

October 12, 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 Deputy Clerk called the roll.

APPROVAL OF MINUTES

Upon motion by Mrs. Teets seconded by Mr. Dickson and carried, the minutes for the September 26, 2022 Regular meeting were approved as presented. Mrs. Diglio abstained.

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.

Margaret Baldini, 10 Barry Lane came forth a questioned what the increase was for Ordinance 2022-21. The original amount for the Memory Park project was \$555,000 and now it is \$2,000,000 and she would like to know why.

With no one else coming forth in person, Mayor Schlaffer opened the meeting up to those on Zoom.

Dr. Ludmilla Mecaj, 9 Madison Street also wanted to know why there was such increase in the Memory Park project.

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.

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by stating for Ordinance 2022-21 we are now eligible for a principle forgiveness program with this project which would waive the entire \$2,000,000 cost. Monica has been working with Suburban Engineers and Town staff to come up with the parameters for the additional work. He asked Ms. Miebach if should like to elaborate. Ms. Miebach stated the NJDEP for fiscal year 2023 received an extreme amount of funds through the Clean Water State Revolving Act. Newton meets the affordability criteria to apply for the principal forgiveness program, to forgive the entire \$2,000,000. So, there will be additional work done, besides the rain garden, drainage work, an impervious parking lot, and dredging of Moore's Brook which DPW feels is critical. The permitting will take some time as half the State is still working from home. The reason we are doing the additional work is because the additional costs will all be forgiven up to \$2,000,000.

Councilman Couce – he streamed the recent BOE meeting. The only discussion of note was the parking and traffic issues at Merriam Avenue school especially during the drop-off in the morning. The Board stated and changes would be done incrementally, starting with adding additional staff in the morning and increasing the drop-off times for parents.

Councilman Dickson – read the following: “On Sept 27th I attended the 6th Anniversary celebration of the CLEAR program. The event featured speakers Senator Oroho, a longtime supporter of the mission of the CLEAR program and CFPC, Becky Carlson, the Executive Director of Center For Prevention and Counseling, Retired Police Chief Mike Richards, who was really instrumental in the foundation of the CLEAR program, current Newton Police Chief VanNieuwland who is always there to support CFPC and CLEAR himself or with the help of his officers, a mom in long term recovery due in part to the CLEAR program, among other speakers. Hearing all that has been accomplished, and how CLEAR has evolved and grown over the years is a true testament to all those who have worked so hard. It's remarkable to think of all the lives that have been positively affected by CLEAR throughout the years and how this local idea has become the standard all over the state.

I attended both Coffee with A Cop events this past week. On Wednesday it was held at Bristol Glen and was a great opportunity to speak with the residents there, hear

their thoughts and answer any questions they had. On Saturday morning, it was held at the Dennis Library, and several residents stopped by and were able to have some conversations with our officers. Our town is blessed to have a department that takes a community minded approach.

Sunday, October 9th was the 7th Annual Fall Festival. Perfect fall weather to enjoy what Newton has to offer. It was great to see so many residents and visitors on Spring St. With the businesses, 60 vendors, great music, and the classic car show there was plenty for everyone. I just want to thank everyone who came out and thank you to all who made the event possible."

Councilwoman Diglio – she attended the meet and greet for Analytical Science Technology, located in the old NJ Herald building. It is very interesting company. They deal with gasses and have recently contracted with NASA. On October 9th she help setup the Fall Festival. It was a great event all around, music on both ends of the street, and a DJ at the car show. There were 60 vendors and 65 vehicles participated in the car show. Thank you to Kimberly Williams, the DPW, Police, and the Chamber volunteers for all their work. Lastly, yesterday she attended the funeral of Eskil Danielson. Those in law enforcement know Skip, he was a pillar in the community. My condolences go to his family, he will be greatly missed.

Deputy Mayor Teets – She wanted to echo what everyone said about the Fall Festival. It was a great event and thanks to everyone that made it happen. A reminder the Halloween Parade is coming up on 10/31 at 4pm. Flags of Honor is on November 5th at 11am, anyone can donate and have a flag in honor or memory of a special veteran. She also wanted to congratulate the Newton Girls Varsity Tennis Team on their win in the Quarter Finals over Walkill Valley. And also, congratulations to the Boys Varsity Football team on their win over Hackettstown last week securing the Super Football Conference title for the sixth year in a row.

Mayor Schlaffer – the teams that utilize Memory Park I am sure are appreciate of the investment the Town is making and that is fully refundable.

UNFINISHED BUSINESS – None.

ORDINANCES

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

TOWN OF NEWTON

ORDINANCE 2022-21

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2020-10 FINALLY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, NEW JERSEY ON JUNE 22, 2020

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Bond Ordinance of the Town Council of the Town of Newton, in the County of Sussex, New Jersey (the "Town") 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" finally adopted on June 22, 2020 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. (a) The Ordinance is hereby amended by (a) deleting the reference of "\$555,000" for the appropriation and estimated cost and "\$555,000" for the estimated maximum amount of bonds or notes and substituting in lieu therefor "\$2,000,000" and "\$2,000,000"; and (b) deleting the reference to "\$190,000" for Section 20 costs and substituting in lieu therefor "\$400,000".

(b) The Ordinance is hereby further amended in Section 3(a) in its entirety as follows:

"The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Memory Park Drainage Improvement Project consisting of the improvement of drainage at the Babe Ruth League Baseball Field located at Memory Park, various stormwater improvements including but not limited to gray and green infrastructure, modification to the existing rain garden, modification of existing impervious parking lot to pervious parking lot, dredging of nearby Moore's Brook and associated engineering professional services for permitting, design, bid, and construction phase services."

Section 3. The capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvements prior to the date the Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$2,000,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond 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. Diglio 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 2022-22

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$280,000 FOR THE ACQUISITION AND INSTALLATION OF AN ELECTRIC VEHICLE CHARGING STATION IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$266,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For said Improvement there is hereby appropriated the amount of \$280,000, such sum includes \$14,000 from the capital improvement fund as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law").

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$266,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$266,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the acquisition and installation of an electric vehicle charging station, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Municipal Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$266,000.

(c) The estimated cost of the Improvement is \$280,000 which amount represents the initial appropriation made by the Town.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Municipal Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited, and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$266,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance (including \$50,000 from JCP&L, \$75,000 from the New Jersey Department of Environmental Protection and \$150,000 from the New Jersey Board of Public Utilities) shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment

of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$266,000.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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.

Before voting Mrs. Diglio stated for this project we have to lay out the money but will be fully reimbursed.

Mr. Couce stated it is his understanding we are still spending \$14,000 on this project. Mr. Russo asked Ms. Miebach to explain. She stated the \$14,000 is the down payment which cannot be bonded, however when we are reimbursed it will include the \$14,000.

Mr. Russo stated he is working on an ordinance with the Town Attorney in which the user will be paying for the electric for the use of the service, not the taxpayer.

The aforementioned **ORDINANCE** was offered by Mrs. Teets, who moved its adoption, seconded by Mr. Couce 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.

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 then reviewed the consent agenda items.

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

RESOLUTION #217-2022*

“Resolution Rejecting Bid Submittals for the Retaining Wall Bid for the Town of Newton”

WHEREAS the Town duly advertised and received responses for the project known as “Retaining Wall Bid” on September 22, 2022; and

WHEREAS, the Town received two (2) bids in the amounts of \$152,600.00 and \$105,000.00; and

WHEREAS, the bids received were in excess of the design engineers estimate; and

WHEREAS, the New Jersey Local Public Contracts law at “N.J.S.A. 40A:11-13.2a. Rejection of bids”, allows for rejection of bids when, “The lowest bid substantially exceeds the cost estimates for the goods or services”.

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

1. All bids submitted in response to invitation of bids for the project known as “Retaining Wall Bid” are hereby rejected in accordance with N.J.S.A. 40A:11-13.2a.

RESOLUTION #218-2022*

“Resolution of Rejection of all Bids for Morris Lake Water Treatment Plant Filtration Equipment Bid 9-2022”

WHEREAS the Town advertised and received bids in a fair and open manner consistent with N.J.S.A. 19:44A-20.5. et. Seq., on September 27, 2022, at 9:00am; and

WHEREAS, the Town received three (3) bids in response to invitation for Bid 9-2022, to wit;

NAME OF BIDDER	Ferraro Construction Corporation	TAM Enterprises Inc.	VNL Inc.
LUMP SUM	\$1,163,379.55	\$1,399,000.00	\$865,000.00

WHEREAS, the estimate by the Town's design engineer was less than all three (3) bidders; and

WHEREAS, the New Jersey Local Public Contracts law allows for a municipality to reject all bids when the bid responses are in excess of the cost estimates at N.J.S.A. 40A:11-13.2a.

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

a. The lowest bid substantially exceeds the cost estimates for the goods or services."

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the bids submitted in response to Bid 9-2022, "Morris Lake Water Treatment Plant Filtration Equipment" are hereby rejected in accordance with N.J.S.A. 40A:11-13.2a.

RESOLUTION #219-2022*

"Resolution Authorizing the Release of the Performance Guarantees Posted by Martorana Enterprises, the Developer of Grande Villaggio at Newton, Located at Block 22.05, Lots 13.01 and 13.02 on the Official Tax Map of the Town of Newton"

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Town of Newton to release performance guarantees posted by developer(s) when said improvements have been certified as complete by the Town Engineer; and

WHEREAS, the developer, Martorana Enterprises, has deposited with the Town of Newton performance guarantee(s), which was provided to guarantee the completion of certain improvements on the premises identified as Block 22.05, Lots 13.01 and 13.02, on the Tax Map of the Town of Newton and identified by the developer as Grande Villaggio at Newton; and

WHEREAS, the performance guarantee(s) were previously accepted by the Town of Newton, for all three (3) phases of the development, for a grand total of \$835,591.00; and

WHEREAS, Paul W. Ferriero, PE, PP, CME of Ferriero Engineering, Inc., the Town Conflict Engineer, has advised the Town the improvements have been completed and the Town Conflict Engineer recommends the release of the aforementioned performance bond(s) and any cash guarantee(s) to the developer. In addition, all obligations of the developer to the Town as to taxes have been satisfied;

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 performance bond(s) and any cash guarantee(s) posted by the developer, Martorana Enterprises, for the improvements located at Block 22.05, Lots 13.01 and 13.02 and further identified as the Grande Villaggio at Newton development are hereby released, canceled, and discharged subject to the provisions below; and

BE IT FURTHER RESOLVED, that this Resolution shall not become effective unless and until the Town of Newton is furnished with payment of any outstanding engineering and administrative fees, if applicable.

RESOLUTION #220-2022*

“Authorize a Credit Due Water and Sewer Utility Account”

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Account is due a credit for the reason(s) stated;

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

CREDIT FOR PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18054	16 Hicks Avenue	\$27.44

RESOLUTION #221-2022*

“Resolution Authorizing the Release of the Performance Guarantees Posted by Thorlabs, Inc. and Natural Selections, LLC, the Developer of Block 18.02, Lots 2, 3, 19-23, 31, & 32 (Now Known As Lot 3)”

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Town of Newton to release performance guarantees posted by developer(s) when said improvements have been certified as complete by the Town Engineer; and

WHEREAS, the developers, Thorlabs, Inc. and Natural Selections, LLC, have deposited with the Town of Newton a performance guarantee, which was to guarantee the completion of certain improvements on the premises located on lower Spring Street, Diller Avenue, and Sparta Avenue in the Town of Newton, located as, Block 18.02, Lots 2, 3, 19-23, 31, & 32 (now known as Lot 3) on the Tax Map of the Town of Newton; and

WHEREAS, the performance guarantee bond was accepted by the Town of Newton, via Resolution #274-2019, for the total amount of \$3,074,108.40; and

WHEREAS, David Simmons, Jr, P.E., of Harold E. Pellow & Associates, Inc., representing the Town Engineer, has advised the Town that the improvements have been completed and that the Town Engineer recommends the release of the aforementioned performance bond, subject to the posting of a cash bond with the Town of Newton in the amount of Ten Thousand Dollars (\$10,000.00) to cover miscellaneous remaining site improvement items, including miscellaneous work on the retaining wall area along the common property line with tax Lot 4, as well as the payment of any outstanding engineering and administrative fees;

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 performance guarantee posted by Thorlabs, Inc. and Natural Selections, LLC and accepted by the Town of Newton, via Resolution #274-2019, is hereby released, canceled, and discharged subject to the provisions below; and

BE IT FURTHER RESOLVED, this Resolution shall not become effective unless and until the Town of Newton is furnished with the posting of a cash bond in the amount of Ten

Thousand Dollars (\$10,000.00) and the additional payment of any outstanding engineering and administrative fees occurs.

RESOLUTION #222-2022*

“Authorizing a Change Order for ADA Ramps and Signage for Newton High School on Ryerson Avenue Project”

WHEREAS, the Newton Town Council adopted Resolution #193-2022, awarding the proposed ADA Ramps and Signage for Newton High School on Ryerson Avenue project, to ADS Contractors, LLC, 52 Cooks Road, Pittstown, N.J. 08867, in the amount of \$15,840.64; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated October 5, 2022, approving Change Order No. 1 for the above referenced project for a decrease in the amount of \$99.00 for a new contract total of \$15,741.64;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 1 for the ADA Ramps and Signage for Newton High School on Ryerson Avenue project; and

BE IT FURTHER RESOLVED, that a copy of Change Order No. 1, and Mr. Pellow's memo be attached to and made part of this Resolution.

RESOLUTION #223-2022*

“Support Submission of Application for the New Jersey Department of Transportation Transportation Alternatives Program for the Sussex Branch Trail and Memory Park Connector Boardwalk”

WHEREAS, The Town of Newton has invested in reestablishing the former Sussex Branch Trail to provide safe pedestrian and bicycle access through the Town of Newton; and

WHEREAS, The Town of Newton is applying for funding to construct a quarter-mile long bike and walking trail between the Sussex Branch Trail and Memory Park that will serve to connect the commercial areas along US State Route 206 to the north with residential properties throughout the Town of Newton; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for residents, visitors, and business employees between points of interest in the Town of Newton; and

WHEREAS, all improvements will take place on municipally owned property and maintenance of the facility, once constructed, will be assumed by the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby supports submission of a grant application for the Transportation Alternative Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Town Manager, and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

Teresa A. Oswin, RMC
Municipal Clerk

Jason J. Schlaffer, Mayor
Town of Newton

RESOLUTION #224-2022*

“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
6887	360AOR LLC	2,500.00
6888	ABCODE SECURITY INC.	315.00
6889	ADS CONTRACTORS, LLC.	15,426.81
6890	AFLAC	1,854.46
6891	ALL GAS & WELDING SUPPLY CO., INC.	553.04
6892	AMERICAN FIDELITY ASSURANCE	562.22
6893	AMERICAN FIDELITY ASSURANCE COMPANY	654.16
6894	ANIMAL HOSPITAL OF SUSSEX COUNTY, INC.	417.24
6895	AUTOZONE INC.	31.47
6896	BADGER METER, INC.	2,129.52
6897	BAY CRANE SERVICE OF NEW JERSEY INC.	712.00
6898	BOONTON TIRE SUPPLY INC.	186.44
6899	BRAEN STONE SPARTA	112.33
6900	C W A LOCAL 1032	260.27
6901	CAMPBELL SUPPLY OF SUSSEX CTY LLC	1,704.66
6902	CCP INDUSTRIES, INC.	1,166.80
6903	CENTURYLINK COMMUNICATIONS, INC.	125.85
6904	CONSTELLATION NEWENERGY -GAS DIV	12,527.63
6905	COYNE CHEMICAL CORP., INC.	1,783.00
6906	CURRENT ACCOUNT	22,147.80
6907	DEMPSEY UNIFORM & SUPPLY INC	3,025.68
6908	DOWNTOWN NEW JERSEY	220.00
6909	ERIC M. BERNSTEIN & ASSOCIATES, LLC.....	619.44
6910	FAIL SAFE TESTING, LLC	2,643.50
6911	FIREFIGHTER ONE, LLC.....	240.00
6912	FREDON WELDING & IRON WORKS INC	1,975.00
6913	GARDEN STATE LABORATORIES INC	300.00
6914	GIBBONS P.C.....	950.00
6915	HAMBURG PLUMBING SUPPLY CO INC.....	1,308.00
6916	HAYEK'S MARKET INC.	41.52
6917	JCP&L	227.26
6918	MAGLOCLIN, INC.	400.00
6919	MCAA OF NEW JERSEY	40.00
6920	MILLENNIUM STRATEGIES LLC.....	473.00
6922	MORRIS ASPHALT SUPPLY, LLC	84.44
6923	MORRIS/SUSSEX MUNICIPAL COURT JUDGE	100.00
6924	NEWTON PATROLMANS ASSOCIATION.....	930.00
6925	NEWTON SUPERIOR OFFICERS	192,225.00
6927	OPTIMUM.....	115.65
6928	OSWIN TERESA ANN.....	25.84
6929	PLANET NETWORKS INC.....	2,349.52
6930	QUILL CORPORATION	65.96
6931	RACHLES/MICHELE'S OIL COMPANY, INC.	7,929.33
6932	Reliance Standard Life Insurance Co	201.33
6933	S/NJ DEPT OF LABOR & WORKFORCE DEV	204.00
6934	SCMUA	1,057.11
6935	SF MOBILE-VISION, INC.....	4,305.00
6936	SPECTROTEL	589.96
6937	STAPLES	183.11
6938	STAPLES CREDIT PLAN, INC.	12.82

6939	SUSSEX COUNTY P & H, INC.	53.86
6940	SYNCHRONY BANK.....	459.64
6941	T.A. MOUNTFORD COMPANY, INC.	394.00
6942	TAYLOR OIL CO., INC.	4,870.67
6943	TEXAS LIFE INSURANCE COMPANY	35.45
6944	TRANS WORLD ASSURANCE CO.	400.00
6945	TRI-STATE RENTALS, INC.	90.00
6946	UNITED SITE SERVICES, INC	7,772.97
6947	UNUM LIFE/DISABILITY INSUR	676.14
6948	UPSEU LOCAL 424J	588.00
6949	USA BLUE BOOK	61.28
6950	VISION SERVICE PLAN	1,223.28
6951	WALMART	226.26
6952	WEINER LESNIAK	1,863.00
6953	WIELKOTZ & COMPANY, LLC.	650.00
6954	WINGLE SUPPLY COMPANY INC.	35.00
6955	XFCOMPUTERS, LLC	8,399.01
TOTAL	318,811.73

Mr. Russo read the following statement from the Town Engineer relative to Resolution 223-2022: *"This project will include the construction of a trail between Memory Park and the recently renovated Sussex Branch Trail. The trail will be approximately 0.25 miles long which will include the construction of a 1,200-foot-long boardwalk using helical piles and a fifty-foot-long prefabricated steel bridge to cross over a branch of the Paulinskill River which runs near the Sussex Branch Trail.*

The State of New Jersey is administering federal funds for transportation alternative project such as trail facilities, streetscape projects, historic preservation of transportation facilities and conversion of abandoned railroad corridors to trails. The minimum grant amount which can be awarded is \$350,000. A copy of the grant notice is attached.

The grant we are applying for will cover the cost for constructing the entire trail. The estimated cost is \$750,000 for construction and construction inspection. The grant will not cover administrative costs, engineering design costs or permitting fees. Those costs will need to be covered by the Town within its capital budget. It estimated that engineering and permitting costs for this project would be \$75,000. Funds for the grant if awarded would be on a reimbursement basis."

A motion was made by Mrs. 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
(abstain on Check 6929)			
Mrs. Diglio	Yes	Deputy Mayor Teets	Yes
		(Abstain on Check 6887)	
	Mayor Schlaffer	Yes	

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

Helen Le Frois, 132 Main Street, stated she is Vice-President in charge of development for Jersey Battered Women's Service. October is Domestic Violence

October 12, 2022

Awareness Month. At the Fall Festival on Sunday, she had a chance to speak with Chief Van Nieuwland about the DVRT (Domestic Violence Response Team) in Sussex County. In Morris County there is a team in each municipality. Here in Sussex County the network is not as big, and Newton is the leader. She appreciates the Town's support of this.

She went on to thank the Council for adopting the Ordinance on EV Charging stations. This is an initiative the Parking Authority has been working on for the past year and helps with the ongoing efforts for making it easier through technology to park in Newton.

Margaret Baldini, 10 Barry Lane asked for confirmation the Rail Trail project will cost \$750,000.

There being no one from the public to be heard in person, the Mayor opened the meeting up to Zoom attendees.

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 – None.

COUNCIL MANAGER COMMENTS

Mr. Russo confirmed the cost of the Rail Trail project will be \$750,000 which will be through a grant, the Town would be responsible for \$75,000.

EXECUTIVE SESSION – None.

ADJOURMENT

There being no further business to be conducted, upon motion of Mrs. Teets seconded by Mr. Couce and unanimously carried, the regular meeting was adjourned at 7:28pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk