

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, Mr. Dickson, Deputy Mayor Teets, Mayor Schlaffer, Teresa A. Oswin, Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Eric Bernstein, Esq., Town Attorney and Monica B. Miebach, CFO, were also present. Mrs. Diglio was excused.

Mayor Schlaffer 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 3, 2022".

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

APPROVAL OF MINUTES

Upon motion by Mr. Dickson, seconded by Deputy Mayor Teets and unanimously carried, the minutes for the February 14, 2022 Regular meeting were approved.

OPEN TO THE PUBLIC

At this time, Mayor Schlaffer 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 Schlaffer opened the meeting to the public in attendance.

Susan Kelly, 225 Spring Street came forth and stated she hasn't received any recent correspondence between the Town and RPM. She thought the Town wasn't doing anything because of this. Can she get caught up?

There was no one else in the audience wishing to speak, the Mayor opened the meeting to anyone on Zoom.

Ludmilla Mecaj, 9 Madison Street, stated on three or four occasions while driving on Mill Street around 6:15am she detected a strong odor. She was not sure if it was skunk or marijuana. Can the Town look into this? If it is marijuana, she will have a big issue with this.

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

Mayor Schlaffer asked Mr. Bernstein if he could give Ms. Kelly any recent correspondence. Mr. Bernstein stated there has not been anything not covered by attorney-client privilege.

COUNCIL & MANAGER REPORTS

Town Manager Russo – He advised Ms. Mecaj he will have the odor investigated. Also, just a reminder Town Hall is now open to the public 9:00am to 4:00pm. No appointments needed. This started today.

Councilman Couce – nothing to report.

Councilman Dickson – stated the next EDC meeting will be held on March 8th. He offered congratulations to the Newton High School Mock Debate Team on becoming Sussex County Champs. They beat teams from Hopatcong, Vernon, Sparta, and High Point. Today they beat teams representing Bergen and Warren County in the Northern NJ Regional Playoffs. They now move on to the Northern region Semi Finals next week. Great job by all and good luck!

He offered congratulations to Superintendent Dr. Greene on his upcoming retirement. He thanked him for his 13 years of dedicated service to the Newton school system.

Councilwoman Diglio – excused.

Deputy Mayor Teets – stated she is happy to hear Town Hall is open again. She complimented Mr. Russo and all the staff on adapting and working hard through the pandemic.

She went on to state Dirk Kelly, Newton High School basketball coach announced he will be retiring after this season. She wishes him congratulations on his 21 year career with Newton and 27 years of coaching overall. Also, congratulations to Dr. Greene.

Mayor Schlaffer – stated he attended a meeting with RPM and County Health representatives last week and he will be touring the building this week. He attend the NJ Conference of Mayor's legislative update about PILOTS, energy tax receipts, and Municipal Court operations.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Schlaffer read aloud the following Ordinance relative to final adoption.

ORDINANCE 2022-2

AN ORDINANCE AMENDING NEWTON TOWN CODE SECTION 100-19 WATER AND SEWER CONNECTION FEES

WHEREAS, Newton Town Code Section 100-19 sets forth the Town's water and sewer rates and connection fees; and

WHEREAS, the County and Municipal Water Supply Act, N.J.S.A 40A-31-1, et seq. and the Municipal and County Sewerage Act, N.J.S.A 40A:26A-10, et seq. set forth the

requirements that connection fees for water and sewer shall be uniform within each class of users and requires a computation in accordance with statutory law; and

WHEREAS, Newton Town Auditor, Thomas M. Ferry, CPA, RMA, at the December 13, 2021 Council public meeting, reviewed the water and sewer connection fees with the Town Council following the statutory formula; and

WHEREAS, the Town Council reviewed the capital base of the sewerage and water system and the number of service units to compute the connection fee calculation and desires to revise the Town Code with updated water and sewer connection fees;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that Newton Town Code Section 100-19.A, Water connection fees and 100-19.J, Sewer connection fees, shall be amended, revised, and supplemented as follows:

Section 1. Section 100-19.A(1) and (2) of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

- A. Water connection fees (§228-3C):
 - (1) Residential, per dwelling unit: \$4,701.
 - (2) Commercial: Charge will be \$33.82 per gallon per day based on estimated usage, with a minimum charge of \$4,701, plus labor and materials.

Section 2. Section 100-19.J(1) and (2) of the Code of the Town of Newton shall be and is hereby deleted in its entirety and replaced as follows:

- J. Sewer connection (§228-16):
 - (1) Residential, per dwelling unit: \$6,783.
 - (2) Commercial and/or industrial:

Charges Per Gallon Per Day	Minimum Charge
\$48.45	\$6,783

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. This Ordinance will take effect after publication and passage according to law.

Mayor Schlaffer 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. Dickson who moved its adoption, seconded by Mr. Couce and roll call resulted as follows:

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

February 28, 2022

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

Mayor Schlaffer read aloud the following Ordinance relative to introduction.

ORDINANCE 2022-3

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO EMERGER PROPERTY MANAGEMENT, LLC

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

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Deputy Mayor Teets	Yes
	Mayor Schlaffer	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, March 14, 2022 at 7:00 pm.

Mayor Schlaffer read aloud the following Ordinance relative to introduction.

ORDINANCE 2022-4

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

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

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Deputy Mayor Teets	Yes
	Mayor Schlaffer	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, March 14, 2022 at 7:00 pm.

CONSENT AGENDA

Mayor Schlaffer 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 #77-2022*

“AUTHORIZE CHANGE ORDER NO. 2 FOR THE REPAIRS TO THE FINAL CLARIFIER AT THE WASTEWATER TREATMENT PLANT PROJECT”

WHEREAS, on June 22, 2020, the Newton Town Council adopted Resolution #149-2020, awarding the Repairs to the Final Clarifier at the Wastewater Treatment Plant Project to BR Welding, Inc., in the amount of \$348,500.00; and

WHEREAS, on December 14, 2020, by adoption of Resolution #273-2020, the Town Council authorized Change Order No. 1, for the Repairs to the Final Clarifier at the Wastewater Treatment Plant Project for a sixty-four (64) day extension for completion; and

WHEREAS, the Town Sewer Engineer, Frederick J. Margron, P.E., REM, CEA of Professional Consulting, Inc., recommends in his letter dated February 11, 2022, approving Change Order No. 2, for the Repairs to the Final Clarifier at the Wastewater Treatment Plant Project resulting in an additional two hundred and seventy-four (274) day extension for completion for an overall contract time of four hundred and fifty-eight (458) days and an increase in the amount of \$23,765.53 to account for several unforeseen issues highlighted in Mr. Margron's letter dated February 11, 2022, that arose during construction for a new contract total of \$372,263.53; and

WHEREAS, the Chief Financial Officer certifies funding in the amount of \$23,765.53

From:

Line item: # 6077241A Mechanical Maintenance

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Sewer Engineer's recommendation and accepts Change Order No. 2 for the Repairs to the Final Clarifier at the Wastewater Treatment Plant Project to extend the project completion date by two hundred and seventy-four (274) days, for an overall contract time of four hundred and fifty-eight (458) days and an increase in the amount of the project of \$23,765.53 for a new contract total of \$372,263.53; and

BE IT FURTHER RESOLVED, that a copy of Change Order No. 2, and Mr. Margron's recommendation letter of February 11, 2022 be attached to and made part of this Resolution.

RESOLUTION #78-2022*

“APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY”

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George M. Miller, III, George's Salvage Company, 10 South Park Drive, Newton, New Jersey which shall expire on December 31, 2022.

RESOLUTION #79-2022*

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, hereby approves the application for a renewal Junk Dealer License submitted by Michael F. Sesera, Jr., t/a Newton Auto Exchange, 79 Mt. View Street, Newton, New Jersey, which shall expire on December 31, 2022.

RESOLUTION #80-2022*

“RESOLUTION SUPPORTING THE IMPLEMENTATION PLAN OF THE NEIGHBORHOOD PRESERVATION PROGRAM”

WHEREAS, the Town of Newton applied for and obtained a grant from the New Jersey Department of Community Affairs (NJDCA) Neighborhood Preservation Program (NPP) for \$125,000 with a \$25,000 match from the Town of Newton for a total budget of \$150,000; and

WHEREAS, the purpose of this grant is to bolster economic development by making physical improvements in the Newton Town Center District including improving commercial facades and exteriors in the district, which is a neighborhood that qualifies for assistance; and

WHEREAS, the Town of Newton has created a Neighborhood Preservation Program Implementation Plan; and

WHEREAS, the Neighborhood Preservation Program Implementation Plan has been submitted to and approved by the Department of Community Affairs;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Newton that the Town of Newton fully supports the Neighborhood Preservation Program Implementation Plan as submitted to and approved by the Department of Community Affairs.

RESOLUTION #81-2022*

“RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$555,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWN OF NEWTON IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”

WHEREAS, the Town of Newton (the “Local Unit”), in the County of Sussex, New Jersey, has determined there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of drainage improvements to the Babe Ruth League Baseball Field located at Memory Park, including grey and green infrastructure improvements, known as the “Memory Park Drainage Improvement Project” (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”); and

WHEREAS, the Local Unit has determined to temporarily refinance the acquisition, construction, renovation, or installation of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary refinancing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the “Construction Financing Program”); and

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Water Bank Construction Financing Loan Program of the New Jersey Infrastructure Bank” in an aggregate principal amount not to exceed \$555,000 (the “Note”); and

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest, and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note, including any renewals thereof, in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by Bond Ordinance #2020-10 of the Local Unit, which Bond Ordinance is entitled “BOND ORDINANCE PROVIDING FOR THE MEMORY PARK DRAINAGE IMPROVEMENT PROJECT IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$555,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$555,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF” and was finally adopted by the Local Unit at a meeting duly called and held on June 22, 2020, at which time a quorum was present and

acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount not to exceed \$555,000;
- (b) the maturity of the Note shall be as set forth in the Note;
- (c) the interest rate of the Note shall be as set forth in the Note;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJWB-CFP-22-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved, or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

The Note shall be substantially in the form attached hereto as Exhibit A.

Section 5. The law firm of Gibbons P.C. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 6. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 7. This resolution shall take effect immediately.

Section 8. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

RESOLUTION #82-2022*

“RESOLUTION TO ANTICIPATE MISCELLANEOUS REVENUES IN THE 2022 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS”

WHEREAS, the COVID-19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2022 budget, and, if necessary, in future years; and

WHEREAS, for FY 2022, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Town of Newton, certifies the following revenues were affected in 2020 by the COVID-19 pandemic and the 3-year average of the amounts realized in 2019-2021 be anticipated in the introduced budget for 2022;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Newton in the County of Sussex, State of New Jersey that the above referenced revenues be anticipated using the 3-year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74.

RESOLUTION #83-2022*

“USE A THREE-YEAR AVERAGE COLLECTION RATE FOR THE 2022 BUDGET RESERVE FOR UNCOLLECTED TAXES”

WHEREAS, according to NJSA 40A:4-40 et seq., a town may utilize a three-year average tax collection rate to calculate a line item appropriation known as Reserve for Uncollected Taxes; and

WHEREAS, prior Town of Newton tax collection rates for the calendar years 2019, 2020, and 2021 were 97.92%, 98.02%, and 97.93%, respectively; and

WHEREAS, the average of these aforementioned collection rates is 97.96%;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby requests that it may utilize a tax collection rate of 97.96% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2022 Municipal Budget.

<u>Revenue Category</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Average</u>
ABC Licenses	20,345.00	20,165.00	20,345.00	20,255.00
Other Licenses	8,075.00	4,201.00	5,380.00	6,138.00
Fees & Permits	96,933.00	77,352.84	126,662.00	87,142.92
Municipal Court	157,229.00	112,131.00	126,593.00	134,680.00
Interest & Costs on Taxes	92,445.00	137,013.00	114,839.00	114,729.00
Interest on Investments	133,003.00	42,771.00	17,532.00	87,887.00
Hotel Tax	92,917.00	65,286.00	78,163.00	79,101.50
Cert of Compliance	11,525.00	13,425.00	12,650.00	12,475.00
			502,164.00	542,408.42

RESOLUTION #84-2022*

"CERTIFY SELF-EXAMINATION OF 2022 BUDGET"

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules to permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Town of Newton* has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined the local government meets the necessary conditions to participate in the program for the 2022 budget year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. With reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. The provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. The budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. Pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. All other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION #85-2022*

“INTRODUCTION OF THE 2022 MUNICIPAL AND WATER AND SEWER UTILITY BUDGETS”

BE IT RESOLVED, that the Local Municipal Budget and the Water and Sewer Utility Budget of the Town of Newton, County of Sussex, New Jersey for the calendar year 2022 be approved by the Mayor and Council of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Municipal Budget shall authorize total general appropriations of \$14,303,068 and the anticipated revenues of \$5,127,202 leaving an amount to be raised by taxes for municipal purposes of \$9,175,866; and

BE IT FURTHER RESOLVED, that the 2022 Water and Sewer Utility Budget consists of appropriations of \$4,874,348, and anticipated revenues of \$4,874,348; and

BE IT FURTHER RESOLVED, that the Clerk is hereby instructed to advertise notice of the approved budgets in the *New Jersey Herald* on March 10, 2022, and that a final public hearing before passage will be held on March 28, 2022, at 7:00 P.M. in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, NJ.

RESOLUTION #86-2022*

“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 IN FINAL STATUS:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2833	30 E. Clinton Street	\$75.00
6309	30 E. Clinton Street FL. 2	\$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 #87-2022*

“RESOLUTION FURTHERING HISTORIC PRESERVATION THROUGH A GRANT FROM THE NJ HISTORIC TRUST IN THE AMOUNT OF \$30,000 FOR THE NEWTON TOWN PLOT HISTORIC DISTRICT”

WHEREAS, the Town Council of the Town of Newton desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of \$30,000 for the Newton Town Plot Historic District; and

WHEREAS, the Town Council of the Town of Newton authorizes Thomas S. Russo, Jr., Town Manager, to execute a grant agreement with the State in an amount up to that awarded for the proposed project, and to seal the grant agreement;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton that the Town of Newton fully supports the Preserve New Jersey Historic Preservation Grant Award as submitted to and approved by the New Jersey Historic Trust.

RESOLUTION #88-2022*

“RESOLUTION IN SUPPORT OF THE ISSUANCE OF A CANNABIS CLASS 5 CANNABIS RETAILER LICENSE TO NEWTON CB, LLC”

WHEREAS, with the adoption, on June 28, 2021, of Town Ordinance No. 2021-12 and the adoption, on July 12, 2021, of Town Ordinance No. 2021-13, the Town of Newton did, pursuant to Section 31a of P.L. 2021, c. 16 (known as the “New Jersey Cannabis

Regulatory, Enforcement Assistance, and Marketplace Modernization Act" or "the Act"), amend its zoning code ("Town Zoning Code") to permit adult-use cannabis establishments to operate under certain conditions and only in certain areas of the Town within its municipal boundaries; and

WHEREAS, the Town Zoning Code was amended, revised, and supplemented to allow for Class 5 Cannabis Retailer Licensees ("Class 5 Cannabis Retailers"), as defined by the Act, to exist under certain conditions and only in certain areas of the Town; and

WHEREAS, the Town Zoning Code has not, at this time, imposed a limit on the number of licensed Class 5 Cannabis Retailer Licensees to be allowed to operate in the Town; and

WHEREAS, the Town Zoning Code does, however, restrict Class 5 to certain zoning districts within the Town of Newton and, subject to specific conditions and standards, the Town Zoning Code does permit Class 5 Cannabis Retailers as a conditional use; and

WHEREAS, Newton CB, LLC is registered to do business in the State of New Jersey; and

WHEREAS, Newton CB, LLC, or its corporate successor in interest, intends to apply to the State of New Jersey, Cannabis Regulatory Commission (the "Cannabis Regulatory Commission") for a Class 5 Cannabis Retailer License, which is a type of cannabis business license the Town of Newton has specifically authorized to operate within its jurisdiction under certain conditions and only in certain areas of the Town; and

WHEREAS, as the Town of Newton has not, at this time, imposed a limit on the number of licensed Class 5 Cannabis Retailer businesses allowed to operate within its jurisdiction under the provisions of the Town Zoning Code, the issuance of a Class 5 Cannabis Retailer License to Newton CB, LLC, or its corporate successor in interest, by the Cannabis Regulatory Commission, would not exceed any current cannabis license limit; and

WHEREAS, subject to approval by the Town of Newton Planning Board as a permitted conditional use, the issuance of a Cannabis Class 5 Cannabis Retailer License to Newton CB, LLC, or its corporate successor in interest, otherwise complies with the Town of Newton's Zoning Code requirements applicable to adult-use Cannabis Class 5 Retail Establishments.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Cannabis Regulatory Commission may deem this Resolution to be both proof of local support and evidence of municipal preference by the Town of Newton for the issuance of a Cannabis Class 5 Cannabis Retailer License to Newton CB, LLC, or its corporate successor in interest, pursuant to the Commission's Rules and Final Notice of Application Acceptance and subject to a final resolution of the Mayor and Town Council approving same if the Planning Board approves Newton CB, LLC's application for a conditional use establishment as noted by the adoption of a Planning Board's Resolution of Memorialization approving this conditional use.

NOW, THEREFORE BE IT FURTHER RESOLVED, that in addition to all of the requirements/conditions above, Newton CB, LLC, or its corporate successor in interest, shall be required to complete and submit any and all appropriate Town applications, including but not limited to, the Town's appropriate municipal license applications and the payment of any and all fees or sort required by the Town as per the Town Code or other applicable ordinances, in order to meet the requirements of this Resolution and any subsequent resolutions.

RESOLUTION #89-2022*

“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 2021 and 2022 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
5452	ADVANCE AUTO PARTS	7.99
5453	AFLAC	1,965.58
5454	ALLIED 100 LLC	256.39
5455	AMERICAN FIDELITY ASSURANCE	562.22
5456	AMERICAN FIDELITY ASSURANCE COMPANY	654.16
5457	BOONTON TIRE SUPPLY INC.	1,716.45
5458	BRACH EICHLER, LLC & NEWTON MEDICAL BLDG	7,757.68
5459	C W A LOCAL 1032	251.40
5460	CAPITAL ACCOUNT	33,718.86
5461	CENTURYLINK COMMUNICATIONS, INC.	139.11
5462	CENTURYLINK COMMUNICATIONS, INC.	41.41
5463	CENTURYLINK COMMUNICATIONS, INC.	3,933.87
5464	CINTAS	132.47
5465	CONSTELLATION NEWENERGY -GAS DIV	9,520.72
5466	COOPER ELECTRIC SUPPLY CO.	175.36
5467	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	873.30
5468	DIFRANCESCO BATEMAN,PC	200.00
5469	DOMINICK'S PIZZA LLC	103.95
5470	DOVER BRAKE & CLUTCH	145.12
5471	ELIZABETHTOWN GAS	5,688.14
5472	ERIC M. BERNSTEIN & ASSOCIATES, LLC.	3,821.84
5473	EXTEL COMMUNICATIONS, INC.	380.00
5474	FAIL SAFE TESTING, LLC	857.50
5475	FERRIERO ENGINEERING INC.	235.00
5476	FIRE FIGHTERS EQUIPMENT CO. INC.	623.00
5477	FIREFIGHTER ONE, LLC.	2,145.80
5478	FISHER SCIENTIFIC	520.35
5479	FRANK SEMERARO CONSTRUCTION, INC.,	900.00
5480	GALLS, LLC	142.99
5481	GENERAL CODE, LLC	54.00
5482	GLENN C KIENZ	1,400.00
5483	GLENN ZANETTI	1,855.19
5484	GNCC	500.00
5485	GREEN DOG INN	610.00
5486	HACH COMPANY	299.81
5487	HAYEK'S MARKET INC.	47.18
5488	HFE SERVICES LLC	1,465.32
5489	HIGHWAY EQUIPMENT COMPANY	232.65
5490	HOME DEPOT, INC.	1,532.73
5491	HYDRO TECHNOLOGY, LLC.	750.00
5492	J. CALDWELL & ASSOCIATES, LLC.	5,050.00
5493	JCP&L	40,006.23
5494	Jesco Inc.	328.33
5495	JMC ENVIRONMENTAL CONSULTANTS, INC.	1,275.00
5496	JOHNNY ON THE SPOT, LLC.	517.50
5497	KIEFFER ELECTRIC, INC.	1,397.10
5498	KKPR MARKETING & PUBLIC RELATIONS,	2,279.46
5499	LADDEY, CLARK & RYAN, LLP	2,874.99
5500	LAKELAND BANK	2,421.19
5501	LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.32
5502	MAIN POOL & CHEMICAL COMPANY, INC.	5,396.00

5503	MONTAGUE TOOL & SUPPLY, INC.	656.54
5504	MOTOROLA SOLUTIONS	51.94
5505	New Jersey Herald	511.80
5506	NEWTON BOARD OF EDUCATION	1,110,506.41
5507	NEWTON PATROLMANS ASSOCIATION	780.00
5508	NEWTON SUPERIOR OFFICERS	420.00
5509	NEWTON TROPHY	387.00
5510	NEXGEN POWER EQUIPMENT INC.	190.00
5511	NJLM	743.00
5512	NJLM	260.00
5513	NJMEBF	182,260.00
5514	PASSAIC VALLEY SEWERAGE COMM.	480.82
5515	PELLOW, HAROLD & ASSO, INC.	6,777.65
5516	PELLOW, HAROLD & ASSO, INC.	292.50
5517	PENTELEDATA	319.90
5518	PERFORMANCE TRAILERS, INC.	434.00
5519	PLANET NETWORKS INC.	2,270.70
5520	PORCHETTA LAND & SITE LLC	13,180.00
5521	POSTER COMPLIANCE CENTER	339.75
5522	PUBLIC WORKS ASSN OF NJ	90.00
5523	QMI HOLDING INC	3,441.71
5524	QUADIENT INC.	486.00
5525	QUALITY FACILITY SOLUTIONS CORP	2,255.97
5526	QUILL CORPORATION	140.96
5527	R.S. PHILLIPS STEEL LLC	553.39
5528	RAPID PUMP	2,191.13
5529	Reliance Standard Life Insurance Co	202.71
5530	RUTGERS LIFELONG LEARNING CENTER	1,306.00
5531	SCHENCK, PRICE, SMITH, & KING, LLP	3,036.09
5532	SCMUA	199.20
5533	SHOP RITE, INC.	35.79
5534	SLOAN, JAMES P.	3,573.81
5535	SMALLEY, JOHN H	1,437.50
5536	SPECTROTEL	596.44
5537	STAPLES	90.89
5538	SUBURBAN CONSULTING ENGINEERS, INC.	,015.00
5539	SUBURBAN PROPANE, LP.	2,890.41
5540	SUNLIGHT GENERAL	745.46
5541	SUSSEX CAR WASH INC	336.00
5542	SUSSEX COUNTY CHAMBER OF COMMERCE	900.00
5543	SUSSEX COUNTY CLERK'S ASSN	150.00
5544	SUSSEX COUNTY COMMUNITY COLLEGE	1,176.00
5545	SYNCHRONY BANK	654.88
5546	SYNCHRONY BANK	461.19
5547	TEXAS LIFE INSURANCE COMPANY	35.45
5548	THE CANNING GROUP, LLC.	541.65
5549	THE EQUITABLE	19,385.00
5550	TRACTOR SUPPLY	132.86
5551	TRANS WORLD ASSURANCE CO.	400.00
5552	TREASURER, STATE OF NEW JERSEY	3,415.00
5553	TRUST ACCOUNT, TOWN OF NEWTON	13,840.14
5554	UGI ENERGY SERVICES LLC	5,413.31
5555	UNUM LIFE/DISABILITY INSUR	412.19
5556	UPSEU LOCAL 424J	630.00
5557	USA BLUE BOOK	524.83
5558	VAN METER & ASSOC'S INC.	380.00
5559	VERIZON WIRELESS, INC.	1,386.71
5560	VOGEL, CHAIT, COLLINS, SCHNEIDER,	360.00
5561	WALMART	13.29
5562	WEIS MARKETS, INC.	204.17
5563	WIELKOTZ & COMPANY, LLC.	3,281.25
TOTAL	1,548,281.05

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

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

DISCUSSION – None.

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

Susan Kelly, 225 Spring Street and stated she has put in three (3) work orders over a month ago for repairs in her building and nothing has been done. They did start mopping the floors since the meeting with the Town and have taken the garbage out. She also wants to know why they can get away with saying there is no mold when they were handed the report from the outside mold inspector person. RPM keeps saying is the mold doesn't exist and it's a poor housekeeping issue. Is the Council just taking them at their word? Ms. Kelly asked if the Council would like a copy of the work order.

Mayor Schlaffer asked Ms. Kelly to submit the copy of the work order to the Clerk and if she had a copy of the mold report, he would like that also.

There being no one from the public to be heard either in person or on Zoom, Mayor Schlaffer closed the meeting to the public.

COUNCIL & MANAGER COMMENTS

EXECUTIVE SESSION - None.

There being no further business to be conducted, upon motion of Deputy Mayor Teets seconded by Mr. Dickson and unanimously carried, the regular meeting was adjourned at 7:18 pm.

Respectfully submitted,

Teresa A. Oswin, RMC
Municipal Clerk