

March 27, 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 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 Eric 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 Mr. Dickson and carried, the minutes for the February 22, 2023, Budget meeting were approved as presented.

Upon motion by Mrs. Diglio seconded by Mr. Dickson and carried, the minutes for the March 13, 2023, Budget meeting were approved.

**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.

Andrea Vaccariello, 26 Church Street read the following statement:

*"My name is Andrea Vaccariello, I'm one of the few homeowners on Church Street, the core of the historic district, and I would like to denounce discrimination against me and my family that has been going on for months, perpetrated by the zoning officer in charge Kerry Brown. Because of a complex situation in my private backyard, Mrs. Brown led my neighbors to believe that the back of my property, which I share with DASI (Domestic Abuse Services) was open to public use, and last week, this resulted in mayhem, with my neighbors yelling at me that I was stealing public property from the town. Neighbors who wanted to take advantage and park in my backyard said they were authorized by Kerry Brown to go into my property to take pictures of everything, violating my private property rights. Police were involved and asked the zoning officer to clarify what was public versus private, but she said the property was affected by a "public" easement. We asked for an official legal document that proved that, but she wasn't able to produce any. There is no document that states my backyard has to stay open for these neighbors to drive anywhere they please. Because of this, five properties started fighting, with the police called three times in a single day. After days, zoning started sending me daily summons, out of the blue, every single day, for a flimsy traffic delineator that I have in my backyard that separates my property from a passageway that also belongs to me. She accused me of erecting a fence and a wall that do not exist. She unilaterally decided that I had to provide more space for cars. She has no right to take my private property from me and convert into a driveway for my neighbors. One of the people roaming free is a*

*convicted felon who is guilty of illegal possession of MR-15, he said (on video) that he was authorized by Kerry Brown. Taking private property is against the Fifth Amendment in the US Constitution. Because of the zoning officer's misinformation, I lost control over my private property, and put all of us, DASl guests included, in a dangerous situation. This is the cherry on top of the pie, after two years of her giving me a hard time for everything, lack of information and explanation, it is obvious that this is based on pure discrimination towards me and my family, a same-sex couple who came from different countries who have never been taken seriously, two men were always denied a meeting with her. Last week, I tried to talk to her here and she literally walked out of her office, went downstairs to the registrar's office and shut the door. She even said that she didn't want to engage in conversation with me, only through email. How can this be allowed in 2023? This is not 1950. I've never been sent an official warning before the summons, no time to remedy, never a meeting to understand. I work in a public school, I'm a high school teacher, I'm educated, and such a continuous harassment, do you know what we call it there? Bullying, driven by mere personal reasons, and you all need to know how your homeowners are treated by one of your officials. This doesn't end here, so I am requesting a private meeting with the town manager to get out of this nightmare."*

Mary Louise Hutchinson, High Street stated she has lived all over the country and always comes back to Newton. She is appalled by the things that are going on and the harassment of her neighbors. She called Kerry Brown about the matter and was told by her she is not involved; she disagrees because it involves her property. She has invited Kerry to come to her property and she hasn't come. She says these two gentlemen are so polite and nice and she cannot believe the way Kerry Brown is treating them.

Yoshua Lamboy, 64 High Street stated he has many phone calls and emails to Kerry Brown, and she takes forever to get back to him. She has never been to his property; no Town officials have. He said Kerry Brown doesn't take him seriously and gives him a hard time. He is requesting a meeting with the Town Manager.

Neil Flaherty, came forth and thanked Tom Russo for his prompt response to his email about Ordinance 2023-6 in which a flat fee for capital improvements is being imposed on the water and sewer bills. He agrees in the need for increase in the rates and believes the Capital Improvement Fee is necessary but feels it penalizes those that use a lower amount. He hopes the Council would consider a sliding scale for the fee next year.

On Zoom, Margaret Baldini, 10 Barry Lane questioned what the \$25,000 more for the swimming pool in Ordinance 2023-5 was for.

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

**COUNCIL & MANAGER REPORTS**

**Town Manager Russo** – stated Ordinance 2023-5 for was being put toward renovations on the Kiddie Pool. He then asked Mr. Bernstein to address the matter at 26 Church Street.

Mr. Bernstein advised the Council he is familiar with the issues at 26 Church and is currently conducting an investigation with Mr. Russo's office and other staff. He will keep the Governing Body in loop as the investigation continues accordingly.

**Councilman Dickson** – stated he attended the March 14<sup>th</sup> EDC meeting, it was a light agenda. The members were given updates on the projects and events. On March 18<sup>th</sup> he attended the St. Patrick's Day parade. It was a great event; the weather was perfect. He thanked Sandy Diglio, Kimberly Williams, the Fire Department, and the Department of Public Works, who are the backbone of all our events. He is looking forward to participating more in the future.

**Councilwoman Diglio** – on March 18<sup>th</sup> the St. Patrick's Day parade was held. She wanted to personally thank the DPW, Police, Chamber of Commerce, Mark Hontz for emceeing, and Kimberly Williams for live streaming. On March 23<sup>rd</sup> the *Toast to the Stars* luncheon hosted by the Sussex County Chamber of Commerce. She offered congratulations to the all the winners she wanted to recognize those from Newton. Benny's Bodega received the "Quality in Living" award, Robert Boyle of Planet Networks, received the Entrepreneur of the Year award, D.A.S.I., received the Non-Profit of the Year award, Thorlabs, received the Workplace of the Year award, and Becky Carlson, received the Business Person of the Year award. They were all well deserving. Plans are progressing on the Memorial Day parade.

**Councilwoman Le Frois** – she wanted to echo what was said about the St. Patrick's Day parade. It was a great event. Thanks to the parade committee and the Newton Fire Department. She thinks it might have been the best attended one. She talked to business owners on Spring Street and they said they were happy the parade has people returning. On Sunday, March 19<sup>th</sup> she attended the Senior Luncheon. She thanked Danielle Finkle and the Recreation Commission for organizing this event. After the luncheon the Senior attend the performance of "9 to 5", she thanked the Newton High School and cafeteria staff for hosting and providing the lunch. She wanted to let everyone know the Newton preschool program at Camp Auxilium will be hosting an open house on April 24<sup>th</sup>. This is a wonderful program and best of all it is free. The Newton High School F.B.L.A. team which consists of about 60 students, competed in the State Leadership competition in Atlantic City, 25 won awards, 12 move on to compete on a national level in Atlanta. Great work by all.

**Deputy Mayor Couce** – apologized for not attending in person, he was feeling under the weather. He asked for clarification if the matter that was brought forth about 26 Church Street was a continuation of a matter that came before the Planning Board. Mr. Bernstein advised, yes it appears to part of a previous Planning Board matter. Mr. Couce then stated he agrees with Mr. Flaherty on possibly doing a sliding scale rate on the water/sewer capital improvement fee.

**Mayor Teets** – wanted to echo all the great things that were said about the St. Patrick's Day parade. It was a great event, the Fire Department, Police Department, Department of Public Works, and the parade committee all stepped up and set the bar pretty high

for future parades. She also stated for the Egg Hunt on April 8<sup>th</sup> she put in an order for good weather.

**UNFINISHED BUSINESS** – None.

**ORDINANCES**

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

**ORDINANCE 2023-2**

**BOND ORDINANCE RESTATING AMENDING BOND ORDINANCE  
NUMBER 2020-10 FINALLY ADOPTED BY THE TOWN COUNCIL OF THE  
TOWN OF NEWTON, NEW JERSEY ON JUNE 22, 2020**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION ONE:**

The Town Council of the Town of Newton has ascertained and determined to restate Bond Ordinance Amending Bond Ordinance #2020-10 is restated as follows:

“Section 1. The Bond Ordinance of the Town Council of the Town of Newton, in the County of Sussex, New Jersey (the “Town”) entitled “Bond Ordinance Providing For The Memory Park Drainage Improvement Project In And By The Town Of Newton, In The County Of Sussex, New Jersey, Appropriating \$555,000 Therefor And Authorizing The Issuance Of \$555,000 Bonds Or Notes Of The Town To Finance Part Of The Cost Thereof” finally adopted on June 22, 2020 (the “Ordinance”) is hereby incorporated by reference in its entirety.

Section 2. (a) The Ordinance is hereby amended by (a) deleting the reference of “\$555,000” for the appropriation and estimated cost and “\$555,000” for the estimated maximum amount of bonds or notes and substituting in lieu therefor “\$2,000,000” and “\$2,000,000”; and (b) deleting the reference to “\$190,000” for Section 20 costs and substituting in lieu therefor “\$400,000”.

(b) The Ordinance is hereby further amended in Section 3(a) in its entirety as follows:

“The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Memory Park Drainage Improvement Project consisting of the improvement of drainage at the Babe Ruth League Baseball Field located at Memory Park, various stormwater improvements including but not limited to gray and green infrastructure, modification to the existing rain garden, modification of existing impervious parking lot to pervious parking lot, dredging of nearby Moore's Brook, and associated engineering professional services for permitting, design, bid, and construction phase services.”

Section 3. The capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$2,000,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.”

**SECTION TWO:**

The restated bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Teets 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 Mr. Dickson who moved its adoption, seconded by Mrs. Le Frois, and roll call resulted as follows:

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

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

**ORDINANCE 2023-3**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$4,113,300 FOR THE CONSTRUCTION OF SPARTA AVENUE PUMP STATION IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$4,113,300 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$4,113,300. No down payments is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this Bond Ordinance.

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$4,113,300 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$4,113,300 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the construction of Sparta Avenue pump station, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Town Clerk.

The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$4,113,300.

The estimated cost of the Improvement is \$4,113,300 which amount represents the initial appropriation made by the Town.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial

Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

The capital budget of the Town is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Town Clerk and is available for public inspection.

The following additional matters are hereby determined, declared, recited, and stated:

The Improvement described in Section 3 of this Bond Ordinance is not a current expense and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 40 years.

The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Town Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$4,113,300 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

This Bond Ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Any funds or grant monies received for the purpose described in Section 3 of this Bond Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The

obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$4,113,300.

SECTION 11.

Bond Ordinance 2021-16 is hereby canceled in its entirety.

SECTION 12:

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

Mayor Teets 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 Mr. Dickson who moved its adoption, seconded by Mrs. Le Frois, and roll call resulted as follows:

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

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-4**

**SUPPLEMENTAL BOND ORDINANCE PROVIDING FOR IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT-DIGESTER OPERATION IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,006,292 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,006,292 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

The aforementioned **ORDINANCE** was offered by Mrs. Diglio who moved its introduction, seconded by Mrs. Le Frois, 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, April 10, 2023 at 7:00 pm.

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-5**

**AN ORDINANCE PROVIDING FUNDING FOR SWIMMING POOL RENOVATIONS FOR THE TOWN OF NEWTON AND APPROPRIATING \$25,759.97 FOR SUCH PURPOSE**

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, April 10, 2023 at 7:00 pm.

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-6**

**AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING NEWTON TOWN CODE SECTION 100-19 REGARDING WATER AND SEWER CONNECTION FEES AND SECTION 228-18 REGARDING WATER AND SEWER REGULATIONS**

Mrs. Le Frois stated her thanks to Mr. Flaherty for his review and suggestions on this ordinance.

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois who moved its introduction, seconded by Mr. Dickson, 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, April 10, 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 #114-2023\***

**“Resolution to Authorize the Hiring of Certain Police Officers”**

**WHEREAS**, it is the desire of the Town of Newton to hire police officers; and

**WHEREAS**, the Town of Newton Police Department staff conducted background checks and interviewed Police Officer candidates in accordance with all Civil Service guidelines; and

**WHEREAS**, the Town Manager and Newton Police Chief recommend the hiring of the following police officer candidates:

Robert Martin, as a Temporary Appointment, at \$42,895/year, in accordance with N.J.S.A. 11A:4-1.3.

Donald Wagner, as a Temporary Appointment, at \$42,895/year, in accordance with N.J.S.A. 11A:4-1.3.

**WHEREAS**, the Chief Financial Officer has certified there will be sufficient funds available;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, we hereby approve the hiring of said Police Officers:

Robert Martin effective – March 13, 2023

Donald Wagner effective – April 10, 2023

**RESOLUTION #115-2023\***

**“Resolution to Cancel Grant Receivable and Appropriated Reserve for Unrealized Municipal Alliance Grant 2021/2022 in the Amount of \$933.40”**

**WHEREAS**, the Town of Newton received an award in the amount of \$6,037.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex which was appropriated in the 2021 Municipal Budget for a Municipal Alliance Grant; and

**WHEREAS**, the total costs expended and approved amounted to \$5,103.60; and

**WHEREAS**, there is a grant receivable balance of \$933.40 (due from the County of Sussex, State of New Jersey for Municipal Alliance) on the Federal and State Grant balance sheet and an appropriated reserve of the same amount; and

**WHEREAS**, it is necessary to formally cancel the receivable balance and its offsetting appropriation balance from the Federal and State Grant Fund balance sheet;

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton that we hereby cancel the following grant receivable and appropriated reserve balance:

**Federal & State Grant Fund**

Grant Receivable – Municipal Alliance #1101387 \$933.40

Appropriated Reserves – Municipal Alliance Grant #1112387 \$933.40



**2023 APRIL TEMPORARY WATER AND SEWER BUDGET**

**2023 APRIL  
TEMPORARY  
BUDGET**

**2022 BUDGET**

Salaries and Wages	\$1,189,198	\$99,060
Other Expenses	2,384,900	198,662
DCRP	1,400	117
PE R S	35,500	2,957
Unemployment	4,300	358
Social Security System	<u>87,100</u>	<u>7,256</u>
	3,702,398	308,410
	x <u>.0833</u>	
	\$ 308,410	

**TOTAL 2023 APRIL TEMPORARY WATER & SEWER BUDGET**

**\$308,410.**

ACCOUNT NUMBER	APPROPRIATIONS	2022 BUDGET	0.0833	2,023 April Interface
1050100	TOWN MANAGER'S OFFICE - SALARY & WAGES	151,000		12,578
1050200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	72,550		6,043
1051100	TOWN CLERK'S OFFICE - SALARY & WAGES	146,200		12,178
1051200	TOWN CLERK'S OFFICE - OTHER EXPENSES	25,600		2,132
1051500	ELECTIONS - OTHER EXPENSES	12,100		1,008
1052100	TOWN COUNCIL - SALARY & WAGES	10,000		833
1052200	TOWN COUNCIL - OTHER EXPENSES	5,000		417
1053100	HUMAN RESOURCE - SALARY & WAGES	44,700		3,724
1053200	HUMAN RESOURCE - OTHER EXPENSES	8,450		704
1054100	FINANCE ADMINISTRATION - SALARY & WAGES	94,200		7,847
1054200	FINANCE ADMINISTRATION - OTHER EXPENSES	11,050		920
1054300	FINANCE ADMINISTRATION - AUDIT SERVICES	16,600		1,383
1055100	ASSESSMENT OF TAXES - SALARY & WAGES	59,800		4,981
1055200	ASSESSMENT OF TAXES - OTHER EXPENSES	34,000		2,832
1056100	COLLECTION OF TAXES - SALARY & WAGES	44,700		3,724
1056200	COLLECTION OF TAXES - OTHER EXPENSES	11,700		975
1058200	LEGAL SERVICES - OTHER EXPENSES	205,000		17,077
1059100	MUNICIPAL COURT - SALARY & WAGES	138,600		11,545
1059200	MUNICIPAL COURT - OTHER EXPENSES	21,300		1,774
1060200	ENGINEERING - OTHER EXPENSES	41,750		3,478
1061200	BUILDINGS & GROUNDS - OTHER EXPENSES	137,100		11,420
1062100	PLANNING/ZONING ADMIN - SALARY & WAGES	91,161		7,594
1062200	PLANNING BOARD - OTHER EXPENSES	45,300		3,773
1063100	HISTORIC - S&W	1,500		125
1063200	HISTORIC COMMISSION - OTHER EXPENSES	2,400		200
1064100	COMMUNITY DEVELOPMENT - SALARIES/WAGES	35,800		2,982
1064200	COMMUNITY DEVELOPMENT - OTHER EXPENSES	33,750		2,811
1065300	SHADE TREE COMM - OTHER EXPENSES	1,000		83
1065400	ECONOMIC DEVELOPMENT COMM - OTHER EXP	1,000		83
1066200	EMPLOYEE GROUP INSURANCE - OTHER EXPENSE	1,736,849		144,680
1066300	HEALTH BENEFIT WAIVER	33,300		2,774
1067200	WORKMEN'S COMP INSURANCE - OTHER EXPENSE	168,700		14,053
1069200	OTHER INSURANCE PREMIUMS - OTHER EXPENSE	110,900		9,238
1070200	FIRE DEPARTMENT - OTHER EXPENSES	29,200		2,432
1072200	Aid to Volunteer Fire Depts - Other Expense	13,000		1,083
1073100	CENCOM - SW	466,840		38,888
1074100	POLICE DEPARTMENT - SALARY & WAGES	3,069,718		255,708
1074200	POLICE DEPARTMENT - OTHER EXPENSES	113,900		9,488
1074300	COMMUNICATIONS CENTER - OTHER EXPENSES	120,000		9,996
1075100	PARKING METERS - SALARY & WAGES			-
1076200	AID TO FIRST AID ORGANIZATION - OTHER EX	25,000		2,083
1077100	INSPECTION OF BUILDINGS - SALARY & WAGES	26,090		2,173
1077200	INSPECTION OF BUILDINGS - OTHER EXPENSES	1,600		133
1077400	CODE ENFORCEMENT - SALARIES & WAGES	54,000		4,498
1077500	CODE ENFORCEMENT - OTHER EXPENSES	3,200		267
1078100	EMERGENCY MANAGEMENT - SALARY & WAGES	12,000		1,000
1078200	EMERGENCY MANAGEMENT - OTHER EXPENSES	12,250		1,020
1079100	MISC OPERATING EXPENSE - S&W	1,000		83
1079200	MISC OPERATING EXPENSE - OE	1,000		83
1080100	ROAD REPAIR & MAINT - SALARY & WAGES	632,687		52,703
1080200	ROAD REPAIR & MAINT - OTHER EXPENSES	98,950		8,243
1081100	SNOW REMOVAL - SALARY & WAGES	59,000		4,915
1081200	SNOW REMOVAL - OTHER EXPENSES	95,000		7,914
1082200	STORMWATER/FLOOD CONTROL - OTHER EXPENSE	17,500		1,458
1083100	RECYCLING/SANITATION - SALARY & WAGES	1,600		133
1083200	RECYCLING/SANITATION - OTHER EXPENSES	55,000		4,582
1083300	VEHICLE MAINTENANCE - OTHER EXPENSES	150,000		12,495
1084200	BOARD OF HEALTH - OTHER EXPENSES	1,850		154
1085100	OCCUPATIONAL HEALTH - SALARY & WAGES	4,050		337
1085200	OCCUPATIONAL HEALTH - OTHER EXPENSES	7,100		591
1087100	RECREATION - SALARIES & WAGES	45,550		3,794
1087200	RECREATION - OTHER EXPENSES	16,750		1,395
1089200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	461,300		38,426
1090100	SWIMMING POOL - SALARY & WAGES	103,979		8,661
1090200	SWIMMING POOL - OTHER EXPENSES	39,150		3,261
1091100	PARKS & PLAYGROUNDS - SALARY & WAGES	69,600		5,798
1091200	PARKS & PLAYGROUNDS - OTHER EXPENSES	35,000		2,916
1092200	CELEBRATION OF PUBLIC EVENTS - OE	22,000		1,833
1093100	OMNIBUS DRIVERS - S&W	42,500		3,540
1093200	SENIOR CITIZEN PROGRAM - OTHER EXPENSE	3,300		275
1094400	UNCLASSIFIED -S&W - ACUUMULATED ABSENCE	1,000		83
1094500	LOSAP	48,000		3,998
1094550	RECYCLING TAX (PL2007 c.311)O/S CAP	400		33
1094570	RES TAX APPEALS	15,000		1,250
1094575	STATE OF EMERGENCY - CORONAVIRUS	0		
1094710	INTERLOCAL - PARKING AUTHORITY	45,000		3,749
1094795	INTERLOCAL - ANIMAL CNTRL (was Dog 1087200)			
1094797	INTERLOCAL - TAX COLLECTOR	21,400		1,783
1094796	INTERLOCAL - UNIF CONSTR CODE (HDSTN)	3,000		250
1094798	INTERLOCAL - GREEN TWP COURT	47,000		3,915
1094800	PUBLIC & PRIVATE PROGRAMS O/S CAP	314,516		26,199
1097200	DEFERRED CHARGES - OE	0		
1098294	STAT. EXPEND. - DCRP	10,000		833
1098296	STAT. EXPEND. - PERS	354,496		29,530
1098297	STAT. EXPEND. - PFRS	735,870		61,298
1098298	STAT. EXPEND. - SOCIAL SECURITY	250,000		20,825
1098299	STAT. EXPEND. - UNEMPLOYMENT	6,000		500
1099200	Reserve for uncollected Taxes	555,908		46,307
	<b>TOTAL APPROPRIATIONS SUBJECT TO 26.25% INCREASE</b>	<b>11,871,314</b>		<b>988,880</b>
	<b>APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE</b>			
1095200	CAPITAL IMPROVEMENTS - OTHER EXPENSES	215,000.00		
1096200	DEBT SERVICE - OTHER EXPENSES	2,288,451.00		
	<b>TOTAL CURRENT 20212 SUBJECT TO A TEMP BUDGET</b>	<b>14,374,765.00</b>		
101810	Budget Operations			
	<b>TOTAL CURRENT TEMPORARY 2023 BUDGET</b>			

**RESOLUTION #118-2023\***

**“Resolution Reappointing Monica B. Miebach as Chief Financial Officer”**

**WHEREAS**, the Town of Newton requires the services of a Chief Financial Officer to perform certain duties including but not limited to those set forth in N.J.S.A. 40A:9-140.10; and

**WHEREAS**, by adoption of Resolution 206-2019 on October 16, 2019, the Town appointed Monica B. Miebach to the position of Chief Municipal Finance Officer, effective November 1, 2019 for a term of four (4) years beginning January 1, 2019 continuing through December 31, 2022 as outlined in N.J.S.A. 40A:9-140.10; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-140.8, any person who has served as the Chief Financial Officer of a municipality for four (4) consecutive years and who is reappointed as that municipalities Chief Financial Officer shall be granted tenure of office upon filing with the Clerk of the municipality and with the Division of Local Government Services in the Department of Community Affairs a notification evidencing this compliance; and

**WHEREAS**, the Town Manager of the Town of Newton wishes to reappoint Monica B. Miebach, CMFO, to be the Chief Financial Officer of the Town of Newton in accordance with all applicable ordinances and statutes; and

**WHEREAS**, it is now necessary for the Town Council to provide its advice and consent to said appointment;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Monica B. Miebach is hereby reappointed to serve as Chief Financial Officer for the Town of Newton effective January 1, 2023, a copy of this Resolution shall be filed with the Division of Local Government Services in the Department of Community Affairs as evidence of Ms. Miebach's compliance with N.J.S.A. 40A:9-140.8; and

**BE IT FURTHER RESOLVED**, that notice of this Resolution shall be made available in the Clerk's office for reasonable inspection in accordance with applicable law.

Resolution #119-2023*										
Amendment to the Temporary Budget										
WHEREAS, the local Capital Budget for the year 2023 was introduced on March 13, 2023 and has not been adopted; and										
WHEREAS, it is desired to introduce a Capital Ordinance;										
WHEREAS, N.J.A.C. 5:30-4.4B provides that the Capital Budget of a Governing Body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget.										
NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, that the 2023 Temporary Capital Budget shall be amended to reflect the introduction of Ordinance 2023-5, in the amount of \$25,759.97 for the Pool Renovations.										
Recorded Vote (Insert Names)										
Abstain (										
(										
(										
Ayes (										
Nays (										
Absent (										
(										
(										
WATER/SEWER CAPITAL BUDGET (Current Year Action)										
2023										
Planned Funding Services for Current Year 2023										
1	2	3	4	5a	5b	5c	5d	5f	Total Funded	
Project	Project Num.	Est. Total Cost	Amt. Res. In Prior Years	2022 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants in Aid/Other Fund	Debt Authorized	In Future Year	
Pool Renovations	2023-9	\$ 25,759.97					\$ 25,759.97			
Total All Projects		\$ 25,759.97					\$ 25,759.97			
SIX YEAR CAPITAL PROGRAM 2023 TO 2028										
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS										
Funding Amounts Per Year										
1	2	3	4	5	2023	2024	2025	2026	2027	2028
Project	Project Num.	Est. Total Cost	Estimated Completion Time	Capital Improvement Fund 2022 Budget						
Pool Renovations	2023-9	\$ 25,759.97	2023	\$ 25,759.97						
Total All Projects		\$ 25,759.97		\$ 25,759.97						
SIX YEAR CAPITAL PROGRAM 2023 - 2028										
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS										
Project	2	3		4	5	6	7 Bonds and Notes			
		Estimated Total Cost	Budget Appropriation Current Year Future Years				Capital Improv. Fund	Capital Surplus	Grants In Aid-Other Funds	General
Pool Renovations	\$ 25,759.97					\$ 25,759.97				
Total All Projects	\$ 25,759.97					\$ 25,759.97				
BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.										

**RESOLUTION #120-2023\***

**“Authorizing the Town of Newton to Enter into a Shared Services Agreement with the County of Sussex, New Jersey for Traffic Signal Maintenance”**

**WHEREAS**, the Town of Newton owns certain traffic signals and flashing warning devices within its jurisdiction that need to be maintained, repaired, and upgraded to keep them in good repair and working condition; and

**WHEREAS**, the Town of Newton and the County of Sussex have determined it would be mutually beneficial to enter into a Shared Services Agreement, whereby the Office of Bridge and Traffic Safety within the Sussex County Division of Engineering, would provide these traffic device services to the Town; and

**WHEREAS**, the Town of Newton and the County of Sussex desire to enter into a Shared Services Agreement through December 31, 2025 for maintenance of Newton's traffic signals and flashing warning devices; and

**WHEREAS**, the parties have the authority to enter into a contract for the joint provision of the services pursuant to N.J.S.A 40A:65-1, et seq.;

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

1. The Town Manager of the Town of Newton is hereby authorized to execute a Shared Services Agreement between the Town of Newton and the County of Sussex, New Jersey for maintenance of Newton's traffic signals and flashing warning devices.
2. This Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be forwarded to Ron Tappan, Administrator, County of Sussex, and to the Division of Local Government Services and Department of Community Affairs.

**RESOLUTION #121-2023\***

**“Appointment of Orlando R. Rodriguez, Esq., as the Town of Newton's Alternate Public Defender for Calendar Year 2023”**

**WHEREAS**, Daniel P. Agatino, Esq., currently serving as the Town of Newton's Public Defender, has indicated an Alternate Public Defender may be needed occasionally by the Town of Newton during calendar year 2023; and

**WHEREAS**, it is agreed any public defender appointed by a municipality in the County can provide public defender services to the Town of Newton in the event an alternate is needed to defend in the absence of Daniel P. Agatino, Esq., in the case of an attorney conflict, or in addition to Daniel P. Agatino, Esq.; and

**WHEREAS**, Orlando R. Rodriguez, Esq., has expressed an interest in serving as Newton's Alternate Public Defender; and

**WHEREAS**, Orlando R. Rodriguez, Esq., has agreed to perform the services of Deputy Municipal Public Defender at a rate of \$150.00 per client, with an amount not to exceed \$1,500.00, which the Newton Town Council deems fair and equitable for said professional services; and

**WHEREAS**, the Town of Newton's Chief Financial Officer certifies funds will be provided in the 2023 Municipal Current Budget – ‘Legal Services – Other Expenses’ for expenditures pertaining to this open-ended contract for said municipal matters; 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 Orlando R. Rodriguez, Esq., as the Town of Newton's Alternate Public Defender for the calendar year 2023.

**RESOLUTION #122-2023\***

**“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**

<b>Check#</b>	<b>Vendor#</b>	<b>Name</b>	<b>Check Total</b>
947	3897 -	AMAZON CAPITAL SERVICES .....	311.52
7948	3897 -	AMAZON CAPITAL SERVICES .....	237.17
7949	1132 -	BOONTON TIRE SUPPLY INC. ....	20.80
7950	300 -	BRIGHTSPEED .....	41.77
7951	300 -	BRIGHTSPEED .....	3,296.14
7952	300 -	BRIGHTSPEED .....	58.16
7953	300 -	BRIGHTSPEED .....	73.30
7954	286 -	CURRENT ACCOUNT .....	93,825.00
7955	4386 -	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP .....	5,137.80
7956	4386 -	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP .....	4,255.90
7957	3685 -	DELAWARE RIVER BASIN COMMISSION .....	1,848.00
7958	4673 -	DEVO & ASSOCIATES LLC .....	18.98
7959	2136 -	DRAEGER, INC. ....	179.00
7960	106 -	ELIZABETHTOWN GAS .....	4,506.02
7961	4385 -	ERIC M. BERNSTEIN & ASSOCIATES, LLC. ....	4,115.65
7962	4650 -	FINKLE DANIELLE .....	115.00
7963	3318 -	FREDON ANIMAL HOSPITAL .....	50.00
7964	4536 -	GATEHOUSE MEDIA NEW YORK HOLDINGS, INC. ....	79.17
7965	4506 -	GLENN C KIENZ .....	800.00
7966	789 -	GNCC .....	740.00
7967	2313 -	GRAVITY DESIGN WORKS, INC. ....	3,000.00
7968	3804 -	HAYDEE BALLESTER .....	140.00
7969	272 -	HOLZHAUER, SCOTT .....	115.00
7970	4620 -	HQW ARCHITECTS, LLC. ....	14,425.00
7971	1462 -	INSTITUTE PROFESSIONAL DEVELOP .....	50.00
7972	3235 -	J. CALDWELL & ASSOCIATES, LLC. ....	6,195.00
7973	4670 -	JCM ASSOCIATES .....	369.90
7974	113 -	JCP&L .....	18,710.29
7975	3644 -	JOHNNY ON THE SPOT, LLC. ....	195.00
7976	3711 -	KKPR MARKETING & PUBLIC RELATIONS, .....	800.00
7977	4593 -	KRAVITZ KIMBERLY J .....	600.00
7978	2278 -	LANGUAGE LINE SERVICES, INC. ....	15.30
7979	4227 -	LAW OFFICE OF DANIEL P. AGATINO, LLC. ....	1,333.34
7980	1231 -	MILLER, JASON .....	200.00
7981	170 -	NEWTON BOARD OF EDUCATION .....	1,110,506.41
7982	240 -	NEWTON FIRST AID SQUAD .....	6,250.00
7983	4656 -	PAULUS, SOKOLOWSKI & SARTOR LLC .....	10,597.50
7984	64 -	PELLOW, HAROLD & ASSO, INC. ....	4,359.88
7985	64 -	PELLOW, HAROLD & ASSO, INC. ....	10,207.75
7986	2788 -	PENTELEDATA .....	319.90
7987	4126 -	PROFESSIONAL CONSULTING INC. ....	25,835.50
7988	4034 -	R & J CONTROL INC. ....	15,203.00
7989	61 -	S K OFFICE SUPPLY INC. ....	150.00
7990	4644 -	SIEGEL, STEVEN M. ....	2,875.00
7991	3993 -	SLOAN, JAMES P. ....	3,636.99
7992	1489 -	SMALLEY, JOHN H .....	1,437.50

7993	2257 -	STAPLES .....	129.34
7994	43 -	STAPLES CREDIT PLAN, INC. ....	739.94
7995	273 -	STATE TREASURER .....	50.00
7996	1029 -	SUSSEX COUNTY CLERK'S ASSN .....	40.00
7997	3851 -	THE CANNING GROUP, LLC. ....	541.66
7998	676 -	THE EQUITABLE .....	5,690.00
7999	2675 -	TIRE KING, INC. ....	580.00
8000	4197 -	TOPOLOGY NJ, LLC. ....	5,134.75
8001	4305 -	UGI ENERGY SERVICES LLC .....	6,218.67
8002	1280 -	VERIZON WIRELESS, INC. ....	1,706.45
8003	2635 -	W.B. MASON, INC. ....	54.03
8004	1144 -	WEINER LESNIAK .....	2,196.00
8005	1656 -	WILDFLOWERS WITH TAMI .....	340.00
8006	2713 -	WILLIAM GRENNILLE, LLC. ....	5,100.00
8007	3726 -	WITMER PUBLIC SAFETY GROUP, INC. ....	1,846.26
<hr/>			
TOTAL			1,387,604.74

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

Deputy Mayor Couce (Abstain on check #7982)	Yes	Mr. Dickson	Yes
Mrs. Diglio (Abstain on check #7982)	Yes	Mrs. Le Frois	Yes
	Mayor Teets (Abstain on check #8005)	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** – None.

**COUNCIL MANAGER COMMENTS**

Mrs. Diglio asked about the composting grant. Mr. Russo advised he emailed DPW today and will have an update for her by the end of the week.

Mrs. Le Frois stated she really enjoyed the Tom Talk live last week. She really learned somethings about Chief Van Nieuwland.

Mr. Dickson agreed.

Mr. Couce asked if the question was answered on Ordinance 2023-5, stating the renovations were for the Kiddie Pool.

Mr. Russo stated he addressed Ms. Baldini's question.

**EXECUTIVE SESSION** – None.

**ADJOURMENT**

There being no further business to be conducted, upon motion of Mrs. Le Frois seconded by Mrs. Diglio and unanimously carried, the regular meeting was adjourned at 7:36 pm.

Respectfully submitted,



Teresa A. Oswin, RMC

March 27, 2023

Municipal Clerk