

February 13, 2023

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 Mrs. Diglio, Mrs. Le Frois, Deputy Mayor Couce, Mayor Teets, Teresa A. Oswin, Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Monica B. Miebach, CFO was also present. Mr. Dickson and Mr. Bernstein, Esq., Town Attorney attended via Zoom.

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

Mayor Teets 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 6, 2023."

APPROVAL OF MINUTES

Upon motion by Mrs. Diglio seconded by Mrs. Le Frois and carried, the minutes for the January 23, 2023, Regular meeting were approved as presented. Mr. Dickson abstained.

OPEN TO THE PUBLIC

At this time, Mayor Teets 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 Teets opened the meeting to the public in attendance.

Margaret Baldini, 10 Barry Lane, came forth and asked how long the reassessment will take and how much it will cost. She also asked for more information on Resolution #82-203, she wanted to know what will it be used for.

Maureen Snellen stated someone has been walking around her neighborhood acting as the Town's Zoning Officer. The person has sent letters to about 10 people. She believes it is someone living in Newton Commons which has a homeowner's association, their rules do not apply to the rest of the Town. It is causing a problem, even fighting in the neighborhood.

Heidi Mountford, 921 Mt. Benevolence Road, Stillwater, stated she is the owner of 13 Summit Ave. and 59 Swartwood Rd. in Newton. She wanted to speak Ordinance 2022-30 which establishes a landlord registration fee of \$200 per unit. She received a letter from the Town advising houses built before 1978 must be inspected. She has a letter

from our Construction Official on a house she remodeled stating it is lead-free and she wanted to know whom she should be giving it to for her to be exempt from the inspection. She went on to say she has remodeled houses in Newton and does short-term furnished rentals. She loves working in our Town. Everyone from Mrs. Williams to Mrs. Oswin, to the whole Building Department has been fantastic. However, recently based on the letter she received the landlord registration fee is going from \$0 to \$200, and she could be looking at a \$750 lead paint inspection. Also, a house she was told she could build on a property by the former Zoning Officer before she purchased it, so she went ahead and did a survey and plans to build. Now she is being told she cannot do what she originally planned by the new Zoning Officer. She put that property on the market. So, her as an investor coming in, based on the rental fees, lead inspection fees, and problems I have incurred, you are chasing her away. The \$200 fee is out of line with other Towns which are charging \$0 to \$50. She would like all the Council to comment. She likes Newton and would like to continue to invest in it.

Lydia Grullon, 16 Hillside Avenue came to comment on the excellent work with a problem she was having with the street lamps in front of her house. She called last Friday and within 12 hours the issue was addressed. She wanted to give a shoutout Debbie in the DPW and the Police Chief. She just wanted to let the Council know what a great job everyone is doing, it was a great experience. She thanked Mr. Russo for looking into this. She has a 10-year-old boy who walked home today, and he was very happy, and wasn't scared. Her son came forward and said thank you.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by addressing Ms. Baldini's by stating Scott can go over the timeline when he does his presentation later. He asked Monica to address where the Safe and Secure monies go. Monica stated they are used to off-set police salary and wages. He then asked Ms. Snellen to provide him with a copy of the letter she mentioned so he could look further into the matter. To Heidi, he stated he appreciated her comments, the paperwork she has should go to Terri. Her office oversees that. He understands her concern about the fees but asked her to please try to understand these are unfunded mandates that come from the State. Most Towns are ignoring both. We are one of the few Towns actually taking the legislation seriously. We do plan on reassessing fees in the future. We do have initial start-up costs with staffing and some other things we are doing to monitor and track everything. He doesn't anticipate the

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\$200 fee to be in perpetuity. There is a start-up cost to add additional staffing in Terri's office to manage the lead-based paint and other registration processes. To Lydia, he appreciates the kind works. If she needs assistance in the future, she should reach out directly to Debbie or the Chief.

Mr. Russo went on to say there is a proclamation to be recorded into the record.

Office of the Mayor

Newton, New Jersey

Proclamation

Edward Joseph Flynn X
Eagle Scout

WHEREAS, Edward Joseph Flynn X, a member of Boy Scout Troop 85, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Edward devoted to attaining the status of Eagle Scout, working with diligence, and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Edward Joseph Flynn X has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, Edward completed his Eagle Scout Leadership Project; and

WHEREAS, his project involved many hours of volunteer service; and

WHEREAS, Edward Joseph Flynn X serves as an example to youth through his high level of personal achievement, leadership, and community service, and we are very proud Edward is a member of our community;

NOW, THEREFORE BE IT PROCLAIMED, that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Edward Joseph Flynn X for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright and successful future.

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

_____/s/ Michelle J. Teets

Attest: _____/s/ Teresa A. Oswin

Date: February 13, 2023

Mr. Russo also stated the Annual Report will be sent to the graphic designer this week. The Spring Newsletter has been sent to the graphic designer. We also will be doing this edition in Spanish. Grant applications were submitted for the First Aid Squad and the Fire Department. He was once again appointed as Chairman of the Statewide Insurance Fund which has almost 90 members in New Jersey. He was appointed as Secretary and Executive Committee Member of the health insurance fund, which means he will be

Chairman in two years. He will be having a virtual meeting with our consultant this week to discuss water and sewer fees. The CWA contract has been finished and we will be working on the blue-collar agreement next. The draft manager's budget will go to staff and the Council on Friday the 17th. We are closed on Monday for Presidents' Day. The Budget meeting will be on Wednesday, February 22nd starting at 5:00 pm in-person and via Zoom.

Councilman Dickson – nothing to report.

Councilwoman Diglio – reminded the public the St. Patrick's Day parade will be held on March 18th beginning at 11am. The Memorial Day parade is scheduled for May 29th at 10am with a memorial service immediately following at Memory Park at 11am. Plans for Newton Day have started.

Councilwoman Le Frois – thanked the staff for their comprehensive monthly reports. A couple of items to note, the Construction Office has been busy. There is movement in our planning projects according to Jessica Caldwell's report. Recreation has created a quarterly newsletter for our Seniors to keep them informed. She wanted to remind the Senior's that Friday's there is Zumba Gold at the Firehouse. She encourages everyone to attend the Budget meeting this Wednesday, February 22nd. The staff worked hard for several months to create this document. She stated February is Teen Dating Violence Awareness Month. One in three teens will be in an unhealthy relationship and she hopes to bring awareness to this issue. Lastly on February 28th, following in his father's footsteps, Sgt. Teets' is retiring; his walk-out will take place at 4:00 pm. Congratulations on his retirement.

Deputy Mayor Couce – in response to Mrs. Mountford, he appreciates her investment in the Town. Could she possibly send him a list of the fees other Towns are charging? He wanted to recognize the efforts of the Fire Department on the February 8th fire on Townsend St. It was a great job by all, the fire was knocked down pretty quickly. There was no loss of human lives, but sadly the pets were lost. Lastly, he wanted to thank the Town for assisting the First Aid Squad on their recent grant application.

Mayor Teets – also wanted to recognize the Police and Fire Department for their work on the fire on Townsend St. She saw the police consoling the residents. Everyone pulled together. She believes we have the best Police and Fire Departments. Congratulations to the Town on securing the 2023 Compost and Reduction grant in the amount of \$170,000. She is looking forward to this collaboration with the schools and college. Lastly, she thanked Councilwoman Le Frois on her comments on Sgt. Teets' retirement and Happy Valentine's Day to everyone.

UNFINISHED BUSINESS – None.

ORDINANCES – None.

CONSENT AGENDA

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

RESOLUTION #76-2023*

“Resolution Authorizing Disposal of Surplus Property”

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through Municibid pursuant to NJ State Contract 19-GNSV1-00696 in accordance with the terms and conditions of the State Contract.
- 2) The sale will be conducted online and the address of the auction site is <https://municibid.com>.
- 3) A list of the surplus property to be sold is as follows:
 - a) 2007 Girardin UFEC3RHW6
VIN: 1FDXE45P06HB14745
Odometer: 100,000 plus
Condition: Not operable, needs repair
 - b) 2014 Elkhart Coach EC11
VIN: 1GB6G5BG5E1189246
Odometer: 84,258
Condition: Fair
- 4) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 5) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #77-2023*

“Authorize the Award of a Required Disclosure Contract for Dempsey Uniform”

WHEREAS, the Town of Newton requires the services of uniform supply through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Dempsey Uniform, 1200 Mid Valley Dr., Jessup, PA 18434, in the aggregate is expected exceed the pay to play threshold of \$17,500.00; and

WHEREAS, Dempsey Uniform has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Dempsey Uniform, 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 Dempsey Uniform, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2023 budget, funds NOT TO EXCEED \$20,400.00 will be encumbered as follows:

Road – Uniforms	\$8,400.00
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Water Sewer – Uniforms	\$4,800.00
Buildings & Grounds – Contractual	\$6,000.00
Buildings & Grounds - Materials & Supplies	\$1,200.00

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Dempsey Uniform, not to exceed \$20,400.00 for the 2023 calendar year; and

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

RESOLUTION #78-2023*

Resolution Authorizing In Rem Tax Foreclosure Proceedings Pursuant to N.J.S.A. 54:5-104.29 et seq.”

WHEREAS, the Town of Newton holds Tax Sale Certificates, more specifically described in the attached Tax Foreclosure List, (See Exhibit A), which pertain to properties within the Town of Newton; and

WHEREAS, the Governing Body of the Town of Newton has determined said Tax Sale Certificates shall be foreclosed by summary proceedings In Rem;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Tax Sale Certificates, as described in the attached Tax Foreclosure List (Exhibit A), currently held by the Town of Newton, be foreclosed by summary process In Rem as described in N.J.S.A. 54:5-104.29 et seq., as amended, and pursuant to the Rules of Civil Practice of the State of New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be open to public inspection at the Office of the Clerk for the Town of Newton immediately after the passage of same at Newton Town Municipal Building, located at 39 Trinity Street, Newton, New Jersey, Monday through Friday, 9:00 a.m. to 4:00 p.m.; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

RESOLUTION #79-2023*

“Appointment of Daniel Finkle to the Historic Preservation Advisory Commission”

WHEREAS, there currently is a vacancy on the Town of Newton Historic Preservation Advisory Commission for a Class B member; and

WHEREAS, Daniel Finkle has expressed interest in serving as a member of the Historic Preservation Advisory Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Daniel Finkle is hereby appointed to an unexpired four (4) year term on the Town of Newton Historic Preservation Advisory Commission as a Class B member, effective immediately with said term continuing to December 31, 2026.

RESOLUTION #80-2023

“Appointment of Kenneth Teets to the Newton Parking Authority”

WHEREAS, there currently is a vacancy on the Town of Newton Parking Authority;
and

WHEREAS, Kenneth Teets has expressed interest in serving as a member of the Newton Parking Authority;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Kenneth Teets is hereby appointed to an unexpired five (5) year term on the Town of Newton Parking Authority, effective immediately with said term continuing to December 31, 2025

RESOLUTION #81-2023

“Approval of Contracts for Chemical Supplies Bid per Bid 16R-2022”

WHEREAS, there is a need for Chemical Supplies for use at the Town of Newton Water and Sewer Treatment Plants; and

WHEREAS, the Town publicly advertised in a fair and open manner consistent with N.J.S.A.19:44A-20.5 and received and opened bids for Chemical Supplies Bid 16R-2022 at 10:00A.M. on November 22, 2022; and

WHEREAS, the Town of Newton received five (5) bids for Chemical Supplies under Bid 16R-2022 to wit:

NAME OF BIDDER	Holland Company Inc	Miracle Chemical Company	George S. Coyne Chemical Company Inc.	PVS Minibulk Inc.	JCI Jones Chemicals Inc	Main Pool & Chemical Co. Inc.
Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15%	NO BID	NO BID	\$5.9372/ gallon - \$534,348.00	NO BID	NO BID	\$1.37/gallon - \$123,300.00, 3-5 days
Bid Item 2 - Bid Item 2 - Epic WWW 2400 24,000 – 26,000 GALLONS YEARLY	\$5.71/Gallon - \$137,040- \$148,450.00 - 1-3 days	NO BID	NO BID	NO BID	NO BID	NO BID
Bid Item 3 - Liquid gas sulfur dioxide, as called for in the Specifications 10,950 pounds	NO BID	NO BID	NO BID	NO BID	\$1.5333/ gallon, \$16,789.64 - no days indicated	NO BID
Bid Item 4 - Liquid hydrofl /Gas, as called for in Specifications 10,950 ponds	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Bid Item 5 - Liquid Sodium Hydroxide, as called for in Specifications 5,500 gallons 25%	NO BID	NO BID	\$4.8517/ gallon - \$26,684.35	\$5.06/ Gallon, \$27,830.00 - 3-5 days	NO BID	\$4.28/gallon - \$23,540.00
Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons	NO BID	NO BID	\$7.5458/ gallon - \$9,432.25	NO BID	NO BID	NO BID
Bid Item 7 - Liquid SodiumHypochlorite, as called for in Specifications 7,500 gallons	NO BID	\$6.48 gallon, \$48,600.00 - 7 days	\$6.4943/ gallon - \$48,707.25	\$4.56/ Gallon, \$34,200.00 - 3-5 days	NO BID	\$3.90/gallon - \$29,250.00, 3-5 days

WHEREAS, the lowest responsible bidder in accordance with N.J.S.A.40A:11-4(a), was found to be:

Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15%	Main Pool & Chemical Co. Inc.	\$1.37/gallon - \$123,300.00, 3-5 days
Bid Item 2 - Bid Item 2 - Epic WWW 2400 24,000 – 26,000 GALLONS YEARLY	Holland Company Inc	\$5.71/Gallon - \$137,040-\$148,450.00 - 1-3 days
Bid Item 3 - Liquid gas sulfur dioxide, as called for in the Specifications 10,950 pounds	JCI Jones Chemicals Inc	\$1.5333/ gallon, \$16,789.64 - no days indicated
Bid Item 5 - Liquid Sodium Hydroxide, as called for in Specifications 5,500 gallons 25%	Main Pool & Chemical Co. Inc.	\$4.28/gallon - \$23,540.00
Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons	George S. Coyne Chemical Company Inc.	\$7.5458/ gallon - \$9,432.25
Bid Item 7 - Liquid SodiumHypochlorite, as called for in Specifications 7,500 gallons	Main Pool & Chemical Co. Inc.	\$3.90/gallon - \$29,250.00, 3-5 days

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2023 and 2024 budgets, the Chief Financial Officer will certify funds pursuant to N.J.A, C, 5:30-5.5 (b2) open-end contract: through the budgetary accounting encumbrance process set forth in NJAC 5:30-5.3(c) and 5:30-5.4(b), in the amounts provided for in the bids as follows:

2023 Water Sewer Budget – Water – Chemicals - #6064208

2023 Water Sewer Budget – Sewer – Chemicals - #6077208

2024 Water Sewer Budget – Water – Chemicals - #6064208

2024 Water Sewer Budget – Sewer – Chemicals - #6077208

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

1. Contracts of award will commence January 15, 2023 through January 14, 2025;
2. **Main Pool & Chemical Co. Inc., 110 Commerce Road Dupont, Pennsylvania 18641** is awarded a one (1) year contract for Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15% yearly at the rate of \$1.37/gallon - \$123,300.00, 3-5 days;
3. **Holland Company Inc., 153 Howland Avenue, Adams, Massachusetts 01220** is awarded a one (1) year contract for Bid Item 2 - Epic WWW 2400 24,000 – 26,000 gallons yearly at the rate of \$5.71/Gallon estimated yearly at \$137,040.00 - \$148,450.00, deliverable in 1-3 days;
4. **JCI Jones Chemicals Inc., 1765 Ringling Blvd., Sarasota, Florida 34236**, is awarded a one (1) year contract for Bid Item 3 - Liquid gas sulfur dioxide, as called for in the Specifications 10,950 pounds at the rate of \$1.5333/gallon, estimated at \$16,789.64;
5. **Main Pool & Chemical Co. Inc., 110 Commerce Road, Dupont, Pennsylvania 18641**, is awarded a one (1) year contract for Bid Item 5 - Liquid Sodium Hydroxide, as called for in Specifications 5,500 gallons 25%, at the rate of \$4.28/gallon - \$23,540.00;
6. **George S. Coyne Chemical Company Inc., 3015 State Road, Croydon, Pennsylvania 19021-6997**, is awarded a one (1) year contract for Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons \$7.5458/ gallon - \$9,432.25
7. **Main Pool & Chemical Co. Inc., 110 Commerce Road, Dupont, Pennsylvania 18641**, is awarded a one (1) year contract for Bid Item 7 - Liquid SodiumHypochlorite, as called for in Specifications 7,500 gallons, at the rate of \$3.90/gallon - \$29,250.00, 3-5 days.

RESOLUTION #82-2023*

“Approve Participation with the State of New Jersey in a Safe and Secure Communities Program Administered by the Division of Criminal Justice, Department of Law and Public Safety”

WHEREAS, the Town of Newton wishes to apply for funding in the amount of \$13,938.00 with a match of \$97,111.61 by the Town for an approximate project total cost of \$111,049.61 for a project under the New Jersey Safe and Secure Communities Program (Grant #No. 23-1915) for the project duration of March 14, 2023 to March 13, 2024; and

WHEREAS, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

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

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

BE IT FURTHER RESOLVED, that the Town Manager of the Town of Newton is hereby authorized to accept and execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. 23-1915.

RESOLUTION #83-2023*

“Authorize a Professional Services Award to Suburban Consulting Engineers, Inc. to Initiate Engineering Design and Project Management”

WHEREAS, the Town of Newton has a need for engineering services in regard to the projects known as “Memory Park – Babe Ruth Field, New Jersey Infrastructure Bank Bid & Construction Phase Service” and “Memory Park – Moore's Brook, Engineering Design, Topographic Survey, and NJDEP CWSRF” with Suburban Consulting Engineers, Inc. 96 U.S. Highway 206, Suite 101, Flanders, New Jersey 07836 as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent, has determined Suburban Consulting Engineers, Inc. will exceed the amount of \$17,500.00 in a contract year; and

WHEREAS, Suburban Consulting Engineers, Inc. has submitted a proposal for services in the amounts of:

Memory Park – Babe Ruth Field, New Jersey Infrastructure Bank Bid & Construction Phase Service	TOTAL ESTIMATED FEE \$90,123
Memory Park – Moore's Brook, Engineering Design, Topographic Survey, and NJDEP CWSRF	TOTAL ESTIMATED FEE \$163,130

WHEREAS, Suburban Consulting Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies Suburban Consulting 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 Suburban Consulting Engineers, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer as required by N.J.S.A. 40A:4-5, N.J.A.C. 5:34-5.1 et seq., hereby certifies subject to the Governing Body appropriating sufficient funds in the 2023 budget, funds NOT TO EXCEED \$253,253.00 will be encumbered as follows:

Ordinance 2020-10 Memory Park

#3091978

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Suburban Consulting Engineers, Inc. not to exceed \$253,253.00 for engineering services for the projects known as "Memory Park – Babe Ruth Field, New Jersey Infrastructure Bank Bid & Construction Phase Service" and "Memory Park – Moore's Brook, Engineering Design, Topographic Survey, and NJDEP CWSRF"; and

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

RESOLUTION #84-2023*

"Resolution Amending the Current Fund Balance Policy"

WHEREAS, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014, amended it by the adoption of Resolution 50-2019 on January 28, 2019, and renewed it by the adoption of Resolution 25-2023 on January 5, 2023; and

WHEREAS, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended appropriate to amend the Policy;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby resolves and agrees to amend the Current Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 15%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
6. This policy will be reviewed by the Governing Body every three (3) years following adoption or sooner at the direction of the Governing Body.

RESOLUTION #85-2023*

“Authorizing Change Order No. 2 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 Newton Town Council adopted Resolution #252-2022 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; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated January 12, 2023, approving Change Order No. 2 for the above referenced project for a decrease in the amount of \$4,077.02 for a new contract total of \$70,787.70;

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. 2 for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project.

RESOLUTION #86-2023*

“Refund of Redemption Monies to Outside Lien Holder for Block 21.05, Lot 13, Also Known as 17 York Road”

WHEREAS, at the Municipal Tax Sale held on October 5, 2022, a lien was sold on Block 21.05, Lot 13, also known as 17 York Road for 2021 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-014, was sold to John-Paul Couce for a 0% redemption fee and a \$55,100.00 premium; and

WHEREAS, the owner, Gregory Moore, has affected the redemption of Certificate #2022-014 in the amount of \$12,811.80;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges John-Paul Couce is entitled to a redemption in the amount of \$12,811.80 as well as the return of the premium in the amount of \$55,100.00; 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 \$12,811.80 for the redemption and a check in the amount of \$55,100.00 for the return of the premium for Certificate #2022-014 to John-Paul Couce, PO Box 423, Newton, NJ 07860.

RESOLUTION #87-2023*

“Resolution Amending the Water Sewer Utility Fund Balance Policy”

WHEREAS, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014, amended it by the adoption of Resolution 50-2019 on January 28, 2019, and renewed it by the adoption of Resolution 25-2023 on January 5, 2023; and

WHEREAS, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended appropriate to amend the Policy;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby resolves and agrees to amend the Water Sewer Utility Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 15%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
6. This policy will be reviewed by the Governing Body every three (3) years following adoption or sooner at the direction of the Governing Body.

RESOLUTION #88-2023*

“Tax Account Credit Due to a State Tax Court Judgement for Block 15.03, Lot 1, Also Known As 237 Spring Street”

WHEREAS, Michael I. Schneck, Esq., the attorney representing Valley Ridge Development Company, the current owner of Block 15.03, Lot 1, also known as 237 Spring Street, Newton, New Jersey filed a State Tax Court Appeal to lower the 2022 assessment on said block and lot; and

WHEREAS, the Tax Office received, on January 26, 2023, a judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2022. This order has resulted in an overpayment in the total amount of \$10,039.20 and the judgement states the credit must be applied against the 2023 taxes;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgement entered by the Tax Court of New Jersey and Michael I. Schneck, Esq. representing Valley Ridge Development Company is entitled to a credit of \$10,039.20 for Block 15.03, Lot 1; and

BE IT FURTHER RESOLVED, the Tax Collector is authorized to credit Valley Ridge Development Company's 2023 taxes for Block 15.03, Lot 1 in the amount of \$10,039.20.

RESOLUTION #88-2023*

“Tax Account Credit Due to a State Tax Court Judgement for Block 15.03, Lot 1, Also Known As 237 Spring Street”

WHEREAS, Michael I. Schneck, Esq., the attorney representing Valley Ridge Development Company, the current owner of Block 15.03, Lot 1, also known as 237 Spring Street, Newton, New Jersey filed a State Tax Court Appeal to lower the 2022 assessment on said block and lot; and

WHEREAS, the Tax Office received, on January 26, 2023, a judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year

2022. This order has resulted in an overpayment in the total amount of \$10,039.20 and the judgement states the credit must be applied against the 2023 taxes;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgement entered by the Tax Court of New Jersey and Michael I. Schneck, Esq. representing Valley Ridge Development Company is entitled to a credit of \$10,039.20 for Block 15.03, Lot 1; and

BE IT FURTHER RESOLVED, the Tax Collector is authorized to credit Valley Ridge Development Company's 2023 taxes for Block 15.03, Lot 1 in the amount of \$10,039.20.

RESOLUTION #89-2023*

“Refund of Monies for Taxes, Due to a State Tax Court Judgement for Block 15.03, Lot 1, Also Known As 237 Spring Street”

WHEREAS, Michael I. Schneck, Esq., the attorney representing Spring Plaza, LLC, former owner of Block 15.03, Lot 1, also known as 237 Spring Street, Newton, New Jersey filed a State Tax Court Appeal to lower the 2021 assessment on said block and lot; and

WHEREAS, the Tax Office received, on January 26, 2023, a judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2021. This order has resulted in an overpayment in the total amount of \$9,994.70 and the judgment states the overpayment must be refunded;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgement entered by the Tax Court of New Jersey and Michael I. Schneck, Esq., representing Spring Plaza, LLC, is entitled to a refund in the amount of \$9,994.70 for Block 15.03, Lot 1; and

BE IT FURTHER RESOLVED, the Treasurer be authorized to issue a check in the amount of \$9,994.70 to Michael I. Schneck, Trustee for Spring Plaza, LLC, 23 Vreeland Ave., Suite 270, Florham Park, NJ 07932.

RESOLUTION #90-2023*

“Tax Account Credit Due to a State Tax Court Judgement for Block 15.03, Lot 2, Also Known As 4 Union Place”

WHEREAS, Michael I. Schneck, Esq., the attorney representing Valley Ridge Development Company, the current owner of Block 15.03 Lot 2, also known as 4 Union Place, Newton, New Jersey filed a State Tax Court Appeal to lower the 2022 assessment on said block and lot; and

WHEREAS, the Tax Office received, on January 26, 2023, a judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2022. This order has resulted in an overpayment in the total amount of \$15,855.17 and the judgement states the credit must be applied against the 2023 taxes;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgement entered by the Tax Court of New Jersey and Michael I. Schneck, Esq. representing Valley Ridge Development Company is entitled to a credit of \$15,855.17 for Block 15.03, Lot 2; and

BE IT FURTHER RESOLVED, the Tax Collector is authorized to credit Valley Ridge Development Company's 2023 taxes for Block 15.03, Lot 2 in the amount of \$15,855.17.

RESOLUTION #91-2023

“Refund of Monies for Taxes, Due to a State Tax Court Judgement for Block 15.03, Lot 2, Also Known As 4 Union Place”

WHEREAS, Michael I. Schneck, Esq., the attorney representing Spring Plaza, LLC, former owner of Block 15.03, Lot 2, also known as 4 Union Place, Newton, New Jersey filed a State Tax Court Appeal to lower the 2021 assessment on said block and lot; and

WHEREAS, the Tax Office received, on January 26, 2023, a judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2021. This order has resulted in an overpayment in the total amount of \$15,784.89 and the judgment states the overpayment must be refunded;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this judgement entered by the Tax Court of New Jersey and Michael I. Schneck, Esq., representing Spring Plaza, LLC, is entitled to a refund in the amount of \$15,784.89 for Block 15.03, Lot 2; and

BE IT FURTHER RESOLVED, the Treasurer be authorized to issue a check in the amount of \$15,784.89 to, Michael I. Schneck, Trustee for Spring Plaza, LLC, 23 Vreeland Ave., Suite 270, Florham Park, NJ 07932.

RESOLUTION #92-2023*

“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 2022 and 2023 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 # and Name	Check Total
7652	1305 ACCURATE DOOR, INC.....	721.00
7653	1846 ADVANCE AUTO PARTS.....	23.27
7654	2799 AFLAC.....	2,313.26
7655	4106 ALL GAS & WELDING SUPPLY CO., INC.	124.99
7656	3508 AMERICAN AQUATIC TESTING, INC.....	1,800.00
7657	3869 AMERICAN FIDELITY ASSURANCE.....	562.22
7658	3868 AMERICAN FIDELITY ASSURANCE COMPANY.....	670.82
7659	4161 ARCHIVESOCIAL INC.....	3,137.40
7660	4026 AUTOZONE INC.....	72.81
7661	32 B & R UNIFORM, INC.....	300.00
7662	3251 BADGER METER, INC.....	357.05
7663	1994 BARCO PRODUCTS COMPANY INC.....	454.18
7664	1132 BOONTON TIRE SUPPLY INC.....	431.12
7665	300 BRIGHTSPEED.....	125.85
7666	702 C W A LOCAL 1032.....	251.54
7667	192 CAMPBELL'S SMALL ENGINE INC.....	238.92
7668	506 CARR, JOSEPH.....	205.10
7669	77 CCP INDUSTRIES, INC.....	171.00
7670	2206 CENTER FOR PREVENTION & COUNSELING, INC.....	1,000.00
7671	3770 CINTAS.....	515.32
7672	4138 CONSTELLATION NEWENERGY -GAS DIV.....	16,889.86
7673	4500 CRYSTAL MOUNTAIN SPRINGS.....	137.99
7674	1736 DANFORTH'S TRAILER & AUTO, INC.....	7,151.00
7675	4386 DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP.....	1,088.30
7676	768 DEMPSEY UNIFORM & SUPPLY INC.....	2,287.41
7677	1307 DOVER BRAKE & CLUTCH.....	926.72
7678	4654 EDMUNDS GOVTECH, INC.....	10,660.00
7679	4385 ERIC M. BERNSTEIN & ASSOCIATES, LLC.....	4,342.00
7680	4355 FAIRLEIGH DICKINSON UNIVERSITY.....	4,124.00
7681	2640 FERGUSON ENTERPRISES LLC #3326.....	94.97
7682	2525 FIREFIGHTER ONE, LLC.....	3,860.32
7683	200 GARDEN STATE LABORATORIES INC.....	,456.00

7684	2626	GENERAL CODE, LLC.....	3,219.12
7685	4388	GFOA OF NJ.....	90.00
7686	4384	GIBBONS P.C.....	475.00
7687	4398	GLOBAL RECYCLING SOLUTIONS LLC.....	3,149.98
7688	2313	GRAVITY DESIGN WORKS, INC.....	365.00
7689	70	HACH COMPANY.....	924.19
7690	232	HAMBURG PLUMBING SUPPLY CO INC.....	373.14
7691	4064	HARD ROCK HOTEL & CASINO ATLANTIC C.....	1,393.00
7692	230	HAYEK'S MARKET INC.....	25.54
7693	4337	HFE SERVICES LLC.....	1,867.96
7694	3876	HOLLAND COMPANY, INC.....	6,672.60
7695	1866	HOME DEPOT, INC.....	3,760.45
7696	4502	HOXHA, DUDIJE.....	127.33
7697	2140	HYDRO TECHNOLOGY, LLC.....	1,580.00
7698	4661	I & L DISTRIBUTING INC.....	399.00
7699	332	J & D SALES & SERVICE,LLC.....	800.00
7700	3235	J. CALDWELL & ASSOCIATES, LLC.....	3,815.00
7701	113	JCP&L.....	451.06
7702	3772	JK HVAC SERVICE, LLC.....	5,318.97
7703	3644	JOHNNY ON THE SPOT, LLC.....	193.13
7704	3778	JP MONZO MUNIC CONSULTING, LLC.....	100.00
7705	2569	KIEFFER ELECTRIC, INC.....	789.00
7706	4396	KIMBALL MIDWEST.....	688.85
7707	3711	KKPR MARKETING & PUBLIC RELATIONS,.....	1,112.00
7708	4040	LOEFFELS WASTE OIL SERVICE LLC.....	249.75
7709	391	LOU'S GLASS.....	3,720.00
7710	1566	MAIN POOL & CHEMICAL COMPANY, INC.....	11,878.30
7711	4660	MATHES, WILLIAM.....	3,710.76
7712	4659	MICHAEL I. SCHNECK, ESQ.....	25,779.59
7713	4381	MID-AMERICAN ELEVATOR CO., INC.....	1,480.00
7714	4531	MILLENNIUM STRATEGIES LLC.....	2,250.00
7715	409	MINISINK PRESS.....	136.00
7716	4219	MONTAGE ENTERPRISES.....	543.78
7717	53	MONTAGUE TOOL & SUPPLY, INC.....	470.97
7718	3339	MUNI CLERKS ASSO OF NJ.....	75.00
7719	3339	MUNI CLERKS ASSO OF NJ.....	405.00
7720	700	NEWTON PATROLMANS ASSOCIATION.....	840.00
7721	3979	NEWTON PIZZA.....	95.30
7722	1745	NEWTON SUPERIOR OFFICERS.....	420.00
7723	336	NEWTON TROPHY.....	110.00
7724	2456	NIELSEN FORD.....	77.39
7725	3532	NJEPA.....	650.00
7726	311	NJLM.....	25.00
7727	2835	NJMEBF.....	202,829.00
7728	1207	NJMMA.....	250.00
7729	1762	NJSACOP.....	300.00
7730	2844	NORTH JERSEY COURT ADMIN. ASSOC.....	60.00
7731	4657	NORTHEASTERN ARBORIST SUPPLY.....	63.38
7732	4259	NORTHERN NJ CHAPTER OF NIGP.....	100.00
7733	1204	OFFICE OF WEIGHTS & MEASURES.....	140.00
7734	2882	ONE CALL CONCEPTS, INC.....	131.20
7735	4383	OPTIMUM.....	208.22
7736	64	PELLOW, HAROLD & ASSO, INC.....	9,093.70
7737	64	PELLOW, HAROLD & ASSO, INC.....	4,380.60
7738	64	PELLOW, HAROLD & ASSO, INC.....	2,674.82
7739	4204	PLANET NETWORKS INC.....	490.00
7740	4204	PLANET NETWORKS INC.....	2,556.15
7741	4204	PLANET NETWORKS INC.....	49.95
7742	4204	PLANET NETWORKS INC.....	2,719.44
7743	4204	PLANET NETWORKS INC.....	199.90
7744	4204	PLANET NETWORKS INC.....	1,219.80
7745	4204	PLANET NETWORKS INC.....	399.90
7746	2121	POSTER COMPLIANCE CENTER.....	339.75
7747	4527	POYS KITCHEN.....	50.00

7748	2212	PROCESS TECH SALES AND SERVICE	1,368.95
7749	4126	PROFESSIONAL CONSULTING INC	60,720.00
7750	4273	QUADIENT INC.....	486.00
7751	39	QUILL CORPORATION.....	132.79
7752	4034	R & J CONTROL INC.	9,987.36
7753	251	R.S. PHILLIPS STEEL LLC	243.84
7754	2478	RACHLES/MICHELE'S OIL COMPANY, INC.....	4,592.23
7755	4425	Reliance Standard Life Insurance Co	400.16
7756	4585	ROXITEK, LLC.....	955.00
7757	1755	S/NJ TOXICOLOGY LABORATORY	45.00
7758	55	SCHMIDT'S WHOLESALE, INC	817.11
7759	126	SCMUA.....	1,057.92
7760	611	SEBRING AUTO PARTS, INC.....	333.75
7761	2257	STAPLES	652.68
7762	3309	STRAUS NEWS, INC.	400.00
7763	2056	SUBURBAN PROPANE, LP.....	6,627.35
7764	3442	SUNLIGHT GENERAL	616.34
7765	1215	SUSSEX & WARREN TAX COLL	120.00
7766	102	SUSSEX CAR WASH INC	224.00
7767	2561	SUSSEX COUNTY CHAMBER OF COMMERCE	75.00
7768	229	SUSSEX COUNTY ECONOMIC	75.00
7769	1453	SUSSEX COUNTY LOCK & SAFE	189.00
7770	130	SUSSEX COUNTY P & H, INC.	801.94
7771	3897	SYNCHRONY BANK	1,192.31
7772	3897	SYNCHRONY BANK	931.56
7773	3897	SYNCHRONY BANK	595.66
7774	371	T.A. MOUNTFORD COMPANY, INC.....	79.00
7775	2479	TAYLOR OIL CO., INC.	2,555.32
7776	4278	TEXAS LIFE INSURANCE COMPANY.....	35.45
7777	676	THE EQUITABLE.....	16,670.00
7778	217	TIMMERMAN COMPANY, INC.....	530.52
7779	4595	TIMOTHY BRYAN ELECTRIC	168,398.92
7780	2880	TRACTOR SUPPLY	122.86
7781	691	TRANS WORLD ASSURANCE CO.....	400.00
7782	293	TREASURER, PETTY CASH FUND	250.00
7783	1151	TREASURER, STATE OF NEW JERSEY	420.00
7784	1151	TREASURER, STATE OF NEW JERSEY	1,370.00
7785	1151	TREASURER, STATE OF NEW JERSEY	8,390.00
7786	2476	TREASURER, STATE OF NJ -BURIAL	5.00
7787	292	TREASURER, WATER & SEWER PETTY CASH	50.00
7788	2781	TRIMBOLI & PRUSINOWSKI, LLC.	3,536.00
7789	521	TRUST ACCOUNT, TOWN OF NEWTON	22,475.96
7790	4130	UNITED FIRE PROTECTION CORP.....	3,600.00
7791	4152	UNITED SITE SERVICES, INC	17,946.39
7792	1257	UNUM LIFE/DISABILITY INSUR.....	676.14
7793	2716	UPSEU LOCAL 424J	756.00
7794	1158	VISION SERVICE PLAN.....	1,221.48
7795	2635	W.B. MASON, INC.	598.56
7796	1500	WALMART	115.78
7797	4209	WEATHERPROOFING TECHNOLOGIES, INC.	251,884.75
7798	1144	WEINER LESNIAK	2,412.00
7799	633	WEIS MARKETS, INC.....	429.56
<hr/>			
TOTAL			996,028.03

RESOLUTION #93-2023*

“Appointment of Chirag D. Mehta, Esq., as the Town of Newton’s Alternate Municipal Prosecutor for Calendar Year 2023”

WHEREAS, Steven M. Siegel, Esq., currently serving as the Town of Newton's Municipal Prosecutor, has indicated an Alternate Municipal Prosecutor may be needed occasionally by the Town of Newton during calendar year 2023; and

WHEREAS, it is agreed that any municipal prosecutor appointed by a municipality in the County can provide prosecutor services to the Town of Newton in the event an alternate is needed to prosecute in the absence of Steven M. Siegel, Esq., or in the case of an attorney conflict; and

WHEREAS, Chirag D. Mehta, Esq., has expressed an interest in serving as Newton's Alternate Municipal Prosecutor; and

WHEREAS, compensation of said services and supervision will be the sole responsibility of Steven M. Siegel, Esq. when an alternate prosecutor is utilized in his absence; and

WHEREAS, legal services are a professional service as defined by the Local Public Contracts Law and are, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i);

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that we hereby appoint Chirag D. Mehta, Esq., as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2023; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Chirag D. Mehta, Esq., Steven M. Siegel, Esq., Anmarie Taggart, Acting Sussex County Prosecutor, and the Town of Newton Municipal Judge, the Hon. James P. Sloan.

RESOLUTION #94-2023*

“Resolution of Town Council Authorizing Reorganization Meeting and Related Items for the Town of Newton Historic Preservation Advisory Commission for Tuesday, February 21, 2023”

WHEREAS, the Town of Newton Historic Preservation Commission had previously scheduled a reorganization meeting, with related items, for Tuesday, January 17, 2023 at 7:00 pm, which included a notice for 2023 meeting dates for the Commission; and

WHEREAS, the January 17th Commission meeting did not occur due to a lack of a quorum, which prevented the establishment of the 2023 meeting dates and the Commission now needs the Town Council to establish a meeting date for Tuesday, February 21, 2023 at 7:00 pm at the Municipal Building to allow the Commission to move forward with its work, where it will reconfirm this meeting and other meeting dates;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Council hereby establishes a meeting date for the Newton Historic Preservation Advisory Commission for Tuesday, February 21, 2023 at 7:00 pm in the Municipal Building, 39 Trinity Street, Newton, New Jersey since the Commission cannot do so itself and the Commission will reaffirm the February 21, 2023 meeting date and other 2023 meeting dates, as well as the January 2024 reorganization meeting date and notice such if necessary.

The Clerk presented two (2) applications for consideration:

A membership application from Matthew Sylvester, 116 Main Steet, Newton, NJ for regular membership into the Newton Fire Department.

A membership application from James Maher, 100 Swartwood Road, Apt. 28, Newton NJ for regular membership into the Newton Fire Department.

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

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

Deputy Mayor Couce (Abstain on #378-2023 & #86-2023 Checks #7739 through #7745)	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
Mayor Teets (Abstained on #80-2023)		Yes	

OPEN TO THE PUBLIC

Mayor Teets opened the meeting to the public.

Heidi Mountford came for the and suggested possibly having a two separate fees for landlord registration, possibly \$50 for those exempt from the lead paint testing and \$200 for those that are not.

Theresa Salinger, of TAPinto attended the last Board of Ed meeting where they discussed wanting to communicate more with the community. She asked with the Notify Me system maybe there could be a section for schools. It could be away for the School and Town to work together and help each other as well as the public.

Mayor Teets stated the Council is having a joint meeting with the Board in March and she will make a note of that.

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 Teets closed the meeting to the public.

DISCUSSION

Mr. Russo welcomed back Mr. Scott Holzhauser, Newton's Tax Assessor, to the meeting to discuss the reassessment of property.

Mr. Holzhauser received four questions via email from Mr. Couce and he reviewed his response with the Council.

- 1) There certainly are tangible benefits to contracting with ASI; however, are we able to contract with ASI without going out to bid? Is there a competitive contracting exception? ASI seems to be a very prevalent firm across the state but are there comparable contract figures to review?

Response: *The hiring of ASI would be under the guise of a Professional Service, which is how they have been hired in the other towns I am the Tax Assessor and they are assisting with the reassessment (Oakland, Mendham Twp, Franklin). Because of their prior track record of working with Newton on both our 2010 Reval, and 2013 Reassessment, it is unlikely that another qualified firm would even be interested in doing the job knowing this prior relationship with Newton and the other towns they assist me in. Due to the collaborative nature of how a Reassessment is conducted with regard to establishing values and assessments, the working relationship between the appraisal company and the Tax Assessor is paramount to the success of the project. Frankly, I feel the price quoted by ASI is too low and have uttered that previously. I believe a large factor in their internal pricing calculation is who the Tax Assessor is that they are working with, and how much that person knows about mass appraisal and the values within their own Town. My long history of work experience in both the revaluation field and as the Assessor in Newton for almost 30 years certainly has to be considered a contributing factor in this regard, and to me probably explains the lower-than-expected pricing.*

- 2) Recognizing that the five-year assessment plan seems to be quite popular across the state, is the five-year period a statutory limit or are there adjustment opportunities within the program's initial establishment?

Response: *The 5-Yr Annual Reassessment is the recognized program length by the NJ Division of Taxation. I suppose a town could opt for a shorter period, but the State would only approve that if 100% of the properties were reinspected in that shorter period after the initial program year (the initial program year also requires a 100% inspection). As for the program going longer, the State will not approve that because they don't want to see the towns extend the period whereby 100% of the properties are inspected. There has been legislation introduced in the past to allow this time period to be extended, but nothing was ever adopted. What commonly occurs however is that once the 5-yr plan period ends, towns have been simply extending the annual reassessment on a yearly basis, continuing to inspect 25% of the properties each year. This effectively avoids ever having to incur the larger expense of the Yr-1 cost from the typical 5-yr program. This has been the common practice in Bergen & Somerset Counties for the past decade, and the State has approved this.*

- 3) At the last council meeting there was a general sense of pressure to have a decision made as soon as possible so as not to delay the process and potentially miss out on proper timing of the requisite County and State approvals. This general sense of urgency did not sit well, especially given both the gravity of the potential program's impact, which is why I requested more time to consider the matter. At the March 2022 Board of Taxation meeting, there was an indication raised to the Commissioners of 'definitely having a reassessment in 2024' for Newton. What occurred over the past year such that the request was handed down so tightly?

Response: *As Tax Assessor I am always Being mindful of the economic factors that might prime the need for a reassessment. These factors have been in full force since the start of the pandemic, due largely to the unexpected dramatic rise in residential and certain commercial property values. A sharp decline in the assessment ratio is the most significant factor to signal this need. Because I see all the transactional activity in town, I actually expected this to occur a year ago. Because of the convoluted way that the State calculates the ratio, Newton was spared (in my opinion) from needing to do this last year. That unfortunately was not the case this year, when the State's ratio calculation finally caught up to Newton, along with over 300 other towns throughout the state. The ratio each year is not tabulated and released until after October 1. I announced this at our staff meeting in October and began to work on obtaining a price quote from ASI and contemplating how Newton, and myself, would be able to handle a potential reassessment. The end of year is always an incredibly busy time – flowing from the LOM Convention thru Thanksgiving & Christmas. It didn't help that I had a double bout of Covid which essentially sidelined me for a month from late November until Christmas. So, after the holidays and finally getting the Tax Book for 2023 filed, I have been able to turn all my attention now to dealing with the reassessment issue.*

- 4) It was further noted at the March 2022 meeting that we were also setting up all the financing for the potential program. Recognizing that, unlike revals, reassessments do not require performance bonds, what financial moves have been undertaken?

Response: *Because of the pro-active nature of our CFO, after hearing my concerns about what might be coming and having discussions of same with me, I believe she began planning for the financing for this eventual need over a year ago. It is an individual financing decision on how to handle the larger Yr-1 expense of a 5-Yr Reassessment program, with some towns opting to use the 5-yr emergency appropriation financing option, and others*

choosing to include this as a one-time budget expense. The years 2-5 of such a program are always handled directly as a budget expense.

Mr. Holzauer stated after talking with our Qualified Purchasing Agent and due to the cost and length of the project, we will be doing a competitive contracting bid for the services. This will not hold up the process.

Mrs. Le Frois asked Mr. Holzauer to review the whole process for those in attendance that weren't at the last meeting. Mr. Holzauer reviewed everything again. He did state he forgot to mention at the last meeting that at the end of the process a letter is prepared by the appraisal company and signed by him and sent to every property owner. This time it will include an explanation of what financial effect the new assessment will have on the property owner.

Mr. Dickson left the meeting at this time.

A brief discussion ensued. Mrs. Le Frois and Mayor Teets both thanked Mr. Holzauer for explaining the whole process and answering all their questions. Mr. Couce thanked Mr. Holzauer for making sure the Town has all their t's crossed and i's dotted, and he believes there is a benefit for doing an assessment over a five-year period as opposed to a one-time assessments of all the properties. This will enable us to capture the market uncertainty. Mr. Couce did question if this will have any implications on the school system since we are doing a reassessment but the sending districts are not. Mr. Holzauer didn't believe it would have implications on the school.

Mr. Russo asked for a consensus of the Council on if they would like to move forward and authorize Mr. Holzauer to appear in front of the County Tax Board to begin the process.

Mr. Couce asked if anyone from the public had any questions before they moved forward.

Margaret Baldini, 10 Barry Lane asked what the total cost would be. Mr. Russo responded we won't know until we complete the competitive contracting process. He went on to state our estimate is \$135,000 for the first year and \$35,000 each year for the remaining four years.

The Clerk asked for confirmation the consensus was yes to move forward with the process. All in attendance responded yes.

COUNCIL MANAGER COMMENTS

Mr. Couce stated he wanted to amend his comment about the fire on Townsend Street. Part of the reason it was a good stop was because it was identified by the Water and Sewer Department staff, they saw the fire and call it in. Great job by them.

EXECUTIVE SESSION – None.

ADJOURMENT

There being no further business to be conducted, upon motion of Mrs. Diglio seconded by Mrs. Le Frois and unanimously carried, the regular meeting was adjourned at 7:49 pm.

Respectfully submitted,

Teresa A. Oswin

Teresa A. Oswin, RMC
Municipal Clerk