay and the 400. Jordan went to Morris Knolls High School where he played Varsity Basketball throughout his four (4) years there. Jordan was a team captain his senior year and made the 1st team All-Conference. After graduating High School, he coached basketball while maintaining a steady job. In 2016 Jordan moved to Newton, the same year he started working for SCARC, a company that cares for individuals with developmental disabilities. In 2018 he enlisted in the Army as an MP (Military Police) and is still currently serving as a reservist. While in basic training Jordan was his Platoon's Platoon Guide. He was nominated for a leadership award and was an honor graduate from his training company. After completing basic training, he returned to work at SCARC dedicating six (6) years to the company. Once Jordan was hired by Newton Police Department, he began to dedicate himself in preparing for the police academy. During this past summer Jordan received an Army achievement metal for having the highest PT score in his battalion. During Jordan's free time he likes to spend it with his family and to continue to improve his physical fitness by working out, playing basketball, and doing mixed martial arts. Jordan attended the Morris County Police Academy from July 6th, 2021, to November 22nd, 2021. During his time at the academy, he was appointed by his peers as a squad leader as well as the class president. Jordan prides himself on his work ethic and continues to push himself to be

the best version of himself he can be. Jordan is excited to get to work and out in the community to serve the people of Newton."

Mayor Dickson swore in Jordan Harvey as a Police Officer in the Police Department, as his sons, Adrian, Cameron held the Bible, his wife Wilma pinned on his badge.

Chief Van Nieuwland stated Jordan was a top candidate and received the leadership award by his peers in the academy. He has a military background which has help to develop his leadership qualities. These qualities will be a benefit as the current department transitions in the next few years as senior officers retire. He offered congratulations and wished him good luck.

Jordan thanked everyone in attendance and especially the Town Council for the opportunity to fulfill his life-long dream of becoming a police officer. He gave thanks to the members of the Department, stating they have been very helpful. He thanked is family and his wife for all their support. He is excited to get to work.

APPROVAL OF MINUTES

Upon motion by Mrs. Teets, seconded by Mr. Couce and unanimously carried, the minutes for the November 8, 2021, Regular and Executive meetings were approved.

OPEN TO THE PUBLIC

At this time, Mayor Dickson 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 3 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. Council may choose to comment after the entire public portion has concluded. Please state your name and address for the record."

Mayor Dickson stated those in attendance will be given priority at the microphone. Those on Zoom can use the raise hand or chat option to notify us you wish to speak.

Susan Kelly, 225 Spring Street, came forth and stated she has been having issues in her building for the past three (3) years and feels all the agencies and organizations keep passing the buck and nothing is getting resolved. In her building the police have been called numerous times and she has concerns for her health with mold and other matters.

There was no one else in the audience wishing to be heard.

On Zoom, Ludmilla Mecqj, 9 Madison Street, offered congratulations to the new officer. She asked the Governing Body to be mindful of some statistics when

considering the ordinance for minimum and maximum salaries. The unemployment rate for Newton is 7.7%, the national rate is 6%, the cost of living is 4.45%, which is higher than other states. Also, she does not support a bonus for the Town Manager with Newton's high taxes.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo - started by asking Mr. LaPorta and Mr. Bernstein to speak with Ms. Kelly and get her concerns together so can see how the Town can assist. Mr. Bernstein stated he would also like to reach out to the departments Ms. Kelly has dealt with and hear what action has been taken before we reach out to the building owner.

Mr. Russo went on to wish everyone a Happy Thanksgiving and reminded everyone Town Hall will be closed Thursday and Friday for the holiday. The GNCC Annual Holiday Parade will be held this weekend, he hopes to see everyone there. He stated there will be a joint meeting with the Newton Board of Education on November 30th at 6pm via Zoom, and the annual tree lighting will take place on Friday, December 3rd at 5pm in front of the Municipal Building. The last Council meeting of the year will take place on December 13th.

Mr. Russo then introduced Jon Kazer, the Town's new licensed water operator. Mr. Kazer stood and stated he is impressed so far with Newton's facilities and employees. He is looking forward to working in Newton for many years to come.

Mr. Bernstein stated for the record, even though he has a representative attending the meeting and he is attending via the telephone, he will only be billing the Town for one attorney.

Councilman Couce – started by reminding everyone tomorrow, November 23rd at 4pm is Officer Kaylani's walk-out, he is retiring after 25 years as a police officer. He offered his congratulations. He stated at the last Board of Education meeting routing business was heard. He went on to say on the BOE website they list two (2) upcoming vacancies of BOE positions.

Councilwoman Teets – congratulated our newest police officer. She attended the latest Economic Development Commission meeting, there was no new business. She attended the ribbon-cutting for a new restaurant on Spring Street called *Indian Masala* today. She encourages everyone to support our local businesses. She attended the New Jersey League of Municipalities conference. There were some very interesting sessions. She met numerous vendors and came away with a lot of good information. She is happy to see the letter from Mr. Herzenberg on the improvements to Pine Street

Park. The Football team's season unfortunately came to an end with their loss to Jefferson in the semi-finals. They had a great season finishing with a 10-1 record. The boys Varsity Soccer Team also had a great season finishing with a record of 15-4. The Newton Pee Wee football won the American Conference – Pee Wee Division for Morris & Sussex. Operation Santa will be held on December 18th. She explained you buy the gift and for a small donation the Newton Fire Department with the help of Santa will deliver it to your child. Lastly, she wished everyone a Happy Thanksgiving.

Deputy Mayor Schlaffer – nothing to report.

Mayor Dickson – read the following statement:

"I want to congratulate the Newton High School FFA on their performance at the 2021 National Convention with 5 Silver teams, 1 bronze team. Great job by all.

Although the outcome was not what we had hoped, I want to congratulate the Newton High School football team for their 5th division title win and undefeated regular season.

Congratulations to the Newton Braves Peewee football team on your undefeated season and MCYFL American Conference Championship win.

We hope to honor both team's accomplishments at our December meeting.

Last week I attended the annual League of Municipalities Conference in Atlantic City. This was my first time attending the conference and I looked forward to being able to bring what I was able to learn and apply it here. I attended several useful sessions like the Cannabis Regulatory Update, where speakers Dianna Houenou and Jeff Brown of the Cannabis Regulatory Commission gave updates to the municipalities on the two types of licenses that will be given out, the application process, defining a social equity business, and what municipalities can expect next. Future in Parking focused on electric vehicle parking stations and what is required for municipalities to comply after the signing of the recent law, the differences in make ready vs wired, and several design types of stations. Filming in NJ was an interesting panel, discussing the booming film and production industry in NJ after the new tax credits were put in place. How municipalities of a demographics and sizes can put their best foot forward in making efforts to attract projects and with that the economic benefits. The exhibit hall was a great opportunity to speak with a variety of different vendors about electric charging stations, parking pay stations, the New Jersey Infrastructure Bank about both water and transportation banks, fire truck manufacturers, and recreation equipment companies. A lot of great information and many new contacts.

I also attended the Sussex County Community College Foundation's funding your future event on November 18th. It was a great event to support the student scholarships that help provide access to continued education for so many Sussex County students.

I would like to wish everyone a safe, happy and healthy Thanksgiving."

UNFINISHED BUSINESS – None.

ORDINANCES

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

ORDINANCE #2021-20

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2022

Mayor Dickson opened the meeting to the public.

Susan Kelly, 225 Spring Street questioned how many new officers are in the Police Department in the past six months.

Mayor Dickson advised there have been two new hires and several promotions.

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

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

Mr. Couce	Yes	Mrs. Diglio	Excused
Mrs. Teets	Yes	Deputy Mayor Schlaffer	Yes
	Mayor Dickson	Yes	

This Ordinance will take effect after publication and adoption according to law.

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

ORDINANCE #2021-21

AN ORDINANCE PROVIDING FUNDING FOR SITE IMPROVEMENTS AT THE NEWTON MUNICIPAL BUILDING/POLICE STATION FOR THE TOWN OF NEWTON AND APPROPRIATING \$39,000 FOR SUCH PURPOSE

Mayor Dickson opened the meeting to the public.

Kathleen Sturot of Madison Street asked what the plans are for the Police Station.

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

Mr. Russo explained the concrete apron in front of the police station and the stairs in front of the municipal building are being repaired for safety reasons.

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

Mr. Couce	Yes	Mrs. Diglio	Excused
Mrs. Teets	Yes	Deputy Mayor Schlaffer	Yes
	Mayor Dickson	Yes	

This Ordinance will take effect after publication and adoption according to law.

Mayor Dickson directed the Clerk to read aloud the following Ordinance relative to introduction.

ORDINANCE 2021-22

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 100 OF THE TOWN CODE OF THE TOWN OF NEWTON, ENTITLED “FEES AND COSTS”, MOST NOTABLY SECTION 100-2 “PEDDLING AND SOLICITING”; SECTION 100-11 “SIDEWALK CAFES”; SECTION 100-15 “VEHICLES AND TRAFFIC”; SECTION 100-17 “HEALTH CODES”; SECTION 100-19 “UTILITIES”; SECTION 100-20 “STREETS AND SIDEWALKS”; SECTION 100-22 “LAND SUBDIVISION AND SITE PLAN REVIEW”; SECTION 100-23 “ZONING”; AND, SECTION 100-24 “MISCELLANEOUS FEES AND CHARGES”; CHAPTER 206, ENTITLED “PEDDLING AND SOLICITING”, MOST NOTABLY SECTION 206-21 “FEES, PERMITS AND INSURANCE”; AND, RELATED OTHER TOWN CODE PROVISIONS

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

Mr. Couce	Yes	Mrs. Diglio	Excused
Mrs. Teets	Yes	Deputy Mayor Schlaffer	Yes
	Mayor Dickson	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, December 13, 2021 at 7:00 pm.

CONSENT AGENDA

Mayor Dickson read the following statement:

“All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

Mr. Russo reviewed the consent agenda items.

RESOLUTION #221-2021*

“Rejecting All Bids for Equipment/Pump Maintenance Services Newton Water/Sewer Utilities Bid #9-2021”

WHEREAS, the Town of Newton received bids on September 8, 2021, at 9:00am in response to Bid #9-2021 for Pump Maintenance and Repair Services for the Newton Water & Sewer utilities; and

WHEREAS, the Town received three (3) bids to wit:

Rapid Pump and Meter Service Co	Longo Electrical Mechanical Inc.	A.C. Schultes Inc.
\$109,860.00	\$109,800.00	\$114,780.00

WHEREAS, the Water and Sewer utility, as well as the Town's consulting engineer, desire to substantially revise the scope of the project; and

WHEREAS, the New Jersey Local Public Contract Law at N.J.S.A. 40A:11-13.2(d) allows for rejection of bids by a contracting unit in such instances, to wit:

40A:11-13.2. Rejection of bids; reasons

A contracting unit may reject all bids for any of the following reasons:

d. The contracting unit wants to substantially revise the specifications for the goods or services.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that any and all bids received for Bid #9-2021 for Pump Maintenance and Repair Services are hereby rejected in accord with the authority granted within N.J.S.A. 40A:11-13.2(d).

RESOLUTION #222-2021*

“Authorize Premium Payment to be Turned Over to the Treasurer”

WHEREAS, Tax Sale Certificate #2016-002 was issued at the Tax Sale held on November 17, 2016 with zero percent redemption and a premium of \$34,600.00 on Block 4.03, Lot 5 also known as 85-87 High Street; and

WHEREAS, N.J.S.A. 54:5-33 states if redemption is not made within five years from the date of the Sale the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, Tax Sale Certificate #2016-002 was five years from the date of Tax Sale on November 17, 2016, therefore the premium in the amount of \$34,600.00 is to be turned over to the Treasurer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges the premium for Tax Sale Certificate #2016-002 in the amount of \$34,600.00 be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$34,600.00 for said premium to the Treasurer of the Town of Newton.

RESOLUTION #223-2021*

“Authorize Refund of Taxes; Block 14.04, Lot 30.02, for a 100% Disabled Veteran Exemption”

WHEREAS, Jasmine Navarro Russell owns Block 14.04, Lot 30.02, also known as 67 Madison Street, Newton, New Jersey; and

WHEREAS, the Municipal Tax Assessor has granted a 100% Disabled Veteran Tax Exemption on October 29, 2021 for the property owned by Jasmine Navarro Russell; and

WHEREAS, the property taxes for Block 14.04, Lot 30.02, are paid through the 4th quarter of 2021, therefore, a refund is necessary and a portion of the 3rd quarter taxes and the entire 4th quarter taxes need to be cancelled; and

WHEREAS, the Tax Collector has determined the amount to be refunded for a portion of the 3rd and the entire 4th quarter of 2021 is \$3,659.30 and the amount of a portion of the 3rd quarter and the entire 4th quarter taxes to be cancelled is \$3,659.30;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Jasmine Navarro Russell in the total amount of \$3,659.30 which is retroactive to July 9, 2021 and this refund is the

result of a 100% Disabled Veteran Tax Exemption and a portion of the 3rd quarter and the entire 4th quarter taxes need be cancelled; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the total amount of \$3,659.30 to Jasmine Navarro Russell, 67 Madison Street, Newton, NJ 07860 and the Tax Collector be authorized to cancel a portion of the 3rd quarter and the entire 4th quarter taxes.

RESOLUTION #224-2021*

“Authorize the Award of a Required Disclosure Contract for HFE Services LLC”

WHEREAS, the Town of Newton has a need to maintain the viability and functionality of the information technology systems in order to serve the public in an efficient manner through HFE Services LLC, 6 Terrace Drive, Newton, NJ 07860, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is for the 2021-22 year(s); and

WHEREAS, HFE Services LLC., is anticipated during the 2021-22 budget year will exceed in the aggregate the pay to play threshold of \$17,500.00; and

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

WHEREAS, subject to the approval of future budgets, the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2022 budget, funds NOT TO EXCEED \$25,000.00 will be encumbered as follows:

Current – Manager OE –Computer Technology #1050241	\$12,500.00
Water Sewer – Computer Technology #6051241	\$12,500.00

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with HFE Services LLC, 6 Terrace Drive, Newton, NJ 07860, not to exceed \$25,000.00 for the 2021-22 calendar year; and

BE IT FURTHER RESOLVED, the Business Disclosure Entity Certification, Political Contribution Disclosure, and the Determination of Value be placed on file with this resolution.

RESOLUTION #225-2021*

“Authorize Execution of Agreement Between the Town of Newton and the Newton Parking Authority”

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on November 4, 2021, the members of the Authority approved an appropriate agreement for calendar year 2022 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2022.

RESOLUTION #226-2021*

“Appointment of Evin Joice to the Economic Development Advisory Commission”

WHEREAS, there currently is a vacancy on the Economic Development Advisory Commission; and

WHEREAS, Evin Joice has expressed interest in serving as a member of the Economic Development Advisory Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Evin Joice is hereby appointed to an unexpired three (3) year term on the Economic Development Advisory Commission, effective immediately with said term continuing to December 31, 2022.

RESOLUTION #227-2021*

“Approve 2021 Appropriation Transfers”

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2021 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Employee Group Insurance – OE 1066200	Health Benefit Waiver – OE 1066300	\$ 5,050.00
	Other Insurance – OE 1069200	<u>\$ 2,000.00</u>
TOTAL CURRENT TRANSFERS		\$ 7,050.00

RESOLUTION #228-2021*

“Approval of a Renewal Application for Taxicab Owner’s License for Doragail Spicer t/a DADS Taxi & Limo”

WHEREAS, the Code of the Town of Newton requires under **§283.2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Owner's License application is complete and accurate; and

WHEREAS, in accordance with **§283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner’s License application submitted by Doragail Spicer, 81 Skytop Road, Newton, NJ 07860, t/a D.A.D.S. Taxi & Limo, which shall expire November 22, 2022; and

BE IT FURTHER RESOLVED that the applicant must remain in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

RESOLUTION #229-2021*

“Approval of a Renewal Application for Taxicab Driver’s License for Doragail Spicer”

WHEREAS, the Code of the Town of Newton requires under **283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver’s license application is complete and accurate; and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Doragail Spicer, 81 Skytop Road, Newton, NJ 07860 and represents D.A.D.S. Taxi & Limo, which will expire on November 22, 2022.

RESOLUTION #230-2021*

“Approval of a Renewal Application for Taxicab Driver’s License for Glenn T. Spicer”

WHEREAS, the Code of the Town of Newton requires under **§283.2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver’s license application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Glenn T. Spicer, 81 Skytop Road, Newton, NJ 07860 and represents D.A.D.S. Taxi & Limo, which will expire on November 22, 2022.

RESOLUTION #231-2021*

“Approval to Submit Application for Sussex County Trails Program to Construct a Pedestrian Trail Within A 20-Foot Bicycle Easement off of Diller Avenue to Improve Connectivity, Increase Recreation Opportunities, and Enhance Historic Value”

WHEREAS, the Town Council of the Town Newton “Council” has been notified of the State Fiscal Year 2021 Sussex County Trails Program which includes up to \$5,000 of funding toward the construction, restoration, and maintenance of publicly-owned,

shared-use trails and the Town of Newton's desire to apply for \$5,000 in funding to construct a pedestrian trail within a twenty foot bicycle easement off of Diller Avenue to improve connectivity, increase recreation opportunities, and enhance the Town's historic value; and

WHEREAS, the Council desires to apply for a grant for \$5,000; and

WHEREAS, the Council recognizes and accepts the Sussex County Trails Program may offer a lesser amount of grant funding and therefore, upon receipt of the Grant Agreement from the Sussex County Department of Engineering and Planning's Division of Planning and Economic Development Open Space Advisory Committee, and any amendments thereto, does further authorize the execution of any such Grant Agreement; and also, upon receipt of the fully executed Agreement from the Open Space Advisory Committee, does further authorize the expenditure of funds pursuant to the terms of the Agreement; and

WHEREAS, in order to make an application and undertake all other required elements of submission, a Resolution must be adopted by the Council authorizing the application and any amendments thereto and the authority to construct the trail as previously described and all other aspects of the grant administration; and

WHEREAS, the construction of a trail within an existing bicycle easement off of Diller Avenue will benefit the Town of Newton residents by improving connectivity, providing recreation opportunities, and enhancing the Town's historic value, and therefore this project is deemed in the best interest of the Town and the residents of this area;

NOW, THEREFORE BE IT RESOLVED, that the Mayor, Town Manager, and Town Clerk are authorized to sign all required elements of the proposed application to construct a trail within an existing bicycle easement off of Diller Avenue and apply for a grant in the amount \$5,000 to execute the same; and

BE IT FURTHER RESOLVED, that the attached application is submitted to the Sussex County Department of Engineering and Planning's Division of Planning and Economic Development Open Space Advisory Committee; and

BE IT FURTHER RESOLVED that copies of this Resolution and the attached application shall be provided to the Town of Newton, c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; and Maggie Faselt, Sussex County Department of Engineering and Planning's Division of Planning and Economic Development Open Space Advisory Committee, 1 Spring Street, Newton, NJ, 07860; and the Town of Newton Manager's Office.

RESOLUTION #232-2021*

“Approve Participation with the State of New Jersey in a Safe and Secure Communities Program Administered by the NJ Department of Law and Public Safety, Office of the Attorney General”

WHEREAS, the Town of Newton wishes to apply for funding in the amount of \$13,938.00 with a match of \$96,071.98 by the Town for an approximate project total cost of \$110,009.98 for a project under the New Jersey Safe and Secure Communities Program (Grant #No. 22-1915) for the project duration of March 14, 2022 to March 13, 2023; and

WHEREAS, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

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

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) NJ Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the application for said funds; and
- 4) NJ Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to each applicant as authorized.

BE IT FURTHER RESOLVED, that the Town Manager of the Town of Newton is hereby authorized to accept and execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. 22-1915.

RESOLUTION #233-2021*

“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:

CREDIT FOR ACCOUNTS OVERESTIMATED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6059	13 Academy Street	\$ 662.20
24795	5-A Ashford Street	\$ 91.52

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

RESOLUTION #234-2021*

“Resolution Approving Vacation & Sick Leave Time Payout for Katherine Citterbart”

WHEREAS, Katherine Citterbart, Zoning Officer of the Town of Newton, retires effective November 30, 2021 and is entitled to payout for unused and accrued vacation & sick leave time pursuant to applicable law, Town ordinances, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook; and

NOW, THEREFORE BE IT RESOLVED, the Town Council authorizes the following payout for unused and accrued vacation & sick leave to Katherine Citterbart as follows:

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Katherine Citterbart	November 30, 2021	\$5,603.03

BE IT FURTHER RESOLVED, appropriate Town employees are hereby authorized to make the payments set forth above, with any required revisions to the payout amounts.

RESOLUTION #235-2021*

“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 2020 and 2021 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.

List of Bills - CLEARING/CLAIMS

Check#	Vendor	Check Total
4878	AA FENCE CO., INC.	2,160.00
4879	ABCODE SECURITY INC.	105.00
4880	AFLAC	3,959.56
4881	AG CHOICE, LLC.	512.00
4882	AIRGAS USA, LLC	450.00
4883	AIRMATIC COMPRESSOR SYSTEMS, INC.	4,408.35
4884	ALL GAS & WELDING SUPPLY CO., INC.	327.16
4885	AMERICAN FIDELITY ASSURANCE	1,272.32
4886	AMERICAN FIDELITY ASSURANCE COMPANY	960.00
4887	ARAMSCO INC.	474.90
4888	BADGER METER, INC.	162.90
4889	BARBARA HUNTON	18.99
4890	BOONTON TIRE SUPPLY INC.	988.95
4891	BRAEN STONE SPARTA	2,079.79
4892	CAMPBELL SUPPLY OF SUSSEX CTY LLC	608.98
4893	CAPITOL SUPPLY CONST PRODUCTS, INC.	927.87
4894	CENTURYLINK COMMUNICATIONS, INC.	134.99
4895	CENTURYLINK COMMUNICATIONS, INC.	41.90
4896	CENTURYLINK COMMUNICATIONS, INC.	3,926.02
4897	CLIFFSIDE BODY CORP.	3,327.19
4898	COYNE CHEMICAL CORP., INC.	2,037.00
4899	CURRENT ACCOUNT	6,148.94
4900	CURRENT ACCOUNT	8.77
4901	CURRENT ACCOUNT	2.50
4902	DANFORTH'S TRAILER & AUTO, INC	1,369.48
4903	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	1,951.50
4904	DURABLE DOOR COMPANY	7,978.50
4905	ELECTRONIC FEES - REC (POOL)	532.91
4906	ELIZABETHTOWN GAS	1,760.28
4907	ERIC M. BERNSTEIN & ASSOCIATES, LLC.	3,289.00
4908	ESI EQUIPMENT INC.	1,114.00
4909	FAIL SAFE TESTING, LLC	3,356.25
4910	FEDERAL & STATE GRANT	1,145.00
4911	FIREFIGHTER ONE, LLC.	1,341.95
4912	GALLS, LLC	777.58
4913	GARDEN STATE LABORATORIES INC	6,097.00
4914	GENERAL CODE, LLC	1,195.00
4915	HAMBURG PLUMBING SUPPLY CO INC	106.33
4916	HAYDEE BALLESTER	140.00
4917	HAYEK'S MARKET INC.	1,261.82
4918	HFE SERVICES LLC	1,915.96
4919	HOLZHAUER, SCOTT	115.00
4920	HOME DEPOT, INC.	8,032.68
4921	J. CALDWELL & ASSOCIATES, LLC.	5,260.00
4922	JCP&L	22,910.54
4923	JERSEY SHIRTS & DESIGNS	383.00
4924	Jesco Inc.	670.45
4925	JMC ENVIRONMENTAL CONSULTANTS, INC.	4,220.00
4926	JOHNNY ON THE SPOT, LLC.	541.25
4927	JOSEPH D CALABRESE	100.00
4928	JP MONZO MUNIC CONSULTING, LLC	50.00
4929	KAY PRINTING & ENVELOPE CO.INC.	812.00
4930	KAYLANI, SHERRI	115.00
4931	KIMBERLY MASON-WILLIAMS	326.10
4932	KKPR MARKETING & PUBLIC RELATIONS,	1,600.00
4933	LADDEY, CLARK & RYAN, LLP	2,874.99
4934	LAFAYETTE AUTO PARTS	701.78
4935	LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.33
4936	LOWE'S , INC.	90.32
4937	MCGUIRE, INC.	596.51
4938	MILLER, JASON	200.00
4939	MUNICIPAL RECORD SERVICE	1,043.00

4940	MUNICIPAL SAFETY SUPPLY	87.80
4941	NENA	142.00
4942	New Jersey Herald	342.48
4943	NEWTON BOARD OF EDUCATION	1,110,506.41
4944	NEWTON FIRE DEPARTMENT	12,900.00
4945	NEWTON FIRST AID SQUAD	6,250.00
4946	NEWTON PATROLMANS ASSOCIATION	690.00
4947	NEWTON SUPERIOR OFFICERS	480.00
4948	NJ DIV ALCOHOL BEVERAGE CONTR.....	36.00
4949	NJMEBF	180,349.00
4950	ONE CALL CONCEPTS, INC.	97.59
4951	OPTIMUM	114.19
4952	PALL CORPORATION	45,754.19
4953	PAR TROY SOUND OF NEWTON, INC.	100.00
4954	PASSAIC VALLEY SEWERAGE COMM.	4,498.20
4955	PELLOW, HAROLD & ASSO, INC.	9,290.07
4956	PELLOW, HAROLD & ASSO, INC.	6,574.66
4957	PELLOW, HAROLD & ASSO, INC.	1,582.00
4958	PENTELEDATA	319.90
4959	PETRO-MECHANICS, INC. PO 59752 Fuel System/Rpr 210.00	210.00
4960	PIPE WORKS SERVICES INC PO 60299 REFUND ESCROW BAL 60.00	60.00
4961	PLANET NETWORKS INC.	6,042.72
4962	POOL OPERATION MANAGEMENT.....	335.00
4963	PROCESS TECH SALES AND SERVICE	1,275.95
4964	PROFESSIONAL CONSULTING INC.	17,377.00
4965	PUMPING SERVICES, INC.	2,902.83
4966	QUILL CORPORATION	734.79
4967	RACHLES/MICHELE'S OIL COMPANY, INC.	4,029.67
4968	RR DONNELLEY	294.00
4969	S K OFFICE SUPPLY INC.	150.00
4970	SCMUA	836.12
4971	SEBRING AUTO PARTS, INC. PO 59197 B: Auto Spls/Rprs 315.22	315.22
4972	SKYLAND PROMTONS	490.02
4973	SLOAN, JAMES P.	3,511.92
4974	SMALLEY, JOHN H	1,437.50
4975	SPECTRUM COMMUNICATIONS, INC.	1,257.00
4976	STALKER RADAR INC.	324.00
4977	STAPLES	518.68
4978	STAPLES	311.43
4979	STAPLES CREDIT PLAN, INC.	959.88
4980	State of NJ, DCA ELSA	258.00
4981	STATEWIDE INSURANCE FUND.....	8,129.25
4982	STEWART & STEVENSON POWER PRODUCTS	4,583.50
4983	SUBURBAN CONSULTING ENGINEERS, INC.	3,805.00
4984	SUNLIGHT GENERAL	968.13
4985	SYNCHRONY BANK	1,072.49
4986	T.A. MOUNTFORD COMPANY, INC.	565.00
4987	TEXAS LIFE INSURANCE COMPANY	35.45
4988	THE CANNING GROUP, LLC.	541.67
4989	THE EQUITABLE	31,895.00
4990	THE FARMER'S DAUGHTER	50.00
4991	TRACTOR SUPPLY	271.91
4992	TRANS WORLD ASSURANCE CO.	400.00
4993	TRIMBOLI & PRUSINOWSKI, LLC.	3,179.00
4994	TRIUSS INC.	480.00
4995	TRUST ACCOUNT, TOWN OF NEWTON	2,470.40
4996	UNITED SITE SERVICES, INC	5,697.09
4997	UNUM LIFE/DISABILITY INSUR	412.19
4998	UPSEU LOCAL 424J	672.00
4999	VAN NIEUWLAND STEVE	55.00
5000	VERIZON WIRELESS, INC.	1,388.27
5001	VISION SERVICE PLAN	2,253.95
5002	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	1,035.00
5003	WALMART	76.89

5004	WANTAGE TOWNSHIP	1,487.54
5005	WATER & SEWER CAPITAL ACCOUNT	85,000.00
5006	WEIS MARKETS, INC.	21.28
5007	WEST CHESTER MACHINERY	1,082.00
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TOTAL		1,703,726.82

Mayor Dickson asked if any member of the Council would like to pull a Resolution for discussion.

A motion was made by Mr. Couce to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Councilwoman Teets and roll call resulted as follows:

Mr. Couce	Yes (Abstain Check 4945, 4961)	Mrs. Diglio	Excused
Mrs. Teets	Yes	Deputy Mayor Schlaffer	Yes
	Mayor Dickson	Yes (Abstain Check 4943)	

DISCUSSION - None.

OPEN TO THE PUBLIC

Mayor Dickson opened the meeting to the public.

Kathleen Sturot, Madison Street came forth and questioned the Sidewalk Café permit fee in Ordinance 2021-22 and the fairness of the enforcement of certain regulations for outside dining on Spring Street. She feels one particular establishment was given a hard time regarding their tables, and told their tables were four (4) inches too big to have them outside. She asked the Council to be more lenient to encourage outside dining because it really helps the restaurants.

There was no one else in the audience wishing to be heard.

On Zoom, Ludmilla Mecaj, 9 Madison Street thanked the Mayor for acknowledging the students in the FFA program and their achievements. She went on to say the students in the theatre program put on a nice show recently. She encourages the Council to give more support and help advertise the non-athletic events. Finally, she wished everyone a Happy Thanksgiving.

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

COUNCIL & MANAGER COMMENTS

Mr. Couce explained for clarification Ordinance 2021-22 was introduced tonight, there will be a public hearing before the Council votes at the next meeting.

Mr. Russo explained, the fee for the Sidewalk Café permit is being decreased and Grinds & Grinds had issues with the umbrella's they were using weren't ADA

compliant.

Ralph Pizzano, 225 Spring Street spoke out asking the Council to be fair to everyone.

EXECUTIVE SESSION

Upon motion of Mr. Couce, seconded by Deputy Mayor Schlaffer and unanimously carried, Council entered Executive Session at 7:50 pm.

Upon motion of Deputy Mayor Schlaffer seconded by Mr. Couce and unanimously carried, Council left Executive Session at 8:43 pm.

Mr. Bernstein, no formal action was taken while in Executive Session.

There being no further business to be conducted, upon motion of Mr. Couce seconded by Mrs. Teets and unanimously carried, the regular meeting was adjourned at 8:44 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk