

June 12, 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, 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. Mrs. Le Frois was excused.

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. Couce and all those present voting yes, the minutes for the May 22, 2023, regular meeting were approved as presented.

#### **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 identify yourself and spell your last name."*

Mayor Teets opened the meeting to the public.

Blake Panio, 128 Main Street stated after 15 years they finally fixed the manhole on Route 206 in front of his house. Now, 122-124 Main Street had sewer connections put in almost 2 years ago. Since then, the pavement has become depressed, there are two big patches. Cars and trucks bounce down the road over the manhole which is now depressed again. It seems the cars speed down the road going 65 mph day and night. He has spoken to the Police Department and the State Police, they make a lot of promises, but the problem is not getting fixed. They do sit by the school once in a while, but that doesn't help him. The problem is from the Town Square to the Funeral Home there are probably five (5) speed limit signs, and they are all behind telephone poles or other signs, so they don't even exist. He doesn't understand why the Newton Police Department doesn't sit out there all day and night and pull over people and give them tickets. He has been pulled over and he lives there. The tractor trailers sound like an explosion. He invited the Council to stop by to hear it for themselves. He has reported it on a State level, but it seems to take five (5) to ten (10) years for anything to get done.

Next, Wayne McCabe, 125 High Street came forward to ask about the property at 75 High Street. It sits within the Historic District of the Town and has since 1988. Over the last three weeks ago the building was torn down. They started by renovating it and then all of a sudden, the rafters were taken out, the second floor went missing, the first floor went missing. Now all there is left is a masonry foundation with a ratty looking floor left and one 4 x 4. He checked and found out it was heard by the May meeting of the

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Historic Commission. The applicant got approval for renovations and the Planning Board confirmed it. There was never any discussion for demolition, but still, we have no building. This is the first time this has happened in 35 years, we have not had demolitions and sliding it in while nobody is watching what is going on. He asked the Council who fell asleep at the switch and caused this railroad disaster for us. We are now faced with the issue of a building that is no longer there, that was demolished without a permit. There are photographs of what the building used to look like. He suggests some action be taken by either the Historic Commission or the Planning Board or both, to tell the applicant he will have to build it back exactly the way it was to keep the continuity of the streetscape and prevent it from happening in the future. If this is allowed to happen without any repercussions to the owner, then our entire Historic District is in jeopardy.

Helen Heckman, 27 Donald Avenue came forward for a follow-up on the Dennis Library renovations. Mr. Russo emailed her and stated he was going to get in touch with Mr. Tappan, and if there was any update, he would let her know. She has not heard anything. Hopefully there is some movement. She has been working with Wendy Wipple, the librarian at the High School and there is now a coalition of people interested in seeing progress. The County holds all the power. Would the Council consider writing a resolution of support of the appropriate renovation as three other Town have done? Then she asked Mr. Russo if he had heard anything more?

Mayor Teets asked if anyone on Zoom would like to speak, they should use the raised hand feature.

There being no one else 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** – started by stating he would email Chief VanNieuwland after the meeting about the speeding on Route 206. Eric Bernstein can address the issue at 75 High Street at the conclusion of the Council comments. In response to Mrs. Heckman, he did speak to Mr. Tappan. The County still wants to make the improvements, the problem is the estimates have come in too high. They are seeking additional grant funding and finalizing the plans so they can do everything at once. He defers to the Council on whether or not they want to do a resolution of support. Mr. Tappan was adamant they wanted to see this project come to fruition but because of the cost differential, he is now seeking additional grant funding. Mr. Russo went on to state he has seen Town projects coming in much higher than estimated, but the County seems very interested to make this project work. They have professionals looking at the HVAC and ADA compliance. The major issue is funding. He advised the Mayor he had one (1) proclamation to be recorded into the record.

*Office of the Mayor*  
**Newton, New Jersey**



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on Friday. This one is personal as his daughter Olivia is one of the graduates. She is part of a great group of kids, also he wishes the 8<sup>th</sup> grade students at Halsted and 4<sup>th</sup> graders at Merriam good luck moving up. Mr. Dickson also stated for the record he is in support of a resolution of the library.

**Councilwoman Diglio** – Mrs. Diglio also stated she is in favor of a resolution for the library. On May 29<sup>th</sup> she directed the Memorial Day Parade and service at Memory Park. She thanked the parade committee, the GNCC, Police, DPW workers, and all those who participated in honoring and remembering the sacrifices of those who gave all and their families. On June 1<sup>st</sup> she had the honor of attending the Aperture Team Awards Dinner. She offered congratulations to the team for their continued success. On June 10<sup>th</sup> she worked Newton Day on Spring Street and in Memory Park. A special thanks to the GNCC President, Mel Dennison and the Executive Director, Tamrin for their efforts in planning the event. She also thanked the Town of Newton for a beautiful fireworks display and the musical entertainment at the park. Special thanks to the Police and a very big thank you to the DPW workers who were on duty from early morning to late evening. A great deal of planning and effort goes into this event, and it would not have happened without the help and cooperation of all those mentioned as well as the vendors and participants. Finally, she congratulated the 2023 graduating seniors and wished them the best for their futures.

**Councilwoman Le Frois** – excused.

**Deputy Mayor Couce** – following up on Mrs. Heckman's comments, he stated Ms. Wipple did touch base with him on Newton Day. They spoke extensively on the matter. Earlier today she sent him an email which he hasn't shared yet with his colleagues regarding the library. He will do so later tonight or tomorrow morning. The email contained the resolution Mrs. Heckman refers to from Fredon and Andover. He too is in favor of doing a resolution in support of the appropriate renovations for the library. To Mr. McCabe, he recognizes his concerns about 75 High Street. The Council received an update earlier today and then Mr. Russo stated Mr. Bernstein will make some comments on the matter very shortly. He certainly respects the Historic District, and we want to be careful that there aren't any slippery slope situations as he described. He is sure we will look into the matter as thoroughly as we can and figure out the best course of action. Lastly, he wanted to give a shout out to the DPW for collecting the brush around Town all month long.

**Mayor Teets** – echoed congratulations to the graduating class of 2023, the promotion and moving up ceremony for Halsted Street and Merriam Avenue schools. Her nephew Robert McCullough is one of the graduates. Congratulations to all the participants in the Little Miss & Mister and Miss Newton contest. It was a difficult job for the judges. She wished Abigail Gormley the best of luck at the New Jersey State Fair competition. As Mr. Russo mentioned the pool is opening on Saturday, and she will be there. She presented a proclamation to Eagle Scout Patrick McNulty. She appreciates all the scouts, the Town wouldn't be what it is without their help, from benches at the Dog Park to helping our Veterans and doing things at the VFW. Everyone should keep an eye out for sign-ups for

the Mural painting. It will be posted on social media soon. She is also in favor of a resolution for the library.

Mr. Russo asked Mr. Bernstein to address the 75 High Street matter. Mr. Bernstein stated his office became aware of a situation at 75 High Street from a phone call from Ms. Brown. She was instructed to advise the owner, who apparently did not receive a demolition permit, he is to return to the Historic Preservation Commission for a whole new application. She was to confirm with Mr. Kienz, the Planning Board attorney, that he would come back before the Board for a whole new application. All his approvals are to be held and any permits he wants be stopped. Hopefully we can put this building back to the way it was. He will be having a conversation in the next day or to regarding any other actions we take relative to the failure to obtain a demolition permit respective to how it mysteriously or miraculously came down. Mr. Bernstein will update the Council when he has more information, which may be as early as the next meeting.

**UNFINISHED BUSINESS** – None.

**ORDINANCES**

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

**ORDINANCE 2023-15**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CHAPTER 307, ENTITLED "VEHICLES AND TRAFFIC", ARTICLE III "TRAFFIC REGULATION", MOST NOTABLY, ADDING SECTION 307-17.3, ENTITLED "DISABLED OR INOPERABLE MOTOR VEHICLES"**

**WHEREAS**, the Town of Newton ("Town") has determined there is a need to amend, revise, and supplement Chapter 307 of the Newton Town Code entitled "Vehicles and Traffic", Article III, entitled "Traffic Regulation", in order to control and regulate inoperable and/or disabled motor vehicles in and about the Town of Newton on or in its public streets, public parking lots, public parking spaces, and public parks, most notably by adding a new Section 307-17.3, entitled "Disabled or Inoperable Vehicles."

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise, and/or supplement Chapter 307 of the Newton Town Code, entitled "Vehicles and Traffic", Article III, entitled "Traffic Regulation", most notably by adding a new Section 307-17.3, entitled "Disabled or Inoperable Vehicles" to read as follows:

**§ 307-17.3 Disabled Or Inoperable Motor Vehicles.**

(A) Definitions:

- (1) "Motor vehicle" shall include all automobiles, motor vehicles, and/or any other vehicles in any manner subject to Title 39 of the New Jersey Statutes.
- (2) "Unregistered" means any motor vehicle that is not currently registered with a state motor vehicle division or department.
- (3) "Inoperable motor vehicle" means any motor vehicle that is damaged and/or missing critical components, such as, but not limited to, the engine, transmission, wheels, tires and/or any other mechanical or automotive defect which renders the vehicle mechanically inoperative for lawful use on a public roadway or incapable of being moved under its own power; and, any motor vehicle without a currently valid registration or license plate.

- (4) "Major disassembly and disrepair" shall include, but not be limited to, any of the following common conditions of a vehicle: missing tire(s); vehicle on blocks, jack stands or similar supports; missing windshield; missing engine, transmission, alternator or generator, battery, axle, chassis or brakes; missing door(s); missing steering wheel; and/or, broken or missing driveshaft.
- (B) Except as otherwise provided in Section 307-17.3(D) below, any unregistered motor vehicle and/or inoperable registered motor vehicles and/or any motor vehicle in a state of major disassembly and disrepair, shall not be parked, kept, or stored outside on any public street, including any part or parts thereof, for more than ten (10) calendar days.
- (C) At no time shall any vehicle of any type undergo major overhauling, including, but not limited to, bodywork, substantial repair and/or restoration, on or about any public street, public parking lot, public parking spaces, or public parks or thoroughfare.
- (D) Covering an inoperable motor vehicle or an unregistered motor vehicle or a motor vehicle with major disassembly and disrepair is parked, kept or stored on or in a public street, public parking lot, public parking space, or public park or thoroughfare with a tarpaulin, cloth, canvas, or similar covering does not satisfy the requirements of this section.
- (E) At no time shall any vehicle of any type undergo major repairs on or in any public street, public parking lot, public parking space, or public park or thoroughfare, unless the vehicle is disabled due to a mechanical emergency, such as a flat tire, dead battery and/or overheated radiator, and for purposes of enabling the vehicle to be removed from the public street, public parking lot, public parking space, or public park. In no case shall any vehicle which is disabled due to a mechanical emergency remain on the public street, public parking lot, public parking space, or public park for more than twenty-four (24) consecutive hours. Failure to comply with same shall cause the provisions of this Section to be immediately applied.
- (F) Painting of motor vehicles on or in a public street, public parking lot, public parking space, or public park or thoroughfare is prohibited.
- (G) Violations and penalties. Any person who violates this Section shall be subject to a fine as follows:
- (1) First offense: One Hundred Dollars and No Cents (\$100).
  - (2) Second and subsequent offenses: Five Hundred Dollars and No Cents (\$500).
- (H) In addition to such penalties herein provided, an inoperable motor vehicle, an unregistered motor vehicle and/or a vehicle in a state of major disassembly or disrepair which is stored, maintained or parked in violation of this Section may be abated and/or removed by the Town of Newton Code Enforcement Director or their designee in accordance with such procedures made and provided in such cases.
- (I) For every day a violation exists/occurs as per these provisions of the Town Code, beyond the First Offense notice, the provisions of Section 307-17.3(G)(2) shall apply.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that:

- (1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.
- (2) This Ordinance shall take effect immediately upon due passage and publication in accordance with law.

Mayor 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 Mrs. Diglio who moved its adoption, seconded by Mr. Couce, and roll call resulted as follows:

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

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 307 OF THE CODE OF THE TOWN OF NEWTON ENTITLED "VEHICLES AND TRAFFIC" AND CHAPTER 100 OF THE CODE OF THE TOWN OF NEWTON ENTITLED "FEES AND COSTS" TO ESTABLISH REGULATIONS FOR PUBLIC PARKING SPACES FOR ELECTRIC VEHICLES**

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	Excused
	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, June 26, 2023 at 7:00 pm.

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-17**

**AN ORDINANCE PROVIDING FUNDING FOR IMPROVEMENTS TO MORRIS LAKE DAM GATE HOUSE FOR THE WATER/SEWER UTILITY FOR THE TOWN OF NEWTON AND APPROPRIATING \$177,396.55 FOR SUCH PURPOSE**

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

Deputy Mayor Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Excused
	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, June 26, 2023 at 7:00 pm.

Mayor Teets read aloud the following Ordinance relative to introduction.

**ORDINANCE 2023-18**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT SECTION 320-28 "CONDITIONAL USES" OF THE ZONING CODE OF THE TOWN OF NEWTON TO REGULATE THE NUMBER OF APPROVED CANNABIS RETAIL FACILITIES AND DELIVERY BUSINESSES IN CERTAIN ZONES WITHIN THE TOWN OF NEWTON**

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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	Excused
	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, June 26, 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 #167-2023\***

**“Resolution Designating June as “LGBTQIA+ Pride Month” in the Town of Newton”**

**WHEREAS**, persons who are lesbian, gay, bisexual, transgender, queer, or members of other communities (LGBTQIA+) have been subject to violence, harassment, and other forms of discrimination based solely on their sexual orientation, gender expression, and gender identity; and

**WHEREAS**, the Stonewall Uprising occurred on June 28, 1969, and was a form of unjust discrimination against LGBTQIA+ citizens of New York City and representative of such historical injustice across America and the world; and

**WHEREAS**, the massacre at the Pulse Nightclub, an LGBTQIA+ bar in Orlando, FL, on June 12, 2016, claimed the lives of 50 people and was the deadliest shooting in American history at that time; and

**WHEREAS**, according to the U.S. Centers for Disease Control, LGBTQIA+ youth have an increased risk for suicide, depression, and substance abuse due to higher rates of bullying, harassment, and violence; and

**WHEREAS**, the American Psychological Association has declared LGBTQIA+ relationships are part of the normal forms of human experience and advocates for civil rights protections for the same; and

**WHEREAS**, the Supreme Court of the United States has ruled, in the matter of OBERGEFELL v. HODGES, that the Fourteenth Amendment to the Constitution of the United States requires states to recognize the marriage of individuals of the same sex due to its guarantee of "equal protection of the laws" for all citizens born or naturalized; and

**WHEREAS**, the "New Jersey Law Against Discrimination" (N.J.S.A. 10:5-12), which prohibits discrimination or harassment in employment, housing, places of public accommodation, credit, and business contracts, was amended by the New Jersey Legislature in the administration of former Governor Jon Corzine to extend these protections to the categories of sexual orientation, gender identity, or expression; and

**WHEREAS**, New Jersey P.L. 2013, Ch. 150, passed by the New Jersey Legislature in the administration of former Governor Chris Christie, prohibits licensed professionals

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from "seeking to change a person's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions" for residents who are 18 years of age or younger; and

**WHEREAS**, the Town of Newton is a diverse community that is committed to supporting visibility, dignity, and equality for all citizens in our community; and

**WHEREAS**, many of the residents, students, and visitors within the Town of Newton who contribute to the enrichment of our community are a part of the LGBTQIA+ community, including parents who adopt children, who would otherwise remain orphans, into loving and nurturing homes; and

**WHEREAS**, June has been declared "LGBTQIA+ Pride Month" by Presidents William J. Clinton, Barack H. Obama, Donald J. Trump, and Joseph R. Biden, Jr., in the United States of America; and

**WHEREAS**, events are held annually in the month of June across America to recognize and celebrate the lives and contributions of LGBTQIA+ citizens;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and the Council of the Town of Newton proclaim June 2023 as "LGBTQIA+ Pride Month" in the Town of Newton and encourage residents to join in celebrating the inherent human dignity and equality of all persons, regardless of sexual orientation, gender identity, or expression, under the law.

**RESOLUTION #168-2023\***

**“Insertion of Special Items of Revenue in the 2023 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948)”**

**WHEREAS**, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, the Town of Newton has received a payment in the amount of \$19,036.40 from the State of New Jersey Solid Waste Administration for a FY2023 Clean Communities Grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2023 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:  
Section F: Special Items of Revenue  
Public and Private Revenues Off-set with Appropriations:  
State of New Jersey Clean Communities Grant \$19,036.40

General Appropriations:  
(A) Operations - Excluded from CAPS  
Public and Private Programs Off-Set by Revenues:  
State of New Jersey Clean Communities Grant \$19,036.40

**BE IT FURTHER RESOLVED**, that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION #169-2023\***

**“Award of Contract for Fencing Services to Challenger Fence Company Through the Morris County Cooperative Pricing Council”**

**WHEREAS**, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and specifically, N.J.S.A. 40A:11-11 (6), authorizes the Town of

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Newton by Resolution, and without advertising for bids or obtaining quotations, to purchase any goods or services under cooperative contracts; and

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #110-2021 on April 26, 2021, renewing membership in the Morris County Cooperative Pricing Council ("Morris County Co-Op") (MCCPC); and

**WHEREAS**, Challenger Fence Company, 53 Kentucky Avenue, Paterson, New Jersey 07503, was awarded Contract #53, Fencing Installation and Materials, expiring December 31, 2023; and

**WHEREAS**, Challenger Fence Company has proposed to install fencing and accessories at the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ consistent with MCCPC contract #53 in the amount of \$63,750.00; 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 funds are available from:

Capital Fund - Ord. #2023-7 Various Imp Account #30923075 \$63,750.00

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex and State of New Jersey, that Challenger Fence Company, 53 Kentucky Avenue, Paterson, New Jersey 07503, holder of Contract #53, Fencing Installation and Materials, based on the Morris County Cooperative Pricing Council is authorized to provide service to the Town of Newton above the bid threshold in accordance with the tenets and precepts as found in Morris County Co-op (MCCPC) Contract #53 at the Newton Municipal Building, 39 Trinity Street, Newton, NJ, in the total amount of \$63,750.00.

#### **RESOLUTION #170-2023\***

#### **"Resolution Authorizing the Hiring of Expenditure Efficiency Consultant Services Through the Competitive Contracting Process"**

**WHEREAS**, the Town of Newton has a need for consulting services in the area of expenditure efficiency; and

**WHEREAS**, such services are authorized under the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-4.1(m)) 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 is hereby authorized to commence the competitive contract/ procurement as allowable under the New Jersey Local Public Contracts Law for Expenditure Efficiency Consulting Services, allowing for a minimum of 20 days' notice after advertisement to receive responses, per Local Public Contracts Law.

#### **RESOLUTION #171-2023\***

#### **"Authorizing a Fire Personal Protective Equipment and Accessories Contract Pursuant to New Jersey State Contract – Division of Purchase and Property Number T0790"**

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**WHEREAS**, a need exists for the acquisition of firematic personal protective equipment and accessories for the daily operations of the Town of Newton Fire Department; and

**WHEREAS** the Town of Newton may, without advertising for bids, purchase such materials through the New Jersey State Purchase and Property State Contracts pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. Seq.; and

**WHEREAS**, under the State Contract Award, Firefighter One LLC, (FF1) 26 Gail Ct., Ste. 1, Sparta NJ 07871, holds New Jersey State Purchase and Property State Contract T0790; and

**WHEREAS**, the Town of Newton is expected to exceed the bid threshold under the provisions of New Jersey State Cooperative Contract for T0790; and

**WHEREAS**, the Chief Financial Officer certifies funding in the amount of \$57,156.00 is available from:

NJDCA ARP FIREFIGHTER GRANT #111220

**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 of Newton Fire Department is authorized to procure personal protective equipment and accessories in the amount of \$57,156.00 from Firefighter One LLC, (FF1) 26 Gail Ct., Ste. 1, Sparta NJ 07871, through New Jersey State Purchase and Property State Contract T0790.

**RESOLUTION #172-2023\***

**“Resolution to Award Bid to D.S. Meyer Enterprises, LLC for the Joint Project between the Town of Newton and County of Sussex – Mill Street (AKA County Route 519) Sidewalks and Diet Road Program on County Route 519”**

**WHEREAS**, the Town of Newton publicly accepted and opened bids for the Joint Project between the Town of Newton and County of Sussex – Mill Street (AKA County Route 519) Sidewalks and Diet Road Program on County Route 519 on May 25, 2023 at 11:00 AM in a fair and open manner consistent with N.J.S.A. 19:44A-20.5, as follows:

<u>Name and Address of Bidder</u>	<u>Base Bid</u>
<b>D.S. Meyer Enterprises, LLC</b> 2 North Street, Suite 2A Waldwick, NJ 07463	<b>\$1,089,472.95</b>
Tony's Concrete Construction Co., Inc. 19 Avenue C Newark, NJ 07114	\$1,523,309.50
A-Tech Concrete Co. 11 Taylor Road Edison, NJ 08817	\$1,987,104.50

**WHEREAS**, D.S. Meyer Enterprises, LLC, 2 North Street, Suite 2A, Waldwick, NJ 07463 has been determined to be the lowest responsible bidder by the Qualified Purchasing Agent and the Design Engineer, in accordance with N.J.S.A. 40A:11-4A; and

**WHEREAS**, after review of all submitted bids, Harold E. Pellow of Harold E. Pellow and Associates, Inc., the Town Engineer, in his letter dated May 30, 2023 recommends awarding the Joint Project between the Town of Newton and County of Sussex – Mill Street (AKA County Route 519) Sidewalks and Diet Road Program on County Route 519 to D.S. Meyer Enterprises, LLC in the amount of \$1,089,472.95; and

**WHEREAS**, the project is a joint undertaking between the County of Sussex and the Town of Newton, whereby the County will pay \$589,268.45 and the Town will pay \$500,204.50 for the construction contract; and

**WHEREAS**, the Chief Financial Officer has certified funding in the amount not to exceed \$500,204.50 from:

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Ordinance 2020-9	Rt 519 Sidewalks	\$428,070.22
Ordinance 2023-9	Rt 519 Sidewalks	\$ 72,134.28

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the bid by D.S. Meyer Enterprises, LLC is accepted and awarded in the amount of the Town of Newton's portion of \$500,204.50.

**RESOLUTION #173-2023\***

**“Resolution to Authorize the Hiring of a Certain Police Officer”**

**WHEREAS**, it is the desire of the Town of Newton to hire a Police Officer; and

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

**WHEREAS**, the Town Manager and the Newton Police Chief recommend the hiring of the following Police Officer candidate:

Mark Fleming, 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;

POLICE S&W – PATROLMEN                      ACCOUNT#1074112

**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 Officer Mark Fleming, effective June 12, 2023.

**RESOLUTION #174-2023\***

**“Resolution of the Town of Newton, in the County of Sussex, New Jersey, Determining the Form and Other Details of its “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank”, to be Issued in the Principal Amount not to Exceed \$2,000,000, and Providing for the Issuance and Sale of Such Note to the New Jersey Infrastructure Bank, and Authorizing the Execution and Delivery of Such Note by the Town of Newton in Favor of the New Jersey Infrastructure Bank, all Pursuant to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank”**

**WHEREAS**, the Town of Newton (the “Local Unit”), in the County of Sussex, New Jersey, has determined there exists a need within the Local Unit to acquire, construct, renovate, or install 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 (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”); and

**WHEREAS**, the Local Unit has determined to temporarily finance the acquisition, construction, renovation, or installation of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Program of the I-Bank (the “Construction Financing Program”); and

**WHEREAS**, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the

requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the "Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank" in an aggregate principal amount not to exceed \$2,000,000 (the "Note"); and

**WHEREAS**, it is the desire of the Local Unit to authorize, execute, attest, and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

**WHEREAS**, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Local Unit as follows:

**Section 1.** In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale, and award the Note, including any renewals thereof, in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #2020-10 of the Local Unit, which bond ordinance is 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" and was finally adopted by the Local Unit at a meeting duly called and held on June 22, 2020, as amended and restated by bond ordinance #2022-21 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2020-10 FINALLY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, NEW JERSEY ON JUNE 22, 2020" and was finally adopted by the Local Unit at a meeting duly called and held on October 12, 2022, as further amended and restated by bond ordinance #2023-2 of the Local Unit, which bond ordinance is entitled "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" and was finally adopted by the Local Unit at a meeting duly called and held on March 27, 2023, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

**Section 4.** The Local Unit hereby determines certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount not to exceed \$2,000,000;
- (b) the maturity of the Note shall be as set forth in the Note;
- (c) the interest rate of the Note shall be as set forth in the Note;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "NJWB-CFP-23-1";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof

affixed, printed, engraved, or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 5.** The Note shall be substantially in the form attached hereto as Exhibit A.

**Section 6.** The law firm of Gibbons P.C. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

**Section 7.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable, or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel, and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable, or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

**Section 8.** This resolution shall take effect immediately.

**Section 9.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., Bond Counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, Bond Counsel to the I-Bank.

#### **RESOLUTION #175-2023\***

#### **“Resolution Approving the Issuance of a Class 5 Cannabis Retailer License to Skylands Herbal, LLC”**

**WHEREAS**, with the adoption on June 28, 2021, of Ordinance No. 2021-12 and on July 12, 2021, of Ordinance No. 2021-13, the Town of Newton did, pursuant to Section 31a of P.L. 2021, c. 16 (known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” – “the Act”), amend its zoning code (“Town Zoning Code”) to permit adult-use cannabis establishments to operate within its municipal boundaries; and

**WHEREAS**, the Town Zoning Code was amended, revised, and supplemented to allow for Class 5 Cannabis Retailer Licensees (“Cannabis Retailers”), as defined by the Act; and

**WHEREAS**, the Town Zoning Code has not yet imposed a limit on the number of licensed Class 5 Cannabis Retailer Licensees, except by location, allowed to operate in the Town, but reserves the right to impose such limitations in the future; and

**WHEREAS**, the Town Zoning Code does, however, restrict Cannabis Retailers to certain zoning districts within the Town of Newton and subject to specific conditions and standards, the Town Zoning Code does permit Cannabis Retailers as a conditional use in the Town; and

**WHEREAS**, Newton CB, LLC is now known as Skylands Herbal, LLC and is registered to do business in the State of New Jersey; and

**WHEREAS**, the Town Council of the Town of Newton adopted Resolution No. 88-2022 on February 28, 2022, showing local support for the issuance to Newton CB, LLC (now known as Skylands Herbal, LLC), of a Class 5 Cannabis Retailer License, subject to further

application and approval by the Town of Newton Planning Board as to conditional use, site plan approval and any other necessary approvals; and

**WHEREAS**, Skylands Herbal, LLC has applied to and obtained from the State of New Jersey, Cannabis Regulatory Commission a conditional Class 5 Cannabis Retailer License, which is a type of cannabis business license that the Town of Newton has specifically authorized to operate within its jurisdiction; and

**WHEREAS**, as the Town of Newton has not yet imposed a limit on the number of licensed Cannabis Retailer businesses allowed to operate within its jurisdiction, but reserves the right to impose such limitations in the future, the issuance of a Class 5 Retailer License to Skylands Herbal, LLC by the Cannabis Regulatory Commission would not exceed any current cannabis license limit; and

**WHEREAS**, Newton CB, LLC (now known as Skylands Herbal, LLC), applied to the Town of Newton Planning Board for conditional use approval, site plan approval under the Form Base Code and waiver/exception relief, for operation of a Class 5 Cannabis Retailer at 117 Water Street, in the Town of Newton, County of Sussex, and the Planning Board found that all of the standards required in order for the Board to find and grant conditional use approval pursuant to *N.J.S.A. 40:55D-67* were met, and concluded that it would grant conditional use approval; and

**WHEREAS**, Newton CB, LLC (now known as Skylands Herbal, LLC), also applied to the Town of Newton Planning Board for Site Plan Review, and the Planning Board determined that the Applicant had also satisfied all the terms and conditions contained in the Form Base Code and in particular the Site Plan Review section of Town Ordinance § 320-1, *et seq.*, for site plan approval and waiver/exception; and

**WHEREAS**, the Planning Board heard testimony about, and made conclusions concerning, safety, security, odor control, and other necessary considerations pursuant to regulations of the Cannabis Regulatory Commission, *N.J.A.C. 17:30-6, et seq.*; and

**WHEREAS**, the application of Newton CB, LLC (now known as Skylands Herbal, LLC), for conditional use approval, site plan approval, and waiver/exception for the proposed Class 5 Retailer location was heard by the Town of Newton Planning Board on August 17, 2022 and Resolution No. PB-5-2022 granting conditional use approval, site plan approval, and waiver/exception for the proposed Class 5 Cannabis Retailer location was duly adopted on October 19, 2022, upon stated terms and conditions; and

**WHEREAS**, the Town Council of the Town of Newton has reviewed the application of Skylands Herbal, LLC, for the issuance of a Class 5 Cannabis Retailer to Skylands Herbal, LLC, for operation at 117 Water Street, the Town of Newton Planning Board Resolution PB-5-2022, and considered the proposed operation by Skylands Herbal, LLC, with regard to safety, security, odor control, and other factors as required by the regulations of the Cannabis Regulatory Commission;

**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 Town of Newton hereby issues a Class 5 Cannabis Retailer License to Skylands Herbal, LLC, or its corporate successor in interest, pursuant to the Cannabis Regulatory Commission's Rules and subject to a final approval by the Cannabis Regulatory Commission to Skylands Herbal, LLC.

**RESOLUTION #176-2023\***

**“Resolution Combining Bonds Aggregating the Principal Sum of Not To Exceed \$5,152,000 Authorized by Sixteen Bond Ordinances Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Town of Newton, County of Sussex, New Jersey into One Consolidated Issue of Bonds and Providing for the Form, Maturities, and Other Details of Said Consolidated Issue”**

**WHEREAS**, the Town Council of the Town of Newton, in the County of Sussex, New Jersey (the "Town"), has heretofore adopted sixteen ordinances authorizing bonds to finance part of the cost of various general improvements in said Town; and

**WHEREAS**, it is necessary to issue bonds pursuant to said sixteen ordinances in an aggregate principal amount of \$5,152,000\* and it is deemed advisable and in the best interest of the Town, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said sixteen ordinances into one consolidated issue in the aggregate principal amount of \$5,152,000\* pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey;

**NOW, THEREFORE BE IT RESOLVED**, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX, NEW JERSEY that:

Section 1. There shall be issued bonds of the Town in the following principal amounts pursuant to the following bond ordinances:

A. Not to exceed \$14,000\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2008-26)

**"BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE NEWTON ARMORY IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$476,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF"**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

B. Not to exceed \$754,825\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2017-9)

**"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$1,405,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,334,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF"**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 29.75 years.

C. Not to exceed \$322,200\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2018-6)

**"BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$700,000 FOR THE CONSTRUCTION OF NEW FIREHOUSE #2 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF"**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

D. Not to exceed \$247,625\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2019-3)

**"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$425,000 THEREFOR, INCLUDING A \$98,192 GRANT RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$403,750"**

**BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15.58 years.

E. Not to exceed \$304,000\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2019-9)

**“BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

F. Not to exceed \$80,000\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2020-9)

**“BOND ORDINANCE PROVIDING FOR THE INSTALLATION AND RECONSTRUCTION OF SIDEWALKS ALONG MILL STREET IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR, INCLUDING A \$400,000 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

G. Not to exceed \$227,017\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2021-7)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$637,000 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$437,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 9.89 years.

H. Not to exceed \$57,000\* bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2022-13)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$420,000 FOR THE INSTALLATION OF SIDEWALKS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$57,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

I. Not to exceed \$298,524\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2022-14)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$927,450.50 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING**

**THE ISSUANCE OF \$664,593 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 8.63 years.

J. Not to exceed \$474,909\* bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2022-18)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$894,909 FOR THE ACQUISITION OF A FIRE TRUCK WITH ACCESSORIES IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$474,909 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

K. Not to exceed \$70,000\* bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2022-28)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$97,150 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$92,150 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 7.79 years.

L. Not to exceed \$1,894,300\* bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2023-7)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,529,330 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,894,300 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10.63 years.

M. Not to exceed \$152,350\* bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2023-9)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$160,000 FOR THE INSTALLATION AND RECONSTRUCTION OF SIDEWALKS AND ALL ASSOCIATED COSTS ALONG MILL STREET IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$152,350 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

N. Not to exceed \$25,000\* bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2023-10)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$100,000 FOR THE ACQUISITION AND INSTALLATION OF ACCESSIBLE PLAYGROUND EQUIPMENT FOR PINE STREET PARK IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE**

**ISSUANCE OF \$25,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

O. Not to exceed \$185,250\* bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2023-13)

**“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$195,000 FOR THE MILLING AND PAVING OF NEW HAMPSHIRE STREET, INCLUDING A GUIDE RAIL AND ADA RAMPS FOR DILLER AVENUE IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$185,250 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

P. Not to exceed \$45,000\* bonds, being all of the bonds authorized by a reappropriating ordinance entitled: (Ord. No. 2022-16)

**“BOND ORDINANCE REAPPROPRIATING \$45,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR IMPROVEMENTS TO THE DOG PARK BY THE TOWN OF NEWTON, NEW JERSEY”**

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

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\* Subject to adjustment.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$5,152,000\* and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in subsections A through P of Section 1 shall each be designated “General Obligation Bonds, Series 2023” and shall be numbered with the prefix G from one consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York (“DTC”), an automated depository for securities and clearinghouse for securities transactions.

Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the General Obligation Bonds, Series 2023. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof.

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the fifteenth day of July in the following years and in the following aggregate amounts:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2024	\$202,000	2032	\$400,000
2025	200,000	2033	400,000
2026	250,000	2034	400,000

June 12, 2023

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2027	300,000	2035	400,000
2028	300,000	2036	400,000
2029	325,000	2037	400,000
2030	375,000	2038	400,000
2031	400,000		

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\* Subject to adjustment.

The Bonds maturing on or prior to July 15, 2030, shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after July 15, 2031 shall be subject to redemption prior to their respective maturity dates, on or after July 15, 2030 at the option of the Town, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Town, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as securities depository for the Bonds, notices of redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Town determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by lot. If notice of redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Obligation Bonds, Series 2023 are to be issued, taking into consideration the amount of such General Obligation Bonds, Series 2023 to be issued for said improvements or purposes, is 15.59 years.

Section 4. The Bonds shall bear interest from their date based on their outstanding principal amount at a rate to be determined as hereinafter set forth in Section 6 of this resolution, shall be payable as to principal in lawful money of the United States of America at the administration office of the Town in Newton, New Jersey, payable semi-annually on the 15th day of January and July in each year until maturity or prior optional redemption, commencing on July 15, 2024, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding July 1 and January 1. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by

the Town and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

Section 5. The Bonds shall be signed by the Mayor and the Town Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Town shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Town.

Section 6. The Town Chief Financial Officer is hereby authorized and directed to take all actions necessary to offer the Bonds for public sale upon the submission of electronic proposals in accordance with all applicable statutes and to determine in his discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale. The Town Chief Financial Officer is also authorized and delegated the authority to adjust the maturity schedule of the Bonds in accordance with all applicable statutes relating thereto. The Town Chief Financial Officer is further hereby authorized and delegated the authority to sell and award the Bonds in accordance with the terms of the Notice of Sale and directed to report in writing to the Town Council at the next meeting succeeding the date when any sale or delivery of the Bonds pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. The "Notice of Sale" shall comply in all respects with the applicable statutes relating thereto and shall be substantially in the form attached hereto as Exhibit A, with such additions, modifications or deletions as determined by the Town Chief Financial Officer. The Notice of Sale shall be published in a newspaper published and circulated in the Town as the Town Chief Financial Officer may select and a summary of the Notice of Sale shall be published in The Bond Buyer at least once at least seven (7) days prior to the date of public sale. The Town Chief Financial Officer is authorized and delegated the authority to postpone a public sale without readvertisement in accordance with all applicable statutes relating thereto.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

No. 2023 G-\_\_

UNITED STATES OF AMERICA

STATE OF NEW JERSEY

TOWN OF NEWTON,

IN THE COUNTY OF SUSSEX

GENERAL OBLIGATION BOND, SERIES 2023

Date of Bond: July 17, 2023

Principal Amount: \$

Date of Maturity: July 15, 20\_\_

CUSIP:

The TOWN OF NEWTON, a municipal corporation of the State of New Jersey, (the "Town") hereby acknowledges itself indebted and for value received promises to pay to Cede & Co. or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this Bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of \_\_\_\_ and \_\_\_\_ Hundredths per centum (\_\_\_\_%) per annum payable on July 15, 2024 and thereafter semi-annually on the 15th day of January and July in each year. Principal of this Bond will be paid in lawful money of the United States of America, at the administration office of the Town in Newton, New Jersey. Interest on this Bond will be payable in lawful money of the United States of America by check or draft mailed on such interest payment date to the registered owner hereof as shown on the books of the Town kept for such purpose by the Chief Financial Officer of the Town (the "Bond Registrar") as of the first day of the month in which the payment of interest is to be made.

All of the bonds, of which this Bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations executed by the Town and DTC relating to the Bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

The Bonds maturing on or prior to July 15, 2030, shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after July 15, 2031 shall be subject to redemption prior to their respective maturity dates, on or after July 15, 2030 at the option of the Town, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Town, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as securities depository for the Bonds, notices of redemption shall be sent to such depository and shall not be sent to the

beneficial owners of the Bonds and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Town determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by lot. If notice of redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

This Bond is transferable only upon the books of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Town duly executed by the registered owner or such duly authorized attorney, and thereupon the Town shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Town and any paying agent of the Town may treat and consider the person in whose name this Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This Bond is one of an authorized issue of bonds of the Town and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Town entitled: "Resolution Combining Bonds Aggregating the Principal Sum of Not to Exceed \$5,152,000 Authorized by Sixteen Bond Ordinances Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Town of Newton, County of Sussex, New Jersey Into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue," adopted June 12, 2023 and by virtue of certain bond ordinances referred to therein.

The full faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Town, does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Town determines that the beneficial owners of the Bonds (the actual purchasers of the Bonds) shall be able to obtain certificated bonds, the Town shall notify DTC of the availability of bond certificates. In such event, the Town will appoint a paying agent and the Town will issue, transfer and exchange bond certificates in appropriate amounts as required by DTC and others. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Town. In the event of such determination, if the Town fails to identify another qualified securities depository as successor to DTC, the Town will appoint a paying agent and the Town will issue and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Town to do so, the Town will cooperate with DTC in taking appropriate action (a) to make available one or more separate certificates evidencing the bonds to any DTC participant (participants of DTC) having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

IN WITNESS WHEREOF, THE TOWN OF NEWTON has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Town Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual signature of the Town Clerk, and this Bond to be dated the 17th day of July, 2023.

Attest:

By: \_\_\_\_\_

Michelle J. Teets  
Mayor

\_\_\_\_\_  
Teresa A. Oswin, RMC  
Clerk

By: \_\_\_\_\_

Monica B. Miebach  
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM	as tenants in common	UNIF GIFT MIN ACT
TEN ENT	as tenants by the entireties	__Custodian__ (Cust) (Minor)
JT TEN	as joint tenants with right of survivorship and not as tenants in common	under Uniform Gifts to Minors Act  (State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto  
PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE (FOR  
COMPUTER RECORD ONLY)

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(Please Print or Typewrite Name and Address of Transferee)

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the within bond, and all rights thereunder, and hereby irrevocably constitutes and  
appoints

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Attorney, to transfer the within bond on the books kept for the registration thereof, with  
full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears  
upon the first page of the within bond in every particular, without alteration or  
enlargement or any change whatever.

## CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Town of Newton, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Town of Newton, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

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Town Clerk

Section 8. The Town Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Town Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Global Services, which is managed on behalf of the American Bankers Association by FactSet Research Systems Inc., to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 9. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the successful bidder and the payment of the purchase price thereof in accordance with the Notice of Sale, the Town Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said successful bidder (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 10. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 11. The Mayor and Town Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Town issued in connection with the Bonds, the Official Statement of the Town issued in connection with the Bonds, the Notice of Sale and the DTC Letter of Representation and their use in connection with the sale of the Bonds and are further authorized, as is the Town Clerk, to execute all documents, including, but not limited to, the Continuing Disclosure Certificate, the Preliminary Official Statement, the Official Statement, the Notice of Sale and the DTC Letter of Representation, necessary for the sale and delivery of said Bonds.

Section 12. An amount of the Bonds equal to \$2,811,809\* are hereby designated as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") (relating to an exception to the disallowance of the deduction of interest expense of certain financial institutions allocable to tax-exempt interest). The Town Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such designation of the Bonds. In calendar year 2023,

there are no entities that will be subject to substantial control by the Town. Accordingly, there are no entities "subordinate" to the Town (within the meaning of Section 265(b) of the Code) in calendar year 2023. There are no entities which issue obligations "on behalf of" the Town. No entities have been or will be "formed or availed of" (within the meaning of Section 265(b)(3)(E)(iii) of the Code) in calendar year 2023 for the purpose of issuing tax-exempt obligations to avoid the aggregation rules of Section 265(b)(3) of the Code.

The aggregate amount of tax-exempt obligations issued by the Town during calendar year 2023 prior to the date of issuance of the Bonds, together with the aggregate amount of the Bonds, will not exceed \$10,000,000. The Town reasonably anticipates that the aggregate amount of new money tax-exempt obligations issued and to be issued in calendar year 2023 by the Town, all entities subordinate to the Town, and all entities which issue Bonds on behalf of the Town will not exceed \$10,000,000.

For purposes of calculating the amount of tax-exempt obligations issued or to be issued by the Town during the 2023 calendar year, the Town shall take into account all tax-exempt obligations issued by the Town, all tax-exempt obligations issued by any issuers which issue obligations "on behalf of" the Town and all tax-exempt obligations issued by any entities "subordinate" to the Town except the following: (i) private activity bonds, other than qualified 501(c)(3) bonds (within the meaning of Sections 141 and 145 of the Code); (ii) obligations issued to refund (other than to advance refund within the meaning of Section 149(d) of the Code) obligations, to the extent that the amount of the refunding obligations do not exceed the outstanding amount of the refunded obligations, provided that (A) the average maturity of the issue of which the original qualified tax-exempt obligation was a part (and the issue of which the obligation to be refunded is a part) is three years or less, and (B) the refunding obligations have a final maturity date no more than thirty (30) years after the date the original tax-exempt obligation was issued; and (iii) in the case of an issue of tax-exempt obligations with respect to which more than one governmental unit receives benefits, if all of the governmental entities receiving benefits from such issue irrevocably agree (before the date of issuance of such issue) on an allocation of the amount of such issue which bears a reasonable relationship to the benefits received by such entities, only the amount of such issue allocated to the Town need be taken into account. For purposes of this Section, the term "tax-exempt obligations" includes financing leases and any other debt arrangements, however labeled, constituting tax-exempt obligations under Section 265(b)(3) of the Code.

An amount of the Bonds equal to \$2,340,191\*, representing the difference between the aggregate principal amount of the Bonds of \$5,152,000\* and the amount of Bonds equal to \$2,811,809\* that is hereby designated as "Qualified Tax-Exempt Obligations," is deemed designated as "Qualified Tax-Exempt Obligations" under Section 265(b)(3) of the Code.

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\* Subject to adjustment.

Section 13. This resolution shall take effect immediately.

**RESOLUTION #177-2023\***

**"Authorize Execution of an Agreement with the United Public Service Employees Union (UPSEU)"**

**WHEREAS**, the terms of a contract covering the five-year period from January 1, 2023 to December 31, 2027 have been negotiated by representatives of the United Public Service Employees Union (UPSEU) and representatives of the Town of Newton; and

**WHEREAS**, an appropriate memorandum of understanding reflecting the changes from the previous agreement has been prepared and executed by the parties; and

**WHEREAS**, the Town Manager, Town Labor Attorney, and Town HR Director, recommend the approval of the contract terms and conditions as negotiated and agreed to in good faith in the memorandum of understanding; and

**WHEREAS**, if the Town Council ratifies the memorandum of understanding and if the United Public Service Employees Union (UPSEU) does the same, then the contract, upon being updated and conformed to the MOU, covering the period from January 1, 2023 to December 31, 2027 shall be properly executed;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Town Manager, Mayor, and the Municipal Clerk to execute, upon ratification by the United Public Service Employees Union (UPSEU) and conformation to the MOU, the five-year contract, covering calendar years 2023, 2024, 2025, 2026, and 2027 with the United Public Service Employees Union (UPSEU).

**RESOLUTION #178-2023\***

**“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>
8408	84 -	ABCODE SECURITY INC. ....	580.00
8409	1846 -	ADVANCE AUTO .....	58.50
8410	2799 -	AFLAC .....	2,313.26
8411	3006 -	AG CHOICE, LLC. ....	28.00
8412	2141 -	AIRMATIC COMPRESSOR SYSTEMS, INC. ....	742.50
8413	3897 -	AMAZON CAPITAL SERVICES .....	1,390.02
8414	3897 -	AMAZON CAPITAL SERVICES .....	529.29
8415	3869 -	AMERICAN FIDELITY ASSURANCE .....	562.22
8416	3868 -	AMERICAN FIDELITY ASSURANCE COMPANY .....	670.82
8417	4544 -	ARMSTRONG, KENNETH W .....	989.40
8418	4698 -	ARTISAN AWNING CO. ....	1,950.00
8419	4026 -	AUTOZONE INC. ....	70.45
8420	32 -	B & R UNIFORM, INC. ....	793.20
8421	2518 -	BABCOCK, DAWN .....	989.40
8422	3251 -	BADGER METER, INC. ....	192.29
8423	1994 -	BARCO PRODUCTS COMPANY INC. ....	452.20
8424	3087 -	BASSANI POWER EQUIPMENT .....	10,000.00
8425	4214 -	BESHADA, LEO .....	1,978.80
8426	2429 -	BLACK LAGOON INC. ....	250.00
8427	3905 -	BLUE DIAMOND DISPOSAL INC. ....	11,363.25
8428	190 -	BOND, CHRISTOPHER .....	989.40
8429	1132 -	BOONTON TIRE SUPPLY INC. ....	1,194.57
8430	300 -	BRIGHTSPEED .....	125.85
8431	2124 -	BUCKMAN'S INC. ....	1,465.66
8432	702 -	C W A LOCAL 1032 .....	308.11
8433	192 -	CAMPBELL'S SMALL ENGINE INC. ....	618.42
8434	2206 -	CENTER FOR PREVENTION & COUNSELING, INC .....	1,800.00
8435	1333 -	CERBO'S HAMPTON NURSERY INC. ....	3,382.00
8436	3770 -	CINTAS .....	3,263.87
8437	2983 -	CLIFFSIDE BODY CORP. ....	85,162.08
8438	4640 -	COMMERCIAL TECHNOLOGY CONTRACTORS, INC. ....	24,018.02
8439	4138 -	CONSTELLATION NEWENERGY -GAS DIV .....	8,735.33

8440	4420 -	COOPER DARLENE .....	1,978.80
8441	2639 -	COUNTY OF .....	78,500.00
8442	155 -	COYNE CHEMICAL CORP., INC. ....	2,260.20
8443	4500 -	CRYSTAL MOUNTAIN SPRINGS .....	115.49
8444	2290 -	CUMMINS DOUGLAS .....	989.40
8445	286 -	CURRENT ACCOUNT .....	23,087.03
8446	768 -	DEMPSEY UNIFORM & SUPPLY INC .....	1,505.28
8447	2386 -	DOMINICK'S PIZZA LLC .....	154.85
8448	4690 -	DUSCHE, WILLIAM .....	3,524.38
8449	4701 -	EFFECTIVE FITNESS COMBATIVES LLC .....	1,120.00
8450	4164 -	FAIL SAFE TESTING, LLC .....	7,145.22
8451	4039 -	FARMSIDE LANDSCAPE & DESIGN INC .....	1,300.00
8452	2394 -	FEDERAL & STATE GRANT .....	1,600.00
8453	4650 -	FINKLE DANIELLE .....	150.03
8454	197 -	FIRE FIGHTERS EQUIPMENT CO. INC. ....	1,231.39
8455	2525 -	FIREFIGHTER ONE, LLC. ....	39,992.16
8456	172 -	FRISBIE, ARTHUR & RITA .....	1,978.80
8457	109 -	FURGIUELE, CAMILLE .....	989.40
8458	200 -	GARDEN STATE LABORATORIES INC .....	6,704.00
8459	4398 -	GLOBAL RECYCLING SOLUTIONS LLC .....	1,335.06
8460	4695 -	GREEN TOWNSHIP BOARD OF EDUCATION .....	348.80
8461	490 -	GRENNILLE, WILLIAM .....	1,978.80
8462	4419 -	HAVENS DEBORAH .....	989.40
8463	230 -	HAYEK'S MARKET INC .....	722.62
8464	3876 -	HOLLAND COMPANY, INC. ....	22,851.42
8465	272 -	HOLZHAUER, SCOTT .....	115.00
8466	1866 -	HOME DEPOT, INC. ....	1,428.56
8467	1866 -	HOME DEPOT, INC .....	2,942.03
8468	173 -	ILIFF, JOHN AND .....	1,978.80
8469	3739 -	INFINITEBLU POOL SERVIES, LLC .....	3,801.00
8470	332 -	J & D SALES & SERVICE,LLC.....	225.00
8471	3235 -	J. CALDWELL & ASSOCIATES, LLC .....	2,092.50
8472	1271 -	JCI JONES CHEMICALS, INC .....	1,413.57
8473	113 -	JCP&L .....	194.92
8474	3772 -	JK HVAC SERVICE, LLC. ....	786.47
8475	3644 -	JOHNNY ON THE SPOT, LLC .....	541.25
8476	4173 -	JORRITSMAN, BRUCE .....	4,334.40
8477	2353 -	KATHERINE .....	1,978.80
8478	276 -	KAYS, PETER J. ....	989.40
8479	2569 -	KIEFFER ELECTRIC, INC. ....	4,846.75
8480	4396 -	KIMBALL MIDWEST .....	646.96
8481	1442 -	KITHCART, EILEEN .....	1,458.00
8482	4593 -	KRAVITZ KIMBERLY J .....	600.00
8483	266 -	LAFAYETTE AUTO PARTS .....	120.83
8484	4703 -	LAM LOUISA .....	240.00
8485	2278 -	LANGUAGE LINE SERVICES, INC. ....	79.90
8486	1011 -	LASSO, ERVIN .....	989.40
8487	2552 -	LEA DATA TECHNOLOGIES .....	105.00
8488	2110 -	LINCOLN NAT'L LIFE INSUR CO .....	28,938.89
8489	2300 -	LOWE'S , INC. ....	178.65
8490	352 -	LUBRICATION ENGINEERS .....	1,104.72
8491	1566 -	MAIN POOL & CHEMICAL COMPANY, INC.....	6,028.00
8492	4381 -	MID-AMERICAN ELEVATOR CO., INC. ....	870.00
8493	1231 -	MILLER, JASON .....	200.00
8494	409 -	MINISINK PRESS INC .....	284.00

8495	4377 -	MODERN GROUP LTD. ....	435.81
8496	4219 -	MONTAGE ENTERPRISES .....	304.34
8497	1884 -	MORRIS, THOMAS & BULAH .....	1,978.80
8498	4334 -	NAME BADGES, INC. ....	122.78
8499	170 -	NEWTON BOARD OF EDUCATION .....	50.00
8500	240 -	NEWTON FIRST AID SQUAD .....	6,250.00
8501	4154 -	NEWTON HIGH SCHOOL .....	70.00
8502	2242 -	NEWTON PARKING AUTHORITY .....	338.00
8503	700 -	NEWTON PATROLMANS ASSOCIATION .....	720.00
8504	1745 -	NEWTON SUPERIOR OFFICERS .....	420.00
8505	336 -	NEWTON TROPHY .....	88.50
8506	4329 -	NJASRO .....	450.00
8507	4694 -	NJCACOA .....	50.00
8508	2835 -	NJMEBF .....	193,292.00
8509	706 -	NJMVC .....	46.50
8510	2607 -	NORTHERN RAIN .....	129.00
8511	4587 -	OCEAN RESORT CASINO .....	2,490.00
8512	2882 -	ONE CALL CONCEPTS, INC. ....	153.36
8513	4383 -	OPTIMUM .....	187.30
8514	1751 -	OSWIN TERESA ANN .....	55.77
8515	1407 -	PASSAIC VALLEY SEWERAGE COMM. ....	12,474.00
8516	4656 -	PAULUS, SOKOLOWSKI & SARTOR .....	4,160.00
8517	4656 -	PAULUS, SOKOLOWSKI & SARTOR LLC .....	563.75
8518	4656 -	PAULUS, SOKOLOWSKI & SARTOR LLC .....	9,241.25
8519	4204 -	PLANET NETWORKS INC. ....	4,435.62
8520	2212 -	PROCESS TECH SALES AND SERVICE .....	8,189.06
8521	4126 -	PROFESSIONAL CONSULTING INC. ....	45,725.50
8522	1914 -	PROFESSIONL GOVT EDUCATORS INC .....	90.00
8523	4666 -	PROSHRED SECURITY .....	1,050.00
8524	39 -	QUILL CORPORATION .....	30.37
8525	2478 -	RACHLES/MICHELE'S OIL COMPANY, INC. ....	5,205.51
8526	1274 -	RANSNORTH, NANCY .....	989.40
8527	4203 -	RAPID PUMP .....	630.00
8528	179 -	READ, LORRAINE .....	824.50
8529	3679 -	REISINGER OXYGEN SERVICE, INC. ....	55.44
8530	1112 -	RICHARDS, JEAN .....	989.40
8531	4207 -	RIMAGE CORPORATION .....	92.56
8532	1883 -	ROMYNS, LARRY E. ....	1,978.80
8533	3615 -	ROSELLEN ANN M .....	989.40
8534	1755 -	S/NJ TOXICOLOGY LABORATORY .....	45.00
8535	55 -	SCHMIDT'S WHOLESALE, INC .....	1,373.29
8536	126 -	SCMUA .....	330.24
8537	126 -	SCMUA .....	1,880.25
8538	611 -	SEBRING AUTO PARTS, INC. ....	109.50
8539	643 -	SHERWIN-WILLIAMS, INC. ....	22.64
8540	4260 -	SKYLANDS STADIUM .....	555.00
8541	1489 -	SMALLEY, JOHN H .....	1,978.80
8542	338 -	SMITH, WILLIAM F .....	1,978.80
8543	2257 -	STAPLES .....	919.50
8544	43 -	STAPLES CREDIT PLAN .....	171.02
8545	146 -	STATE OF NEW JERSEY - PWT .....	1,579.04
8546	1212 -	STATEWIDE INSURANCE FUND .....	139,964.87
8547	2056 -	SUBURBAN PROPANE, LP. ....	4,714.08
8548	4072 -	SUMMIT SOUNDZ ENTERTAINMENT LLC .....	2,500.00
8549	3442 -	SUNLIGHT GENERAL .....	2,102.18

8550	102 -	SUSSEX CAR WASH INC .....	312.00
8551	3603 -	SUSSEX COUNTY COMMUNITY COLLEGE.....	530.00
8552	130 -	SUSSEX COUNTY P & H, INC .....	213.52
8553	3248 -	SWANK MOTION .....	1,320.00
8554	371 -	T.A. MOUNTFORD COMPANY, INC.....	644.00
8555	2479 -	TAYLOR OIL CO., INC. ....	3,966.75
8556	4278 -	TEXAS LIFE INSURANCE COMPANY.....	35.45
8557	676 -	THE EQUITABLE.....	11,480.00
8558	217 -	TIMMERMAN COMPANY, INC.....	337.60
8559	4508 -	TORRES, JUDY A .....	28.86
8560	2880 -	TRACTOR SUPPLY .....	325.88
8561	691 -	TRANS WORLD ASSURANCE CO. ....	400.00
8562	1151 -	TREASURER, STATE OF NEW JERSEY .....	96.37
8563	4693 -	TRI-STATE RENTALS, INC. ....	7,765.94
8564	4130 -	UNITED FIRE PROTECTION CORP.....	1,538.00
8565	4152 -	UNITED SITE SERVICES, INC .....	22,730.40
8566	1257 -	UNUM LIFE/DISABILITY INSUR.....	758.92
8567	2716 -	UPSEU LOCAL 424J .....	735.00
8568	2485 -	VAN NIEUWLAND STEVE .....	312.00
8569	4258 -	VIRGA, ANTHONY .....	989.40
8570	1158 -	VISION SERVICE PLAN.....	1,202.02
8571	2635 -	W.B. MASON, INC. ....	617.05
8572	366 -	WAGNER, WILLIAM .....	1,978.80
8573	1500 -	WALMART .....	1,306.61
8574	477 -	WATER & SEWER CAPITAL ACCOUNT .....	50.70
8575	382 -	WELDON ASPHALT COMPANY, INC.....	2,075.34
8576	3726 -	WITMER PUBLIC SAFETY GROUP, INC. ....	11.19
8577	136 -	ZENES, NANCY.....	989.40
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TOTAL		.....	967,354.37

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

Deputy Mayor Couce (Abstain on check #8519 & #8500)	Yes	Mr. Dickson	Yes
Mrs. Diglio (Abstain on check #8500 and Resolution #167-2023)	Yes	Mrs. Le Frois	Excused
	Mayor Teets (Abstain on check #8445)	Yes	

**OPEN TO THE PUBLIC**

Mayor Teets opened the meeting to the public.

Blake Panio, stated Mr. Russo didn't address the holes in the road. He wished they could just fill them, not overfill them. Elizabethtown Gas comes in every five (5) minutes and digs a whole new hole in the road, it is insane. They are supposed to come back in six months and fill them again and they don't. He knows there is a meeting next week on 122-124 Main Street, they are building 13 apartments, which are right next door to him. He is assuming that is a historic building. The sides have been changed, they are putting in another building with 4 more apartments, and the roof has been changed. He doesn't know what historic means anymore. It's changing. He assumes they are going to have to dig up the road again to accommodate the additional sewer lines for the 4

apartments.

Mr. Russo stated he will talk to Adam in the DPW about filling the holes.

There being no one wishing to speak either in person or on Zoom, Mayor Teets closed the hearing.

**COUNCIL MANAGER COMMENTS**

Mr. Russo stated he will work on a resolution for the Library for the next meeting and send out some emails tonight on Mr. Panio's concerns.

Mrs. Diglio stated the Recycling Center now takes household electronics.

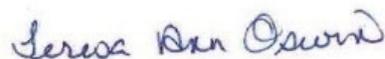
Mr. Dickson if the speed limit signs are obstructed on Route 206. Mr. Russo stated it is a State road, but he will check with Adam and our DPW check them out.

Mayor Teets stated the DPW is partnering with Cerbo's on a tree planting program. Giving residents the opportunity to purchase some larger trees at Cerbo's lot. There is a flyer on the Town website. Anyone interested should contact Deb Danielson at the DPW.

**ADJOURMENT**

There being no further business to be conducted, upon a motion by Mrs. Diglio seconded by Mr. Couce and unanimously carried, the regular meeting was adjourned at 7:35 pm.

Respectfully submitted,



Teresa A. Oswin, RMC  
Municipal Clerk