

The regular meeting of the Town Council of the Town of Newton was held in person and via Zoom on the above date at 7:00 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Teets, Mayor Schlaffer, Teresa A. Oswin, Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Monica B. Miebach, CFO, and Eric Bernstein, Esq., Town Attorney were also present. Mr. Couce attended via ZOOM.

Mayor Schlaffer then made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 3, 2022."

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

APPROVAL OF MINUTES

Upon motion by Mrs. Diglio seconded by Mr. Dickson and carried, the minutes for the October 24, 2022 Regular meeting were approved as presented. Mrs. Teets abstained.

OPEN TO THE PUBLIC

At this time, Mayor Schlaffer read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 3 minutes. The Municipal Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes. Council may choose to comment after the entire public portion has concluded. Please state your name and address for the record."

Mayor Schlaffer opened the meeting to the public in attendance.

Ludmilla Mecaj, 9 Madison Street, read the following statement. "No amount of evidence will ever persuade an idiot, by Mark Twain. For whom it may concern this is one of my dual addresses where I receive the mail and have my driver's license registered under; here is my Driver's license together with several unopened envelopes as evidence.

A defamation attack against me and my running mate was done by two members of Newton Town Council, Diglio, Dickson, and a previous incumbent, Le Frois just two days prior to Election Day, November 8th, 2022.

Before I explore the options for rectifying the damages, I need to ask a question to the Mayor, Councilman Couce, Councilwoman Teets, Town Manager Russo, and Town Clerk Oswin.

Question: Do you personally or in conjunction with each other contribute to the preparation of this statement that has been posted on social media with around 3,800 subscribers?"

Ms. Mecaj then distributed copies to the Council and Clerk of the statement she referenced. She also showed the Clerk her driver's license and pieces of current mail.

Margaret Baldini, 10 Barry Lane came forth and stated the Chief's contract on the agenda tonight was not posted on the website and asked if she could get a copy.

With no one else coming forth in person, Mayor Schlaffer opened the meeting up

to those on Zoom.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by saying he knows Dr. Mecaj lives in Town and that is all he needs to know. He does not get involved in politics anymore. He offered congratulations to all the winners in the recent Election. He offered a Happy Thanksgiving to everyone, and stated Town Hall will be closed starting on November 23rd at 2pm and on Thursday and Friday for the holiday. The Holiday Parade will take place the Saturday after the Thanksgiving on Spring Street starting at 10am. He will be meeting soon with Dr. Caldwell on the Entrepreneur Zone. The sound system for Spring Street should be installed in the next week or so by Planet Networks with monies from the NPP grant. Also, we have the NPP mural to be painted next year at 115 Main Street, with funding from the NPP grant. Lastly, he urges everyone to check out the holiday window displays on Spring Street.

Councilman Couce – he will hold off on responding to Dr. Mecaj, he asked that she email him the items she distributed. The BOE met on 11/1 in a special meeting to announce the new Superintendent, Dr. Joseph Piccarillo. The next meeting will be on 11/22 in the high school cafeteria at 7pm. He offered congratulations to Sandy, Matt, and Helen for a job well done and to all the candidates he stated they stepped up and he applauded their efforts.

Councilman Dickson – he attended the Halloween Parade and Trunk or Treat. It was a great time seeing all the kids in their costumes and it was a lot of fun. He thanked Kimberly Williams and the Newton Fire Department for the great event and everyone who came out that day. On 11/5 he attended the 4th Annual Flags of Honor event outside Town Hall. The event is always a favorite of his, always a very moving ceremony. It is a great way to honor those who have dedicated themselves to protecting our freedoms and is also a great way to help benefit Community of Hope's Hope for Veterans program with all the proceeds benefitting the organization. Also, that day he attended the ribbon cutting of Board & Brush, they offer DIY wood sign workshops, looks like a lot of fun. He enjoyed speaking with the owner, she fell in love with Newton and she and her husband moved here, and she opened up this business right here in Town. He wishes them many years of success. On 11/9 he attended the ribbon cutting ceremony for the new Starbucks. He thanked them for their commitment to Newton and we are happy to have them be a part of the community. Lastly, on the election he wanted to say he has nothing but respect for anyone that chooses to make the jump and run for Council to work for the betterment of their community. Thank you to the Newton voters for their confidence in him and he looks forward to continuing his work on the Council.

Councilwoman Diglio – on 11/5 she attended the Flags of Honor ceremony which she considers to be one of the most important events we have as we get to say thank you to all of our veterans. After the ceremony she also attended the ribbon cutting at Board & Brush where she was able to discuss with the owner plans to make her own gifts for her

family. She offered thanks to all the Newton voters for taking time to vote and giving herself, Matt, and Helen a chance to serve them.

Deputy Mayor Teets – on 10/31 she attended the Halloween Parade which was a lot of fun. Its great to see the families who dress up together. In addition to thanking the Newton Fire Department a big thanks goes to the Department of Public Works for helping setup and cleanup. They are such a big part of every event we have in Town. On 11/4 she attended the 17th Annual SCEDP awards luncheon. The Town of Newton was well represented with 8 of the 11 category winners being the Town itself, a Newton business, or one of our professionals. She wanted to publicly apologize to Mr. Russo, since Newton did so well, she believes he would have won the Leadership award, but she realized he was not even nominated. She will rectify that next year. His leadership and what his staff and this Council does along with the volunteers, makes Newton great. He is the backbone, and we thrive under your guidance. She also attended the Flags of Honor event, it is such a great event and this year Mother Nature really was on our side. The flags were waiving majestic like. It made for a very moving ceremony. Congratulations to Helen, Matt, and Sandy. She appreciated everyone that ran. She encouraged all that ran to stay involved. Lastly, to the Newton Football team congratulations on a great season.

Mayor Schlaffer – Newton Agricultural, LLC is a cannabis growing facility and they have received a preliminary license from the State of NJ. They are seeking a formal endorsement from the Council or a letter of recommendation. He would like to see it at our next meeting. Mr. Russo stated they need to complete the municipal application and submit the requisite fee. On the recent election, he feels in his absence the Council will be stronger with the choices the public made.

UNFINISHED BUSINESS – None.

ORDINANCES

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

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.

Mayor Schlaffer opened the meeting to the public.

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

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

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

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

Mayor Schlaffer read aloud the following Ordinance relative to 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"

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, November 28, 2022 at 7:00 pm.

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"

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, November 28, 2022 at 7:00 pm.

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, November 28, 2022 at 7:00 pm.

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, November 28, 2022 at 7:00 pm.

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, November 28, 2022 at 7:00 pm.

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, November 28, 2022 at 7:00 pm.

CONSENT AGENDA

Mayor Schlaffer read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

Mr. Russo then reviewed the consent agenda items.

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

RESOLUTION #238-2022*

"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.

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”

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.

RESOLUTION #240-2022*

“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

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all the tenets as contained within Bids 9-2022/9R-2022, "Morris Lake Water Treatment Plant Filtration Equipment"

This Resolution shall take effect immediately.

RESOLUTION #241-2022*

"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.

RESOLUTION #242-2022*

"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.

RESOLUTION #243-2022*

“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; 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.

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”

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.

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”

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 Swartwood 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.

RESOLUTION #246-2022*

“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.

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

RESOLUTION #249-2022*

“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.
2B /!C je !qps!Tmvehf !Usvdl jph !p Qbtbtbjl Wbmrfz Tfx fsDpn n jt tpo0hbmpe!	%1/1742!	%1/2211!	%1/1981!	%1/2711!
2C /!C je !qps!Tmvehf !Usvdl jph !p Qbst jgboz. Uspz I jnt lbdjpfobups0hbmpe!	%1/1742!	%1/2211!	%1/1911!	%1/2911!
3B /!C je !qps!Usvdl jph !pgX bufs!Gjusbup0 Qnbou Mjrvje! Difen jlbm! X btuf! gspn ! N pssj! Mblf Sftfswpjs! jo! Tqbsab-! OK! up! cf! usvdl fe! up O fx upo! X btuf! X bufs! Usf bun fou! Qnbou! qps ejtqptbn0hbmpe!	%1/16:6!	%1/2311!	%1/1911!	op tje!

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.

RESOLUTION #250-2022*

“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

RESOLUTION #251-2022*

“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.

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.)”

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.

RESOLUTION #253-2022

“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.

RESOLUTION #254-2022

“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.

RESOLUTION #255-2022*

“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.

RESOLUTION #256-2022*

“Approve Bills and Vouchers for Payment”

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2021 and 2022 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

List of Bills - CLEARING/CLAIMS

Check#	Vendor	Check Total
7079	ADS CONTRACTORS, LLC.	14,937.37
7080	AG CHOICE, LLC.	360.00
7081	ATLANTIC COMFORT SYSTEMS	6,432.50
7082	BOONTON TIRE SUPPLY INC.	663.57
7083	BRIGHTSPEED	125.85
7084	CAMPBELL SUPPLY OF SUSSEX CTY LLC	234.00
7085	CAPITOL SUPPLY CONST PRODUCTS, INC.	106.08
7086	CCP INDUSTRIES, INC.	4,304.78
7087	CINTAS	458.06
7088	CIVIC PLUS LLC	3,858.75
7089	CONSTELLATION NEWENERGY -GAS DIV	16,952.96
7090	D & E SERVICE CENTER, INC.	461.03
7091	DANIELSON,	43.75
7092	DOMINICK'S PIZZA LLC	250.00
7093	ERIC M. BERNSTEIN & ASSOCIATES, LLC.	3,601.00
7094	FARMSIDE LANDSCAPE & DESIGN	570.00
7095	FEDERAL & STATE GRANT	1,509.00
7096	FERGUSON ENTERPRISES LLC #3326	305.50
7097	FIREFIGHTER ONE, LLC.	192.50
7098	FIRST UNITED METHODIST CHURCH	100.00
7099	FORD ANTHONY	275.00
7100	GARDEN STATE HIGHWAY PRODUCTS, INC.	3,481.20
7101	GIBBONS P.C.	950.00
7102	GLENN C KIENZ	700.00
7103	GLOBAL EQUIPMENT, INC.	394.79
7104	GLOBAL RECYCLING SOLUTIONS LLC	3,489.85
7105	GUEST, JOSHUA	275.00
7106	HACH COMPANY	1,865.95
7107	HAYEK'S MARKET INC.	92.15
7108	HOLZHAUER, SCOTT	115.00

7109	HOME DEPOT, INC.	8,580.42
7110	J. CALDWELL & ASSOCIATES, LLC	7,335.00
7111	JCP&L	6,594.11
7112	JERSEY SHIRTS & DESIGNS	684.00
7113	JOHNNY ON THE SPOT, LLC.	541.25
7114	KIEFFER ELECTRIC, INC.	807.43
7115	KIMBALL MIDWEST	968.35
7116	KIMBERLY MASON-WILLIAMS	282.87
7117	LADDEY, CLARK & RYAN, LLP	2,875.00
7118	LAW OFFICE OF DANIEL P. AGATINO, LLC	1,333.33
7119	MICRO CENTER BUSINESS SERVICES	2,279.96
7120	MILLER, JASON	200.00
7121	MONTAGUE TOOL & SUPPLY, INC	213.98
7122	MORRIS ASPHALT SUPPLY, LLC	149.15
7123	NEWTON 213 LLC - SHOP RITE	186.02
7124	NEWTON BOARD OF EDUCATION	1,110,506.41
7125	NEWTON FIRE DEPARTMENT	12,050.00
7126	NEWTON FIRST AID SQUAD	6,250.00
7127	NEWTON FIRST AID SQUAD	210.00
7128	NEXGEN POWER EQUIPMENT INC.	190.00
7129	NJMEBF	198,320.00
7130	ONE CALL CONCEPTS, INC.	127.62
7131	OPTIMUM	72.59
7132	PALL CORPORATION	32,100.97
7133	PASSAIC VALLEY SEWERAGE COMM.	4,783.80
7134	PELLOW, HAROLD & ASSO, INC.	13,081.36
7135	PELLOW, HAROLD & ASSO, INC.	6,758.96
7136	PELLOW, HAROLD & ASSO, INC.	3,176.10
7137	PLANET NETWORKS INC.	969.80
7138	PROFESSIONAL CONSULTING INC.....	37,948.75
7139	QUADIENT INC.	281.20
7140	QUILL CORPORATION	211.48
7141	QUILL CORPORATION	154.88
7142	R & J CONTROL INC.	2,150.00
7143	RACHLES/MICHELE'S OIL COMPANY, INC.	8,820.34
7144	REISINGER OXYGEN SERVICE, INC	62.70
7145	RICHARD WINOWSKI	300.00
7146	ROSERUSH SERVICES, LLC.	1,245.00
7147	SCMUA	1,054.08
7148	SEBRING AUTO PARTS, INC.	266.19
7149	SHOP RITE, INC.	31.34
7150	SIRCHIE FINGER PRINT LABS, LLC.	650.00
7151	SLOAN, JAMES P	3,573.84
7152	SMALLEY, JOHN H	1,437.50
7153	SOME'S WORLD WIDE UNIFORMS, INC.	401.00
7154	SPECTROTEL	587.00
7155	STAPLES	60.58
7156	STAPLES	1,037.39
7157	STAPLES	331.93
7158	STAPLES CREDIT PLAN, INC.	50.32
7159	STRAUS NEWS, INC.	250.00
7160	SUBURBAN CONSULTING ENGINEERS, INC.	3,510.00
7161	SUNLIGHT GENERAL	1,242.33
7162	SUSSEX CAR WASH INC	128.00
7163	SUSSEX CO.ASSOC.-CHIEFS-POLICE	900.00
7164	SUSSEX COUNTY ECONOMIC	875.00
7165	SUSSEX COUNTY LOCK & SAFE,	579.88
7166	SUSSEX COUNTY P & H, INC.	271.47
7167	T.A. MOUNTFORD COMPANY, INC.	250.00
7168	TAYLOR OIL CO., INC.	6,428.52
7169	THE CANNING GROUP, LLC.	541.67
7170	THE EQUITABLE	15,760.00
7171	TILCON NEW YORK, INC.....	74,864.72
7172	TILCON NEW YORK, INC.....	52,672.48

7173	TILCON NEW YORK, INC.	7,070.64
7174	TRACTOR SUPPLY	77.97
7175	TREE KING INC.....	850.00
7176	TRIMBOLI & PRUSINOWSKI, LLC.	2,176.00
7177	UGI ENERGY SERVICES LLC	1,327.12
7178	UJVARY RANDY	275.00
7179	UNITED GROUP, INC.	703.00
7180	UNITED SITE SERVICES,INC	7,100.81
7181	VALLEY MEDICAL GROUP	1,416.00
7182	WALMART	221.94
7183	WATER & SEWER OPERATING ACCT	2.58
7184	WEATHER WORKS, INC.	1,725.00
7185	WEINER LESNIAK	1,026.00
7186	WEIS MARKETS, INC.	117.96
7187	WEST CHESTER MACHINERY	118.80
7188	WIELKOTZ & COMPANY, LLC.	15,100.00
7189	WISTUBA, TIM	275.00
7190	WITMER PUBLIC SAFTEY GROUP, INC.	3,301.73
<hr/> TOTAL		1,750,649.26

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

Mr. Couce	Yes	Mr. Dickson	Yes
(abstain on check 7126, 7127, 7137 Resolution #255-2022)			
Mrs. Diglio	Yes	Deputy Mayor Teets	Excused
(abstain on check 7126, 7127)			
	Mayor Schlauffer	Yes	

DISCUSSION

a. Best Practices Inventory/Parking Authority – Mr. Russo stated annually we have our CFO come in as part of our Best Practices to talk about our annual checklist we submit to the State along with the Parking Authority.

Monica Miebach stated the Best Practices Inventory is given to every municipality in the State. It evaluates the implementation of fiscal and operational practices. It provides taxpayers an additional means of evaluation of their municipality's performance. There are sixteen (16) categories of new and repeat questions. They are: Health Benefits, Personnel, Budget, Financial Administration, Capital Projects, Transparency, ARP LFRF Funds (American Rescue Plan), Procurement, Cyber Security, Lead Remediation, Shared Services, Tax Collection, Opportunity Zones, Fire Districts, the Environment, and Housing.

There are fifty-six (56) questions in three (3) scoring categories: Core Competency - 31 questions, Best Practices - 11 questions, and fourteen (14) survey questions unscored. Each municipality must receive a minimum of 24 on the inventory to receive their full final aid payment from the State of New Jersey on December 1st. The maximum score out of the forty-two (42) questions is 36.5 points, (some are only worth a half of point). Newton received 36.5 points. It's an excellent inventory, we have excellent practices.

The second thing to talk about is the Parking Authority. They introduced their budget at their November 3rd meeting. Introduced it at \$106,000, which \$12,000 is for capital: \$10,000 for redevelopment and \$2,000 for meter replacement. She stated we

have replaced most the most the meters but 9 of them have already been destroyed by a vagrant trying to break into them. They put their revenue at a conservative \$89,500, but have increased the parking fees this year. The agreement with the Town of Newton has been increase from \$45,000 to \$48,000. We need to hire a parking enforcement officer for the lots. She went on to say for quite a long period of time no one has been going around ticketing anyone. We spent \$47,000 on new kiosks, \$10 to \$15 thousand on replacing or refurbishing meters, we have increased costs with the new mobile app and credit card processing so there is need for enforcement. This year's budget is \$106,000 last year's was \$141,00 but that includes \$47,000 in capital for new kiosks.

The Mayor asked Council if they had any questions for Ms. Miebach. There were none. He then thanked her for her report.

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

Dr. Ludmilla Mecaj, 9 Madison Street, started by thanking Mr. Russo for stating his position. She does not understand the silence of Deputy Mayor Teets. She did not say whether she was involved or not. Can she please respond. The Mayor advised Council can respond during the Council/Manager portion later in the meeting. Dr. Mecaj stated she will have to wait for Councilman Couce to respond. She went on to say: "For you Mayor: To make it clear, now that I got your answer we request an investigation to be done from you and from the members that are not involved in that statement to see if those two council people were speaking as a Town official, using Town resources, to find this information out or using Town government officials that they are abusing their position as a public figure. To make wild lies to further their own personal position, it is unacceptable and needs to be well addressed." That is what she asks from the Mayor.

She then stated she had another question, she handed out some papers: To Mrs. Diglio and Mr. Dickson: "In your statement you said one of the candidates lied about their address...? Did you mean your running mate Mrs. Le Frois is spending months and months in Florida in her new residence, is lying or did you mean me and my running mate Ms. Baldini? Yes or no? FYI here is the evidence of the house of the running mate of Diglio and Dickson in Panama City, Florida: interesting the fact it shows they belong to the Republican party."

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

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

COUNCIL MANAGER COMMENTS

The Mayor informed Dr. Mecaj he will look into the matter, but it is not in any official capacity. The post does not appear from a Town account or made during a Town meeting. During election time incumbents can make statements of their own as candidates and private citizens. The campaign is now over, the voters have decided, and he does not see Helen's name on the paper submitted, therefore he has no further comment on that item.

He will relay the information to Newton Agriculture, LLC on the municipal application and fee to get an endorsement.

Deputy Mayor Teets apologized for not addressing Dr. Mecaj's comments. It was an oversight. She was not responsible for any posts on Facebook.

Mr. Russo advised on behalf of the municipal organization that none of his staff unless they are citizens out in the public domain get involved in politics. He is very specific every two years at his staff meetings to tell all his staff and department heads to stay out of politics and let the voters decide. He takes it very seriously this is a non-partisan form of government; we don't play politics here. When they are in this building, they work for him more so than the Council and he takes it very seriously to make sure none of them engage in politics, they don't play favorites, and don't give information out. He knows it would pollute the process. He is not aware of any of his staff giving out any information.

Mr. Couce stated he had just received what Dr. Mecaj distributed to the Council during the first public session. He stated he had no involvement.

EXECUTIVE SESSION

Mayor Schlaffer read the following statement: "in accordance with the Open Public Meetings Act, notice of this Special Closed Session meeting was given to the two newspapers of record and posted on the official bulletin board on November 13, 2022."

Mr. Bernstein stated the items to be discussed in the Executive Session are Attorney Client Privilege with regards to Auction Sales / In Rem Foreclosures and Personnel – Town Manager's Annual Review, he asked to add a third item under Attorney Client Privilege, SAM, Sustainable Asset Management . Official action may or may not be taken once the meeting is concluded back in public session.

Mr. Russo stated Theresa Schlosser, the Tax Collector will be joining them for issue one. After that, he and Ms. Schlosser will depart and they as a group will discuss his performance review. Just a reminder, this is the portion of the review where they discuss him, without him present. Eric will compile the information for the November 28th meeting. Also, remember there is no additional compensation, this is about projects, goals, and accomplishments.

Upon motion of Mrs. Teets seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 7:40pm.

Upon motion of Mrs. Teets seconded by Mrs. Diglio and unanimously carried, Council left Executive Session at 9:50 pm.

Mr. Bernstein stated all members of the Council present at the commencement of the Executive Session are present at the re-commencement of the open session 9:50 pm as well as the Municipal Clerk Teresa A. Oswin, and Town Attorney Eric Bernstein. Mr.

November 14, 2022

Russo and Mrs. Schlosser left during the closed session. No formal action needs to be taken at this time.

ADJOURMENT

There being no further business to be conducted, upon motion of Mrs. Teets seconded by Mrs. Diglio and unanimously carried, the regular meeting was adjourned at 9:51pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Teresa A. Oswin".

Teresa A. Oswin, RMC
Municipal Clerk