



**AGENDA
NEWTON TOWN COUNCIL
HYBRID REGULAR MEETING
NOVEMBER 14, 2022
7:00pm**

Please click this URL to join.

<https://us02web.zoom.us/j/83897818208?pwd=b1I2VDYvL0VleVRlemRVVnRrT3ZBZz09>

Webinar ID: 838 9781 8208 Passcode: 594036

Or join by phone: Dial: US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- a. October 24, 2022 – Regular Meeting

V. OPEN TO THE PUBLIC (3 minutes each)

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 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.**

VI. COUNCIL & MANAGER REPORTS

- a. Town Manager Russo
- b. Councilman Couce
- c. Councilman Dickson
- d. Councilwoman Diglio
- e. Deputy Mayor Teets
- f. Mayor Schlaffer

VII. UNFINISHED BUSINESS

VIII. ORDINANCES

- a. 2nd Reading and Public Hearing
Ordinance 2022-23

An Ordinance to Amend, Revise, and Supplement the Town Code of the Town of Newton, Chapter 57, Entitled "Animals", Article I "Domestic Animals", Most Notably, Section 57-4, Entitled "Standards for Keeping Chickens"

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

- b. Introduction
Ordinance 2022-24

An Ordinance to Amend, Revise, and Supplement Chapter 213 of the Town Code, Entitled "Property Maintenance" to Add Article IV, "Lead-Based Paint Testing"

Ordinance 2022-25

An Ordinance to Amend, Revise, and Supplement the Town Code of the Town of Newton, Chapter 228, Entitled "Sewer and Water", Article IV "Water and Sewer Rates", Most Notably Section 228-19, Entitled "Billing and Collecting"

Ordinance 2022-26

An Ordinance to Establish Minimum and Maximum Salaries and Wages for Officers and Employees of the Town of Newton for Calendar Year 2023

Ordinance 2022-27

An Ordinance to Amend, Revise, and Supplement Chapter 100 of the Town Code of the Town of Newton, Entitled "Fees and costs", Most Notably Section 100-2 "Peddling and soliciting"; Section 100-5 "Special sales"; Section 100-10 "Clothing bins"; Section 100-13 "Animals"; Section 100-14 "Taxicabs and limousines"; and Section 100-24 "Miscellaneous Fees and charges"; and Other Related Town Code Provisions

Ordinance 2022-28

Bond Ordinance Providing an Appropriation of \$97,150 for Various Capital Improvements in and by the Town of Newton, in the County of Sussex, New Jersey and Authorizing the Issuance of \$92,150 Bonds or Notes of the Town for Financing Part of the Appropriation

Ordinance 2022-29

Bond Ordinance Reappropriating \$90,421 Proceeds of Obligations Not Needed for Their Original Purposes for Improvements for Various Other Capital Items By the Town of Newton, New Jersey

IX. CONSENT AGENDA

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.

- a. Resolution #238-2022* Authorizing the Award of a Proprietary Contract to Pall Water
- b. Resolution #239-2022* Amend the Award of a Required Disclosure Contract for David B. Simmons, Jr., of the firm Harold Pellow & Associates, Inc., as Water Engineer for the Town of Newton for Calendar Year 2022
- c. Resolution #240-2022* Resolution Authorizing Award of Bid After Negotiations for Morris Lake Water Treatment Plant Filtration Equipment, Bids 9-2022/9R-2022
- d. Resolution #241-2022* Resolution Rejecting All Bids for Department of Public Works Vehicle Bid 17-2022
- e. Resolution #242-2022* Resolution Regarding Small Cities Citizen Participation Plan
- f. Resolution #243-2022* Resolution Regarding Fair Housing – Statement of Actions
- g. Resolution #244-2022* Approval to Submit Application for Small Cities Grant for a Public Facilities Fund Project to Construct a Sidewalk Along Swartswood Road to Benefit Town Residents of Low and Moderate Incomes
- h. Resolution #245-2022* Approval of Grant Management Plan for Small Cities Grant for a Public Facilities Fund Project to Construct Sidewalks on Swartswood Road to Provide Pedestrian Facilities for Low and Moderate Income Residents of the Town of Newton, Sussex County, New Jersey
- i. Resolution #246-2022* Authorize Execution of Agreement Between the Town of Newton and the Newton Parking Authority
- j. Resolution #247-2022* Amendment to the Water/Sewer Capital Budget
- k. Resolution #248-2022* Authorizing Change Order No. 1 for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project (ADS Contractors, LLC)
- l. Resolution #249-2022* Resolution Rejecting all Bids for Sludge Hauling Bid Town of Newton Bid #13-2022
- m. Resolution #250-2022* Authorize Credits Due Water and Sewer Utility Accounts
- n. Resolution #251-2022* Refund of Redemption Monies to Outside Lien Holder for Block 7.12, Lot 34, also known as 3 Foster Street
- o. Resolution #252-2022* Authorizing Change Order No. 1 for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project (Tilcon New York, Inc.)
- p. Resolution #253-2022* Authorizing Change Order No. 1 for the Proposed Resurfacing of Dunn Place Project
- q. Resolution #254-2022* Authorizing Change Order No. 1 for the Proposed Resurfacing of Smith Street and Grand Avenue Project

- r. Resolution #255-2022* Authorize Employment Agreement of Steven VanNieuwland as Police Chief
- s. Resolution #256-2022* Approve Bills and Vouchers for Payment
- t. Application(s)* An Application for Membership into the Newton Fire Department from Craig Masker, 51 Lincoln Place, Newton, NJ
An Application for Membership into the Newton Fire Department from Giuseppe (Joe) Santillo, 9A Diller Avenue, Newton, NJ

X. DISCUSSION

- a. Best Practices/Parking Authority – Monica Miebach, CFO

XI. OPEN TO THE PUBLIC (3 minutes each)

XII. COUNCIL & MANAGER COMMENTS

XIII. EXECUTIVE SESSION

- a. Resolution #257-2022 A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12
 - i. Attorney-Client Privilege – Auction Sales/In Rem Foreclosure Properties
 - ii. Personnel – Town Manager's Annual Review

XIV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2022-23

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CHAPTER 57, ENTITLED "ANIMALS", ARTICLE I "DOMESTIC ANIMALS", MOST NOTABLY, SECTION 57-4, ENTITLED "STANDARDS FOR KEEPING CHICKENS"

WHEREAS, the Town of Newton ("Town") periodically reviews various provisions of the Town Code, and has determined that there is a need to amend, revise, and supplement Chapter 57 of the Newton Town Code entitled "Animals", Section 57-4, "Standards for Keeping Chickens" to permit an exemption for agricultural/farming program(s) and other similar program(s) provided for, by, and through Newton High School;

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 57 of the Town Code of the Town of Newton, most notably Section 57-4, entitled "Standards for Keeping Chickens", with the addition of subsection (F) to read as follows:

§57-4 Standards for keeping chickens.

....

F. This Section shall not be applicable to, and shall exempt all agricultural and/or farming programs and/or other similar types of programs provided by Newton High School.

[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.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, October 24, 2022. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on Monday, November 14, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2022-24

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 213 OF THE TOWN CODE, ENTITLED "PROPERTY MAINTENANCE" TO ADD ARTICLE IV, "LEAD-BASED PAINT TESTING"

WHEREAS, the Town maintains Town Code Chapter 213, entitled Property Maintenance, and specifically the enforcement of the Property Maintenance and related codes; and

WHEREAS, pursuant to P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), all municipalities are required to inspect every single-family, two (2) family, and multiple rental dwelling built prior to 1978, located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the Department of Community Affairs has proposed regulations to implement P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), which are anticipated to be effective in October 2022; and

WHEREAS, it is in the best interests of the residents of the Town of Newton to amend the Town Code at this time to require inspections for lead-based paint in residential rental dwellings to conform to this new State law;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey, that it does hereby amend, revise, and supplement Chapter 213 of the Town Code, entitled "Property Maintenance", to add a new Article IV, entitled "Lead-Based Paint Testing," as follows:

[Brackets] mean deletions; Underlines mean additions

Section 1. Chapter 213 of the Town Code is hereby amended as follows by the addition of a new Article IV, entitled "Lead-Based Paint Inspections".

ARTICLE IV LEAD-BASED PAINT INSPECTIONS

§ 213-15 Inspections For Lead-Based Paint.

A. Definitions. The following shall have the meaning as used in and in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1, *et seq.*

"Dust wipe sampling" means a sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (HUD) and as conducted pursuant to N.J.A.C. 5:28A-2.3.

"Dwelling" means a building containing a room or rooms, or suite, apartment, unit, or space that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

" Dwelling unit " means a unit within a building that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

" Multiple dwelling " means any building or structure and any land appurtenant thereto, and any portion thereof, in which three (3) or more dwelling units are occupied or intended to be occupied by three (3) or more persons living independently of each other. " Multiple dwelling " also means any group of ten (10) or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two (2) dwelling units are occupied, or intended to be occupied, by two (2) persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. " Multiple dwelling " does not include those buildings and structures that are excluded pursuant to *N.J.S.A. 55:13A-3(k)*.

" Periodic lead-based paint inspection " means the initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c. 182, (July 22, 2022) [N.J.S.A. 52:27D-437.6], or tenant turnover and, thereafter, the earlier of three (3) years or upon tenant turnover, consistent with *N.J.A.C. 5:28A-2.1*, for the purposes of identifying lead-based paint hazards in dwellings subject to this Article.

" Property Maintenance Code Official " means the Town of Newton Property Maintenance Code Official, any enforcement officer appointed by the Town of Newton, pursuant to *N.J.S.A. 40:48-2.3 et seq.*, or any other statutory authorization to perform inspections of any Building or other code, any enforcement officer authorized to enforce the Town of Newton Property Maintenance Code or Health Code, or their designee.

" Remediation " means interim controls or lead abatement work undertaken in conformance with this Article to address lead-based paint hazards.

" Tenant turnover " means the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit or the time at which a new tenant enters a vacant dwelling unit.

- B. Inspections Authorized. In accordance with *N.J.S.A. 52:27D-437.6* and *N.J.S.C. 5:28A-1.1 et. seq.*, the Town shall designate an outside agency, retained by the Town pursuant to law, and the Town empowers said outside agency to conduct the lead-based paint inspections for all applicable multiple dwelling units offered for rent to determine the presence of lead based paint pursuant to this Chapter of the Town Code and/or the provisions of *N.J.S.A 52:27D-437.6* and *N.J.S.C. 5:28A-1.1 et. seq.*
- C. Lead-Based Paint Inspection. Inspections for lead-based paint in multiple dwelling units shall be governed by the standards set forth in *N.J.S.A. 52:27D-437.1 et seq.*, and *N.J.S.A. 55:13A-1 et seq.* A dwelling unit in a single-family, two (2) family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

1. has been certified to be free of lead-based paint;
2. was constructed during or after 1978;
3. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.);
4. is a single-family or two (2) family seasonal rental dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or
5. has a valid lead-safe certification. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

§ 213-16 Owner Required to Obtain Inspection.

The owner, landlord, and/or agent of every single-family, two (2) family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards as required in this Article, or at tenant turnover, whichever is earlier. If a landlord, owner, and/or agent so chooses, a dwelling unit owner or landlord may directly hire a licensed lead evaluation contractor to conduct the periodic lead-based paint inspections for lead-based paint. Inspections shall be performed as per the time table set forth below.

§ 213-17 When Lead-Based Paint Inspections Are Required.

- A. The initial inspection for all single-family, two (2) family, and multiple dwellings subject to this Article shall be upon tenant turnover or within two (2) years of the effective date of P.L. 2021, c. 182 (July 22, 2022), whichever is sooner.
- B. Thereafter, all such dwelling units shall be inspected for lead-based paint hazards every three (3) years or upon tenant turnover, whichever is earlier, except that an inspection shall not be required at tenant turnover if the dwelling unit owner has a valid lead-safe certification for the dwelling unit.
- C. The next periodic lead-based paint inspection shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification.

§ 213-18 Lead-Based Paint Inspections by Dust Wiping Method.

A licensed lead evaluation contractor shall collect samples by dust wiping surfaces, including floors, interior windowsills, and other similar surfaces, and tested, in accordance with methods approved by the State of New Jersey and/or the United States Department of Housing and Urban Development. A visual assessment may also be undertaken during the course of the dust wipe sampling.

§ 213-19 Notice of Inspection to be Given.

Whenever any multiple dwelling unit is scheduled for a tenant turnover, the then-current landlord, owner, and/or agent shall provide written notice to the Municipal Clerk that an inspection is needed at least twenty (20) calendar days prior to the scheduled date of the tenant turnover.

§ 213-20 Time for Inspections.

All inspections and reinspections shall take place within fifteen (15) calendar days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the Municipal Clerk, unless the completed application and required fees have been received by the Town at least twenty-four (24) hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the landlord, tenant, owner, or agent has failed to provide access for inspection shall be deemed a failed inspection.

§ 213-21 Identification of Lead-Based Paint Hazard.

If a lead-based paint hazard is identified in an inspection of one of the dwelling units in a building consisting of two (2) or more dwelling units, then the lead contractor shall inspect the remainder of the building's dwelling units, with the exception of those dwelling units that have been certified to be free of lead-based paint or which have a valid lead-safe certification.

§ 213-22 Inspection Certification to be Supplied.

The licensed lead evaluation contractor shall supply a copy of the lead safe certification to the landlord, owner, and/or agent of the dwelling. A copy shall also be provided to the Municipal Clerk at the time it is issued. If a lead evaluation contractor or permanent local agency finds that a lead-based paint hazard exists in a dwelling unit, they shall notify the New Jersey State Department of Community Affairs, Division of Local Government Services for review of the findings, in accordance with the Lead Hazard Control Assistance Act.

§ 213-23 Responsibility for Remediation of Lead-Based Paint.

The owner of the dwelling unit shall be responsible for remediation of the lead-based paint hazard. Remediation must be conducted consistent with the requirements at N.J.A.C. 5:28A-2.5 and such remediation shall be documented to the Municipal Clerk.

§ 213-24 Fees for inspections.

1. a. There shall be a fee of Seven Hundred Fifty (\$750.00) Dollars for an initial unit inspected at a multiple family dwelling unit during a single mobilization. For each and every additional unit inspected at a multiple family dwelling unit during a single mobilization, the fee shall be Six Hundred (\$600.00) Dollars per unit. If during a single mobilization, if the inspector is not granted access to one (1) or more dwelling units at the time of the appointment, an additional charge of Four Hundred (\$400.00) Dollars shall be charged to each and every unit where access is not granted.

b. As to re-inspection there shall be a Six Hundred (\$600.00) Dollar fee for an initial unit re-inspection at a multiple family dwelling unit for a single mobilization each and every time a re-inspection occurs. There shall be a Four Hundred Fifty (\$450.00) Dollar fee for every additional unit re-inspected at a multiple family dwelling unit during a single mobilization each and every time a re-inspection occurs. If during a single mobilization, if the inspector is not granted access for re-inspection for one (1) or more dwelling units at the time of the appointment, an additional charge of Four Hundred (\$400.00) Dollars shall be charged to each and every unit where access is not granted each and every time a re-inspection occurs.
2. An additional Twenty (\$20.00) Dollar fee shall be assessed in accordance with *N.J.S.A. 52:27D-437.6* and *N.J.A.C. 5:28A-2.2*, to be deposited into the Lead Hazard Control Assistance Act Fund under the administration of the New Jersey State Department of Community Affairs.
3. All fees shall be nonrefundable if the applicant fails to cancel the requested inspection at least forty-eight (48) hours prior to a scheduled inspection. This is separate and apart from the non-access fee set forth above. Said fee shall be dedicated to meeting the costs of implementing and enforcing this Article for lead-based paint inspections and shall not be used for any other purpose.
4. A dwelling landlord, owner, and/or agent may directly hire a certified lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of this Article and the requirements of *N.J.S.A. 52:27D-437.6* and *N.J.A.C. 5:28A-1.1, et seq.*, in which case no additional lead-based paint inspection fee shall be paid; provided, however, that the additional Twenty (\$20.00) Dollar fee shall still be assessed in accordance with *N.J.S.A. 52:27D-437.6* and *N.J.A.C. 5:28A-2.2*, payable to the Town, to be deposited into the Lead Hazard Control Assistance Act Fund under the administration of the New Jersey State Department of Community Affairs.

§ 213-25 Owner Responsibility for Record-Keeping.

The landlord, owner, and/or agent of a dwelling that is subject to this Article shall provide to the tenant and to the Town evidence of a valid lead-safe certification obtained pursuant to this Article at the time of tenant turnover. The owner shall also affix a copy of any such certification as an exhibit to the tenant's lease.

1. The owner of a multiple dwelling that is subject to this Article shall provide evidence of a valid lead-safe certification obtained pursuant to this Article, as well as evidence of the most recent tenant turnover, at the time of any cyclical inspection performed pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 *et seq.*
2. The owner of a dwelling that is subject to this Article shall maintain a record of the lead-safe certification, which shall include the name or names of a unit's tenants, if the inspection was conducted during a period of tenancy.
3. The owner of any dwelling subject to this Article shall inform the Town of all tenant turnover activity to ensure any required inspection may be scheduled.
4. The owner of a dwelling shall provide a copy of this Article, and any lead-safe certifications issued pursuant thereto, along with the accompanying guidance document, Lead-Based Paint in 23 Rental Dwellings, to any prospective owners of the dwelling during a real estate transaction, settlement, or closing.

§ 213-26 Municipal Enforcement Powers to be Exercised by All Authorized Persons.

Pursuant to *N.J.S.A. 52:27D-437.6* and *N.J.A.C. 5:28A-4.1*, the Municipal Clerk is authorized to conduct investigations and issue penalties in order to enforce a multiple dwelling landlord's, owner's, and/or agent's failure to comply with this Article.

1. The owner of the dwelling shall first be given a period of thirty (30) calendar days to cure any violation by conducting the required inspection or initiating any required remediation efforts.
2. If the owner of the dwelling has not cured the violation within that time period, they shall be subject to a penalty, not to exceed One Thousand (\$1,000) Dollars per week, until the required inspection has been conducted or the remediation efforts have been initiated.
3. Remediation efforts shall be considered to be initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

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.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 14, 2022. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on Monday, November 28, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2022-25

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CHAPTER 228, ENTITLED "SEWER AND WATER", ARTICLE IV "WATER AND SEWER RATES", MOST NOTABLY SECTION 228-19, ENTITLED "BILLING AND COLLECTING"

WHEREAS, the Town of Newton ("Town") periodically reviews various provisions of the Town Code, including issues as to the billing and collecting of sewer and water charges in the Town and the Town now wishes to amend the process for billing and collecting of said services 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 supplement Chapter 228 of the Town Code of the Town of Newton, most notably paragraph A of Section 228-19, entitled "Billing and collecting" as follows:

"§228-19 Billing and collecting.

The Water and Sewer Department of the Town of Newton will prepare bills setting forth water, sewer and other Department charges and send them to its customers through the U.S. Postal System. Bills that are not delivered by the U.S. Postal System shall, nevertheless, remain due and owing. The amount of such nondelivered bills shall, upon request, be made available to customers either in person, in writing or by telephone.

- A. All accounts will be billed quarterly on the [25] 15th day of February, May, August, and November. Bills must be paid on or before the 15th day of March, June, September, and December. All bills not paid within thirty (30) calendar days after the billed date, March [25] 15, June [25] 15, September [25] 15, and December [25] 15 are subject to a ten (10%) percent penalty, which shall be added to the amount of the bill and collected as other charges. Should the due date fall on a weekend or legal holiday observed by the Town of Newton, the due date will be extended to the next business day."

[Brackets] mean deletions; Underlines mean additions

NOW, THEREFORE, 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.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 14, 2022. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on Monday, November 28, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2022-26

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2023

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to determine salaries, wages, or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees and officers;

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 minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2023 as shown in Schedules "A" and "B" attached hereto in accordance with §25-12 of the Code of the Town of Newton.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager at his discretion.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Those employees at wage Level 9 serving in the position of Deputy Municipal Court Administrator may be compensated with a stipend of \$55.00 in lieu of 2 hours compensatory time for each court related call-out with written certification.

Section 5. Those officers and employees at wage Level 17 shall be paid their annual salary in equal quarterly payments during the last pay period of each quarter.

Section 6. All ordinances or parts of ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval, and publication after adoption by the Town Council and shall be effective January 1, 2023.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 14, 2022. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on Monday, November 28, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

ATTEST:

Teresa A. Oswin, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE 2022-26
SCHEDULE "A"**

<u>LEVEL</u>	<u>HOURLY</u>		<u>35 HRS / WK</u>		<u>40 HRS / WK</u>		<u>IRREGULAR HOURS ANNUALIZED</u>
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	
1	\$15.00	\$22.00	\$27,300	\$40,040	\$24,960	\$39,520	
2	\$15.50	\$23.00	\$28,210	\$41,860	\$26,000	\$41,600	
3	\$16.00	\$28.00	\$29,120	\$50,960	\$27,040	\$52,000	
4	\$16.50	\$31.00	\$30,030	\$56,420	\$28,080	\$58,240	
5	\$17.00	\$36.00	\$30,940	\$65,520	\$29,120	\$74,880	
6	\$17.50	\$38.00	\$31,850	\$69,160	\$30,160	\$79,040	
7	\$18.00	\$39.00	\$32,760	\$70,980	\$31,200	\$81,120	
8	\$18.50	\$41.00	\$33,670	\$74,620	\$32,240	\$85,280	
9	\$19.00	\$50.00	\$34,580	\$91,000	\$33,280	\$104,000	
10	\$20.00	\$55.00	\$36,400	\$100,100	\$35,360	\$114,400	
11			\$38,000	\$105,000	\$37,500	\$145,000	
12			\$45,000	\$110,000	\$55,000	\$160,000	
13			\$50,000	\$115,000	\$60,000	\$175,000	
14			\$65,000	\$135,000	\$75,000	\$180,000	
15			\$70,000	\$165,000	\$80,000	\$195,000	
16							\$500 - \$9,000
17							\$2,500 - \$10,000
18							\$3,000 - \$45,000
19							\$10,000 - \$75,000

**TOWN OF NEWTON
ORDINANCE 2022-26
SCHEDULE "B"**

LEVEL 1

Intern
Recreation Assistant

LEVEL 2

Lifeguard
Swim Instructor

LEVEL 3

Clerk Typist
Custodian
Keyboarding Clerk I
School Traffic Guard
Secretary

LEVEL 4

Assistant Pool Manager
Code Enforcement Officer Trainee
Keyboarding Clerk II
Public Safety Telecommunicator Trainee
Recreation Leader
Senior Clerk Typist

LEVEL 5

Assessing Clerk
Building Grounds Maintenance Worker
Fire Prevention Inspector
Laborer
Police Clerk
Pool Manager
Records Support Technician
Recreation Enforcement Officer
Sewer Laborer
Water Laborer
Water Meter Reader
Water/Sewer Collector

LEVEL 6

Account Supervisor/Treasurer
Equipment Operator
Omnibus Operator
Public Safety Telecommunicator
Public Works Repairer
Recycling Foreman
Road Repairer
Sewer Repairer
Sewer Repairer 1/Water Repairer 1
Truck Driver
Water Repairer

LEVEL 7

Code Enforcement Officer
Park Caretaker
Parking Meter Enforcer
Payroll Clerk
Senior Public Safety Telecommunicator
Senior Sewer Repairer
Senior Water Repairer
Sewer Repairer 2
Sewer Repairer 2/Water Repairer 2
Special Police Officer
Water Repairer 2

LEVEL 8

Administrative Assistant
Court Attendant
Road Foreman
Sewer Foreman
Sewer Repairer Supervisor/Water Repairer Supervisor
Street Foreman
Supervising Public Safety Telecommunicator
Violations Clerk
Water Foreman

LEVEL 9

Assistant Director of Public Works
Assistant Public Works Supervisor
Assistant Water/Sewer Supervisor
Certified Tax Collector/Tax Search Officer
Deputy Municipal Court Administrator
Planning/Zoning Administrator
Sewer Plant Operator
Sewer Plant Operator/Water Plant Operator
Water Plant Operator

LEVEL 10

Code Enforcement Director
Director of Public Works
Finance Director
Municipal Clerk
Municipal Court Administrator
Municipal Department Head
Public Works Supervisor
Water/Sewer Supervisor

LEVEL 11

Police Patrolman

LEVEL 12

Police Sergeant

LEVEL 13

Police Lieutenant
Water/Sewer Superintendent

LEVEL 14

Chief Financial Officer

LEVEL 15

Police Chief
Town Manager

LEVEL 16

Assistant Right-to-Know Coordinator
Deputy Municipal Clerk
Deputy Registrar
Deputy Right-to-Know Coordinator
Right-to-Know Coordinator

LEVEL 17

Council Member
Deputy Mayor
Mayor

LEVEL 18

Building Subcode Official/Inspector
Deputy Code Enforcement Officer
Deputy Emergency Management Coordinator
Electrical Subcode Official/Inspector
Emergency Management Coordinator
Fire Subcode Official
Plumbing Subcode Official/Inspector
Recreation Coordinator
Registrar of Vital Statistics
Zoning Officer

LEVEL 19

Community Development Director
Deputy Town Manager
Human Resources Director
Municipal Department Head
Recreation Supervisor
Tax Assessor

TOWN OF NEWTON

ORDINANCE 2022-27

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 100 OF THE TOWN CODE OF THE TOWN OF NEWTON, ENTITLED "FEES AND COSTS", MOST NOTABLY SECTION 100-2 "PEDDLING AND SOLICITING"; SECTION 100-5 "SPECIAL SALES"; SECTION 100-10 "CLOTHING BINS"; SECTION 100-13 "ANIMALS"; SECTION 100-14 "TAXICABS AND LIMOUSINES"; AND SECTION 100-24 "MISCELLANEOUS FEES AND CHARGES"; AND OTHER RELATED TOWN CODE PROVISIONS

WHEREAS, the Mayor and Town Council have reviewed various fees charged by the Town to the various persons/businesses doing business with the Town and wish to amend, revise, and supplement various provisions of Chapter 100 of the Town Code, entitled "Fees and Costs", most notably Section 100-2 "Peddling and soliciting"; Section 100-5 "Special sales"; Section 100-10 "Clothing bins"; Section 100-13 "Animals"; Section 100-14 "Taxicabs and limousines"; and Section 100-24 "Miscellaneous fees and charges"; and other related Town Code provisions;

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 Town Code of the Town of Newton, County of Sussex, State of New Jersey, most notably Chapter 100 of the Town Code, entitled "Fees and Costs" and other related Town Code provisions, is hereby amended, revised, and supplemented as to the Sections of Chapter 100 (and related Town Code provisions) set forth below as follows:

- A. § 100-2 Peddling and Soliciting (Chapter 206)
 - A. Peddlers, hawkers, and vendors (§206-3)
 - (1) Daily rate:
 - (a) License fee (traveling): [~~\$70~~] \$50
 - (b) License fee (stationary): [~~\$300~~] \$200
 - (2) Annual rate:
 - (a) License fee (traveling food vendor): [~~\$350~~] \$200 plus food handler's permit.
 - C. Annual food truck permit fee. [Starting January 1, 2022] The fee shall be [~~\$100~~] \$200 per year with no limit on the number of said permits that may be issued.

[Brackets] mean deletions; Underlines mean additions

- B. §100-5 Special Sales (Chapter 222)
 - B. Garage sale (§222-13B) [~~\$15~~] \$20
- C. §100-10 Clothing Bins (Chapter 82):
 - Charitable bins (§82-3):
 - A. Initial permit: [~~\$25~~] \$50
 - B. Renewal permit: [~~\$25~~] \$30
- D. §100-13 Animals (Chapter 57)
 - A. License and registration (§57-10)
 - (1) Neutered dog: [~~\$15~~] \$16 per dog
 - (2) Non-neutered dog [~~\$18~~] \$20 per dog
 - (3) Cat license (neutered or non-neutered): [~~\$12~~] \$15 per cat
 - (4) Replacement dog/cat tag: [~~\$2~~] \$5 each
 - C. Impounding and destruction of certain dogs and cats: (§57-14)
 - [(1) Destruction of any unclaimed dog or cat at the request of the owner: \$3]
 - (1) Destruction or surrender of any dog or cat at the request of the owner: \$300.
 - (2) Expenses incurred by reason of any dog's or cat's detention, including maintenance: not to exceed [~~\$4~~] \$100 for the first (1st) day and [~~\$1~~] \$50 per day for each additional day, and [~~\$2~~] \$50 for picking up each dog or cat.
 - D. Additional fees and/or charges:
 - (1) Microchipping: \$25
 - (2) Trap rental: \$15 per week
 - (3) Adoption fees:
 - (a) Kittens (under 12 months of age): \$125
 - (b) Cats (over 12 months of age): \$150
 - (c) Dogs: \$300
- E. §100-14 Taxicabs and Limousines (Chapter 283):
 - A. Taxicab owner's license (§283-4G):
 - (1) Initial application: [~~\$550~~] \$600
 - (2) Renewal application: [~~\$300~~] \$325
 - (3) Each vehicle: [~~\$50~~] \$100
 - B. Taxicab driver's license (§283-5A (11)):
 - (1) Initial application: [~~\$50~~] \$100
 - (2) Renewal application [~~\$30~~] \$50

[Brackets] mean deletions; Underlines mean additions

[Brackets] mean deletions; Underlines mean additions

- F. §100-24 Miscellaneous fees and charges:
- A. Swimming pool:
- (3) Swim lessons:
- (a) Residents: [~~\$125~~] \$175 for eight ~~(8)~~ thirty (30) minute lessons.
- (b) Nonresidents: [~~\$150~~] \$200 for eight ~~(8)~~ thirty (30) minute lessons.
- (4) Birthday parties: [~~\$300~~] \$350 for the first (1st) ~~ten~~ (10) guests; [~~\$5~~] \$10 for each additional guest. Pizza, soda, and ice cream are included.
- (5) Water fitness class: Ten (\$10) drop-in-fee or Thirty-Five (\$35) for four (4) classes.
- D. Certified copies of licenses and certificates issued by the Bureau of Vital Statistics:
- (1) Marriage certificate: [~~\$15~~] \$20 first (1st) copy, \$5 each additional copy.
- (2) Birth certificate: [~~\$15~~] \$20 first (1st) copy, \$5 each additional copy.
- (3) Death certificate: [~~\$15~~] \$20 first copy, \$5 each additional copy.
- (4) Correction to birth certificates, marriage certificates, or death certificates [~~\$25~~] \$30
- (5) Domestic partnership, per copy: [~~\$15~~] \$20
- (6) Civil union: [~~\$15~~] \$20 first (1st) copy, \$5 each additional copy.
- P. Cannabis application and license review fee. Any person applying to be permitted to operate a cannabis business under the laws of the State of New Jersey and Town Code of the Town of Newton in the Town of Newton, County of Sussex, State of New Jersey, shall pay an annual fee of [~~\$2,500~~] \$5,000 to have the Town and its professionals review said application and license annually in order to operate a cannabis business in the Town of Newton. Said annual fee shall apply to all six (6) marketplace classes of licenses, including cultivation, manufacturer, wholesaler, distributor, retailer, and delivery. This fee is payable annually and shall not be prorated.

BE IT FURTHER ORDAINED, any provision of Chapter 100 and its Sections of the Newton Town Code which are not enumerated herein shall remain in their current form.

BE IT FURTHER ORDAINED, should any part or portions of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereto other than the part held invalid. All ordinances or parts of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

This Ordinance shall take effect on January 1, 2023.

[Brackets] mean deletions; Underlines mean additions

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 14, 2022. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on Monday, November 28, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2022-28

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$97,150 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$92,150 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 the said Improvement there is hereby appropriated the amount of \$97,150, consisting of \$5,000 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"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvement and the Grant not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$92,150 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 \$92,150 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
(1) Acquisition of security cameras and panic buttons, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$69,650	\$66,065	5 Years
(2) Renovation of the Department of Public Works building, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$27,500	\$26,085	15 Years
TOTAL ALL PURPOSES	\$97,150	\$92,150	

(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 \$92,150.

(c) The estimated cost of the Improvement is \$97,150 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 Town 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 7.79 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Town 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 \$92,150 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,000 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 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 \$92,150.

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.

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 14, 2022. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on Monday, November 28, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2022-29

BOND ORDINANCE REAPPROPRIATING \$90,421 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR IMPROVEMENTS FOR VARIOUS OTHER CAPITAL ITEMS BY THE TOWN OF NEWTON, NEW JERSEY

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:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$90,421 of the bond proceeds of obligations originally made available pursuant to the following ordinance of the Town of Newton, County of Sussex, New Jersey is no longer necessary for the purposes for which the obligations previously were authorized. Each amount is listed under the column, "Balance to be Reappropriated," and is further described by reference to the number of the bond ordinance pursuant to which such amounts have been made available, the original appropriation made by the bond ordinance, and the description of the improvement for which such amounts originally were appropriated.

The total amount of \$90,421, consisting of \$87,104 of bond proceeds and \$3,317 of capital moneys to be reappropriated are made available as follows:

<u>Ordinance Number</u>	<u>Appropriation</u>	<u>Original Description of Improvement</u>	<u>Balance to be Reappropriated</u>
2022-14	\$10,000	Improvements to Dunn Place, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$1,257.00
2022-14	\$20,000	Demolition Barrett Avenue (house), including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$2,060.00
2022-14	\$39,450.50	Acquisition of Police Sport Utility Vehicle, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$604.00

<u>Ordinance Number</u>	<u>Appropriation</u>	<u>Original Description of Improvement</u>	<u>Balance to be Reappropriated</u>
2022-14	\$100,000	Road improvements to Smith Street and Grand Avenue, including sidewalk, curbing, milling, paving, drainage, sewer, and other miscellaneous improvements and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$37,000.00
2022-14	\$240,000	Road improvements to E. Clinton Street, Lawnwood Avenue and Nelson Street, including sidewalk, curbing, milling, paving, drainage, sewer, and other miscellaneous improvements and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$49,500.00

SECTION 2:

The total amount of \$90,421 referred to in Section 1 above is hereby reappropriated as follows:

Acquisition of a portion of the cost of a Dodge RAM Truck and the Acquisition of an Additional Dodge RAM Truck	\$63,900.00
Renovations of the Department of Public Works Building	\$26,521.00

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 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 4:

The useful life of the improvements described in Section 2 above is 7.93 years.

SECTION 5:

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

NOTICE

TAKE NOTICE the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, November 14, 2022. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council to be conducted at 7:00 pm or as soon thereafter as the matter may be heard on Monday, November 28, 2022 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #238-2022

November 14, 2022 "Authorizing the Award of a Proprietary Contract to Pall Water"

WHEREAS, it has been determined the software and technology systems in place for the existing system installed by Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 at the Morris Lake Water Treatment Facility needs upgrades and repair; and

WHEREAS, the majority of the filtration software and components operate on a proprietary platform that was installed by Pall Water, 839 NYS Rte. 13 Cortland, NY 13045, and any upgrades must be compatible with this system; and

WHEREAS N.J.S.A. 40A:11-5(dd) provides goods or services may be purchased by an authorizing resolution of the Governing Body without public bidding if such goods or services are for the purchase, support, or maintenance of proprietary software; and

WHEREAS, Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 has provided a proposal to the Morris Lake Water Treatment Facility to furnish, install, maintain, upgrade, and support the same in the amount of \$28,953.00; and

WHEREAS, The Qualified Purchasing Agent has certified that the amount is in excess of the Pay to Play threshold, (N.J.S.A 19:44A-20.5 et. Seq.); and

WHEREAS, Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 has provided the business entity disclosure and political contribution disclosure form in accord with statute; and

WHEREAS the Chief Financial Officer hereby certifies sufficient funds in the 2022 - 2023 budget, will be encumbered of \$28,953.00 as follows:

Account name and number:

WS Capital Outlay	6089293	\$17,000.00
W Contract Maintenance	6064217	\$11,953.00

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby authorize an agreement with Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 for the maintenance and software upgrade contract of existing system components at the Morris Lake Water Treatment Facility in the amount of \$28,953.00;

BE IT FURTHER RESOLVED, the Business Entity Disclosure and Political Contribution Disclosure forms are on file and available for public inspection in the Office of the Municipal Clerk.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #239-2022

November 14, 2022 "Amend the Award of a Required Disclosure Contract for David B. Simmons, Jr., of the firm Harold Pellow & Associates, Inc., as Water Engineer for the Town of Newton for Calendar Year 2022"

WHEREAS, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis through a contract pursuant to the provisions of N.J.S. A. 19:44A -20.5; and

WHEREAS, the Town Council appointed David B. Simmons, Jr, of the firm Harold Pellow & Associates, Inc., as Water Engineer for the calendar year 2022 by the adoption of Resolution #32-2022 at their meeting January 6, 2022; and

WHEREAS, said contract stipulated the amount expended during the term of the contract is not to exceed \$35,000.00; and

WHEREAS, due to circumstances beyond the Town's control the costs for Water Engineering will exceed the \$35,000.00 allocated; and

WHEREAS, the Town Manager has agreed to increase the amount of the original contract by \$12,000.00 to a new amount not to exceed \$47,000.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2022 Water Sewer Budget – Consulting account #6051216;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to amend the agreement with David B. Simmons, Jr. of Harold Pellow & Associates, Inc., as the Town of Newton's Water Engineer for the remainder of the calendar year 2022 for an amount not to exceed \$47,000.00; and

BE IT FURTHER RESOLVED, that this resolution serves as an amendment to the original agreement and will be provided to David B. Simmons, Jr. and filed in the Office of the Municipal Clerk.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #240-2022

November 14, 2022 "Resolution Authorizing Award of Bid After Negotiations for Morris Lake Water Treatment Plant Filtration Equipment, Bids 9-2022/9R-2022"

WHEREAS the Town publicly advertised and sought receipt of public bids on September 27, 2022, at 9:00am, and October 12, 2022, at 9:00am, for a total of two (2) public bids for the project known as "Morris Lake Water Treatment Plant Filtration Equipment"; and

WHEREAS, the Town has duly advertised for bids on both occasions, wherein three (3) bids received on September 27, 2022 were over engineer estimates, and two (2) bids received were in excess of engineer estimates on October 12, 2022; and

WHEREAS, the New Jersey State Local Public Contracts Law, N.J.S.A. 40A:11-5(3) allows for negotiations subsequent to two (2) rejected or non-received bids; and

WHEREAS the Town authorized negotiations consistent with N.J.S.A. 40A:11-5(3) through Resolution #226-2022 on October 24, 2022; and

WHEREAS the Town of Newton Engineer engaged in negotiations with Ferraro Construction Corporation, VNL Inc., and Pall Corporation; consistent with the requirements for negotiations as per N.J.S.A.40A:11-5(3); and

WHEREAS, Ferraro Construction Corporation and Pall Corporation responded in the following amounts consistent with Bids 9-2022/ 9R-2022, to wit:

Bidder	Amount
Pall Corporation	\$691,506.00
Ferraro Construction Corporation	\$1,137,165.86
VNL Inc.	Did not respond

WHEREAS the Chief Financial Officer certifies funding is available in the amount of \$691,506.00 from:

ORDINANCE #2022-20	\$500,178.00
ORDINANCE #2022-12	\$191,328.00

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

1. The Town Council hereby awards a Negotiations Award consistent with N.J.S.A. 40A:11-5(3) reflecting the precepts of Bids 9-2022/9R-2022 to Pall Corporation, 839 State Route 13, Cortland, New York 13045-5630 in the amount of \$691,506.00.

2. The Mayor and Town Manager are authorized to execute contracts with Pall Corporation, 839 State Route 13, Cortland, New York 13045-5630 consistent with all the tenets as contained within Bids 9-2022/9R-2022, "Morris Lake Water Treatment Plant Filtration Equipment"

This Resolution shall take effect immediately.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #241-2022

November 14, 2022 "Resolution Rejecting All Bids for Department of Public Works Vehicle Bid 17-2022"

WHEREAS, the Town of Newton received bids for Department of Public Works Vehicle Bid 17-2022 on November 1, 2022, at 10:00 A.M.; and

WHEREAS, the Town received one (1) bid from Franklin Sussex Auto Mall Inc. in the amount of \$69,400.00; and

WHEREAS, the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-4a requires bidders to be awarded who meet the criteria of "lowest responsible bidder"; and

WHEREAS, the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-2(27) defines "Lowest Responsible Bidder" as "(27) "Lowest responsible bidder or vendor" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible"; and

WHEREAS, the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-2(33) defines "responsive" as "(33) "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request"; and

WHEREAS the Department of Public Works was able to confirm that Franklin Sussex Auto Mall Inc. is not able to obtain the vehicle bid as it is in a foreign country and incapable of delivery to the Town of Newton in a timely fashion; and

WHEREAS, the Qualified Purchasing Agent cannot determine that Franklin Sussex Auto Mall Inc. is responsive to the bid and cannot be determined to be the lowest responsible bidder;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the bid submitted by Franklin Sussex Auto Mall Inc. is hereby rejected under N.J.S.A. 40A:11-4a and N.J.S.A. 40A:11-13.2e.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #242-2022

November 14, 2022 “Resolution Regarding Small Cities Citizen Participation Plan”

WHEREAS, the Town of Newton is applying for a grant with the New Jersey Department of Community Affairs; and

WHEREAS, that Grant Agreement requires the Town of Newton to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the Town of Newton has reviewed the Citizen Participation Plan prepared for Small Cities CDBG grantees;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, State of New Jersey, that the Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the Town of Newton; and

BE IT FURTHER RESOLVED, the Town of Newton will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above; and

BE IT FURTHER RESOLVED, copies of this Resolution shall be provided to New Jersey Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ 08625-0811.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #243-2022

November 14, 2022 “Resolution Regarding Fair Housing –
Statement of Actions”

WHEREAS, the Town of Newton has made an application for a Public Facilities Small Cities Grant to the New Jersey Department of Community Affairs (hereafter NJDCA) for the construction of sidewalks along Swartswood Road to provide pedestrian facilities for low and moderate income individuals within the Town; and

WHEREAS, the Town of Newton must make efforts to affirmatively further fair housing; and

WHEREAS, the Town of Newton has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter USHUD); and

WHEREAS, the Town of Newton has made assurances that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE BE IT RESOLVED, Thomas S. Russo, Jr., Town Manager shall be designated as the Fair Housing Officer for the Town of Newton; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide Fair Housing advisory services and assistance and referral advice to persons requesting such assistance from the Town of Newton; and

BE IT FURTHER RESOLVED, that the Town of Newton will publish in the local newspaper of record and post at the municipal hall a public notice announcing the appointment of the Fair Housing Officer and the availability of local Fair Housing advisory services.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #244-2022

November 14, 2022 **“Approval to Submit Application for Small Cities Grant for a Public Facilities Fund Project to Construct a Sidewalk Along Swartswood Road to Benefit Town Residents of Low and Moderate Incomes”**

WHEREAS, the Town Council of the Town Newton (Council) has been notified of the State Fiscal Year 2023 Community Development Block Grant (CDBG) Small Cities Program Request for Proposals which includes \$4,306,172 of funding toward a Public Facilities Fund category and the Town of Newton's desire to apply for \$400,000 in funding to construct a sidewalk along Swartswood Road to benefit residents with low and moderate incomes in the Town of Newton; and

WHEREAS, the Council has successfully applied for Small Cities CDBG funding in the past; and

WHEREAS, the Council desires to apply for a grant for \$400,000; and

WHEREAS, the Council recognizes and accepts that the Small Cities Program may offer a lesser amount of grant funding and therefore, upon receipt of the Grant Agreement from the State Department of Community Affairs, and any amendments thereto, does further authorize the execution of any such Grant Agreement; and also, upon receipt of the fully executed Agreement from the Small Cities Program, does further authorize the expenditure of funds pursuant to the terms of the Agreement; and

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

WHEREAS, the construction of sidewalk along Swartswood Road will benefit low and moderate income persons in Census Block Group 1, Census Tract 3737, Newton Town, which is comprised of 62% low and moderate income persons and Census Block Group 2, Census Tract 3737, which is comprised of 50% low and moderate income persons, all of whom will benefit from sidewalk construction linking those communities with the Sussex County Community College and the downtown, and therefore this project is deemed in the best interest of the Town and the low and moderate income residents of this area;

NOW, THEREFORE BE IT RESOLVED, the Mayor, Town Manager, and Municipal Clerk are authorized to sign all required elements of the proposed application to construct a sidewalk along Swartswood Road and apply for a grant in the amount \$400,000 to execute the same; and

BE IT FURTHER RESOLVED, the attached application is submitted to the New Jersey Department of Community Affairs' Small Cities Program in accordance with the regulations promulgated by the US Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, copies of this Resolution and the attached application shall be provided to the Town of Newton, c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; and Bradley Harrington, Administrator, Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ, 08625-0811; and the Town of Newton Manager's Office.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #245-2022

November 14, 2022 “Approval of Grant Management Plan for Small Cities Grant for a Public Facilities Fund Project to Construct Sidewalks on Swartswood Road to Provide Pedestrian Facilities for Low and Moderate Income Residents of the Town of Newton, Sussex County, New Jersey”

WHEREAS, the Town Council of the Town of Newton (Council) has been notified of the State Fiscal Year 2023 Community Development Block Grant (CDBG) Small Cities Program Request for Proposals which includes \$4,306,172 of funding toward a Public Facilities Fund category and the Town of Newton's desire to apply for \$400,000 in funding to construct a sidewalk along Swartswood Road to benefit residents of low and moderate incomes; and

WHEREAS, the Council has successfully applied for Small Cities CDBG funding in the past; and

WHEREAS, the Council desires to apply for a grant for \$400,000; and

WHEREAS, the Council recognizes that a Grant Management Plan must be adopted in order to properly identify the responsible parties for overseeing and implementing the grant; and

WHEREAS, the Council has reviewed the Grant Management Plan submitted for the Swartswood Road Sidewalk Project;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council approve of the above-referenced Grant Management Plan; and

BE IT FURTHER RESOLVED, that copies of this Resolution and the attached application shall be provided to the Town of Newton, c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; Bradley Harrington, Administrator, Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ, 08625-0811; and the Sussex County Division of Planning.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk

2023 Grant Management Plan: Town of Newton Swartswood Road Sidewalk Construction Project

Public Facilities Fund Project

Project Director: Thomas S. Russo, Jr., Town Manager

Town of Newton, 39 Trinity Street, Newton New Jersey, 07860

Phone: 973-383-3521 ext. 224; Fax: 973-383-8961; e-mail: trusso@newtontownhall.com

- Supervise all grant activities and certify accuracy of quarterly fiscal and program progress reports.
- Create and maintain an environmental review record file and manage the environmental review process.
- Coordinate the Citizen Participation Plan, including issuing public notice for public hearings, conducting a progress hearing, attending all meetings, keeping minutes and hand-outs of meetings, and managing correspondence and information requests.
- Act as fair housing coordinator, issue public notice for fair housing counseling, draft letter to HUD and NJ Dept. of Law and Public Safety and manage information requests concerning fair housing.
- Manage equal employment opportunity requirements, fair labor standards and civil rights issues.
- Maintain program and grant agreement records, contracts, reports and files, as required by law.

Project Coordinator: Jessica Caldwell, Professional Planner

J. Caldwell & Associates, LLC, 145 Spring Street, Suite E, Newton, NJ 07860

Phone: 973-300-5060; Fax: 973-440-2179; e-mail: jcaldwell@jcaldwellassociates.com

- Manage compliance files for citizen participation, fair housing, construction progress, correspondence and records for contractor, including monthly reporting, payment requests and correspondence. Ensure compliance with labor standards.
- Administer day-to-day operation of the project, including serving as liaison with Small Cities Program, monitoring rehabilitation and contractor progress, reviewing and processing work change orders, and preparing monthly reports and payment requests to NJDCA.
- Prepare public notice for public performance hearing in conjunction with project director, ensure compliance with mid and final monitoring visits, prepare and submit the final monthly report and payment requests, and the final program performance report to NJDCA for review and approval. Verify all work is complete to the satisfaction of the grantee.

Fiscal Administrator: Monica Miebach, Chief Financial Officer

Town of Newton, 39 Trinity Street, Newton New Jersey, 07860

Phone: 973-383-3521 ext. 241; Fax: 973-383-8961; e-mail: mmiebach@newtontownhall.com

- Responsible for fiscal administration of the grant and will maintain records of such at Town of Newton.

Staff Assistant: Teresa A. Oswin, Deputy Town Manager, Municipal Clerk
Town of Newton, 39 Trinity Street, Newton New Jersey, 07860
Phone: 973-383-3521 ext. 232; Fax: 973-383-8961; e-mail: toswin@newtontownhall.com
Provide information and coordination on the project as needed; provide staff as needed for access and coordination with construction; oversee development and review of bids; conduct bidding process for professionals; assist in construction monitoring and coordination with contractors.

Engineer/Inspector: Cory Stoner, P.E., C.M.E., Town Engineer's Office
Harold E. Pellow & Associates, Inc., 17 Plains Road, Augusta NJ 07822
Phone: 973-948-6463 ext. 213; Fax: 973-948-2916; e-mail: cstoner@hpellow.com

- Oversee bidding process for contractors.
- Complete engineering plans, bid documents, and other engineering related information, as needed.
- Manage construction progress, correspondence and records for contractors, including monthly reporting to grant administrator, submit payments requests and correspondence on behalf of the project.
- Assist in compliance with labor standards.
- Assist construction time management schedule.
- Monitor and inspect work by contractors.

Estimated time:

Thomas S. Russo, Jr.: Project Director: 2 hours per month
Jessica Caldwell: Project Coordinator: 10 hours per month
Monica Miebach: Project Finance Officer: 2 hours per month
Cory Stoner: Town Engineer: 10 hours per month (average)
Teresa A. Oswin: 2 hours per month



TOWN OF NEWTON

RESOLUTION #246-2022

**November 14, 2022 "Authorize Execution of Agreement
Between the Town of Newton and the
Newton Parking Authority"**

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

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

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on November 3, 2022, the members of the Authority approved an appropriate agreement for calendar year 2023 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2023.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk

**Town of Newton
Resolution #247-2022
Amendment to the Water/Sewer Capital Budget**

WHEREAS, the local Water/Sewer capital budget for the year 2022 was adopted on the 28th day of March, 2022; and **WHEREAS**, it is desired to amend said capital budget section; **NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, New Jersey, the following amendment(s) to the adopted capital budget section of Water/Sewer Capital Fund be made.

Recorded Vote (Insert Names) ()
 ()
 Abstain ()
 ()
 ()
 Nays ()
 ()
 ()
 Ayes ()
 ()
 Absent ()
 ()

**WATER/SEWER CAPITAL BUDGET (Current Year Action)
2022**

		Planned Funding Services for Current Year 2022							
1 Project	2 Project Num.	3 Est. Total Cost	4 Amt. Res. In Prior Years	5a 2022 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid/Other Fund	5f Debt Authorized	Total Funded In Future Year
WTP FILTRATION SYSTEM	U-18	\$500,178.00			\$90,000.00		\$ 410,178.00		
Total All Projects		\$500,178.00			\$90,000.00		\$410,178.00		

**SIX YEAR CAPITAL PROGRAM 2022 TO 2027
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS**

		Funding Amounts Per Year								
1 Project	2 Project Num.	3 Est. Total Cost	4 Estimated Completion Time	5 Cap. Improvement Fund 2022 Budget	2022	2023	2024	2025	2026	2027
WTP FILTRATION SYSTEM	U-18	\$500,178.00	2023	\$90,000.00	\$410,178.00					
Total All Projects		\$500,178.00		\$90,000.00	410,178.00					

SIX YEAR CAPITAL PROGRAM 2022 - 2027
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	2 Estimated Total Cost	3 Budget Appropriation		4 Capital Improv. Fund	5 Capital Surplus	6 Grants In Aid-Other Funds	7 Bonds and Notes					
		Current Year	Future Years				General	Self-Liquid.	Assessment	School		
WTP FILTRATION SYSTEM	\$500,178.00			\$90,000.00		\$410,178.00						
Total All Projects	\$500,178.00			\$90,000.00		\$410,178.00						

BE IT FURTHER RESOLVED, two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

IT IS HEREBY CERTIFIED this is a true copy of a resolution amending the capital budget section adopted by the Town Council on the 14th day of November, 2022.

Approved _____, 2022

Teresa A. Oswin, RMC
Municipal Clerk

DIRECTOR OF LOCAL GOVERNMENT SERVICES



TOWN OF NEWTON

RESOLUTION #248-2022

November 14, 2022 “Authorizing Change Order No. 1 for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project (ADS Contractors, LLC)”

WHEREAS, the Newton Town Council adopted Resolution #194-2022, awarding the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project, to ADS Contractors, LLC, 52 Cooks Road, Pittstown, N.J. 08867, in the amount of \$19,262.21; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated October 26, 2022, approving Change Order No. 1 for the above referenced project for a decrease in the amount of \$4,020.00 for a new contract total of \$15,242.21;

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 Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street 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.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



R248-2022

HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

HAROLD E. PELLOW, *PRESIDENT*
2022 Distinguished Engineering Service Award
from the NJ Society of Professional Engineers
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ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *EXEC. VICE PRESIDENT*
NJ - P.E., NJ - P.P., NJ - C.M.E.

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

THOMAS G. KNUTELSKY, *ASSOCIATE*
NJ - P.E., NJ - P.P.

October 26, 2022

MEMORANDUM TO: Mr. Thomas S. Russe, Jr., Newton Town Manager

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: Proposed Improvements to Lawnwood Avenue, Nelson Street & East Clinton Street
HPA No. 22-140

Dear Tom,

Enclosed herewith please find the following paperwork in reference to the above project:

1. Copy of Town of Newton Purchase Order No. 61986, Drawdown No. 1, in the amount of \$14,937.37, due ADS Contractors, LLC for work completed through September 23, 2022.
2. Estimate Certificate No. 1 reflecting quantities used through September 23, 2022.
3. Four (4) copies of Change Order No. 1 which reflect an adjusted contract amount of \$15,242.21. Kindly have an authorized Town representative sign and date all four copies on the line indicated *Presiding Officer*. Retain one copy for your file and **return the remaining three copies to this office**. We will forward one copy to ADS Contractors; one copy to NJDOT Local Aid; and retain one copy for our records.

Very truly yours,

Harold E. Pellow, P.E., L.S.
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineer

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\22-140 - LAWNWOOD AVE., NELSON ST. & EAST CLINTON ST\IMPROVEMENTS - PUBLIC BID\RUSSO4.DOC

Enclosures

cc: ADS Contractors, LLC



TOWN OF NEWTON

RESOLUTION #249-2022

November 14, 2022 "Resolution Rejecting all Bids for Sludge Hauling Bid Town of Newton Bid #13-2022"

WHEREAS the Town of Newton received bids for sludge hauling, Bid #13-2022 on November 2, 2022, at 9:00 A.M.; and

WHEREAS the Town received four (4) bids to wit:

NAME OF BIDDER	Russell Reid Waste Hauling and Disposal Service Co., Inc.	Spectraserv Inc	Wind River Environmental	TAM Enterprises Inc.
1A. Bid for Sludge Trucking to Passaic Valley Sewer Commission/ gallon	\$0.0631	\$0.1100	\$0.0870	\$0.1600
1B. Bid for Sludge Trucking to Parsippany-Troy Hills Incinerator/ gallon	\$0.0631	\$0.1100	\$0.0800	\$0.1800
2A. Bid for Trucking of Water Filtration Plant Liquid Chemical Waste from Morris Lake Reservoir in Sparta, NJ to be trucked to Newton Waste Water Treatment Plant for disposal/ gallon	\$0.0595	\$0.1200	\$0.0800	no bid

And

WHEREAS, the lowest two (2) bidders, Russell Reid Waste Hauling and Disposal Service Co., Inc., and Wind River Environmental, both provided owner disclosure statements not in compliance with N.J.S.A. 52:25-24.2, which demands a non-corporate owner is disclosed; and

WHEREAS, the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-23.2c, makes the lack of providing a valid statement of ownership, a fatal defect, and a mandatory rejection of bids; and

WHEREAS, the bids provided by TAM Enterprises Inc. and Spectraserv Inc. provided for bid amounts higher than budgetary estimates; and

WHEREAS, the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-13.2(b) allows for the rejection of bids when the amount substantially exceeds the budgetary estimates for such services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the bids submitted by Russell Reid Waste Hauling and Disposal Service Co., Inc., and Wind River Environmental, are hereby rejected under N.J.S.A. 40A:11-23.2c for failure to comply with N.J.S.A. 52:25-24.2; and

BE IT FURTHER RESOLVED, that the bids submitted by TAM Enterprises Inc. and Spectraserv Inc. are hereby rejected as over budgetary estimates consistent with N.J.S.A. 40A:11-13.2(b); and

BE IT FURTHER RESOLVED, that the Qualified Purchasing Agent is authorized to immediately initiate an invitation for bids for Sludge Hauling services.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #250-2022

November 14, 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;

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 accounts for amounts billed incorrectly due to the reason(s) stated:

CREDIT FOR PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26880	293 Spring Street	\$14.22

UTILITY BOARD RECOMMENDS WAIVER OF SEWER CHARGES:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
1029	3 Jefferson Street	\$360.70
17332	86 Sparta Avenue	\$1,003.50

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #251-2022

November 14, 2022 "Refund of Redemption Monies to Outside Lien Holder for Block 7.12, Lot 34, also known as 3 Foster Street"

WHEREAS, at the Municipal Tax Sale held on October 5, 2022 a lien was sold on Block 7.12, Lot 34, also known as 3 Foster Street, Newton, NJ for 2021 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-008 was sold to Fig 20, LLC FBO Sec Pty for a 0% redemption fee and a premium in the amount of \$1,800.00; and

WHEREAS, Ashley Conklin, the owner, has affected the redemption of Certificate #2022-008 in the amount of \$373.97;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Fig 20, LLC FBO Sec Pty is entitled to a redemption in the amount of \$373.97 as well as the return of the premium in the amount of \$1,800.00; and

BE IT FURTHER RESOLVED, the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check, in the amount of \$373.97 for the redemption and a check in the amount of \$1,800.00 for the return of the premium for Certificate #2022-008 to Fig 20, LLC FBO Sec Pty, PO Box 12225, Newark, NJ 07101.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #252-2022

November 14, 2022 "Authorizing Change Order No. 1 for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project (Tilcon New York, Inc.)"

WHEREAS, the Newton Town Council adopted Resolution #169-2022, awarding the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project, to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 in the amount of \$93,258.40; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated October 31, 2022, approving Change Order No. 1 for the above referenced project for a decrease in the amount of \$16,865.82 for a new contract total of \$76,392.58;

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 Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street 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.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk

R 252-2022



HAROLD E. PELLOW & ASSOCIATES, INC.

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Established 1969

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2022 Distinguished Engineering Service Award
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ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

DAVID B. SIMMONS, JR., VICE PRESIDENT
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY, ASSOCIATE
NJ - P.E., NJ - P.P.

CORY L. STONER, EXEC. VICE PRESIDENT
NJ - P.E., NJ - P.P., NJ - C.M.E.

RECEIVED

October 31, 2022

NOV 04 2022

Town Manager

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: Proposed Improvements to Lawnwood Avenue, Nelson Street & East Clinton Street –
Milling and Paving as Per the Morris County CO-OP
HPA No. 22-140

Dear Tom,

Enclosed herewith please find the following paperwork in reference to the above project:

1. Copy of Town of Newton Purchase Order No. 61705, Drawdown No. 1, in the amount of \$74,864.72 due Tilcon New York, Inc. for work completed through October 18, 2022.
2. Estimate Certificate No. 1 reflecting quantities used October 18, 2022.
3. Four (4) copies of Change Order No. 1 reflecting an adjusted contract amount of \$76,392.58. Please have an authorized Town representative sign and date all four copies on the line indicated *Presiding Officer*. Retain one copy for your file and **return the remaining three copies to this office**. We will forward one copy to Tilcon New York, Inc.; one copy to NJDOT Local Aid; and retain one copy in our files.

Please ensure that Tilcon New York, Inc. has provided all up-to-date payroll certifications prior to issuing payment for this project.

Very truly yours,

Harold E. Pellow, P.E., L.S.
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineer

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\22-140 - LAWNWOOD AVE., NELSON ST. & EAST CLINTON ST\MILLING AND PAVING\RUSSO2.DOC

Enclosures

cc: Tilcon New York, Inc.



TOWN OF NEWTON

RESOLUTION #253-2022

November 14, 2022 **“Authorizing Change Order No. 1 for the Proposed Resurfacing of Dunn Place Project”**

WHEREAS, the Newton Town Council adopted Resolution #202-2022, awarding the Proposed Resurfacing of Dunn Place Project, to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 in the amount of \$8,418.00; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated October 31, 2022, approving Change Order No. 1 for the above referenced project for a decrease in the amount of \$1,203.06 for a new contract total of \$7,214.94;

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 Proposed Resurfacing of Dunn Place 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.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



R253-2022

HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
Established 1969

HAROLD E. PELLOW, *PRESIDENT*
2022 Distinguished Engineering Service Award
from the NJ Society of Professional Engineers
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *EXEC. VICE PRESIDENT*
NJ - P.E., NJ - P.P., NJ - C.M.E.

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

THOMAS G. KNUTELSKY, *ASSOCIATE*
NJ - P.E., NJ - P.P.

October 31, 2022

MEMORANDUM TO: Thomas S. Russo, Jr., Newton Town Manager

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: Proposed Resurfacing of Dunn Place
Milling and Paving Per the Morris County CO-OP
HPA No. 20-187

RECEIVED
NOV 04 2022
Town Manager

Dear Tom,

Enclosed herewith please find the following paperwork in reference to the above project:

1. Copy of Town of Newton voucher in the amount of \$7,070.64 due Tilcon New York, Inc. for work completed through October 18, 2022.
2. Estimate Certificate No. 1 reflecting quantities used October 18, 2022.
3. Three (3) copies of Change Order No. 1 reflecting an adjusted contract amount of \$7,214.94. Please have an authorized Town representative sign and date all three copies on the line indicated *Presiding Officer*. Retain one copy for your file and **return the remaining two copies to this office**. We will forward one copy to Tilcon New York, Inc. and retain one copy in our files.

Please ensure that Tilcon New York, Inc. has provided all up-to-date payroll certifications prior to issuing payment for this project.

Very truly yours,

Harold E. Pellow, P.E., L.S.
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineer

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\20-187 - DUNN PLACE RESURFACING\RUSSO3.DOC

Enclosures

cc: Tilcon New York, Inc.

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

CHANGE ORDER NO. 1

10/24/2022

Project	PROPOSED RESURFACING OF DUNN PLACE
Owner	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
County	SUSSEX COUNTY
Contractor	TILCON NEW YORK, INC., 9 ENTIN ROAD, PARSIPPANY, NJ 07054

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required) -

Location: Dunn Place - Town of Newton
Reason: See reasons below.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
SUPPLEMENTAL				
3S	ASPHALT PRICE ESCALATION <i>The Asphalt Price Index was \$509.00 in Sept. 2021 when bid, and when paved in second half of October 2022, it was \$645.00/ton, or a \$136.00/ton increase. Therefore, the price escalation for Item #3S is 65 tons (0.05 amount of oil in asphalt) = 3.25 (\$136.00) = \$ 442.00.</i>	100%	L.S. \$ 442.00	\$ 442.00
4S	FUEL PRICE ESCALATION <i>The Fuel Price Index was \$3.26/gal. in Sept. 2021 when bid, and when paved in second half of October 2022, it was \$4.47/gal., or an \$1.21/gal. increase. Therefore, the fuel price escalation for Item #4S for Milling, 2" thick is 444 sq. yd. (0.25 gal./sq. yd.) = 111.00 (\$1.21) = \$134.31; and the fuel price escalation for HMA 9.5M64 Surface Course, 2" thick is 65 tons (2.5 gal./ton) = 162.50 (\$1.21) = \$196.63; therefore the total fuel price adjustment for Item #4S is \$134.31 (+) \$196.63 = \$330.94.</i>	100%	L.S. \$ 330.94	\$ 330.94
Total SUPPLEMENTAL:				\$ 772.94
REDUCTION				
2	HOT MIX ASPHALT 9.5M64, 2" THICK <i>As-built quantity.</i>	5	TONS \$ 75.20	\$ 376.00
3	ASPHALT PRICE ESCALATION <i>Same reason as Item #3S above.</i>	100%	L.S. \$ 950.00	\$ 950.00
4	FUEL PRICE ESCALATION <i>Same reason as Item #4S above.</i>	100%	L.S. \$ 650.00	\$ 650.00
Total REDUCTION:				\$ 1,976.00

AMOUNT OF ORIGINAL CONTRACT:	<u>\$8,418.00</u>	EXTRA:	<u>\$ -</u>
ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1:	<u>\$7,214.94</u>	SUPPLEMENTAL:	<u>\$ 772.94</u>
% CHANGE IN CONTRACT: [(+) Increase or (-) Decrease]	<u>- 14.29%</u>	REDUCTION:	<u>\$ 1,976.00</u>
		TOTAL CHANGE:	<u>\$ (1,203.06)</u>

<u>Harold E. Pellow</u> (Engineer)	<u>10/31/22</u> (Date)
<u>Joseph J. Obeneyer</u> (Contractor)	<u>10/25/22</u> (Date)



TOWN OF NEWTON

RESOLUTION #254-2022

November 14, 2022 **“Authorizing Change Order No. 1 for the Proposed Resurfacing of Smith Street and Grand Avenue Project”**

WHEREAS, the Newton Town Council adopted Resolution #175-2022, awarding the Proposed Resurfacing of Smith Street and Grand Avenue Project, to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 in the amount of \$61,330.20; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated October 31, 2022, approving Change Order No. 1 for the above referenced project for a decrease in the amount of \$7,582.78 for a new contract total of \$53,747.42;

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 Proposed Resurfacing of Smith Street and Grand 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.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



R254-2027

HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
Established 1969

HAROLD E. PELLOW, *PRESIDENT*
2022 Distinguished Engineering Service Award
from the NJ Society of Professional Engineers
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/64 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *EXEC. VICE PRESIDENT*
NJ - P.E., NJ - P.P., NJ - C.M.E.

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

THOMAS G. KNUTELSKY, *ASSOCIATE*
NJ - P.E., NJ - P.P.

October 31, 2022

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: Harold E. Pellow, P.E., L.S., P.P., C.M.E., Town Engineer

SUBJECT: Proposed Resurfacing of Smith Street & Grand Avenue
Milling & Paving per Morris County Co-Op
HPA No. 21-315

RECEIVED

NOV 04 2022

Town Manager

Dear Tom,

Enclosed herewith please find the following paperwork in reference to the above project:

1. Copy of Town of Newton voucher in the amount of \$52,672.48 due Tilcon New York, Inc. for work completed through October 18, 2022.
2. Estimate Certificate No. 1 reflecting quantities used October 18, 2022.
3. Three (3) copies of Change Order No. 1 reflecting an adjusted contract amount of \$53,747.42. Please have an authorized Town representative sign and date all three copies on the line indicated *Presiding Officer*. Retain one copy for your file and **return the remaining two copies to this office**. We will forward one copy to Tilcon New York, Inc. and retain one copy in our files.

Please ensure that Tilcon New York, Inc. has provided all up-to-date payroll certifications prior to issuing payment for this project.

Very truly yours,

Harold E. Pellow, P.E., L.S., P.P., C.M.E.
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineer

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\21-315 - RESURFACING OF SMITH STREET & GRAND AVENUE\MILLING & PAVING\RUSSO2.DOC

Enclosures

cc: Tilcon New York, Inc.

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors
17 Plains Road
Augusta, NJ 07822-2009

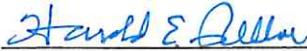
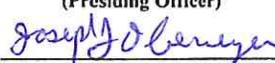
CHANGE ORDER NO. 1
10/24/2022

Project	PROPOSED RESURFACING OF SMITH STREET & GRAND AVENUE - <u>Milling & Paving</u>
Owner	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
County	SUSSEX COUNTY
Contractor	TILCON NEW YORK, INC., 9 ENTIN ROAD, PARSIPPANY, NJ 07054

In accordance with the project Supplementary Specification, the following are changes in the contract.	
Location and Reason for Change (Attach additional sheets if required) -	
Location:	Smith Street & Grand Avenue - Town of Newton
Reason:	See reasons below.

ITEM NO.	DESCRIPTION	QUANTITY (+/-)	UNIT PRICE	AMOUNT	
SUPPLEMENTAL					
3S	FUEL PRICE ADJUSTMENT <i>The Fuel Price Index was \$3.26/gal. in Sept. 2021 when bid, and when paved in second half of October 2022, it was \$4.47/gal., or a \$1.21/gal. increase. Therefore, the fuel price escalation for Item #3S for Milling, 2" thick is 3,955 sq. yd. (0.25 gal./sq. yd.) = 988.75 (\$1.21) = \$1,196.39; and the fuel price escalation for HMA 9.5M64 Surface Course, 2" thick is 483.17 tons (2.5 gal./ton) = 1,207.93 (\$1.21) = \$1,461.59; therefore the total fuel price adjustment for Item #3S is \$1,196.39 (+) 1,461.59 = \$2,657.98.</i>	100%	L.S.	\$ 2,657.98	\$ 2,657.98
4S	ASPHALT PRICE ADJUSTMENT <i>The Asphalt Price Index was \$509.00 in Sept. 2021 when bid, and when paved in second half of October 2022, it was \$645.00/ton, or a \$136.00/ton increase. Therefore, the price escalation for Item #4S is 483.17 tons (0.05 amount of oil in asphalt) = 24.16 (\$136.00) = \$ 3,285.56.</i>	100%	L.S.	\$ 3,285.56	\$ 3,285.56
				Total SUPPLEMENTAL:	\$ 5,943.54
REDUCTION					
2	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK <i>As-built quantity.</i>	16.83	TONS	\$ 75.20	\$ 1,265.62
3	FUEL PRICE ADJUSTMENT <i>Same reason as Item #3S above.</i>	100%	L.S.	\$ 4,835.70	\$ 4,835.70
4	ASPHALT PRICE ADJUSTMENT <i>Same reason as Item #4S above.</i>	100%	L.S.	\$ 7,425.00	\$ 7,425.00
				Total REDUCTION:	\$ 13,526.32

AMOUNT OF ORIGINAL CONTRACT:	<u>\$61,330.20</u>	EXTRA:	<u>\$ -</u>
ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1:	<u>\$53,747.42</u>	SUPPLEMENTAL:	<u>\$ 5,943.54</u>
% CHANGE IN CONTRACT: [(+) Increase or (-) Decrease]	<u>- 12.36%</u>	REDUCTION:	<u>\$ 13,526.32</u>
		TOTAL CHANGE:	<u>\$ (7,582.78)</u>

 (Engineer)	<u>10/31/22</u> (Date)
 (Presiding Officer)	 (Date)
 (Contractor)	<u>10/25/22</u> (Date)



TOWN OF NEWTON
RESOLUTION #255-2022

November 14, 2022 "Authorize Employment Agreement of Steven VanNieuwland as Police Chief"

WHEREAS, upon the retirement of Chief Robert Osborn on June 1, 2021, Steven VanNieuwland became Acting Chief of the Police Department of the Town of Newton; and

WHEREAS, Acting Chief VanNieuwland has expressed interest in the position of Police Chief of the Town of Newton and has passed the Civil Service Police Chief's Exam on August 29, 2022; and

WHEREAS, Town Manager Thomas S. Russo, Jr. of the Town of Newton highly recommends Acting Chief Steven VanNieuwland to be formally appointed as Police Chief of the Police Department of the Town of Newton; and

WHEREAS, the Town Council of the Town of Newton agrees with the recommendation of the Newton Town Manager and has determined that Acting Chief VanNieuwland is a qualified candidate for the position of Police Chief; and

WHEREAS, the parties therefore have prepared an Employment Agreement that has been reviewed by the Town Attorney and the Town Manager, to accept the agreement for Steven VanNieuwland as Police Chief for the Town of Newton through December 31, 2026;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager and Municipal Clerk are hereby authorized to execute said Employment Agreement dated November 14, 2022, with Steven VanNieuwland, as Police Chief of the Town of Newton, on behalf of the Town of Newton, and said agreement will be placed on file in the Municipal Clerk's Office.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #256-2022

November 14, 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.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk

List of Bills - CLEARING/CLAIMS

Check#	Vendor	Description	Payment	Check Total
7079	4460 - ADS CONTRACTORS, LLC.	PO 61986 LAWNWOOD/NELSON/EAST CLINTION IMPROVEMEN	14,937.37	14,937.37
7080	3006 - AG CHOICE, LLC.	PO 62325 BLANKET: 2022 VEGITATIVE/WASTE DISPOSAL:	360.00	360.00
7081	4596 - ATLANTIC COMFORT SYSTEMS	PO 62085 B: HVAC/Heat Rprs	357.50	
		PO 62410 Townhall Server/ Rplmnt/ Phone Room	2,375.00	
		PO 62411 DPW Office Renovation/Heating System	3,700.00	6,432.50
7082	1132 - BOONTON TIRE SUPPLY INC.	PO 61612 B: PD VHEICLE REPAIR	281.07	
		PO 62196 B: PD VHEICLE REPAIR	382.50	663.57
7083	300 - BRIGHTSPEED	PO 62259 B: WOODSIDE AVE PS A/C #309485585 (for	125.85	125.85
7084	3893 - CAMPBELL SUPPLY OF SUSSEX CTY LLC	PO 62310 TRUCK #6 Battery cust #27674	234.00	234.00
7085	3015 - CAPITOL SUPPLY CONST PRODUCTS, INC.	PO 60841 Spls for Main Repairs/Service Maintenanc	106.08	106.08
7086	77 - CCP INDUSTRIES, INC.	PO 62327 Cleaning Supplies Cust #53794	2,682.05	
		PO 62327 Cleaning Supplies Cust #53794	1,141.13	
		PO 62327 Cleaning Supplies Cust #53794	481.60	4,304.78
7087	3770 - CINTAS	PO 60741 B. DPW/WS: Water Filtration/Cooler/Clean	45.00	
		PO 60741 B. DPW/WS: Water Filtration/Cooler/Clean	45.00	
		PO 60898 B: FIRST AID SUPPLIES DPW/WS/TH Jan - De	169.44	
		PO 60898 B: FIRST AID SUPPLIES DPW/WS/TH Jan - De	108.62	
		PO 61834 Water Coolers/Firehouse #1 & 2	90.00	458.06
7088	2697 - CIVIC PLUS LLC	PO 62309 Annual fee for Civic plus program	3,858.75	3,858.75
7089	4138 - CONSTELLATION NEWENERGY -GAS DIV	PO 62388 ELECTRIC -SEPT/OCT	11,549.87	
		PO 62388 ELECTRIC -SEPT/OCT	5,403.09	16,952.96
7090	194 - D & E SERVICE CENTER, INC.	PO 62365 2014 Chevy Bus - Tow from Hampton Plaza	461.03	461.03
7091	2048 - DANIELSON, DEBORAH	PO 62363 Mileage Reimb/Recycling Coordinator Cour	143.75	143.75
7092	2386 - DOMINICK'S PIZZA LLC	PO 62345 Staff Lunch - Halloween 2022	200.00	
		PO 62349 HALLOWEEN - TRUNK OR TREAT - 2022	50.00	250.00
7093	4385 - ERIC M. BERNSTEIN & ASSOCIATES, LLC.	PO 60700 B: LEGAL ATTORNEY	2,873.00	
		PO 60700 B: LEGAL ATTORNEY	91.00	
		PO 62396 October #3202-1061	533.00	
		PO 62399 October #3202-1047	104.00	3,601.00
7094	4039 - FARMSIDE LANDSCAPE & DESIGN INC	PO 61263 B: FIELD MAIN/SPORTS FIELDS	570.00	570.00
7095	2394 - FEDERAL & STATE GRANT	PO 62343 Move local match to 22,23 MA	1,509.00	1,509.00
7096	2640 - FERGUSON ENTERPRISES LLC #3326	PO 62135 Water Supplies/ Flags	305.50	305.50
7097	2525 - FIREFIGHTER ONE, LLC.	PO 62381 ENG #803 REPAIR	192.50	192.50
7098	250 - FIRST UNITED METHODIST CHURCH	PO 62334 General Election - Facility Use Fee	100.00	100.00
7099	4622 - FORD ANTHONY	PO 62305 BOOT ALLOWANCE 2022 Contractual	275.00	275.00
7100	2684 - GARDEN STATE HIGHWAY PRODUCTS, INC.	PO 62166 (2) SOLAR SIGNS RYERSON AVE	3,481.20	3,481.20
7101	4384 - GIBBONS P.C.	PO 62374 PREP BOND ORD AMENDMENT #2020-10	950.00	950.00
7102	4506 - GLENN C KIENZ	PO 60845 2022 PLANNING BOARD ATTORNEY (\$700/MNTH	700.00	700.00
7103	2752 - GLOBAL EQUIPMENT, INC.	PO 62228 ICE TRACTION FOR CROSSING GUARDS	394.79	394.79
7104	4398 - GLOBAL RECYCLING SOLUTIONS LLC	PO 60784 B: Recycling Collection Jan- December 20	3,489.85	3,489.85
7105	4600 - GUEST, JOSHUA	PO 62303 BOOT ALLOWANCE 2022 Contractual	275.00	275.00
7106	70 - HACH COMPANY	PO 62359 Portable Turbidimeter	1,865.95	1,865.95
7107	230 - HAYER'S MARKET INC.	PO 62348 HALLOWEEN - TRUNK OR TREAT - 2022	50.00	
		PO 62383 11/8/2022 - Lunch - Clerk & Deputy - Ele	23.59	
		PO 62417 11/9/2022 - Working lunch - Interview pr	18.56	92.15
7108	272 - HOLZHAUER, SCOTT	PO 60705 B: QTRLY MILEAGE REIMB -Tax Assessor	115.00	115.00
7109	1866 - HOME DEPOT, INC.	PO 62424 Sept/Oct Sppls 2022	8,272.91	
		PO 62424 Sept/Oct Sppls 2022	307.51	8,580.42
7110	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 60815 B: PLANNER CONSULTANT SERVICES (not to	2,730.00	
		PO 62373 GRANT PROJECTS -OCT	130.00	
		PO 62373 GRANT PROJECTS -OCT	4,280.00	
		PO 62407 July	195.00	7,335.00
7111	113 - JCP&L	PO 62390 STREET LIGHTING -OCT	6,382.05	
		PO 62391 ELECTRIC -OCT	212.06	6,594.11
7112	3067 - JERSEY SHIRTS & DESIGNS	PO 62339 2022 Polo Shirts & 1/4 Zip Shirts - 20 t	684.00	684.00
7113	3644 - JOHNNY ON THE SPOT, LLC.	PO 61027 Park Porta John Rental Feb to Dec 2022	541.25	541.25
7114	2569 - KIEFFER ELECTRIC, INC.	PO 62420 Elevator-TH/Repair Lighting	807.43	807.43
7115	4396 - KIMBALL MIDWEST	PO 62320 Machine Repair/Maintenace Spls ACCT #428	968.35	968.35
7116	3308 - KIMBERLY MASON-WILLIAMS	PO 62313 FALL FESTIVAL - CAR SHOW - 2022	282.87	282.87
7117	2532 - LADDEY, CLARK & RYAN, LLP	PO 60669 B: PROSECUTOR (\$31,000/12=\$2583.33) (GRE	2,875.00	2,875.00
7118	4227 - LAW OFFICE OF DANIEL P. AGATINO, LLC.	PO 60670 B: PUBLIC DEFENDER (\$13,500/12=\$1,125) (1,333.33	1,333.33
7119	4619 - MICRO CENTER BUSINESS SERVICES	PO 62267 REDACTION COMPUTER	2,279.96	2,279.96
7120	1231 - MILLER, JASON	PO 60707 B: QTRLY MILEAGE REIMB -OEM/DEPUTY FIRE	200.00	200.00
7121	53 - MONTAGUE TOOL & SUPPLY, INC.	PO 62412 Hand Piston Pump	213.98	213.98
7122	3450 - MORRIS ASPHALT SUPPLY, LLC	PO 62414 Asphalt/Sewer Rpr	149.15	149.15
7123	4446 - NEWTON 213 LLC - SHOP RITE	PO 62382 22/23 Alliance - Student Programs	186.02	186.02
7124	170 - NEWTON BOARD OF EDUCATION	PO 61655 SCHOOL TAX (JULY-DEC) 2022 -	1,110,506.41	1,110,506.41
7125	2201 - NEWTON FIRE DEPARTMENT	PO 62379 2022 AID TO FIREMEN	12,050.00	12,050.00
7126	240 - NEWTON FIRST AID SQUAD	PO 60722 B. 2022 CONTRIBUTION (\$25,000)	6,250.00	6,250.00

List of Bills - CLEARING/CLAIMS

Check#	Vendor	Description	Payment	Check Total
7127	240 - NEWTON FIRST AID SQUAD	PO 62314 LUNCH FOR 42 CAR SHOW PARTICIPANTS - FAL	210.00	210.00
7128	4519 - NEXGEN POWER EQUIPMENT INC.	PO 60951 B. RECYLC MAINT RENEW 2/2022-12/2022	190.00	190.00
7129	2835 - NJMEBF	PO 62427 MEDICAL/DENTAL - OCT 2022	140,378.68	
		PO 62427 MEDICAL/DENTAL - OCT 2022	34,625.00	
		PO 62427 MEDICAL/DENTAL - OCT 2022	23,316.32	198,320.00
7130	2882 - ONE CALL CONCEPTS, INC.	PO 60737 B: ONE CALL MESSAGES	127.62	127.62
7131	4383 - OPTIMUM	PO 60655 B: DIGITAL CONVERTERS & DTA'S	72.59	72.59
7132	2216 - PALL CORPORATION	PO 61992 SCADA PC w/conversion - Proposal OPP1573	32,100.97	32,100.97
7133	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 60712 B: SLUDGE DISPOSAL A/C #12701 (5yr agr	4,783.80	4,783.80
7134	64 - FELLOW, HAROLD & ASSO, INC.	PO 60800 B: WATER ENGINEER (not to exceed \$30,000	1,900.66	
		PO 61910 August 2022 - Property Survey - Municipa	3,485.45	
		PO 62337 LEAD SERVICE LINES -AUG	270.00	
		PO 62338 NEWTON WATER ENGINEER -BAL AUG	665.59	
		PO 62387 ENGINEERING -SEPT	5,655.08	
		PO 62387 ENGINEERING -SEPT	1,104.58	13,081.36
7135	64 - FELLOW, HAROLD & ASSO, INC.	PO 62387 ENGINEERING -SEPT	4,111.26	
		PO 62393 Sept professional review	33.75	
		PO 62394 Sept.	33.75	
		PO 62395 Sept professional review	67.50	
		PO 62397 Sept professional review	1,131.25	
		PO 62398 September	908.95	
		PO 62401 August	472.50	6,758.96
7136	64 - FELLOW, HAROLD & ASSO, INC.	PO 62402 July services	303.75	
		PO 62403 August	2,737.35	
		PO 62404 August	101.25	
		PO 62406 July Services	33.75	3,176.10
7137	4204 - PLANET NETWORKS INC.	PO 60679 B: INTERNET TH	159.95	
		PO 60819 B: INTERNET Water/Sewer Buildings 2022	609.90	
		PO 60821 B: INTERNET est.\$339.90 x 12 =\$4077.90 I	199.95	969.80
7138	4126 - PROFESSIONAL CONSULTING INC.	PO 60698 B: SEWER ENGINEER (not to exceed \$75,000	16,015.75	
		PO 62332 WTP MEMBRANE REPLACEMENT -SEPT	1,883.00	
		PO 62333 DIGESTER CONVERSION -SEPT	12,250.00	
		PO 62370 DIGESTER CONVERSION -OCT	7,800.00	37,948.75
7139	4273 - QUADIENT INC.	PO 62315 INK CART POSTAGE MACH IX3-5-7 Series	281.20	281.20
7140	39 - QUILL CORPORATION	PO 60785 B: OFFICE SUPPLIES ACCT #6182634	16.99	
		PO 60785 B: OFFICE SUPPLIES ACCT #6182634	194.49	211.48
7141	39 - QUILL CORPORATION	PO 62312 FINANCE OFFIC ESUPPLIES ACCT #152130	139.89	
		PO 62312 FINANCE OFFIC ESUPPLIES ACCT #152130	14.99	154.88
7142	4034 - R & J CONTROL INC.	PO 60900 B: QTRLY MAIN STP/ WTP/ DPW/ FH GENERATO	991.25	
		PO 60900 B: QTRLY MAIN STP/ WTP/ DPW/ FH GENERATO	1,158.75	2,150.00
7143	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 60691 B: GAS ACCT #40382 INCREASE 9/14 MEET \$3	8,820.34	8,820.34
7144	3679 - REISINGER OXYGEN SERVICE, INC.	PO 60781 B: OXYGEN A/C #05587	62.70	62.70
7145	4606 - RICHARD WINOWSKI	PO 62418 2022 Holiday Parade - Performer - Rick W	300.00	300.00
7146	4623 - ROSERUSH SERVICES, LLC.	PO 62324 Animal Control Reporting Software and Su	1,245.00	1,245.00
7147	126 - SCMUA	PO 60701 B: TRASH REMOVAL BRUSH/STREET SWEEPING	1,054.08	1,054.08
7148	611 - SEBRING AUTO PARTS, INC.	PO 60803 B: Auto Spls/Rprs	237.38	
		PO 60803 B: Auto Spls/Rprs	28.81	266.19
7149	3134 - SHOP RITE, INC.	PO 62350 HALLOWEEN - DOG TREATS - 2022	31.34	31.34
7150	1125 - SIRCHIE FINGER PRINT LABS, LLC.	PO 62239 Crime Scene Processing Course Order #100	650.00	650.00
7151	3993 - SLOAN, JAMES P.	PO 60667 B: 2022 JUDGE (\$37,886.00/12=\$3,157.17)	3,573.84	3,573.84
7152	1489 - SMALLEY, JOHN H	PO 60659 B: 2022 SVC'S WTP (17,250/12=\$1,437.50/	1,437.50	1,437.50
7153	3117 - SOME'S WORLD WIDE UNIFORMS, INC.	PO 62384 S/O UNIFORM A/C #	401.00	401.00
7154	4024 - SPECTROTTEL	PO 60684 B: LOCAL/LONG DISTANCE PHONE (ACCT #3768	587.00	587.00
7155	2257 - STAPLES	PO 60782 B: OFFICE SUPPLIES	60.58	60.58
7156	2257 - STAPLES	PO 62316 Office Supplies: DPW/Recycling/Water/Sew	538.69	
		PO 62316 Office Supplies: DPW/Recycling/Water/Sew	498.70	1,037.39
7157	2257 - STAPLES	PO 62376 COPY PAPER/RECORD BOOKS	331.93	331.93
7158	43 - STAPLES CREDIT PLAN, INC.	PO 62336 SHIPPING POLICE	50.32	50.32
7159	3309 - STRAUS NEWS, INC.	PO 61785 Advertising - one print; 17 week online	125.00	
		PO 61785 Advertising - one print; 17 week online	125.00	250.00
7160	4144 - SUBURBAN CONSULTING ENGINEERS, INC.	PO 62331 MEMORY PARK BABE RUTH BASEBALL FIELD -SE	3,510.00	3,510.00
7161	3442 - SUNLIGHT GENERAL	PO 60915 B: ELECTRIC DPW/STP	412.85	
		PO 60915 B: ELECTRIC DPW/STP	829.48	1,242.33
7162	102 - SUSSEX CAR WASH INC	PO 60770 B: POLICE CAR WASHES	128.00	128.00
7163	1214 - SUSSEX CO.ASSOC.-CHIEFS-POLICE	PO 62342 2023 DUES AND TRAINING	900.00	900.00
7164	229 - SUSSEX COUNTY ECONOMIC	PO 62319 2022 Awards Luncheon - Town nominated	800.00	
		PO 62355 Business card ad for Awards Luncheon Pro	75.00	875.00
7165	1453 - SUSSEX COUNTY LOCK & SAFE,	PO 62409 Locks/ Keys	579.88	579.88
7166	130 - SUSSEX COUNTY P & H, INC.	PO 61054 B: PLUMBING SUPPLIES	271.47	271.47

List of Bills - CLEARING/CLAIMS

Check#	Vendor	Description	Payment	Check Total
7167	371 - T.A. MOUNTFORD COMPANY, INC.	PO 62419 COPIER CONTRACT MORRIS LAKE 9/1/2022 to	250.00	250.00
7168	2479 - TAYLOR OIL CO., INC.	PO 60682 B: DIESEL ACCT #01-0062714 (\$45,000)	6,428.52	6,428.52
7169	3851 - THE CANNING GROUP, LLC.	PO 60658 B: QPA PURCHASING 2022 (\$6,500/12=\$541.	541.67	541.67
7170	676 - THE EQUITABLE	PO 62428 Equitable - Def Comp - Oct 13, Oct 27 &	15,760.00	15,760.00
7171	1601 - TILCON NEW YORK, INC.	PO 61705 LAWNWOOD/NELSON/EAST CLINTON MILLING/PAV	74,864.72	74,864.72
7172	1601 - TILCON NEW YORK, INC.	PO 61818 RESURFACING SMITH & GRAND AVES	52,672.48	52,672.48
7173	1601 - TILCON NEW YORK, INC.	PO 61984 RESURFACING DUNN PLACE	7,070.64	7,070.64
7174	2880 - TRACTOR SUPPLY	PO 62326 Traps/Equip for TNR in November	77.97	77.97
7175	4328 - TREE KING INC.	PO 62426 Tree Removal - Town property 42-44 Trini	850.00	850.00
7176	2781 - TRIMBOLI & PRUSINOWSKI, LLC.	PO 60699 B: LABOR RELATIONS ATTORNEY (\$50,000)	2,176.00	2,176.00
7177	4305 - UGI ENERGY SERVICES LLC	PO 60693 B: NATURAL GAS	547.74	
		PO 60693 B: NATURAL GAS	779.38	1,327.12
7178	4621 - UJVARY RANDY	PO 62306 BOOT ALLOWANCE 2022 Contractual	275.00	275.00
7179	3819 - UNITED GROUP, INC.	PO 62330 DISPATCH CHAIR COVERS	703.00	703.00
7180	4152 - UNITED SITE SERVICES, INC	PO 60713 B: SLUDGE REMOVAL A/C #74732 (\$122,	7,100.81	7,100.81
7181	4617 - VALLEY MEDICAL GROUP	PO 62423 (21) RANDOM DRUG TESTING	1,416.00	1,416.00
7182	1500 - WALMART	PO 62347 HALLOWEEN EVENT - 2022	136.58	
		PO 62354 Flags of Honor	39.54	
		PO 62364 Cat Food & Litter for TNR	45.82	221.94
7183	297 - WATER & SEWER OPERATING ACCT	PO 62335 CLEARING INTEREST TO W/S OPERATING	2.58	2.58
7184	2657 - WEATHER WORKS, INC.	PO 62353 WEATHER ALERT CONTRACT (12/1-11/30/23)	1,725.00	1,725.00
7185	1144 - WEINER LESNIAK	PO 62400 Newton CB, LLC July	990.00	
		PO 62408 Sept services	36.00	1,026.00
7186	633 - WEIS MARKETS, INC.	PO 62321 Refreshments for Training	117.96	117.96
7187	804 - WEST CHESTER MACHINERY	PO 62360 SNOW SHOVELS	118.80	118.80
7188	4261 - WIELKOTZ & COMPANY, LLC.	PO 60799 B: MUNICIPAL AUDITOR (not to exceed	15,100.00	15,100.00
7189	4560 - WISTUBA, TIM	PO 62302 BOOT ALLOWANCE 2022 Contractual	275.00	275.00
7190	3726 - WITMER PUBLIC SAFTEY GROUP, iINC.	PO 62133 NFD WEAPONS	1,992.44	
		PO 62301 GLOCK 19 CUST #NEWPOL12 13477	1,309.29	3,301.73
TOTAL				1,750,649.26

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
101265	DUE NEWTON BOE - SCHOOL TAX PAYABLE			1,110,506.41	
101299	Due to Clearing			0.00	1,392,397.37
1050200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	3,461.48			
1051200	TOWN CLERK'S OFFICE - OTHER EXPENSES	520.99			
1051500	ELECTIONS - OTHER EXPENSES	123.59			
1052200	TOWN COUNCIL - OTHER EXPENSES	660.00			
1053200	HUMAN RESOURCE - OTHER EXPENSES	68.00			
1054300	FINANCE ADMINISTRATION - AUDIT SERVICES	15,100.00			
1055200	ASSESSMENT OF TAXES - OTHER EXPENSES	115.00			
1056200	COLLECTION OF TAXES - OTHER EXPENSES	139.89			
1058200	LEGAL SERVICES - OTHER EXPENSES	8,536.33			
1060200	ENGINEERING - OTHER EXPENSES	9,140.53			
1061200	BUILDINGS & GROUNDS - OTHER EXPENSES	13,706.02			
1062200	PLANNING BOARD - OTHER EXPENSES	3,185.00			
1063200	HISTORIC COMMISSION - OTHER EXPENSES	546.00			
1064200	COMMUNITY DEVELOPMENT - OTHER EXPENSES	621.67			
1066200	EMPLOYEE GROUP INSURANCE - OTHER EXPENSE	140,378.68			
1070200	FIRE DEPARTMENT - OTHER EXPENSES	90.00			
1072200	AID TO VOLUNTEER FIRE DEPTS - OTHER EXP	12,050.00			
1074200	POLICE DEPARTMENT - OTHER EXPENSES	4,197.02			
1074300	COMMUNICATIONS CENTER - OTHER EXPENSES	958.07			
1076200	AID TO FIRST AID ORGANIZATION - OTHER EX	6,250.00			
1078200	EMERGENCY MANAGEMENT - OTHER EXPENSES	200.00			
1080200	ROAD REPAIR & MAINT - OTHER EXPENSES	7,529.84			
1081200	SNOW REMOVAL - OTHER EXPENSES	118.80			
1083200	RECYCLING/SANITATION - OTHER EXPENSES	5,164.09			
1083300	VEHICLE MAINTENANCE - OTHER EXPENSES	1,916.48			
1085200	OCCUPATIONAL HEALTH - OTHER EXPENSES	1,416.00			
1087200	RECREATION - OTHER EXPENSES	3,391.05			
1089200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	30,067.68			
1090200	SWIMMING POOL - OTHER EXPENSES	643.12			
1091200	PARKS & PLAYGROUNDS - OTHER EXPENSES	1,136.74			
1094550	RECYCLING TAX (PL2007 c.311)O/S CAP	32.94			

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
1094798	INTERLOCAL - GREEN TWP COURT	4,073.84			
1094800	PUBLIC & PRIVATE PROGRAMS O/S CAP	1,509.00			
1095200	CAPITAL IMPROVEMENTS - OTHER EXPENSES	4,843.11			
TOTALS FOR	CURRENT FUND	281,890.96	0.00	1,110,506.41	1,392,397.37
111200	APPROPRIATED RESERVES FOR GRANTS			6,940.06	
111299	Due to Clearing			0.00	6,940.06
TOTALS FOR	FEDERAL/STATE GRANTS	0.00	0.00	6,940.06	6,940.06
211200	RESERVE FOR ANIMAL CONTROL			1,245.00	
211299	DUE TO CLEARING			0.00	1,245.00
TOTALS FOR	DOG RESERVE	0.00	0.00	1,245.00	1,245.00
301299	Due to Clearing			0.00	158,246.47
3091915	ORD 2020 - 9 CR 519 SIDEWALKS	130.00			
3091978	ORD 2020-10 MEMORY PARK (BABE R FIELD)	3,510.00			
3092202	ORD 2022-13 SIDEWALKS RT 206/WATER ST	536.05			
3092203	ORD 2022-14 VAR CAP IMP.	153,120.42			
3092208	ORD 2022-22 EV CHG STATION	950.00			
TOTALS FOR	CAPITAL	158,246.47	0.00	0.00	158,246.47
601299	DUE TO CLEARING			0.00	92,115.82
6051200	W&S OPERATING - TOTAL OTHER EXPENSES	92,115.82			
TOTALS FOR	WATER/SEWER UTILITY	92,115.82	0.00	0.00	92,115.82
611299	DUE TO CLEARING			0.00	52,150.97
6192007	ORD 2020-7 DIGESTER & PRI SLUDGE PUMP	20,050.00			
6192203	ORD 2022-12 WS IMP. FULLY FUNDED	32,100.97			
TOTALS FOR	WATER/SEWER CAPITAL	52,150.97	0.00	0.00	52,150.97
641233	INT ON ASSESS -INTRFND DUE W/S			2.58	
641299	DUE TO CLEARING			0.00	2.58
TOTALS FOR	W/S UTILITY TRUST ASSESSMENT	0.00	0.00	2.58	2.58
711208	RES RECREATION (ALL)			792.87	
711299	DUE TO CLEARING			0.00	8,142.42
711440	ENGINEER REVIEW FEES			4,578.45	
711700	REDEVELOPMENT ESCROW FEES			2,771.10	
TOTALS FOR	TRUST	0.00	0.00	8,142.42	8,142.42
721299	DUE TO CLEARING			0.00	332.25
721347	RES FOR NAT'L SELECTION -new constr(1/19			101.25	
721365	QUANTUM REALM,PUNC EQ (12/20)			36.00	
721371	NEWTON 213 LLC - SHOP RITE			195.00	
TOTALS FOR	DEVELOPERS ESCROW (Fund 72)	0.00	0.00	332.25	332.25
811261	DEFERRED COMP - EQUITABLE			15,760.00	
811284	HEALTH INS. EMPLOYEE			23,316.32	
811299	Due to Clearing			0.00	39,076.32
TOTALS FOR	PAYROLL	0.00	0.00	39,076.32	39,076.32

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
Total to be paid from Fund 10	CURRENT FUND	1,392,397.37			
Total to be paid from Fund 11	FEDERAL/STATE GRANTS	6,940.06			
Total to be paid from Fund 21	DOG RESERVE	1,245.00			
Total to be paid from Fund 30	CAPITAL	158,246.47			
Total to be paid from Fund 60	WATER/SEWER UTILITY	92,115.82			
Total to be paid from Fund 61	WATER/SEWER CAPITAL	52,150.97			
Total to be paid from Fund 64	W/S UTILITY TRUST ASSESSMENT	2.58			
Total to be paid from Fund 71	TRUST	8,142.42			
Total to be paid from Fund 72	DEVELOPERS ESCROW (Fund 72)	332.25			
Total to be paid from Fund 81	PAYROLL	39,076.32			
		<u>1,750,649.26</u>			

Checks Previously Disbursed

1494	NJ ENTERTAINERS LLC	PO# 62385	Winter Murals - Spring Street	2,525.00	11/09/2022
7078	JOSEPH D CALABRESE	Multiple:		150.00	11/04/2022
42746	NJMVC	PO# 62328	SENIOR BUS REGISTRATION	60.00	10/28/2022
42747	YETI HOLDINGS, INC.	PO# 62358	Promotional Customized Marketing I	840.00	11/09/2022
221083	PAYROLL ACCOUNT		10/27 CURRENT PAYROLL	189,741.46	10/27/2022
221085	PAYROLL ACCOUNT		11/10 PAYROLL	190,314.82	11/10/2022
221137	PAYROLL ACCOUNT		10/27 GRANT PAYROLL	908.86	10/27/2022
221139	PAYROLL ACCOUNT		11/10 GRANT PAYROLL	908.86	11/10/2022
226045	PAYROLL ACCOUNT		10/27 W/S PAYROLL	47,361.68	10/27/2022
226047	PAYROLL ACCOUNT		11/10 PAYROLL	45,437.32	11/10/2022
227136	PAYROLL ACCOUNT		10/27 TRUST PAYROLL	8,363.25	10/27/2022
227138	PAYROLL ACCOUNT		11/10 TRUST PAYROLL	2,964.75	11/10/2022
				<u>489,576.00</u>	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 10 CURRENT FUND	381,083.78	1,392,397.37	1,773,481.15
Fund 11 FEDERAL/STATE GRANTS	4,342.72	6,940.06	11,282.78
Fund 21 DOG RESERVE		1,245.00	1,245.00
Fund 30 CAPITAL		158,246.47	158,246.47
Fund 60 WATER/SEWER UTILITY	92,821.50	92,115.82	184,937.32
Fund 61 WATER/SEWER CAPITAL		52,150.97	52,150.97
Fund 64 W/S UTILITY TRUST ASSESSMENT		2.58	2.58
Fund 71 TRUST	11,328.00	8,142.42	19,470.42
Fund 72 DEVELOPERS ESCROW (Fund 72)		332.25	332.25
Fund 81 PAYROLL		39,076.32	39,076.32
BILLS LIST TOTALS	489,576.00	1,750,649.26	<u>2,240,225.26</u>



TOWN OF NEWTON

RESOLUTION #257-2022

November 14, 2022 "A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12"

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item(s) authorized by N.J.S.A. 10:4-12b and designated below:

- i. Attorney-Client Privilege – Auction Sales/In Rem Foreclosure Properties
- ii. Personnel – Town Manager's Annual Review

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on November 14, 2022, that an Executive Session closed to the public shall be held on November 14, 2022 at _____ pm in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item(s) designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

CERTIFICATION

THIS IS TO CERTIFY the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2022.

Teresa A. Oswin, RMC
Municipal Clerk