

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. Diglio, Mrs. Teets, Mayor Dickson, Municipal Clerk Teresa A. Oswin, and Thomas S. Russo, Jr., Town Manager. Deputy Mayor Schlaffer, Monica B. Miebach, CFO, and Eric Bernstein, Esq., Town Attorney attended via Zoom.

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 – None.

APPROVAL OF MINUTES

Upon motion by Mrs. Teets, seconded by Mrs. Diglio and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
		(abstain from Regular Meeting)	
Mrs. Teets	Yes	Deputy Mayor Schlaffer	Yes
	Mayor Dickson	Yes	

The minutes for the November 22, 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 presented a problem she was having with her building at the last meeting and she was wondering about the progress. She supplied documents to our lawyer and was told it was being looked into.

Ralph Porter, 12 Pine Street came forth to commend the Council for the ordinance on snow removal. Also, he thanked the staff for helping with the umbrella issue and ADA compliance for Grinds and Greens. He went on to say the Farmer's Daughter on Spring Street has tables outside that are not ADA compliant. He cannot get through with a double stroller. He stated there is only 22 inches of clearance and the minimum amount for ADA compliance is 30 inches. Lastly, he stated Federal law requires all businesses with more than 50 employees are to have ADA Compliance Officer. He asked does Newton have one? If not, why?

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

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

Mr. Russo asked Mr. Bernstein to respond to Ms. Kelly's inquiry. Mr. Bernstein confirmed Ms. Kelly has been in communication with representatives of his office. His office has been in communication with the Sussex County Department of Environmental and Public Health regarding Ms. Kelly's concerns. They are trying to communicate with the State Department of Community Affairs. His office is drafting a letter to RPM which he expects to go out in the next 48 hours. They have reached out and have had conversations with RPM, and they have reviewed all the documents Ms. Kelly has supplied. They have also been keeping Mr. Russo's office apprised of the progress.

The Mayor asked Mr. Russo who the ADA liaison is. Mr. Russo advised he will talk with our Construction Official, Joe Butto and get back to him. He will also check on the Farmer's Daughter.

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by reminding everyone the building is closed to the public, but services are available by appointment. December 24th and December 27th the Town Hall is closed for the Christmas Eve/Christmas Holiday. On December 31st the municipal offices will be closing at 1:00pm. The Reorganization Meeting will be held Thursday, January 6th at Noon, it will be held outside (weather permitting)

Councilman Couce – Nothing to report.

Councilwoman Diglio – started off by saying she really appreciates Nancy Woods, Mel Dennison, and Michelle Egan of the Greater Newton Chamber of Commerce for stepping in and helping with the Annual Holiday Parade held on November 27. She went on to thank the DPW, Police, and everyone that helped to make the event a success.

The Tree Lighting on December 3rd was a nice event and very well attended. On December 8th she attended the Sussex County Economic Development Partnership Mayor's Reception with Councilwoman Teets and Mayor Dickson. They spoke about

upcoming laws which will ban the use of plastic bags and straws beginning in March 2022.

Lastly, she thanked Mayor Dickson for all his work this past year. It was a great year.

Councilwoman Teets – stated “I attended the **Holiday Parade on Saturday, November 27, 2021**. I personally started out walking with Mayor Dickson, Deputy Mayor Schlaffer and Mr. Russo but I got caught up in the excitement of seeing so many people I knew along the parade route and handing out candy to the kids, that I got slightly behind them. I met up with them at the end of the parade route and we were able to walk back up to Spring Street and see the parade so that was great. Also, Mr. Couce was driving the ambulance at the end of the parade route and we certainly thank him for participating and keeping us safe. I would like to thank the GNCC, the Newton Police Department for keeping us safe and traffic moving and the DPW who always support all the events in Town and do so with a smile. They quickly cleaned up the streets and sidewalks after the parade and I can never give them enough credit. Although the temperature was a little chilly I think our hearts were warm with a lot of spectators and participants getting ready for the holiday season.

I attended the **Tree Lighting on December 3rd**. What a fantastic night. The weather was great, and I saw so many smiling children and helped write so many letters to Santa that night. I am sure his elves were busy responding back. I am looking forward to next year's tree lighting already and will brush up on what are the popular items that are very young residents are asking for. Sometimes, I had difficulty understanding what they were asking for, but if I was more “in tune” with the 3 – 8-year-old residents, I may have tracked better to what they were asking for. I would also like to note that that same age group have all been nice this year except for one person who admitted she was sometimes nice and sometimes naughty. I gave her credit for being the first honest child I spoke to that night. I would like to thank the Recreation Department, Ms. Sherri Kaylani and her staff as well as all the rec committee volunteers that helped, the DPW for doing a fantastic job with the display and ensuring when the switch was flipped that the tree lit up beautifully. I would also like to thank Ms. Kimberly Williams for promoting the event and all the coordination she does, as well as the Merriam Avenue Chorus who did an awesome job singing some holiday songs, as well as DJ Captain Kirk who kept the mood festive with a variety of holiday songs, and of course our fire department who got Santa to the event and to the police department for keeping everyone safe and also returning Santa back to his sled as the fire department had to leave for another emergency.

I attended the official **ribbon cutting on December 4th** at the Farm Store. I am like the foodie of the group, but I do recommend you try the warm chocolate chip cookies and visit the Farm Storm social media pages to see all that they have to offer.

This past Wednesday, December 8th, I attended the Sussex County Chamber's **Mayor's Reception** held at the Mohawk House. Although our own Mayor, Mr. Matt Dickson, did not win the Mayor of the Year Award, he certainly did not fall short on all that he accomplished this year. Mayor Dickson was also asked to speak about the plans going forward in the Town and Matt was able to cover a lot of the upcoming projects and work that is being done. Afterwards, many of those in attendance agreed that Newton is definitely moving forward, and I think we have our Mayor, previous Town council members and our Town manager and all of the staff to thank for that.

A reminder that the **Newton Fire Department is conducting their annual Operation Santa** on December 18th and for a small donation, Santa will deliver your gift to your child or children at your home. Gifts and signs up must be done tomorrow, December 14th, or Thursday, December 16th at the #1 Firehouse located at 22 Mill Street between the hours of 6:00 - 9:00 PM.”

Deputy Mayor Schlaffer – Nothing to report.

Mayor Dickson – read the following statement:

“From December 10th to December 13th, the Sussex County Division of Health reported 312 additional cases of COVID-19 among County residents, for a total number of 21,136 confirmed cases. Of the 21,136 cases, 19,164 cases have been classified as recovered. Additionally, the Sussex County Division of Health reports 1 new death for a total of 361 deaths. For information on pop up vaccine clinics or COVID testing you can visit Sussex.nj.us and click on the COVID-19 link.

November 27th had the return of a long-standing tradition in the Holiday Parade. Thank you to the GNCC, everyone who participated in the parade and all those who attended. It was a great way to kick off the Holiday Season.

I again just want to thank Dr. Greene and the Board of Education members for participating in the joint meeting on November 30th. Always a great opportunity for the two entities to meet and have those lines of communication open.

On December 1st Congressman Gottheimer and I had a chance to stop in at The Farm Store on Main Street for a behind the scenes look. I encourage anyone who has not, to stop in and see all that they have to offer.

The Tree Lighting on December 3rd was well attended and a great way for our community to celebrate together. I want to thank Tom, Kimberly Williams, Sherri Kaylani, the entire Recreation Committee, the Merriam Avenue School Chorus, the NPD, NFAS, and NFD. Finally, as I said that night, thank you to the Newton DPW the unsung heroes of these events and would not be possible without them.

On December 8th I attended the Sussex County Economic Partnerships Mayor Reception. All the mayors in attendance had a chance to have a “minute” to speak and share what is happening in their municipality. It is always exciting to get to share all the great things happening in Newton. Congratulations to Sparta Mayor Christine Quinn on being named mayor of the year.

I had said that tonight we were going to honor our football teams, however with the current COVID situation, we thought it would be best to hold that until January.

Finally, tonight is my last night as Mayor and first let me say what an honor it has been to serve in this capacity and represent the Town of Newton. I want to thank my family for supporting me throughout the year and all the added responsibilities that come with being Mayor. Thank you to the community for all your support throughout the year. Serving the Newton community is why we are all here. Thank you to my fellow Council members for all their support throughout the year. We have had a productive year and the work speaks for itself. Mr. Russo, it was a pleasure to get to work with you this past year as Mayor. Without your leadership and guidance, so much would not be possible. To all our Town Hall staff, department heads, professionals, and volunteers, you are the best of the best and none of this would be possible without your hard work and dedication. I look forward to continuing to serve on the council and continue the progress we have made. I want to wish everyone a safe, healthy, and happy holiday season.”

UNFINISHED BUSINESS – None.

ORDINANCES

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

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

Mayor Dickson opened the meeting to the public.

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

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

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

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

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 #238-2021*

“Transfer of School Monies for the Period from January 1, 2022 to June 30, 2022”

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$6,663,038.54 to meet the obligations of the Newton Board of Education, in accordance with the Statutes and the request of the Board of Education of Newton.

Amount of Tax Voted (Inclusive of Debt Service)	\$13,855,464.00
Amount Received to Date	7,192,425.46
Amount of This Request	<u>6,663,038.54</u>
Balance Due Board of Education	0.00

RESOLUTION #239-2021*

"Authorize the Award of a Required Disclosure Contract for Planet Networks, Inc."

WHEREAS, the Town of Newton requires networking and information technology services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Planet Networks, Inc., 4 Park Pl, Newton, NJ 07860 in the aggregate is expected exceed the pay to play threshold of \$17,500.00; and

WHEREAS, Planet Networks, Inc., 4 Park Pl, Newton, NJ 07860, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Planet Networks, Inc., 4 Park Pl, Newton, NJ 07860, 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 Planet Networks, Inc., 4 Park Pl, Newton, NJ 07860, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies sufficient funds in the 2022 budget, funds NOT TO EXCEED \$38,000.00 will be encumbered as follows:

Account name:	Account #:	
Utility/Bulk - Internet	1089266	\$16,100.00
OEM – Office Expense	1078244	\$ 200.00
Cencom – Contractual	1074317	\$21,700.00

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Planet Networks, Inc., 4 Park Pl, Newton, NJ 07860, not to exceed \$38,000.00 for the 2022 calendar year; and

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

RESOLUTION #240-2021*

"Authorizing the Sale of Brine Solution to Municipalities for Calendar Year 2022"

WHEREAS, the Town of Newton has the equipment necessary to make a brine solution which is used on roadways in preparation for inclement weather; and

WHEREAS, in the past, other municipalities have purchased the brine solution from the Town of Newton; and

WHEREAS, the Newton Town Council desires to authorize the sale of brine solution to other municipalities to the extent it is available, subject to the terms and conditions of this Resolution; and

WHEREAS, the New Jersey Local Public Contracts Law authorizes the sale of items such as the brine solution to a local government agency in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-36(2), without the need for bids or public auctions;

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

1. The Town of Newton may sell to other municipalities brine solution to the extent that the Town of Newton has the solution available.

2. The DPW Supervisor or his designee shall be responsible for monitoring the quantities of brine solution sold and provide the information to the Town of Newton CFO or his/her designee for invoicing purposes.
3. The sale price of the brine solution at the time of this Resolution is \$0.65 per gallon; however, the Town of Newton reserves the right to adjust the sale price in the event the costs to the Town of Newton increase during the term of this Resolution. Upon receipt of the invoice, the purchasing municipality shall submit a purchase order or voucher to the Town of Newton. Payment of the invoice is expected within 30 days of the invoice date.
4. A copy of this Resolution shall be placed on file with the Clerk of the Town of Newton.
5. This Resolution shall take effect immediately and shall remain in effect January 1, 2022 through December 31, 2022, or as such time as the Town Council modifies or repeals this Resolution.

RESOLUTION #241-2021*

“To Cancel Current Appropriation Balance”

WHEREAS, the following Current Fund 2021 budget appropriation balance remains unexpended;

Vehicle Maintenance - Road, OE A/C#1083380	\$36,104.94
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WHEREAS, per NJS 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the above listed unexpended balance of the Current Fund be canceled to Current Operations.

RESOLUTION #242-2021*

“Authorize the Release of Executive Session Minutes to the Public”

WHEREAS, the Newton Mayor and Council met in Executive Session on certain occasions; and

WHEREAS, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

WHEREAS, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey, that the minutes of the following Executive Sessions be released to the public:

2/22/2021

BE IT FURTHER RESOLVED, that these specified minutes may be released to the public upon request.

RESOLUTION #243-2021*

“Reimburse Town Employees for Vehicle Expenses for Calendar Year 2022”

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2022:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Scott Holzhauer	Tax Assessor	200 miles	\$115.00
Sherri Kaylani	Recreation Supervisor	200 miles	\$115.00
Jason Miller	Deputy OEM Coordinator & Deputy Fire Chief	350 miles	\$200.00

BE IT FURTHER RESOLVED, the following employees are to receive an annual stipend for vehicular trips for Town banking purposes:

<u>Employee</u>	<u>Position</u>	<u>Amount</u>
Theresa Schlosser	Tax Collector	\$150.00
Jacki Shackleton	Utility Collector	\$150.00

BE IT FURTHER RESOLVED, that for out-of-town business trips, employees, and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2022.

RESOLUTION #244-2021*

“Appointment of Jonathan Kazer as Municipal Representative to the Sussex County Water Quality Policy Advisory Committee”

BE IT RESOLVED, by the Town Council of the Town of Newton that Licensed Water Operator, Jonathan Kazer, is hereby appointed as the municipality's representative to the Sussex County Water Quality Policy Advisory Committee for 2022 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED, that, if required, Newton's Licensed Water Operator or his designee may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex Water Quality PAC.

RESOLUTION #245-2021*

“Designate the Town Manager as the National Organization on Disability Representative for Calendar Year 2022”

WHEREAS, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

RESOLUTION #246-2021*

“Appointment of Adam Vough as Municipal Representative to the Sussex County Solid Waste Advisory Committee for 2022”

BE IT RESOLVED by the Town Council of the Town of Newton the Assistant Public Works Supervisor, Adam Vough, is hereby appointed as the municipality’s representative to the Sussex County Solid Waste Advisory Committee (SWAC) to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center at One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED that, if required, the Assistant Public Works Supervisor or his designee, may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex County SWAC.

RESOLUTION #247-2021*

“Designation of Public Agency Compliance Officer for Calendar Year 2022”

BE IT RESOLVED, by the Town Council of the Town of Newton that Monica B. Miebach, Chief Financial Officer for the Town of Newton, is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2022; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

RESOLUTION #248-2021*

“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 THAT SHOULD BE INACTIVE:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18590	28 Diller Avenue	\$ 150.00
27267	3 Gabriella Way	\$ 75.00

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 #249-2021*

“Change Order for Resolution 185-2021, Award the Contract for the Proposed Improvements to Elm Street, Hampton Street, and Upper Union Place Project to Schifano Construction, Denville Line Painting, and Campbell Foundry, through the Morris County Cooperative Pricing Council”

WHEREAS, the Governing Board of the Town of Newton Resolution 185-2021 for improvements to Elm Street, Hampton Street and Upper Union Place project on September 15, 2021; and

WHEREAS, Schifano Construction Corporation, 1 Smalley Avenue Middlesex, New Jersey was awarded Contract #6, Road Surfacing through the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads with a not to exceed amount of \$67,877.25; and

WHEREAS, Harold Pellow Associates Inc., the Town Engineer for the project has, advised additional unforeseen construction measures are prudent and satisfy identified recognized needs discovered which was not foreseen as part of the original bid request; and

WHEREAS, as per memorandum dated November 29, 2021 the Town's Engineer recommends an increased not to exceed the amount of \$72,171.81 and increase of \$4,294.56 to Schifano Construction; and

WHEREAS, pursuant to Memorandum, dated November 29, 2021, the Town's Engineer recommends this as a change order; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.8, the need for this change order is due to an unforeseeable problem which could not be foreseen at the time the specifications were written and the contract awarded; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.8, this change order constitutes a minor modification to resolve a minor problem; and

WHEREAS, the Chief Financial Officer as required by N.J.S.A. 40A:4-5, N.J.A.C. 5:34-5.1 et seq., hereby certifies funds are available from:

Capital Fund - Ord. #2021-7 Road Improvements - Elm Street, Hampton Street, and Upper Union Place Account #30921011

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the change order for the Improvements Elm Street, Hampton Street, and Upper Union Place project in the Town of Newton is hereby approved in the amount of \$4,294.56 to Schifano Construction Corporation in the amended amount of \$72,171.81.

RESOLUTION #250-2021*

“Reappointment of Nancy Craddock to the Advisory Shade Tree Commission”

BE IT RESOLVED by the Town Council of the Town of Newton that Nancy Craddock is hereby reappointed to a full five-year term on the Advisory Shade Tree Commission effective immediately and continuing through May 31, 2026.

RESOLUTION #251-2021*

“Authorizing a Change Oder to the Contract for Construction of ADA Ramps on Elm Street, Hampton Street, & Upper Union Place Project”

WHEREAS, the Town of Newton awarded a construction contract for certain construction rehabilitation work of Construction of ADA Ramps on Elm Street, Hampton Street & Upper Union Place project, in the amount of \$26,804.12 to ADS Contractors, LLC, 52 Cooks Road, Pittstown, N.J. 08867; and

WHEREAS, Harold Pellow Associates, the Town Engineer for the project has, advised that additional unforeseen construction measures are prudent and satisfy identified recognized needs discovered which was not foreseen as part of the original bid request; and

WHEREAS, ADS Contractors, LLC have proposed to remedy the deficiencies as discovered; and

WHEREAS, ADS Contractors, LLC have proposed to perform this work for change orders in the amount of a decrease of:

CO#1 (\$8,160.00)

WHEREAS, pursuant to Memorandum, dated November 29, 2021, the Town's Engineer recommends this as a change order; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.8, the need for this change order is due to an unforeseeable problem which could not be foreseen at the time the specifications were written and the contract awarded; and

WHEREAS, in accordance with N.J.A.C. 5:30-11.8, this change order constitutes a minor modification to resolve a minor problem;

NOW, THEREFORE BE IT RESOLVED, by the Town of Newton, in the County of Sussex and State of New Jersey that it authorizes a written amendment to the contract with ADS Contractors LLC, 52 Cooks Road, Pittstown, N.J. 08867 at a total cost of a decrease of \$8,160.00, as set forth in the change order proposal submitted.

RESOLUTION #252-2021*

“To Cancel Appropriated Reserve for Municipal Alliance Grant 2019/2020”

WHEREAS, the Town of Newton received an award in the amount of \$18,409.00 from the State of New Jersey Governor's Council on Alcoholism and Drug Abuse through the County of Sussex which was appropriated in the 2019 Municipal Budget for a Municipal Alliance Grant; and

WHEREAS, the total amount of the award was not utilized because of the Coronavirus and the balance was formally canceled via Resolution 182-2021; and

WHEREAS, the Town is also required to do cash match of \$2,000.00; and the \$1,853.47 unexpended balance of the cash match also needs to be formally cancelled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that we hereby cancel the following appropriated reserve balance back to Current Fund.

Federal & State Grant Fund

Appropriated Reserves – Cash Match Munic. Alliance Grant \$ 1,853.47

RESOLUTION #253-2021*

“Resolution Approving Vacation Leave Time Payout for Steven Estler”

WHEREAS, Steven Estler, Truck Driver with the Town of Newton, retires effective November 30, 2021 and is entitled to payout for unused vacation leave time pursuant to applicable law, Town ordinances, United Public Service Employees Union (UPSEU) Agreement, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook.

NOW, THEREFORE BE IT RESOLVED, the Town Council authorizes the following payout for unused leave time to Steven Estler as follows:

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Steven Estler	November 30, 2021	\$2,140.47

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

RESOLUTION #254-2021

“To Cancel Outstanding Checks in Municipal Court Account”

WHEREAS, there are check(s) which have not been cashed in the Town of Newton Court Account; and

WHEREAS, those check(s) have been reviewed to determine if they should be canceled and the amount paid over to the Town Treasurer to be deposited into the Town of Newton Current Fund Balance.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, the outstanding checks totaling \$76.00 as per the attached memo from the Municipal Court dated December 6, 2021 are hereby canceled.

Date: December 6, 2021
 To: Town of Newton - Finance Department
 From: Municipal Court
 Re: checks over 6 months old

Attached please find Check #4965 issued to the Town of Newton to represent uncashed checks over 6 months.

5/15/20	#4855	Teresa Lapusnak	\$1.00
2/9/21	#4905	Kohl's Dept. Store	\$50.00
5/17/21	#4922	Hopewell Management Inc.	\$25.00
TOTAL			\$76.00

RESOLUTION #255-2021*

“To Cancel \$11,912.77 Interfund Balance between Current Fund and Federal and State Grant Fund”

WHEREAS, there exists a credit balance in the Grant Fund, Interfund – Due to Current in the amount of \$11,912.77; and

WHEREAS, there exists a debit balance in the Current Fund, Interfund – Due from Federal and State Grant Fund in the amount of \$11,912.77; and

5041	GARDEN STATE LABORATORIES INC	1,915.00
5042	GEDEON, JAMES F.	375.00
5043	GIBBONS P.C.	475.00
5044	GLOBAL RECYCLING SOLUTIONS LLC	360.35
5045	GRAVITY DESIGN WORKS, INC.	155.00
5046	HAMBURG PLUMBING SUPPLY CO INC	65.87
5047	HFE SERVICES LLC	614.00
5048	HOLLAND COMPANY, INC.	7,302.90
5049	HOME DEPOT, INC.	828.13
5050	HOME DEPOT, INC.	5,356.66
5051	HOUGH THERESA	90.00
5052	J & D SALES & SERVICE, LLC	459.00
5053	J. CALDWELL & ASSOCIATES, LLC	9,150.00
5054	J. CALDWELL & ASSOCIATES, LLC.	325.00
5055	JAFFE COMMUNICATIONS	1,000.00
5056	JCP&L	7,159.65
5057	JMC ENVIRONMENTAL CONSULTANTS, INC.	695.00
5058	JOHNNY ON THE SPOT, LLC.	537.55
5059	JOSEPH D CALABRESE	225.00
5060	KANDEL KIRK	400.00
5061	KIMBALL	1,699.23
5062	KIMBERLY MASON-WILLIAMS	194.34
5063	KRAVE CAFE	80.00
5064	LADDEY, CLARK & RYAN, LLP	2,875.11
5065	LAW OFFICE OF DANIEL P. AGATINO, LLC	1,333.37
5066	LEA DATA TECHNOLOGIES	105.00
5067	LENOVO	346.00
5068	LISA BECHTEL	120.00
5069	LISA CASAMASSINA	120.00
5070	MAIN POOL & CHEMICAL COMPANY, INC	4,172.45
5071	MARY LICATA	90.00
5072	MCGUIRE, INC.	95.10
5073	MID-AMERICAN ELEVATOR CO., INC.	480.00
5074	MIKE GRIFONE	90.00
5075	MONTAGUE TOOL & SUPPLY, INC.	2,176.62
5076	MORRIS ASPHALT SUPPLY, LLC	2,575.98
5077	NEWTON BOARD OF EDUCATION	1,198,449.66
5078	NJSACOP	555.00
5079	ONE CALL CONCEPTS, INC.	133.34
5080	OPTIMUM	115.65
5081	OSWIN TERESA ANN	235.62
5082	PALL CORPORATION	4,480.00
5083	PASSAIC VALLEY SEWERAGE COMM.	5,027.40
5084	PELLOW, HAROLD & ASSO, INC.	7,489.41
5085	PELLOW, HAROLD & ASSO, INC.	6,269.41
5086	PELLOW, HAROLD & ASSO, INC	9,549.92
5087	Peter Bond	150.00
5088	PHOENIX ADVISORS, LLC.	1,750.00
5089	PLANET NETWORKS INC.	3,550.72
5090	PRIME TIME NEWTON SENIORS	3,300.00
5091	PROFESSIONAL CONSULTING INC.	13,922.50
5092	QUILL CORPORATION	215.14
5093	RACHLES/MICHELE'S OIL COMPANY, INC.	3,775.56
5094	RAPID PUMP	39,209.93
5095	READY REFRESH BY NESTLE	249.43
5096	RILEIGHS OUTDOOR LLC	12,493.62
5097	RR DONNELLEY	147.00
5098	RUTGERS LIFELONG LEARNING CENTER	653.00
5099	RUTGERS,OFFICE OF CONTINUING ED	780.00
5100	SCHIFANO CONSTRUCTION CORP	70,728.38
5101	SCHMIDT'S WHOLESALE, INC	6,845.35
5102	SCMUA	1,191.99
5103	SEBRING AUTO PARTS, INC.	499.20

5104	SEELY BROTHERS, INC.	1,564.00
5105	SHOP RITE, INC.	207.10
5106	SLOAN, JAMES P.	3,512.01
5107	SMALLEY, JOHN H	1,437.50
5108	SPECTROTEL	597.74
5109	STAPLES	281.05
5110	STAPLES CREDIT PLAN, INC.	404.92
5111	SUBURBAN PROPANE, LP	3,545.75
5112	SUNLIGHT GENERAL	994.54
5113	SUSAN FOGEL MORRIS	500.00
5114	SUSSEX CAR WASH INC	128.00
5115	SUSSEX COUNTY CHAMBER OF COMMERCE	70.00
5116	SUSSEX COUNTY COMMUNITY COLLEGE	250.50
5117	SYNCHRONY BANK	1,220.28
5118	T.A. MOUNTFORD COMPANY, INC.	789.00
5119	TASHJIAN ASHLEY	90.00
5120	TAYLOR OIL CO., INC.	6,099.80
5121	THE CANNING GROUP, LLC.	541.68
5122	THE FARMER'S DAUGHTER	150.00
5123	THE RODGERS GROUP, LLC	4,614.48
5124	TIMMERMAN COMPANY, INC.	463.80
5125	TIRE KING, INC.	8,705.00
5126	TREASURER, PETTY CASH FUND	157.68
5127	TRIMBOLI & PRUSINOWSKI, LLC.	1,553.00
5128	UGI ENERGY SERVICES LLC	1,075.01
5129	UNITED FIRE PROTECTION CORP.	15,321.00
5130	UNITED SITE SERVICES, INC	5,733.63
5131	UNIVERSAL SUPPLY GROUP INC.	804.00
5132	VERIZON WIRELESS, INC.	257.05
5133	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	450.00
5134	WALMART	185.54
5135	WANTAGE TOWNSHIP	1,487.60
5136	WASAK INC.	4,477.00
5137	WEATHER WORKS, INC.	1,695.00
5138	WEIS MARKETS, INC.	133.83
5139	WILDFLOWERS WITH TAMI	320.00
5140	WITMER PUBLIC SAFETY GROUP, INC.	355.00
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TOTAL		1,584,570.80

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

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

Mr. Couce Yes (Abstain Resolution 239)	Mrs. Diglio	Yes
Mrs. Teets Yes (Abstain Resolution 239)	Deputy Mayor Schlauffer	Yes
Mayor Dickson	Yes (Abstain Resolution 238)	

RESOLUTIONS

RESOLUTION #257-2021

“Performance Based Payment for Town Manager”

WHEREAS, Thomas S. Russo, Jr., is employed as by the Town of Newton in the position of Town Manager; and

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey has reviewed the performance of Mr. Russo, as per Mr. Russo's Employment Agreement with the Town in his capacity as Town Manager, and have decided to award a one-time payment based upon his exceeds expectations performance in 2021;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton, County of Sussex, State of New Jersey hereby authorizes the payment on December 14, 2021 of a non-pensionable performance-based payment to Mr. Russo in the amount of Three Thousand Three Hundred (\$3,300.00) Dollars net (after tax deductions).

The aforementioned **RESOLUTION #257-2021** was offered by Mrs. Diglio who moved its adoption, seconded by Mr. Couce and roll call resulted as follows:

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

RESOLUTION #258-2021

“Authorizing Waiving of Water and Sewer Utility Charges for the Newton Volunteer First Aid Squad for Calendar Year 2022”

WHEREAS, the Newton First Aid Squad, “NFAS”, is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

WHEREAS, the “NFAS” owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

WHEREAS, the “NFAS” operating expenses are funded through donations and fundraising efforts; and

WHEREAS, the Newton Town Council supports the efforts of the “NFAS” and would like to assist, so they may continue to provide this valuable emergency service to the people of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2022.

The aforementioned **RESOLUTION #258-2021** was offered by Mrs. Teets who moved its adoption, seconded by Deputy Mayor Schlaffer and roll call resulted as follows:

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

Mayor Dickson asked for motion to add Resolution 259-2021 to the agenda.

A motion was made by Mrs. Diglio to add Resolution #259-2021 to the agenda seconded by Mr. Couce, all in favor, the resolution was added.

RESOLUTION #259-2021

"Person-to-Person Transfer of Plenary Retail Consumption License No. 1915-33-006-012"

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1915-33-006-012, heretofore issued to SunWoo Management, Inc., t/a Freelance Bistro, 216 Woodside Avenue, Newton, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Newton Governing Body does hereby approve, effective December 13, 2021, the transfer of the aforesaid Plenary Retail Consumption License to The Sizzle BBQ Argentinian Food, LLC, and does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The Sizzle BBQ Argentinian Food, LLC effective December 13, 2021."

The aforementioned **RESOLUTION #259-2021** was offered by Mr. Couce who moved its adoption, seconded by Mrs. Diglio and roll call resulted as follows:

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

Mr. Russo stated for the public, the transfer is a person-to-person transfer for a plenary retail consumption license going from Sunwoo Management (Freelance Bistro) to The Sizzle BBQ Argentinian Food, LLC.

OPEN TO THE PUBLIC

Mayor Dickson opened the meeting to the public.

Ralph Porter, 12 Pine Street came forth to state in 2019 ADA changed the requirements for sidewalks, after 200ft you need a 5ft x 5ft passing area and at the Thorlabs new project there is none. On the NJ Transportation website it states all municipalities should have contractors make their best effort to fill in missing sidewalks when doing sidewalk work. On Diller Avenue, where Thorlabs improved their parking lot recently, the sidewalk by where EJ Brooks used to be has one section of the sidewalk that is not there. It makes no sense to him. With the repaving project, he brought Tom Russo the problem where there is supposed to be a crosswalk wherever a sidewalk is

interrupted by a street for the blind. At the crosswalk of Maple Avenue to Elm Street there should be a sidewalk across there. He also stated he believes the way the engineer had the contractor place the truncated domes are incorrect.

Ms. Susan Kelly, 225 Spring Street asked if she could get copies of the letters Mr. Bernstein is sending to RPM. The Council directed Mr. Bernstein to cc Ms. Kelly on correspondence involving her issues.

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

There being no one on Zoom wishing to be heard, Mayor Dickson closed the meeting to the public.

DISCUSSION – Mayor Dickson introduced Tom Ferry, Auditor, CPA, RMA. Mr. Russo stated he asked Mr. Ferry to do the annual calculation on the water/sewer connection fees which is driven by State statute. Mr. Russo asked Mr. Ferry to walk through the memo supplied to the Town Council and the calculations. Mr. Ferry stated it is pretty straight forward and he reviewed the process. N.J.S.A. 40A-26A-1 and 40A 31-1 provides the standard calculation so each municipality calculates it the same way. He did one calculation for water and one for sewer. Mr. Ferry reviewed the data and stated it resulted in a residential water connection fee of \$4,701 and a sewer connection fee of \$6,783.

Mrs. Diglio asked if this was just for residential or commercial. Mr. Ferry stated it was for both.

Mr. Couce stated he has heard from residents Newton's fees are higher than other Towns. He asked if we could present information to substantiate our fees.

Mr. Russo stated he believes our fees are lower and explained our fees are for our system and expenses and it not an apples to apples comparison as each system is unique. These fees are based on our system. Mr. Russo stated this is for connection fees not the regular usage fees. Also, our usage fees are based on what it costs to run our system.

Mr. Couce stated he wanted a practical way to answer why are fees are what they are and if they are high in comparison to other towns.

Mayor Dickson said there are several variables. For usage fees, people are responsible to make sure everything is running properly, and they don't have a running toilet or leaking faucet. He also stated this calculation is for connection fees not the

water and sewer usage rates and this is a separate issue. This is for when someone wants to connect into our system.

Mr. Russo stated he will put on the ordinance to change the connection fees for introduction in January, and he will get information on fees from other towns.

Mayor Dickson thanked Mr. Ferry for his presentation.

COUNCIL & MANAGER COMMENTS

Mayor Dickson wished everyone a Merry Christmas and Happy New Year.

EXECUTIVE SESSION - None.

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 7:43 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk