

The regular meeting of the Town Council of the Town of Newton was held via Zoom on the above date at 7:00 pm. Present were Mr. Dickson, 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 and Mr. Bernstein, Esq., Town Attorney, were also present.

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 February 13, 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 via asking them to use the raised hand option.

Dr. Piccirillo, Superintendent of the Newton Schools, introduced himself and stated he is looking forward to a great partnership. He just wanted to say hello to everyone and let them know he is available via email, phone, or in person. He also stated schools will be closed tomorrow.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by offering congratulations to Sgt. Teets on his retirement. Tomorrow is his walk-out at 4pm. Next, he offered birthday wishes to Councilwoman Le Frois on her 50th birthday. Lastly, he told everyone to be careful and have safe travels.

Councilman Dickson – wished Mrs. Le Frois a happy birthday and congratulations to Sgt. Teets. He thanked Mr. Russo, Mrs. Miebach, and all the Department Heads on their work

on preparing the budget. It is a solid budget with a minimal increase. He thanked those in the public that came to the meeting and saw how the process is done. Going through line by line, page by page, of the budget with the all the Council's questions being addressed.

Councilwoman Diglio – wished Helen a happy birthday and offered congratulations to Sgt. Teets on his retirement.

Councilwoman Le Frois – thanked everyone for the birthday wishes. She thanked all the emergency services that responded to the fire on Clarkson Street on February 16th. It was all hands on deck with the Fire Department, Police Department, First Aid Squad, and mutual aid from Andover and Green. The fire was close to her house and she was really able to see the emergency personnel at work. She has new neighbors and they were surprised to find out the Fire Department and Rescue Squad were all volunteers. They were impressed by their professionalism and how well they worked on the scene. She also wanted to thank Tom and the staff for a well-thought-out budget. She acknowledged Neil Flaherty for attending the budget meeting, he has been attending the budget meetings for as long as she can remember. She agrees with his statement saying this was probably the most difficult budget due to so many circumstances beyond our control. She also stated it was great to see so many people attending tonight's meeting via Zoom. She gave a shout-out to our DPW who have been prepping all day brining the streets for the upcoming storm, and will probably be out all night plowing. Lastly, she congratulated Sgt. Teets on his retirement.

Deputy Mayor Couce – echoed all the comments for birthday wishes for Helen, congratulations to Sgt. Teets, the hard work on the budget, and the great work by emergency personnel at the fire recently. He attended the Sussex County Mayor's meeting in Michelle absence. One item of discussion was the expansion or regionalization of the County court system. This may have an impact on Newton because the State proposal will mandate municipalities with State Police coverage move to a County court. We will have to keep an eye on this.

Mayor Teets – she also would like to echo everyone's comments. To Dr. Piccirillo, she is looking forward to the Council's joint meeting with BOE in March and meeting him in-person and working together. She wished Helen a happy birthday. She will relay everyone's comments to her husband, Sgt. Teets, his is walk-out tomorrow. Lastly, she thanked everyone for their condolences for her mom.

Mr. Russo stated the joint meeting with the Board of Education is on Monday, March 13th at 5:30 pm.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-1
CALENDAR YEAR 2023
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

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

| | | | |
|--------------------|-------------|---------------|-----|
| Deputy Mayor Couce | Yes | Mr. Dickson | Yes |
| Mrs. Diglio | Yes | Mrs. Le Frois | Yes |
| | Mayor Teets | Yes | |

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, March 13, 2023 at 7:00 pm.

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 #95-2023*

“Authorizing Waiving of Water and Sewer Utility Charges for the Newton Volunteer First Aid Squad for Calendar Year 2023”

WHEREAS, the Newton First Aid Squad, “NFAS”, is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

WHEREAS, the “NFAS” owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

WHEREAS, the “NFAS” operating expenses are funded through donations and fundraising efforts; and

WHEREAS, the Newton Town Council supports the efforts of the “NFAS” and would like to assist, so they may continue to provide this valuable emergency service to the people of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2023.

RESOLUTION #96-2023*

“Resolution Authorizing the Hiring of a Property Tax Reassessment Firm Through the Competitive Contracting Process”

WHEREAS, the Town of Newton has a legal requirement to conduct property tax reassessments; and

WHEREAS, such services are authorized under the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1(i)) to be procured through the competitive contracting process; and

WHEREAS, the Town desires to evaluate such service offerings from vendors within the procedures as set forth in the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-4.1 et. seq. and N.J.A.C. 5:34-4 et. Seq.); and

WHEREAS, the Town desires to enter into a contract for the option of up to a maximum of five (5) years, that will satisfy the needs of the Town; and

WHEREAS, as per statute the process will be administered by the Qualified Purchasing Agent (N.J.S.A 40A:11-4.5(d));

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

The Qualified Purchasing Agent (QPA) is hereby authorized to commence the competitive contract/procurement process as allowable under the New Jersey Local Public Contracts Law for a Property Tax Reassessment Firm, allowing for a minimum of 20 days' notice after advertisement to receive responses, per Local Public Contracts Law.

RESOLUTION #97-2023*

“Authorize Submission of a Strategic Plan for the Municipal Alliance for Grant Cycle July 2023 - June 2024”

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government, law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth, and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey, recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE BE IT RESOLVED, by the Town of Newton, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the **Action Municipal Alliance** grant for fiscal year 2024 in the amount of:

| | |
|-----------------------|-------------------|
| DEDR | \$6,037.00 |
| Cash Match | \$1,509.25 |
| In-Kind | <u>\$4,527.75</u> |
| Total Alliance Budget | \$12,074.00 |

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

APPROVED: _____ /s/ Michelle J. Teets
Michelle J. Teets, Mayor

RESOLUTION #98-2023*

“Resolution Rejecting All Proposals for IT Consulting Competitive Contract 1-2023”

WHEREAS, the Town of Newton received proposals for Competitive Contract 1-2023 IT Consulting, on February 16, 2023 at 10:00 am.; and

WHEREAS, the Town received three (3) responses to wit:

| Digital Team Six Inc. | Integrated Micro Systems | HFE Services LLC |
|---------------------------------------|---------------------------------|-------------------------|
| Cybersecurity Support and Guidance | Year 1 \$24,000 | |
| \$6,144.00 | Year 2 \$24,000 | |
| IT support and workstation management | Year 3 \$28,800 | |
| \$13,272.00 | Year 4 \$28,800 | |
| Total - \$19,416.00 | Year 5 \$31,200 | |

WHEREAS, the two (2) lowest respondents Digital Team Six Inc. and Integrated Micro Systems provided for amounts higher than budgetary estimates; and

WHEREAS, the proposal submittal by HFE Services was non-responsive to cost and other factors, thereby violating the provision at N.J.S.A. 40A:11-4.1 et. Seq., requiring a competitive contract proposer be deemed the most advantageous, to the Town, price and other factors considered; and

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

WHEREAS, the New Jersey Local Public Contracts Law at N.J.S.A.40A:11-13.2(e) allows for rejection when the “purposes or provisions or both of P.L.1971, c.198 (C.40A:11-1 et seq.) are being violated”;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the proposals submitted by Digital Team Six Inc. and Integrated Micro Systems, are hereby rejected under N.J.S.A. 40A:11-13.2(a); and

BE IT FURTHER RESOLVED, that the proposal by HFE Services is hereby rejected under N.J.S.A. 40A:11-13.2(e).

RESOLUTION #99-2023*

“Refund of Redemption Monies to Outside Lien Holder for Block 24.01, Lot 12, also known as 18 Lincoln Place”

WHEREAS, at the Municipal Tax Sale held on October 5, 2022, a lien was sold on Block 24.01, Lot 12, also known as 18 Lincoln Place for 2021 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-017, was sold to Fig 20, LLC FBO Sec Pty for a 0% redemption fee and a premium in the amount of \$2,200.00; and

WHEREAS, Compu-link has affected the redemption of Certificate #2022-017 in the amount of \$5,706.28;

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 \$5,706.28 as well as the return of the premium in the amount of \$2,200.00; 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 \$5,706.28 for the redemption and a check in the amount of \$2,200.00 for the return of the premium for Certificate #2022-017 to Fig 20, LLC FBO Sec Pty, PO Box 12225, Newark, NJ 07101.

RESOLUTION #100-2023*

“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 |
|---------------|---|--------------------|
| 7800 | 4448 - ATLANTIC URGENT CARE LLC | 50.00 |
| 7801 | 4662 - BELLIS JUSTIN | 35.00 |
| 7802 | 1132 - BOONTON TIRE SUPPLY INC. | 694.16 |
| 7803 | 300 - BRIGHTSPEED | 41.77 |
| 7804 | 300 - BRIGHTSPEED | 2,041.45 |
| 7805 | 300 - BRIGHTSPEED | 58.15 |
| 7806 | 300 - BRIGHTSPEED | 15.34 |
| 7807 | 77 - CCP INDUSTRIES, INC | 78.95 |
| 7808 | 4363 - CENTURY LINK | 79,470.57 |
| 7809 | 3770 - CINTAS | 345.00 |
| 7810 | 1632 - COOPER ELECTRIC SUPPLY CO. | 275.42 |
| 7811 | 4614 - COVENANT SECURITY EQUIPMENT | 3,600.00 |
| 7812 | 155 - COYNE CHEMICAL CORP., INC. | 4,983.89 |
| 7813 | 286 - CURRENT ACCOUNT | 2,409.95 |
| 7814 | 4386 - DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP | 240.50 |
| 7815 | 2386 - DOMINICK'S PIZZA LLC | 218.45 |
| 7816 | 419 - DUKE'S ROOT SERVICE, INC. | 6,922.24 |
| 7817 | 106 - ELIZABETHTOWN GAS | 4,113.29 |
| 7818 | 4573 - EMERGER PROPERTY MANAGEMENT LLC | 11,450.00 |
| 7819 | 3517 - ENVIRONMENTAL HEALTH INVESTIGATIONS | 650.00 |
| 7820 | 4385 - ERIC M. BERNSTEIN & ASSOCIATES, LLC | 455.00 |
| 7821 | 807 - FRANK SEMERARO CONSTRUCTION, INC., | 1,050.00 |
| 7822 | 3318 - FREDON ANIMAL | 118.33 |
| 7823 | 4536 - GATEHOUSE MEDIA NEW YORK HOLDINGS, INC. | 245.31 |
| 7824 | 4506 - GLENN C KIENZ | 800.00 |
| 7825 | 789 - GNCC | 700.00 |
| 7826 | 2313 - GRAVITY DESIGN WORKS, INC. | 190.00 |
| 7827 | 232 - HAMBURG PLUMBING SUPPLY CO INC | 359.54 |
| 7828 | 3804 - HAYDEE BALLESTER | 140.00 |
| 7829 | 230 - HAYEK'S MARKET INC. | 33.18 |
| 7830 | 4337 - HFE SERVICES LLC | 1,240.00 |
| 7831 | 1866 - HOME DEPOT, INC. | 781.86 |
| 7832 | 4620 - HQW ARCHITECTS, LLC. | 4,500.00 |
| 7833 | 1271 - JCI JONES CHEMICALS, INC | 3,871.83 |
| 7834 | 113 - JCP&L | 17,458.19 |
| 7835 | 3700 - JENNIFER DODD | 44.54 |
| 7836 | 3772 - JK HVAC SERVICE, LLC. | 646.00 |
| 7837 | 3644 - JOHNNY ON THE SPOT, LLC. | 195.00 |
| 7838 | 3711 - KKPR MARKETING & PUBLIC RELATIONS, | 800.00 |
| 7839 | 2278 - LANGUAGE LINE SERVICES, INC. | 200.60 |
| 7840 | 4227 - LAW OFFICE OF DANIEL P. AGATINO, LLC. | 1,333.34 |
| 7841 | 2300 - LOWE'S, INC. | 275.06 |
| 7842 | 1566 - MAIN POOL & CHEMICAL COMPANY, INC. | 2,007.50 |
| 7843 | 4378 - NEWTON AUTO EXCHANGE | 100.00 |
| 7844 | 170 - NEWTON BOARD OF EDUCATION | 1,110,506.41 |

| | | |
|-------|---|--------------|
| 7845 | 2701 - NJLM | 757.00 |
| 7846 | 1762 - NJSACOP | 130.00 |
| 7847 | 1407 - PASSAIC VALLEY SEWERAGE COMM. | 8,221.50 |
| 7848 | 4656 - PAULUS, SOKOLOWSKI & SARTOR LLC | 6,195.00 |
| 7849 | 64 - PELLOW, HAROLD & ASSO, INC. | 4,464.35 |
| 7850 | 2788 - PENTELEDATA | 319.90 |
| 7851 | 4204 - PLANET NETWORKS INC. | 609.90 |
| 7852 | 4204 - PLANET NETWORKS INC. | 199.95 |
| 7853 | 39 - QUILL CORPORATION | 385.68 |
| 7854 | 188 - RECTIFIER AUTO ELECTRIC | 177.00 |
| 7855 | 1872 - RR DONNELLEY | 198.00 |
| 7856 | 4199 - RUTGERS LIFELONG LEARNING CENTER | 1,443.00 |
| 7857 | 1755 - S/NJ TOXICOLOGY LABORATORY | 135.00 |
| 7858 | 55 - SCHMIDT'S WHOLESALE, INC | 10,356.02 |
| 7859 | 4165 - SF MOBILE-VISION, INC. | 210.00 |
| 7860 | 4644 - SIEGEL, STEVEN M..... | 2,875.00 |
| 7861 | 3993 - SLOAN, JAMES P | 3,637.00 |
| 7862 | 1489 - SMALLEY, JOHN H | 1,437.50 |
| 7863 | 2257 - STAPLES | 178.47 |
| 7864 | 43 - STAPLES CREDIT PLAN, INC. | 34.33 |
| 7865 | 2056 - SUBURBAN PROPANE, LP. | 2,579.95 |
| 7866 | 1215 - SUSSEX & WARREN TAX COLL | 30.00 |
| 7867 | 3851 - THE CANNING GROUP, LLC. | 541.66 |
| 7868 | 676 - THE EQUITABLE | 5,740.00 |
| 7869 | 2675 - TIRE KING, INC. | 1,068.00 |
| 7870 | 2880 - TRACTOR SUPPLY | 74.99 |
| 7871 | 4328 - TREE KING INC. | 1,800.00 |
| 7872 | 219 - TRI-STATE RENTALS, INC. | 56.00 |
| 7873 | 4305 - UGI ENERGY SERVICES LLC | 14,398.40 |
| 7874 | 1280 - VERIZON WIRELESS, INC. | 1,706.53 |
| 7875 | 1500 - WALMART | 368.00 |
| 7876 | 633 - WEIS MARKETS, INC. | 162.08 |
| 7877 | 382 - WELDON ASPHALT COMPANY, INC. | 255.47 |
| 7878 | 1656 - WILDFLOWERS WITH TAMI | 90.00 |
| TOTAL | | 1,336,581.50 |

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

| | | | |
|---|-------------|---------------|-----|
| Deputy Mayor Couce (Abstain on #95-2023 and checks #7800, #7851, and #7852) | Yes | Mr. Dickson | Yes |
| Mrs. Diglio (abstain on #95-2023) | Yes | Mrs. Le Frois | Yes |
| | Mayor Teets | Yes | |

OPEN TO THE PUBLIC

Mayor Teets opened the meeting to the public.

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

DISCUSSION

Mr. Russo note stated the discussion with Laracy Associates, LLC on Water and Sewer rates has been carried to the March 13th meeting at 7:00pm.

COUNCIL MANAGER COMMENTS – None.

EXECUTIVE SESSION – None.

February 27, 2023

ADJOURMENT

There being no further business to be conducted, upon motion of Mr. Dickson seconded by Mrs. Diglio and unanimously carried, the regular meeting was adjourned at 7:22 pm.

Respectfully submitted,

Teresa A. Oswin

Teresa A. Oswin, RMC
Municipal Clerk