

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

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

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."

APPROVAL OF MINUTES

Upon motion by Mrs. Diglio seconded by Mr. Dickson and carried, the minutes for the November 14, 2022, Regular meeting were approved as presented.

Upon a motion by Mrs. Teets, seconded by Mr. Dickson and carried, the minutes for the November 14, 2022, Executive Meeting were approved as presented.

Upon motion by Mrs. Teets, seconded by Mrs. Diglio and carried, the minutes from the November 28, 2022, Regular meeting were approved as presented.

Upon motion by Mrs. Diglio, seconded by Mrs. Teets and carried, the minutes from the November 28, 2022, Executive meeting were approved as presented.

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.

Angelo DePalma, 18 Hillside Avenue, came forth first to apologize for bringing this matter to the Council, but he has an issue with his neighbor who has a mobile home parked in his backyard. He had been trying to work with the Zoning Officer and Code Enforcement Department, but nothing is getting done. The neighbor has a generator going all night long to supply electricity for heat for the mobile home and it keeps him up at night. The neighbors have a half dozen code violations and he would like the problem addressed.

Kevin Elvidge, 10 Hillside Avenue, came forth to state his support of Angelo and all the problems the whole neighborhood is having with his neighbor. He and his partner Judy Foster live on the other side of the neighbor with the mobile home. He parks the vehicle partly on their property. It's not just the mobile home, he even parks his car on the grass at night and shines his lights in Angelo's house. It used to be a quiet street and now it is not, and he is asking for the Council's assistance.

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 off by addressing Mr. DePalma. He stated our Zoning Officer, Kerry Brown, has been working on the matter, and she has sent two notices to the property owner. The homeowner has reached out to her office. He will send Kerry an email and Deputy Town Manager Oswin can follow-up with her tomorrow.

The Town Offices will be closing at Noon on Friday, December 16. Offices will be closed on December 23 and 26 for the Christmas holiday. Also, we are closed on January 2 for the New Year holiday. The reorganization meeting will be held on January 5, at noon here in the municipal building.

Councilman Couce – he started off by stating he was away for the Annual Tree Lighting but was able to live stream it. He is very thankful we offer this to our residents. He was not in the country for the last BOE meeting, the next one will be held on December 20 in the High School cafeteria. Mr. Couce asked for some clarification on the issue Mr. DePalma and his wife Ms. Rapuano are having with their neighbor. A brief discussion took place to clarify things.

Councilman Dickson – he stated he attended the tree lighting on December 2, it was a great event. He gave thanks to the Recreation Commission, Kimberly Williams and Tom Russo, Merriam Ave students, the Girls Scouts and the Fire Department. They provided the chariot to escort Santa to the event. He also thanked Starbucks for supplying the refreshments. He attended the ribbon cutting for Panera Bread, they are a great partner for the community. Lastly, he thanked Mayor Schlaffer, this is his last meeting as Mayor and his last meeting on the Council. They began their journey together when they ran for Council back in 2018. They didn't know each other at the time, but a mutual friend introduced them, and they realized their beliefs and what they had in mind for Newton were in sync. He was a great Deputy Mayor for him during his term as Mayor and he has been a great leader this year. It was bittersweet winning this past election without Jason running, glad to call him his running mate. He has been a great friend, and he hopes to see him and his boys at the pool this summer.

Councilwoman Diglio – She attended the Annual Tree Lighting on December 2 and thanked all those individuals involved in making it possible, they did a fantastic job. Santa Claus of course, was a big hit. She thanked Jason for the four years he served the Town and has been her friend.

Deputy Mayor Teets – stated Panera Bread is now open, and she highly recommends it. It is nice to have another food option in Town. She went on to say it has been an honor to serve as Jason’s Deputy this past year and wishes him well for the future.

Mayor Schlaffer – he started by thanking Mr. DePalma and Mr. Elvidge for speaking tonight. It is an important thing to get these things heard on the record.

UNFINISHED BUSINESS – None.

ORDINANCES

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

ORDINANCE 2022-30

AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 213 OF THE TOWN CODE OF THE TOWN OF NEWTON, ENTITLED “PROPERTY MAINTENANCE”, MORE SPECIFICALLY ADDING A NEW ARTICLE V, ENTITLED “BUSINESS AND RESIDENTIAL RENTAL UNIT REGISTRATION AND LIABILITY INSURANCE”

WHEREAS, pursuant to *N.J.S.A. 40:48-1* and *N.J.S.A. 40:48-2*, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules, and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order, and protection of person and property and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Town of Newton is authorized to regulate buildings used for sleeping, lodging, and occupancy for purposes including, but not limited to, boarding houses, rooming houses, rental housing, or other living units/arrangements, pursuant to *N.J.S.A. 40:52-1 et seq.*; and

WHEREAS, the Legislature of the State of New Jersey adopted P.L. 2022, C. 1368, on August 5, 2022, and said law was signed by the Governor on August 8, 2022, mandating that businesses and residential rental units have premises liability insurance for negligent acts and omissions for such particular property and premises in amounts required therein; and

WHEREAS, by such legislation, the Town is mandated to enact an Ordinance to implement said insurance requirements and provide for annual registration of certificates of insurance required by said law;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town Code of the Town of Newton is hereby amended, revised, and supplemented as to Chapter 213 of the Town Code, entitled “Property Maintenance”, by more specifically adding a new Article V entitled “Business and Residential Rental Unit Registration and Liability Insurance” to the Town Code, which shall read as follows:

§ 213 of the Town Code of the Town of Newton is hereby amended as follows:

ARTICLE V BUSINESS AND RESIDENTIAL UNIT REGISTRATION AND LIABILITY INSURANCE

§ 213-27 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business

Any person or entity offering and/or engaged in buying, selling, storing, and/or transferring merchandise, goods, real property, personal property, moneys, services, and/or other items who do so for a fee, price, retainer, commission, percentage, and/or other means of compensation for the purpose, stated or otherwise, of realizing a profit or other gain.

Certificate of Insurance

A proof of current liability insurance insuring against negligent acts and omissions for a particular property and premises in an amount required in Town Code § 213-29(A) or § 213-29(B) issued by an insurance company and stating coverage for a particular property and premises.

Owner

A person as defined in Town Code § 1-15 who owns, possesses, or has the right to control through any agency agreement any residential rental unit or units, or who owns or possesses a business which owns or possesses any residential rental unit or units.

Residential Rental Unit

Any single-family residence, apartment, studio, condominium, and/or other dwelling designed to be occupied by one or more persons and rented, leased and/or otherwise offered for use by other than the owner for one (1) or more nights in a Calendar Year.

§ 213-28 Annual Registration Of Businesses And Residential Rental Units.

All persons who own, possess, or control any business or residential rental unit or units located within the Town of Newton shall annually register each and every said business or residential unit or units with the Municipal Clerk of the Town of Newton in such form as may be required by the Town of Newton from time to time.

- A. All businesses or residential units shall be registered with the Municipal Clerk no later than February 25th of the first full Calendar Year after this Ordinance shall become effective. Thereafter, all businesses or residential units shall be registered with the Municipal Clerk no later than January 30th of each Calendar Year.
- B. The annual fee for registering as a business or as a residential rental unit owner with the Town of Newton is Two Hundred Dollars (\$200.00) per business or residential rental unit per year; provided however, that the registration fee for a new business or new residential rental unit which is registered after July 1st of its first Calendar Year registration shall be One Hundred Dollars (\$100.00) for the first part of a year.
- C. A residential rental unit owner shall be required to register all residential units owned by that owner every year when registering as a residential unit owner with the Municipal Clerk.
- D. There shall be a late fee of Twenty-Five Dollars (\$25.00) for every registration which is submitted after January 30th of each Calendar Year.
- E. All residential rental units located in any residential setting which is regulated, registered, or otherwise subject to the jurisdiction of the New Jersey Department of Community Affairs Bureau of Housing Inspections are exempt from this requirement.

§ 213-29 Liability Insurance Required.

The owner of a business, owner of a rental unit or units, and/or the owner of a multi-family home of four (4) or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating a certificate of insurance with the Town of Newton as follows:

- A. Except as provided in subsection B of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
- B. The owner of a multifamily home which is four (4) or fewer units, one (1) of which must be owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one (1) or more persons in any one (1) accident or occurrence.

§ 213-30 Fee For Business Or Residential Rental Insurance Certificate.

- A. The Municipal Clerk shall issue a business or residential insurance certificate to all duly registered businesses and/or residential rental unit owners upon submission of a completed registration form and payment of the required fee or fees.
- B. The fee for obtaining a business or residential rental insurance certificate from the Town of Newton is Fifty Dollars (\$50.00).

§213-31 Violations; Penalties.

- A. Any person, firm, or corporation that shall be convicted of a violation of a provision of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or both, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.
- B. The Town may collect through a summary proceeding under N.J.S.A. 2A:58-10, et. seq. a fine of not less than Five Hundred (\$500.00) Dollars, but no more than Five Thousand Dollars (\$5,000.00) for failing to file with the Municipal Clerk a certificate of insurance registration as required by P.L. 2022, C. 1368.

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

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

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

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

Mayor Schlaffer opened the meeting to the public.

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

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

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

Mayor Schlaffer Yes

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

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 #272-2022*

“Approval of Cooperative Purchasing Contract, #ESCNJ 18/19-40 – Electric Vehicle Charging Stations – to Bryan Electric”

WHEREAS, there is a need for electric vehicle charging stations for the Town of Newton; and

WHEREAS, Bryan Electric, 1800 East State Street, Hamilton, N.J., 08609 is the holder of cooperative contract ESCNJ 18/19-40, “Electric Vehicle Charging Stations”, through the Educational Services Commission of New Jersey Cooperative Pricing System, approved cooperative from the State of New Jersey #65MCECCPS; and

WHEREAS, Bryan Electric has proposed a scope of work compliant with the cooperative contract and all prevailing wage requirements of \$274,167.10; and

WHEREAS, the Town of Newton can procure without public bidding through the ESCNJ cooperative contract under the authority of N.J.S.A. 40A:11-11 et. Seq; and

WHEREAS, the Chief Financial Officer certifies that funds are available in the amount of \$274,167.10 as follows:

Line item: Ordinance 2022-22 EV Charging Station Account #3092208

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex as follows: the Town Manager is authorized to enter into a contract with Bryan Electric 1800 East State Street, Hamilton, N.J. 08609, the holder of cooperative contract ESCNJ 18/19-40, “Electric Vehicle Charging Stations”, in the amount of \$274,167.10 for the installation of electric vehicle charging stations.

RESOLUTION #273-2022*

“Authorize the Award of a Required Disclosure Contract for KKPR Marketing and Public Relations”

WHEREAS, the Town of Newton has a need to maintain an informative website, promote its marketing events through social media and other venues, and ensure the public is well informed regarding events sponsored by the Town of Newton and others, by KKPR Marketing and Public Relations, through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, the services of KKPR Marketing and Public Relations in the aggregate is expected to be in excess of the pay to play threshold of \$17,500.00; and

WHEREAS, KKPR Marketing and Public Relations has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies KKPR Marketing and Public Relations has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit KKPR Marketing and Public Relations, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$20,210.00, are available as follows:

2022 Current Budget

#1050244 \$11,605.00 #6051244 \$8,605.00

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with KKPR Marketing and Public Relations not to exceed \$20,210.00 for the 2022 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file in the Municipal Clerk's Office.

RESOLUTION #274-2022*

“Resolution to Award 2022 Vehicle Bid to Franklin Sussex Automall for Bid 17-2022 and 17R-2022”

WHEREAS, the Town of Newton has a need for Department of Public Works vehicles for its continuing operations of roadway safety; and

WHEREAS, the Town had sought to obtain a vendor through two (2) bids, 17-2022 and 17R-2022, publicly sought on November 1, 2022, and November 23, 2022; and

WHEREAS, the Town availed itself of the negotiations remedy under the New Jersey Local Publics Contract Law at N.J.S.A.40A:11-5(3), through Resolution 271-2022; and

WHEREAS, on November 29, 2022, the Town representatives engaged in negotiations with vendors in accord with N.J.S.A. 40A:11-5(3) for the terms and tenets as contained within bids 17-2022 and 17R-2022; and

WHEREAS, Franklin Sussex Auto mall has proposed to provide the vehicles consistent with the specifications as contained within bids 17-2022 and 17R-2022 in the amount of:

1. 2022 RAM 2500 BIG HORN CREW CAB 4X4 and accessories in the amount of \$57,443.70
2. 2022 RAM 2500 BIG HORN CREW CAB 4X4 and accessories in the amount of \$75,640.34

WHEREAS, the Chief Financial Officer certifies funding is available in the amount of \$133,084.04 from:

Line Items:

#30922101 \$63,897.04 #61922031 \$50,000 #30922038 \$19,187.00

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

Franklin Sussex Auto Mall is hereby awarded the contract to provide for the Department of Public Works vehicles:

1. 2022 RAM 2500 BIG HORN CREW CAB 4X4 and accessories in the amount of \$57,443.70
2. 2022 RAM 2500 BIG HORN CREW CAB 4X4 and accessories in the amount of \$75,640.34

consistent with the specifications as contained within Bids 17-2022/ 17R-2022 in the amount of \$133,084.04.

RESOLUTION #275-2022*

“Accept as Final and Complete the ADA Ramps and Signage for Newton High School on Ryerson Avenue Project”

WHEREAS, on August 15, 2022, the Newton Town Council adopted Resolution #193-2022, awarding the ADA Ramps and Signage for Newton High School on Ryerson Avenue Project ADS Contractors, LLC., in the amount of \$15,840.64; and

WHEREAS, on October 12, 2022, by adoption of Resolution #222-2022, the Town Council authorized Change Order No. 1, for the ADA Ramps and Signage for Newton High School on Ryerson Avenue Project for a decrease in the amount of \$99.00 for a new contract total of \$15,741.64; and

WHEREAS, the Town Engineer, Harold E. Pellow, Harold E. Pellow & Associates, Inc., recommends in his memo dated November 28, 2022, the project be accepted as final and complete by the Town Council;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the ADA Ramps and Signage for Newton High School on Ryerson Avenue Project as final and complete based on the recommendation of the Town Engineer, so the final paperwork can be completed.

RESOLUTION #276-2022*

“Designate the Town Manager as the National Organization on Disability Representative for Calendar Year 2023”

WHEREAS, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton; and

BE IT FURTHER RESOLVED, that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

RESOLUTION #277-2022*

“Resolution Rejecting All Bids for Sludge Hauling Bid Town of Newton Bid #13R-2022”

WHEREAS, the Town of Newton received bids for sludge hauling, Bid #13R-2022 on November 23, 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

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 Spectraserve 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 Spectraserve Inc. are hereby rejected as over budgetary estimates consistent with N.J.S.A. 40A:11-13.2(b).

RESOLUTION #278-2022*

“Authorize Negotiations of Department of Public Works Sludge Hauling Bids”

WHEREAS, the Town publicly advertised and sought receipt of public bids on November 2, 2022 and November 23, 2022, for a total of two (2) public bids for the project known as “Department of Public Works Sludge Hauling Bid”; and

WHEREAS, the Town has duly advertised for bids on both occasions, wherein the two (2) lowest bidders were mandatory rejections for fatal flaws; and

WHEREAS, the third and fourth position bidders were rejected as over estimates; and

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

WHEREAS, it is the desire of the Town to authorize the Town Manager and/or his designee to conduct the negotiations process; and

WHEREAS, it remains the desire of the Town of Newton to secure a contract with a local and economically efficient and qualified provider of the tenets as found within bid for 13-2022 and 13R-2022; and

WHEREAS, relief is available through the New Jersey Local Public Contract Law N.J.S.A.40A:11-5(3) and the Town desires to avail itself of this remedy through negotiations;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the Town Manager and/or his designee are hereby authorized to enter into negotiations with contractors under the provisions of N.J.S.A. 40A:11-5(3) which correspond to available funding for the project known as Department of Public Works Sludge Hauling Bid.

This Resolution shall take effect immediately.

RESOLUTION #279-2022*

“Accept as Final and Complete the Resurfacing of Smith Street and Grand Avenue Project”

WHEREAS, on July 18, 2022, the Newton Town Council adopted Resolution #175-2022, awarding the 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 to Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, NJ in the amount of \$747.20; and

WHEREAS, on November 14, 2022, by adoption of Resolution #254-2022, the Town Council authorized Change Order No. 1, for Tilcon New York, Inc. for the Resurfacing of Smith Street and Grand Avenue Project for a decrease in the amount of \$7,582.78 for a new contract total of \$53,747.42; and

WHEREAS, the Town Engineer, Harold E. Pellow, Harold E. Pellow & Associates, Inc., recommends in his memo dated November 30, 2022, the project be accepted as final and complete by the Town Council;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Resurfacing of Smith Street and Grand Avenue Project as final and complete based on the recommendation of the Town Engineer, so the final paperwork can be completed.

RESOLUTION #280-2022*

“Authorize Refund of Taxes; Block 19.05, Lot 19, for a Senior Citizen Deduction”

WHEREAS, Block 19.05, Lot 19, also known as 22 New Hampshire Street, is owned by Linda Current; and

WHEREAS, based on an application received by the Tax Collector for a Senior Citizens Property Tax Deduction, Ms. Current's deduction of \$250.00 has been approved; and

WHEREAS, the taxes are paid in full thus resulting in a refund due for Tax Year 2022;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due in the amount of \$250.00 to Linda Current, 22 New Hampshire St., Newton, NJ 07860.

RESOLUTION #281-2022*

“Refund of Redemption Monies to Outside Lien Holder for Block 18.04, Lot 18, Also Known As 12 Mason Avenue”

WHEREAS, at the Municipal Tax Sale held on October 5, 2022 a lien was sold on Block 18.04, Lot 18, also known as 12 Mason Avenue for 2021 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-012 was sold to Fig 20, LLC FBO Sec Pty for a 0% redemption fee and a premium in the amount of \$1,900.00; and

WHEREAS, CoreLogic, the mortgage company, has affected the redemption of Certificate #2022-012 in the amount of \$277.48;

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 \$277.48 as well as the return of the premium in the amount of \$1,900.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check in the amount of \$277.48 for the redemption and a check in the amount of \$1,900.00 for the return of the premium for Certificate #2022-012 to Fig 20, LLC FBO Sec Pty, PO Box 12225, Newark, NJ 07101.

RESOLUTION #282-2022*

“Refund of Redemption Monies to Outside Lien Holder for Block 22.07, Lot 13, Also Known As 72 Pine Street”

WHEREAS, at the Municipal Tax Sale held on October 5, 2022 a lien was sold on Block 22.07, Lot 13, also known as 72 Pine Street for 2021 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-016 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, PHH Mortgage, the mortgage company, has affected the redemption of Certificate #2022-016 in the amount of \$329.75;

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 \$329.75 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 \$329.75 for the redemption and a check in the amount of \$1,800.00 for the return of the premium for Certificate #2022-016 to Fig 20, LLC FBO Sec Pty, PO Box 12225, Newark, NJ 07101.

RESOLUTION #283-2022*

“Authorize Refund of Taxes; Block 15.02, Lot 11, Due to Overpayment”

WHEREAS, Global Venture 284, LLC owns Block 15.02, Lot 11, also known as 88 Trinity St., Newton, New Jersey; and

WHEREAS, both Global Venture 284, LLC and CoreLogic, the mortgage company, paid the 4th quarter 2022 taxes; and

WHEREAS, there was an overpayment of \$1,811.35 made on November 1, 2022 by Ivan Decarvalho, owner of Global Venture 284, LLC and CoreLogic for the 4th quarter, 2022; and

WHEREAS, Ivan Decarvalho has requested the overpayment be refunded to Global Venture 284, LLC;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Global Venture 284, LLC in the amount of \$1,811.35; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to refund the tax overpayment in the amount of \$1,811.35 to Global Venture 284, LLC, 22 Quarry Rd., Wantage, NJ 07461.

RESOLUTION #284-2022*

“Authorize Remittance (Cancellation) of 2022 Taxes; Block 4.02, Lot 20”

WHEREAS, the Municipal Tax Assessor has indicated that during the remapping of the Town, Block 4.02, Lot 20 also known as High Street Rear and assessed to “Unknown Owner” represents a “void” in the tax map; and

WHEREAS, this property currently has unpaid taxes for the year 2022 for the total amount of \$45.12; and

WHEREAS, the Tax Collector has determined the taxes in the amount of \$45.12 for the tax year 2022 are uncollectible and are unable to be sold in the annual tax sale and the amount must be remitted (cancelled);

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges the taxes for the year 2022 are uncollectible and must be remitted (cancelled); and

BE IT FURTHER RESOLVED, the Tax Collector be authorized to remit (cancel) taxes for the year 2022 in the total amount of \$45.12.

RESOLUTION #285-2022*

“Authorize the Award of a Required Disclosure Contract to EarthPlanter LLC for Floral Containers for Public Areas of the Town of Newton”

WHEREAS, the Town of Newton has a need to provide in the public areas of the business district various floral containers and planters through EarthPlanter LLC, 13 Pulaski St., Auburn, NY 13021, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, EarthPlanter LLC, 13 Pulaski St., Auburn, NY 13021 has proposed a quote of \$4,372.00 acceptable to the Town and in aggregate of past contract year, \$41,259.00 in excess of the pay to play threshold of \$17,500.00; and

WHEREAS, EarthPlanter LLC has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that EarthPlanter LLC has not made any reportable contributions to a political or candidate committee in the *Town of Newton* in the previous one year, and that the contract will prohibit EarthPlanter LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$4,372.00 are available as follows:

Neighborhood Preservation Grant Program Account #1112541

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with EarthPlanter LLC to provide for various containers and planters not to exceed \$4,372.00 and a contract year not to exceed \$41,259.00; and

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

RESOLUTION #286-2022*

“Transfer of School Monies for the Period from January 1, 2023 to June 30, 2023”

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$6,663,038.54 to meet the obligations of the Newton Board of Education, inclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted	\$13,856,565.00
(Inclusive of Debt Service)	
Amount Received to Date	7,193,526.46
Amount of This Request	<u>6,663,038.54</u>
Balance Due Board of Education	.00

RESOLUTION #287-2022*

“Authorizing the Town of Newton to enter into an Agreement with Phoenix Advisors, LLC in Connection Continuing Disclosure Requirements as our Independent Registered Municipal Advisor”

WHEREAS, the Town of Newton (“Town”) needs to engage the professional services of a financial advisory firm to advise the Town in connection with the Continuing Disclosure Requirements and issuance of Bonds and/or Notes and other matters relating to fiscal management; and

WHEREAS, Phoenix Advisors, LLC (“Phoenix”), 625 Farnsworth Avenue, Bordentown, NJ, 08505, provides such professional advisory services, is a Registered Municipal Advisor with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board, and has heretofore been appointed by the Town to provide the same for the Calendar year 2023; and

WHEREAS, Phoenix will perform, as Financial Advisor, tasks more fully described in the proposal dated December 2022, and attached is the Agreement as Exhibit “II”; and

WHEREAS, the Town will compensate Phoenix for Financial Advisory Services in accordance with the Agreement dated December 2022, as set forth in Exhibit “II” of said Agreement; and

WHEREAS, the parties desire hereby to set forth the full terms and conditions under which Phoenix will provide professional advisory services to the Town, as set forth in the Agreement attached hereto;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town Manager is hereby authorized to execute an Agreement with Phoenix Advisors, LLC in Connection with the Issuance of Bonds and/or Anticipation Notes, also all Continuing Disclosure Requirements.

RESOLUTION #288-2022*

“Appointment of Adam Vough as Municipal Representative to the Sussex County Solid Waste Advisory Committee for 2023”

BE IT RESOLVED by the Town Council of the Town of Newton the Assistant Public Works Supervisor, Adam Vough, is hereby appointed as the municipality's representative to the Sussex County Solid Waste Advisory Committee (SWAC) to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:00pm (or as otherwise scheduled) at the Sussex County Administrative Center at One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED, if required, the Assistant Public Works Supervisor or his designee, may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex County SWAC.

RESOLUTION #289-2022*

“Appointment of Michael Awertschenko as Municipal Representative to the Sussex County Water Quality Policy Advisory Committee for 2023”

BE IT RESOLVED, by the Town Council of the Town of Newton that Licensed Water Operator, Michael Awertschenko, is hereby appointed as the municipality's representative to the Sussex County Water Quality Policy Advisory Committee for 2023 and will attend regular meetings of said Committee conducted on the first Thursday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED, that, if required, Newton's Licensed Water Operator or his designee may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex Water Quality PAC.

RESOLUTION #290-2022*

“Designation of Public Agency Compliance Officer for Calendar Year 2023”

BE IT RESOLVED, by the Town Council of the Town of Newton that Monica B. Miebach, Chief Financial Officer for the Town of Newton, is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2023; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

RESOLUTION #291-2022*

“Authorizing the Sale of Brine Solution to Municipalities for Calendar Year 2023”

WHEREAS, the Town of Newton has the equipment necessary to make a brine solution which is used on roadways in preparation for inclement weather; and

WHEREAS, in the past, other municipalities have purchased the brine solution from the Town of Newton; and

WHEREAS, the Newton Town Council desires to authorize the sale of brine solution to other municipalities to the extent it is available, subject to the terms and conditions of this Resolution; and

WHEREAS, the New Jersey Local Public Contracts Law authorizes the sale of items such as the brine solution to a local government agency in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-36(2), without the need for bids or public auctions;

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

1. The Town of Newton may sell to other municipalities brine solution to the extent that the Town of Newton has the solution available.
2. The DPW Supervisor or his designee shall be responsible for monitoring the quantities of brine solution sold and provide the information to the Town of Newton CFO or his/her designee for invoicing purposes.
3. The sale price of the brine solution at the time of this Resolution is \$0.75 per gallon; however, the Town of Newton reserves the right to adjust the sale price in the event the costs to the Town of Newton increase during the term of this Resolution. Upon receipt of the invoice, the purchasing municipality shall submit a purchase order or voucher to the Town of Newton. Payment of the invoice is expected within thirty (30) days of the invoice date.
4. A copy of this Resolution shall be placed on file with the Clerk of the Town of Newton.
5. This Resolution shall take effect immediately and shall remain in effect January 1, 2023 through December 31, 2023, or as such time as the Town Council modifies or repeals this Resolution.

RESOLUTION #292-2022*

“Resolution Supporting the Implementation Plan of the Neighborhood Preservation Program for 2023”

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

WHEREAS, the purpose of this grant is to bolster economic development by making physical improvements in the Newton Town Center District including creating public art, placemaking, gateway improvements, signage improvements, and commercial façade improvements in the district, which is a neighborhood that qualifies for assistance; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Newton that the Town of Newton fully supports the Neighborhood Preservation Program Implementation Plan for 2023 as submitted to and approved by the New Jersey Department of Community Affairs (NJDCA).

RESOLUTION #293-2022*

“Approve 2022 Appropriation Transfers”

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2022 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Group Insurance 1066200	DCRP 1098294	\$1,800.00
	PFRS 1098297	317.00
	ENGINEERING 1060200	17,000.00
	TOWN MANAGER OE 1050200	3,000.00
	SNOW S&W 1081100	10,000.00
	CLERK S&W 1051100	8,000.00
	TAX COLLECTOR OE 1056200	<u>2,000.00</u>
TOTAL CURRENT TRANSFERS		\$42,117.00

RESOLUTION #294-2022*

“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
7325	ACCURATE DOOR, INC.	5,048.00
7326	ADVANCE AUTO PARTS	56.99
7327	AG CHOICE, LLC.	860.00
7328	BADGER METER, INC.	164.76
7329	BLUE 360 MEDIA, LLC	327.08
7330	BOONTON TIRE SUPPLY INC.	207.39
7331	BRIGHTSPEED	125.85
7332	CAMPBELL FOUNDRY CO. INC.	2,237.00
7333	CAMPBELL FOUNDRY CO. INC.....	1,812.00
7334	CAMPBELL SUPPLY OF SUSSEX CTY LLC	1,149.46
7335	CAPITAL ACCOUNT	11,600.99
7336	CINTAS	345.51
7337	CLIFFSIDE BODY CORP.	1,295.24
7338	CONSTELLATION NEWENERGY -GAS DIV	3,086.86
7339	CORY BROTHERS INC	3,060.34
7340	COYNE CHEMICAL CORP., INC.	551.25
7341	DEMPSEY UNIFORM & SUPPLY INC	2,983.96
7342	EARTHPLANTER LLC	4,372.00
7343	ELECTRONIC SYSTEMS SOLUTIONS INC.	9,151.20
7344	ERIC M. BERNSTEIN & ASSOCIATES, LLC.	6,410.16
7345	FAIRLEIGH DICKINSON UNIVERSITY	4,074.00
7346	Family Ford, Inc.	2,031.25
7347	FINKLE, DANIEL	24.00
7348	FREDON ANIMAL HOSPITAL	276.95

7349	GLENN C KIENZ	700.00
7350	GLOBAL RECYCLING SOLUTIONS LLC	1,374.38
7351	GRAVITY DESIGN WORKS, INC.	1,925.00
7352	HAMBURG PLUMBING SUPPLY CO INC	67.43
7353	HAYDEE BALLESTER	140.00
7354	HAYEK'S MARKET INC.	1,147.93
7355	HFE SERVICES	480.00
7356	HOME DEPOT, INC.	245.56
7357	HOME DEPOT, INC.	21.83
7358	HOME DEPOT, INC.	43.70
7359	HOME DEPOT, INC.	801.02
7360	J. CALDWELL & ASSOCIATES, LLC.	4,300.00
7361	JCP&L	216.91
7362	JESSICA VOLLERO	60.00
7363	JOSEPH D CALABRESE	625.00
7364	KKPR MARKETING & PUBLIC RELATIONS,	1,906.50
7365	LADDEY, CLARK & RYAN, LLP	2,875.04
7366	LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.40
7367	LOWE'S, INC.	367.62
7368	LUBRICATION ENGINEERS INC	433.38
7369	MASON-WILLIAMS, KIMBERLY	72.96
7370	MGL FORMS - SYSTEMS, LLC.	619.50
7371	MID-AMERICAN ELEVATOR CO., INC.	490.00
7372	MONTAGUE TOOL & SUPPLY, INC.	199.28
7373	MOTOROLA SOLUTIONS	4,800.99
7374	NCS PEARSON INC	720.00
7375	NEAL SYSTEMS INCORPORATED	1,107.00
7376	NEWTON BOARD OF EDUCATION	1,193,050.66
7377	NEXGEN POWER EQUIPMENT INC.	190.00
7378	NJ ENTERTAINERS LLC	2,525.00
7379	ONE CALL CONCEPTS, INC.	115.47
7380	OPTIMUM	262.57
7381	PALL CORPORATION	7,233.80
7382	PASSAIC VALLEY SEWERAGE COMM.	5,692.50
7383	PELLOW, HAROLD & ASSO, INC	17,468.86
7384	PLANET NETWORKS INC.	21,481.85
7385	PRIME LUBE, INC.	259.50
7386	PROCESS TECH SALES AND SERVICE	2,686.95
7387	QUILL CORPORATION	389.87
7388	R & J CONTROL INC.	1,024.27
7389	RACHLES/MICHELE'S OIL COMPANY, INC.	8,228.41
7390	RAPID PUMP	23,000.00
7391	RICHARD WINOWSKI	200.00
7392	RR DONNELLEY	297.00
7393	S/NJ EMPLOYER ACCOUNTS	9,491.00
7394	SCHMIDT'S WHOLESALE, INC	15,024.85
7395	SCMUA	1,007.21
7396	SEBRING AUTO PARTS, INC.	248.42
7397	SF MOBILE-VISION, INC.	5,045.00
7398	SLOAN, JAMES P.	3,573.91
7399	SMALLEY, JOHN H	1,438.00
7400	SOME'S WORLD WIDE UNIFORMS, INC.	349.50
7401	SOROKA, ERIC	263.00
7402	STAPLES	840.76
7403	STAPLES	379.00
7404	STAPLES CREDIT PLAN, INC.	398.34
7405	SUBURBAN PROPANE, LP.	1,054.35
7406	SUSSEX CAR WASH INC	288.00
7407	SUSSEX CO.ASSOC.-CHIEFS-POLICE	100.00
7408	SUSSEX COUNTY P & H, INC.	87.36
7409	T.A. MOUNTFORD COMPANY, INC.	700.00
7410	TAYLOR OIL CO., INC.	4,832.97
7411	THE CANNING GROUP, LLC.	541.69
7412	TMA LASER GROUP	1,200.00

7413	TRANSUNION ALTERNATIVE RISK & DATA,	900.00
7414	TREASURER, PETTY CASH FUND	58.63
7415	UNITED SITE SERVICES, INC	6,909.85
7416	UNIVERSAL SUPPLY GROUP INC.	233.04
7417	W.B. MASON, INC.	215.53
7418	WALMART	280.12
7419	WAYNE T. MCCABE	750.00
7420	WHENTOWORK INC	360.00
7421	WILDFLOWERS WITH TAMI	375.00
<hr/>		
TOTAL	1,429,378.91

The Clerk presented three (3) applications for consideration:

A membership application for Brenden Farence, 99 Woodside Ave, Newton, NJ into the Newton Fire Department.

A membership application for Kevin Saar, 43 Lawrence Road, Lafayette, NJ into the Newton Fire Department.

A membership application for Kevin Hughes, 2 Williams Street, Newton, NJ into the Newton Fire Department.

It was noted each application was in order and signed by the Fire Chief.

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 (Abstain on check 7384)	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	Deputy Mayor Teets	Yes
	Mayor Schlaffer	Yes	

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

Helen Le Frois, 132 Main Street, thanked Jason for his professionalism, calming presence on the dais, love of Newton, and support of her along with his service to the Town. She went on to say it is an exciting time for Newton and this is not good-bye it's just ta-ta for now.

Theresa Salinger from TAPinto came forward asking if the details are available for the implementation plan of the Neighborhood Preservation Plan in Resolution 292-2022.

Mr. Russo responded he would email them to her.

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

Mayor Schlaffer thanked Mrs. Le Frois for her kind words, thanked Mr. Russo for everything. He stated as he leaves this chapter of his life behind for now, he wants to remind everyone Tom is the best man for the job, we really appreciate everything he has done for us and the Town. Realistically, this Council would not be as effective without him and his leadership. Thank you.

December 12, 2022

Mr. Russo stated on behalf of the 115 employees and 8,400 residents he wants to thank Mayor Schlaffer for his hard work and dedication to the Town. He admired his energy and enthusiasm and believed his heart-felt desire to move the Town forward was genuine. He knows he will stay involved and be around. Personally, as Town Manager and CEO he would like to thank him and wish him well.

EXECUTIVE SESSION – None.

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 7:26pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk