

April 25, 2022

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, Mrs. Diglio, 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.

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 Mrs. Diglio, seconded by Mr. Couce and unanimously carried, the minutes for the April 11, 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.

Christine Dunbar, 101 Wagon Wheel Rd, Sparta, NJ came forth stating she is the point person to guide our watershed to more healthy waters. She stated most waterways in our watershed according to EPA standards are non-compliant waters. She is trying to work with organizations you are already familiar with, such as the Paulins Kill River Watershed Group and the Nature Conservancy to try and support them in their efforts. She approached the Council and distributed some information on some upcoming events. She also asked if we could post information for the public on Paulins Kill Watershed Workshop to be held at Memory Park on June 8, 2022 from 10:00am to 2:00pm.

There being no one else from the public to be heard either in person or on Zoom,

April 25, 2022

Mayor Schlaffer closed the meeting to the public.

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by noting for the record the following proclamation to be presented on May 7, 2022:

**OFFICE OF THE MAYOR
NEWTON, NJ
PROCLAMATION
ARBOR DAY CELEBRATION
MAY 7, 2022**

WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW, THEREFORE, We, the Town Council of the Town of Newton, do hereby proclaim **Saturday, May 7, 2022** as an “**ARBOR DAY CELEBRATION**” in the Town of Newton, and urge all citizens to celebrate and to support efforts to protect our trees and woodlands, to plant trees to gladden the heart and promote the well-being of this and future generations.

*In witness whereof I have heteunto set my
Hand and caused this seal to be affixed.*

_____/s/ Jason J. Schlaffer

Attest: _____/s/ Teresa A. Oswin

Date: _____ May 7, 2022

Mr. Russo stated he would consider giving the employees comp-time to participate in the watershed workshop on June 8th at Memory Park.

Neighbors Helping Neighbors is coming up on May 7th. There are several events planned for the day. Volunteers helping residents, shredding, and fire recycling.

Welcome back to Lt. Mike Monaco. On May 2nd he will start in the new position of Code Enforcement Director.

Happy Mother's Day to all those who celebrate!

Our engineer is working on some estimates for the dog park. We have done our research on other communities and Cory and Harold are putting together some estimates on the costs. Lastly, he had a meeting today with Cory and Adam. One of the goals the Council has for him is the expansion of the rail trail. We are looking at a Phase IV of the rail trail in which we will try to connect between Phase II and III a straight shot to Memory Park. It will be very expensive, so we will be leveraging Millennium for some grant opportunities.

Councilman Couce – Nothing to report.

Councilman Dickson – Nothing to report.

Councilwoman Diglio – the Robotics Team from Newton High School made it to the World Championship. They placed 26th out of 75 in the Touring Division. She thanked Jim Hofmann and the Team for putting Newton on the map when it comes to robotics. Congratulations!

This month different restaurants in the Town are participating in Dine to Donate a fundraiser for scholarships. It is a joint effort to benefit Newton High School, Kittatinny Regional High School, and Sussex Vo-Tech. Each restaurant will be donating different amounts of their proceeds. You can look up the days and the participating restaurants on the Greater Newton Chamber of Commerce website.

Deputy Mayor Teets – stated she was glad to see Dr. Caldwell is here tonight. She attended the Easter Egg Hunt; it was great weather and well attended. She also attended the Grand Opening of Sarah Jane Photography on Spring Street. It's a great studio, but she does go out to locations. She has lots of different outfits for kids to try on and dress up. Please support local.

Mayor Schlaffer – stated he is excited the dog park research is continuing and we are looking at a Phase IV of the rail trail. He has been elected to the NJ Council of Mayor's Board of Directors. He has not made a decision if he will be participating at this time.

UNFINISHED BUSINESS – None.

ORDINANCES

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

ORDINANCE 2022-8

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CHAPTER 266, ENTITLED "STREETS AND SIDEWALKS", ARTICLE I "SNOW AND ICE REMOVAL", MOST NOTABLY SECTION 266-1, ENTITLED "DUTY TO REMOVE"

WHEREAS, the Town of Newton ("Town") periodically reviews various provisions of the Town Code, including issues as to snow and ice removal for multi-family/multi-business units in the Town and the Town wishes to review the current standards for the removal of ice and/or snow in the Town in these circumstances;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Mayor and Town Council wish to amend, revise, and/or supplement Chapter 266 of the Town Code of the Town of Newton, most notably Section 266-1, entitled "Duty to Remove" as follows:

§266-1 Duty to Remove.

....

c. In case a building (residential and/or commercial and/or industrial) is occupied by more than one (1) family or business (commercial and/or industrial) unit, the [tenant or occupant of the first floor] landlord of the building shall be required to remove all snow and ice, unless the landlord, in his/her agreement with the tenant or occupant, requires the tenant or occupant, and the tenant or occupant agrees to such in writing, to remove all snow and ice (as per §266-1 A and B above). In this case, the landlord shall provide an executed copy of the lease/occupancy agreement establishing the tenant/occupant's obligation to provide snow and ice removal to the Town Clerk's office within twenty (20) calendar days of the full execution of the lease/occupancy agreement. Failure to provide the Town Clerk with said executed lease/occupancy agreement shall require the landlord to remove said snow and ice until such agreement is provided to the Town Clerk.

[Brackets] mean deletions; Underlines mean additions

BE IT FURTHER ORDAINED, that:

- (1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.
- (2) This Ordinance shall take effect immediately upon due passage and publication in accordance with 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. Couce, who moved its adoption, seconded by Mr. Dickson and roll call resulted as follows:

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

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

Mayor Schlaffer read aloud the following Ordinance relative to adoption.

ORDINANCE 2022-9

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CHAPTER 307, ENTITLED "VEHICLES AND TRAFFIC", ARTICLE V "PARKING METERS", MOST NOTABLY SECTION 307-26, ENTITLED "ADDITIONAL RULES AND REGULATIONS"

WHEREAS, the Town of Newton ("Town") periodically reviews various provisions of the Town Code, including parking within the Town and wishes to apply the rules regarding same equally to all parking spaces within the Town of Newton;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise, and supplement Chapter 307 of the Town Code of the Town of Newton, most notably Section 307-26, entitled "Additional Rules and Regulations" as follows:

§307-26 Additional rules and regulations

....

C. No person shall park a vehicle in any metered space and/or unmetered space so that the vehicle is not entirely within the area so designated by the lines and/or markings delineating the space."

[Brackets] mean deletions; Underlines mean additions

BE IT FURTHER ORDAINED, that:

- (1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.
- (2) This Ordinance shall take effect immediately upon due passage and publication in accordance with 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 Mrs. Teets and roll call resulted as follows:

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

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

Mayor Schlaffer read aloud the following Ordinance relative to adoption.

ORDINANCE NO. 2022-10

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN ACCESS EASEMENT OVER CERTAIN REAL PROPERTY OWNED BY THE TOWN OF NEWTON TO TRINITY PROFESSIONAL OFFICE BUILDING, LLC

WHEREAS, the Town of Newton ("Town") currently owns real property identified as Block 9.06, Lot 13 on the Official Tax Map of the Town (the "Property"), a portion of which serves as a common driveway between the Property and adjacent property that is owned by Trinity Professional Office Building, LLC ("Trinity"), identified on the official Newton Town Tax Maps as Block 9.06, Lot 12; and,

WHEREAS, the Local Land and Building Law (“LLBL”), at N.J.S.A. 40A:12-13(b)(5), authorizes the private conveyance of an easement over municipally-owned property to the owner of contiguous real property, for a negotiated sum not less than One (\$1.00) Dollar; and,

WHEREAS, the Town has determined that it is appropriate to grant a twelve (12) foot Access Easement over the Property to Trinity for use as a common driveway for ingress and egress to Trinity’s property.

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey as follows:

Section 1. The Town is hereby authorized to convey a twelve (12) foot Access Easement to Trinity over that portion of the Property that is described by the metes and bounds description prepared by Harold E. Pellow & Associates, Inc., as set forth on Exhibit A annexed hereto and incorporated herein, and as further depicted on the Map of Access Easement prepared by Harold E. Pellow, P.E. & L.S., as set forth on Exhibit B annexed hereto and incorporated herein, for the sum of One (\$1.00) Dollar.

Section 2. The Town Manager, and any and all other Town officials, are hereby directed and authorized to perform all acts necessary to effectuate the purposes of this Ordinance.

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 passage and publication 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 Mrs. Diglio, who moved its adoption, seconded by Mrs. Teets and roll call resulted as follows:

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

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

Mayor Schlaffer read aloud the following Ordinance relative to introduction.

ORDINANCE NO. 2022-11

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, MOST NOTABLY CHAPTER 307, ENTITLED “VEHICLES AND TRAFFIC”; MOST NOTABLY PROVISIONS OF ARTICLE V “PARKING METERS”, AND ARTICLE VIII “METERED PARKING LOTS”, AS WELL AS CHAPTER 100 “FEES AND COSTS”, MOST NOTABLY SECTION 100-15, ENTITLED “VEHICLES AND TRAFFIC”

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

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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, May 9, 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 #119-2022*

“Canceling the Contract for Cleaning Services with Quality Facility Solutions”

WHEREAS, Resolution #73-2021 awarded the contract for cleaning services to Quality Facility Solutions, 75 Taaffe Place, Brooklyn, New York 11205; and

WHEREAS, on numerous documented dates, the Town of Newton provided communication of deficient performance and a demand for specific performance to fulfill the contract requiring rectifying within thirty (30) calendar days, for at least the last twelve (12) months, as per the Uniform Commercial Code and the contract between the Town and Quality Facility Solutions and the bid specifications related to the contract; and

WHEREAS, Quality Facility Solutions, despite such repeated communications, has failed to improve their performance as required; and

WHEREAS, the Town of Newton finds Quality Facility Solutions has defaulted in performance forcing the Town to use the services of another vendor, in accordance with N.J.S.A. 40A:11-4(b)(2);

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Newton, County of Sussex, State of New Jersey, as follows:

1. The contract awarded through Resolution #73-2021 for cleaning services to Quality Facility Solutions, 75 Taaffe Pl., Brooklyn, NY 11205 is hereby cancelled effective immediately.
2. The vendor is determined to be a “prior negative experience” vendor for a period of five (5) years of the dating of this resolution, as per N.J.S.A. 40A:11-4(b)(2).
3. The Town Clerk shall forward a certified copy of this Resolution to the following:
 - a. Town Manager;
 - b. Chief Financial Officer;
 - c. Purchasing Agent; and
 - d. Town Attorney.

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$35,000 in a not to be exceed will be encumbered as follows:

Account #6089293

Capital Outlay

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

Schmidt's Wholesale is authorized to enter into a two (2) year contract from the date of this authorization to provide for water meter supply services in accord with the auspices as contractually set forth within Bid 3-2022 in an amount not to exceed \$35,000.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in accordance with this Resolution, all applicable Town officials are hereby authorized to execute any and all documents to carry out the provisions of this Resolution. All Applicable Town officials are also authorized to effectuate the provisions of this Resolution and the bid specifications.

RESOLUTION #122-2022*

“Resolution of the Town of Newton, County of Sussex, State of New Jersey, Authorizing the Use of Omnia Partners, Formerly Known as US Communities National Cooperative to Procure Goods and Services for the Town”

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units, including the Town of Newton, to make purchases and contract for services through the use of nationally recognized and accepted cooperative purchasing agreements that have been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey or within any other State; and

WHEREAS, the Town of Newton has determined the use of cooperative purchasing agreements may result in significant cost savings and is desirous of joining and participating in a national cooperative called the Omnia Partners, formerly known as US Communities National Cooperative; and

WHEREAS, Omnia Partners, 840 Crescent Centre Drive, Franklin, TN 37067 is a private cooperative, which complies with New Jersey Local Finance Notice 2012-10 by ensuring lead agency procurements are offered to the New Jersey region in accordance with the mandates as described within the aforementioned Local Finance Notice; and

WHEREAS, the Town of Newton desires to become a member of Omnia Partners for the purposes of purchasing goods and or services through a procurement process that is more efficient and provides a cost savings to the Town;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, hereby authorized to join and become a member of the Omnia Partners National Cooperative, 840 Crescent Centre Drive, Franklin, TN 37067; and

BE IT FURTHER RESOLVED, that the Town Manager be and hereby is authorized to execute any agreement and the Town Clerk is authorized to attest to the signature of the Town Manager on any agreement signed in connection with joining and participating in Omnia Partners National Cooperative; and

BE IT FURTHER RESOLVED, that the Town of Newton's Qualified Purchasing Agent, Sean P. Canning, shall be responsible for ensuring all goods and/or services procured through Omnia Partners comply with all laws and statues under the State of New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey, as well as all applicable rules and regulations of the State of New Jersey governing same.

RESOLUTION #123-2022*

“Authorize the Award of a Required Disclosure Contract for Convergent Technologies, Inc.”

WHEREAS, the Town of Newton has a need to maintain and upgrade access and security systems through Convergent Technologies, Inc., 429 Getty Avenue, Clifton, N.J. 07011, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, the Town of Newton's Qualified Purchasing Agent, has determined and certified, in writing, the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for calendar year 2022; and

WHEREAS, Convergent Technologies, Inc., 429 Getty Avenue, Clifton, N.J. 07011, has submitted a proposal indicating they will provide the services for Twenty-Two Thousand Two Hundred Seventy-Six Dollars and No Cents (\$22,276.00) in addition to supporting per hour rates outside of scope of proposal exceeding in aggregate the pay-to-play threshold of \$17,500.00 for a total not to exceed amount of Thirty-Nine Thousand Five Hundred (\$39,500.00) Dollars; and

WHEREAS, Convergent Technologies, Inc., 429 Getty Avenue, Clifton, N.J. 07011, has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies that Convergent Technologies Inc., 429 Getty Avenue, Clifton, N.J. 07011 has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year and that the contract will prohibit Convergent Technologies Inc., 429 Getty Avenue, Clifton, N.J. 07011, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer, as required by N.J.S.A. 40A:4-5 and N.J.A.C. 5:34-5.1 et. seq., hereby certifies funds NOT TO EXCEED \$39,500.00 will be encumbered as follows:

Account #1074317	Cencom – Contractual	\$22,944
Account #1095339	Police – Capital Improvements	<u>\$16,100</u>
		\$39,044

“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 and Town Clerk to enter into a contract with Convergent Technologies, Inc., 429 Getty Avenue, Clifton, N.J. 07011 not to exceed Thirty-Nine Thousand Five Hundred Dollars \$39,500.00 for calendar year 2022; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification, Political Contribution Disclosure, and the Determination of Value for Convergent Technologies Inc. shall be placed on file with a copy of this Resolution.

RESOLUTION #124-2022*

“Authorizing Police Equipment and Accessories Contract Pursuant to New Jersey State Contract – Division of Purchase and Property Number NJ 17-Fleet-00731”

WHEREAS, a need exists for the acquisition of Police Body Worn Cameras and Accessories, for the daily operations of the Town of Newton Police Department; and

WHEREAS, the Town of Newton may, without advertising for bids, purchase such materials set forth above through the New Jersey State Purchase and Property State Contracts, pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. seq.; and

WHEREAS, Safe Fleet, COBAN Technologies, Inc. SF Mobile-Vision, Inc. 11375 W. Sam Houston Pkwy S., Suite 800, Houston, Texas 77031-2348, holds New Jersey State Purchase and Property State Contract NJ 17-FLEET-00731 for Police Body Worn Cameras and Accessories; and

WHEREAS, the Town of Newton agreed to obtain Police Body Worn Cameras and Accessories, under the provisions of New Jersey State Purchase and Property State Contract NJ17-FLEET-00731 in the amount of Sixty-Six Thousand Five Hundred Five Dollars and No Cents (\$66,505.00); and

WHEREAS, the Chief Financial Officer certifies that funding in an amount NOT TO EXCEED \$66,505.00 is available from:

Account #111243	Body Camera Grant	\$52,988
Account #1095339	Police Capital Improvements	<u>\$13,517</u>
		\$66,505

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

1. The Police Department is authorized to procure from Safe Fleet, COBAN Technologies, Inc. SF Mobile-Vision, Inc. 11375 W. Sam Houston Pkwy S., Suite 800, Houston, Texas 77031-2348, who holds New Jersey State Purchase and Property State Contract NJ 17-FLEET-00731 Body Worn Cameras and Accessories in an amount not to exceed Sixty Thousand Five Hundred Five Dollars and No Cents (\$66,505.00).
2. All applicable Town officials are authorized to execute any and all contracts necessary to effectuate this Resolution and carry out the provisions of the Resolution.

RESOLUTION #125-2022*

“Appointment of Michael Awertschenko 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, Michael Awertschenko, 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, 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 #126-2022*

"Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License No. 1915-33-011-009, Amending Resolution #116-2022"

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License Number 1915-33-011-009, heretofore issued to The County Seat Restaurant, LLC for premises located at 64 Water Street, Newton, New Jersey; and

WHEREAS, The County Seat, LLC has agreed to transfer Plenary Retail Consumption Liquor License Number 1915-33-011-009 to Spring Alley Café, LLC, leasing premises located at 185 Spring Street, Newton, New Jersey; and

WHEREAS, Spring Alley Café, LLC has submitted a complete application form for Person-to-Person and Place-to-Place Transfer of a Plenary Retail Consumption Liquor License bearing the State-assigned license number of 1915-33-011-009; and

WHEREAS, the submitted application form is complete in all respects, and the transfer fees have been paid; 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, subsequent to its adoption by the Town Council on April 11, 2022, the State Alcohol Beverage Control requested a further change in the endorsement to the license transfer, thus requiring the adoption of this Resolution, amending Resolution #116-2022;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby approve the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Consumption License as follows:

- (a) Person-to-Person to Spring Alley Café, LLC from The County Seat Restaurant, LLC;
 - (b) Place-to-Place to 185 Spring Street, Newton from 64 Water Street, Newton;
- and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 64 Water Street, Newton, New Jersey," that were and are in effect as of the date herein, effective April 25, 2022."

RESOLUTION #127-2022*

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

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

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

WHEREAS, Planet Networks Inc. 4 Park Place, 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 Place, 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 that 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, for internet provider services, Planet Networks Inc., is subject to the exemption from public bidding under N.J.S.A.40A:11-5(f) due to telecommunications being subject to the FCC regulations; and

WHEREAS, the following services are provided for by Planet Networks:

Internet provider/ Web Hosting	(\$13,870.00)	exempt from public bidding
IT Services	(\$25,900.00)	
Software procurement	(\$5,380.00)	

WHEREAS, the Chief Financial Officer hereby certifies sufficient funds in the 2022 budget, NOT TO EXCEED \$45,150.00 will be encumbered as follows:

Account Name:	Account #:	
Utility/Bulk – Internet	1089266	\$11,750.00
OEM – Office Expense	1078244	\$ 200.00
Cencom – Contractual	1074317	\$24,750.00
Police – Capital	1095339	\$ 8,450.00

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 Place, Newton, NJ 07860, not to exceed \$45,150.00 for services rendered through December 31, 2022.

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

RESOLUTION #128-2022*

“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
5843	ATLANTIC TACTICAL INC.....	5,207.00
5844	ATLANTIC URGENT CARE LLC	125.00
5845	BOONTON TIRE SUPPLY INC.	617.60
5846	BR WELDING INC	101,136.13
5847	CENTURYLINK COMMUNICATIONS, INC.	183.52
5848	CENTURYLINK COMMUNICATIONS, INC.	41.24
5849	CENTURYLINK COMMUNICATIONS, INC.	3,856.26
5850	CONVERGINT TECHNOLOGIES, LLC.	22,944.00
5851	COUNTY OF SUSSEX.....	910,851.52
5852	COUNTY OF SUSSEX	64,938.86
5853	COUNTY OF SUSSEX	3,693.28
5854	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	701.50
5855	DIFRANCESCO BATEMAN,PC	100.00
5856	DOWNTOWN NEW JERSEY	360.00
5857	ELIZABETHTOWN GAS	4,137.80
5858	ERIC M. BERNSTEIN & ASSOCIATES, LLC.	3,952.00
5859	FEDERAL EXPRESS	34.14
5860	FIRE FIGHTERS EQUIPMENT CO. INC.	209.50
5861	GATEHOSE MEDIA NEW YORK HOLDINGS , INC.	538.54
5862	GLENN C KIENZ	700.00
5863	GLOBAL HR RESEARCH	48.00
5864	HFE SERVICES LLC	3,117.00
5865	HOXHA, DUDIJE	127.33
5866	INSTITUTE PROFESSIONAL DEVELOP	150.00
5867	J. CALDWELL & ASSOCIATES, LLC.	3,115.00
5868	JCP&L	10,685.56
5869	JERSEY SHIRTS & DESIGNS	250.00

5870	JMC ENVIRONMENTAL CONSULTANTS, INC.	5,609.38
5871	KENT DISPLAYS, INC.	366.19
5872	LADDEY, CLARK & RYAN, LLP	2,874.99
5873	LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.33
5874	LENOVO	201.99
5875	MILLENNIUM STRATEGIES LLC	500.00
5876	MINISINK PRESS INC	480.00
5877	MOTOROLA SOLUTIONS	1,544.25
5878	NEWTON BOARD OF EDUCATION	1,110,506.41
5879	NJMEBF	182,665.00
5880	NJSACOP	25.00
5881	NORTH JERSEY COURT ADMIN. ASSOC.	120.00
5882	OPTIMUM	109.65
5883	PASSAIC VALLEY SEWERAGE COMM.	5,821.20
5884	PENTELEDATA	319.90
5885	POOL OPERATION MANAGEMENT	200.00
5886	PORTER LEE CORPORATION	326.35
5887	PROFESSIONAL CONSULTING INC.	13,325.50
5888	QUADIENT INC.	486.00
5889	QUALITY FACILITY SOLUTIONS CORP	2,255.97
5890	RACHLES/MICHELE'S OIL COMPANY, INC.	2,019.91
5891	READY REFRESH BY NESTLE	81.35
5892	SCHENCK, PRICE, SMITH, & KING, LLP	1,158.15
5893	SLOAN, JAMES P.	3,573.83
5894	SMALLEY, JOHN H	1,437.50
5895	SPARTA TOWNSHIP TAX COLLECTOR	17,002.82
5896	STAPLES	115.72
5897	STAPLES CREDIT PLAN, INC.	68.67
5898	SUBURBAN CONSULTING ENGINEERS, INC.	584.50
5899	SUSSEX COUNTY ENGINEERING DIVISION	3,698.57
5900	SYNCHRONY BANK	499.88
5901	SYNCHRONY BANK	441.75
5902	TEXAS LIFE INSURANCE COMPANY	35.45
5903	THE CANNING GROUP, LLC.	541.67
5904	TRANS WORLD ASSURANCE CO.	400.00
5905	TREASURER, STATE OF NEW JERSEY	200.00
5906	TRIMBOLI & PRUSINOWSKI, LLC.	544.00
5907	UGI ENERGY SERVICES LLC	1,068.95
5908	UPSEU LOCAL 424J	630.00
5909	VERIZON WIRELESS, INC.	1,471.47
5910	WATER & SEWER OPERATING ACCT	5,615.00
5911	WATER & SEWER OPERATING ACCT	22,309.98
5912	WEINER LESNIAK	126.00
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TOTAL		2,534,517.06

Mayor Schlaffer 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**, it was seconded by Mrs. Teets and roll call resulted as follows:

Mr. Couce (abstain on #124-2022 & #127-2022 and Check #5844)	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	Deputy Mayor Teets (Abstain on #124-2022)	Yes
	Mayor Schlaffer	Yes	

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

Ludmilla Mecaj, 9 Madison Street, asked if her comments on Ordinance 2022-8 from last meeting were taken into consideration. Also, she would be interested in volunteering for activities mentioned early at Memory Park.

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

DISCUSSION – Mr. Russo first responded to Ms. Mecaj advising he and the Town's legal counsel considered her suggestions and decided to keep the ordinance as introduced.

Mr. Russo then read the following bio on Dr. Caldwell:

"As an executive director and professor at Fairleigh Dickinson University, Dr. Caldwell is leading the Rothman Institute of Innovation and Entrepreneurship as well as teaching the Silberman College of Business Family Business Management undergraduate class.

The Rothman Institute supports, promotes, and researches family, veteran, and student entrepreneurship. Their signature programs are the Family Business Alliance, Friday Entrepreneurship Program, Veterans Launching Ventures (VLV), and Student Business Plan Competitions.

Dr. Caldwell's research focus is on the creation of "Entrepreneur Zones" in New Jersey, of which I hope Newton will be the first in the country.

He developed this concept to provide a structured approach to increasing urban entrepreneurship and job creation. His work led to the passing of legislation creating the New Jersey Entrepreneur Zone Working Group that he is chairing. Prior to joining Rothman, Dr. Caldwell was the CEO of Strategic Influence, LLC. This entrepreneurial organization used the "Intelligent Influence" framework that he created to provide strategy, operations, coaching, business development, and leadership training to clients.

Dr. Caldwell is the author of six (6) books including the ground-breaking "Intelligent Influence: The 4 Steps of Highly Successful Leaders and Organizations." He graduated from Princeton University, received an MBA from the Wharton School of the University of Pennsylvania, and a Doctorate from Seton Hall University.

Dr. Caldwell also completed the Harvard Kennedy School Senior Executives in State and Local Government program and the Rutgers Leadership Coaching for Organizational Performance program. He is the former Deputy Commissioner of the NJ Department of Community Affairs. He has extensive school board experience as Dr. Caldwell has served on the New Brunswick Board of Education for 23 years and has been president of the Educational Services Commission of New Jersey for 20 years. In 2009, he was named the New Jersey School Board Member of the Year. In 2015, he was named the Charter School Administrator of the Year for his work leading the Village Charter School. Dr. Caldwell is also an accomplished athlete who has completed three marathons and received national rankings in the United States. In 2021, he was inducted in the United States Tennis Association (USTA) Hall of Fame. He is also the pastor at Covenant United Methodist Church in Plainfield, NJ.

Interesting fact: Dr. Caldwell's father was very active in the Civil Rights Movement with Ralph Abernathy and The Rev. Dr. Martin Luther King, Jr.

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I am honored that my dear colleague from Fairleigh Dickinson, and good friend, drove here this evening to share the exciting Ezone news with the Town Council and public.

I give you Dr. Dale Caldwell."

Dr. Caldwell gave an overview of the Entrepreneur Zones (EZones) stating he created the concept EZones to be an innovative new approach to increasing the likelihood small businesses in urban, suburban, and rural communities succeed. The idea was so well received by the Governor and both sides of the Legislature that legislation was approved creating an Entrepreneur Zone Working Group which he chairs. This group is focused on recommending ways the State government can support the creation and success for EZones throughout New Jersey. He went on to explain an Ezone is a geographically designated area within a municipality which houses a group of existing and start-up small businesses. There can be more than one Ezone in a municipality. A Small Business Development Center (SBDC) consultant would be the coordinator of the Ezone. The Ezone is a collaborative and supportive small business ecosystem specifically designed to help local enterprises collectively overcome obstacles so they can pivot rapidly and grow. Businesses within the Ezone would benefit from shared-services and receive mentorship, consulting, education, and access to investors. These resources would allow businesses innovation and new ideas to take shape while operating in a more efficient and collaborative business environment. The Ezone provides entrepreneurs with essential free or low-cost training services. In addition, participating businesses receive essential consulting including documentation digitization, business plan creation, manufacturing assistance, technology development, lending assistance, exporting and importing supports, disaster recovery assistance, procurement guidance, contracting aid, social media support, and market research help.

Dr. Caldwell thinks Newton is an ideal community for the Ezone program. The discussion ensued between Dr. Caldwell, the Council, and Town Manager. Each person in support of the concept and all in agreement Newton would benefit from this program.

Mayor Schlaffer opened the floor to questions from the audience. Ms. Mecaj came forth on Zoom and stated this sounded like a great idea and wondered if this is something similar to NJ Small Business like they have in Hackettstown? Is this free?

Dr. Caldwell explained those programs, like the one in Hackettstown are under his program. Businesses should come together and sharing services. Yes, it is free.

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Ms. Mecaj also asked why he chose Newton.

Dr. Caldwell responded it was because of the great leadership and the successful entrepreneurs already in Town such as Thorlabs, along with a growing population.

Mayor Schlaffer stated Planet Networks is also a good example of a successful entrepreneurship.

Mr. Dickson asked what the next steps would be?

Dr. Caldwell stated it would be to identify EZones, do some listening sessions or forums to ask and find out the challenges entrepreneurs are facing, then develop a plan, hire a SBDC consultant, and set some goals. The consultant can help digitize documents for loan applications and provide training on how to get great employees.

Peg Baldini, 10 Barry Lane asked as is the case with Opportunity Zones would we get tax breaks.

Dr. Caldwell stated no, this is different than the Urban Enterprise Zones, but we can ask the Legislature to consider giving tax breaks.

Dr. Caldwell thanked the Council for their time and said it was honor to be here tonight. He looks forward to working with everyone

COUNCIL MANAGER COMMENTS

EXECUTIVE SESSION - Upon motion of Mrs. Teets, seconded by Mr. Couce and unanimously carried, Council entered Executive Session at 8:02 pm.

Mr. Russo said the items to be discussed in Executive Session are Attorney Client Privilege and Contract Negotiations. Official action may or may not be taken relative to one of the items.

Upon motion of Deputy Mayor Schlaffer seconded by Mr. Couce and unanimously carried, Council left Executive Session at 9:35 pm.

Mr. Bernstein stated all members of the Council present at the commence of the Executive Session are present at the re-commencement of the open session at 9:35 pm as well as the Town Manager Thomas S. Russo, Jr. , Municipal Clerk Teresa A. Oswin, and Town Attorney Eric Bernstein. Also, during portions of the Executive Session attorneys, Douglas Doyle and Jamie Placek of the law firm DeCotiis, Fitzpatrick, Cole & Giblin, LL, the Town's Redevelopment Counsel were present. There was discussion with Mr. Doyle and Mr. Placek of an on-going matter that has come to the attention of the Town which may become an issue. Mr. Doyle and Mr. Bernstein were given marching orders as to the

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Town's next steps. No formal action needs to be taken at this time. There was also a discussion on contract negotiations involving employment issues of the Town Manager. The Town attorney was given marching orders and the issue will be dealt with at a future meeting. No formal action needs to be taken at this time.

ADJOURMENT

There being no further business to be conducted, upon motion of Mr. Dickson seconded by Mrs. Diglio and unanimously carried, the regular meeting was adjourned at 9:37pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk