

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, 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 and Mayor Teets attended via Zoom.

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

Deputy Mayor Couce then made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 6, 2023."

APPROVAL OF MINUTES

Upon motion by Mrs. Diglio, seconded by Mr. Dickson and all those present voting yes, the minutes for the July 17, 2023 regular meeting were approved as presented. Mayor Teets abstained.

Upon motion by Mr. Dickson, seconded by Mrs. Diglio and all those present voting yes, the minutes for the July 31, 2023 regular meeting were approved as presented.

OPEN TO THE PUBLIC

At this time, Deputy Mayor Couce 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."

Deputy Mayor Couce opened the meeting to the public.

Daniel Nixon, read the following statement: *"I am here requesting your help with the stormwater issue along Moore's Brook. I contacted the Newton Department of Public Works on August 4th regarding the flooding of July 10th and again on July 14th. I was told the Town and County met that morning via Zoom to discuss the issue, however the result is nothing will be done. When my wife and I moved to Newton in 1978 our neighbor informed us about a recently installed Dam up the road by Glenn Terrace. That it was installed to prevent the brook from overflowing its banks and to regulate the flow and to reduce the mosquito population and increase the fish population of the brook. While I only visited the dam once over the years, I saw there was a mechanical gate that controlled the release of the water. Further downstream there were two more ponds boarding each side of Lake Avenue that help control the water flow as well. Today both of these ponds have been filled-in with sediment vegetation, and barely resemble a pond. A view from Google Maps doesn't even show the pond or the brook running through them. The Glenn Terrace Dam I am referring to is Paulinskill Shed #2 Dam created by the US ACE provided as stormwater control. It is owned by the Town of Newton; however it resides in Fredon Township. Moore's Brook flows from Glenn Terrace Dam into*

August 21, 2023

the Town of Newton crossing at Route 206 by Clinton Street. Our concern is that according to the DEP in a 2021 rainfall study they predict Sussex County with a 17% chance of a hundred-year 24-hour rainfall will now increase by 50% by 2050. N.O.W. measured our rainfall on July 10th at 2.31 inches, and July 14 at 1.9 inches, which are far below the 9.5 inches needed for a hundred-year storm. On July 16th Governor Murphy declared the State of Emergency to address the significant effects of this storm. On August 14th President Biden approved Federal funding for hazard mitigation measures statewide. I understand my property and my neighbors property are in a flood zone, however every effort should be made by the State, County, and Town to protect its residents from the hardship of flood damage. I say "nothing will be done" is unacceptable. We are asking the Town Council to look into the records of inspections for each of these three ponds along Moore's Brook, to make the needed repairs for Paulinskill Watershed Dam controls, and to remove the sediment from the two ponds so they can reduce the amount of waterflow outside the banks of Moore's Brook. Again, I ask you for help to address this issue before we have more damage caused by flooding of the brook. Thank you."

Anthony Piano, 225 Spring Street spoke with regards to the curfew ordinance. He urges all the Council member to vote in favor of it. They have been harassed in his building for weeks by minor children. This is going on in the wee hours of the morning, 4am to 5am. They find a way to enter the building, they run screaming down the halls, knocking on doors, taking paintings off the walls among other things. We find this to be a tremendous nuisance. Some of these kids are as young as 11 years old. If parents aren't controlling their children, then we should have an ordinance so the Town can have control of them. I am here representing a large group from my building. I ask that you please spell out some of the details of what the curfew ordinance would entail.

Shawn Tatro, of Lake Avenue stated the flooding is because the bridge is filled with sediment and debris. Water can not get underneath the bridge because of all the sediment. He has contacted the DEP, DPW, and OEM and hasn't heard back in two weeks. He was told everyone was on vacation and he would have to deal with it. He just wants them to clean up the stream a little bit, he is not looking to get anything removed. It's just that there are parts of the stream the water cannot flow through. Also, he stated with County Road 519 being detoured through his neighborhood there is an insane number of speeders on his road and he would like a temporary or permanent speed bump installed. When his neighbor called the police about it, they were instructed to take down their license plate and a description of the vehicle, which is next to impossible.

Ray Kochanski, of York Road stated he is a 46-year resident of the Town. His opinion is there should be liberty and justice for all, that includes kids under the age of eighteen. They should be able to live in a state where the government doesn't have a mandatory curfew imposed on them. The police have been and can continue to deal with kids causing problems. You shouldn't punish good kids because of the actions of a few. He is asking the Council not to approve the ordinance. He feels it is unnecessary and overly stringent. The police can handle it.

Frank Ogrodnik, 30 Swartswood Rd, spoke in regard to the two ponds. When he

moved there in '87 there was never a problem with wetness in the yard, it was dry. Kids would go in there and play and it was dry. He used to be able to swim and fish in the two ponds. Since they were not dredged there is a buildup of sediment and algae and it creates a problem. Before there was some retention because the ponds were so deep. The other problem is with the college. When it was Don Bosco, there was never a run-off, with the new buildings there is a run-off and it causes a problem. He would just like these issues looked at.

Nancy Rella, 225 Spring Street, asked does the Council or the Town have to request the DOT to widen Route 206? The traffic is horrendous. About a month ago it took her 3 traffic lights to get out of the Walmart parking lot. People don't obey the law about not blocking the intersection, so you sit there for a long time. She doesn't come into Town on the weekends because the traffic is bad. It will just get worse when there are people in the apartments. Do residents or the Town get a hold of DOT to let them know something needs to be done.

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

Ellen Pooley stated she has been a long time resident of Sussex County, most notably of Newton for the past 62 years. She is distressed about things going on in Town. The traffic is a real issue like the previous person talked about. It is getting extremely dangerous just to leave your driveway in this Town. She lives at Brookside Terrace apartments and she can't tell you how many times she had to "jack-rabbit" to get out of her complex to avoid on-coming traffic. It is really dangerous. Also, she would like to speak about fire issues. She has contacted the Town, County, and State and she is not getting anywhere regarding fire issues in her complex. She has lived in other complexes in Newton where the same issues were never addressed. She would really like to see the Fire Marshal address the issues in her building and other buildings in Town. Again, they are very dangerous. Thank you.

Nancy Curtain asked if the curfew could be pushed back for older kids. She thinks a curfew is needed. She lives on Walker Street off Madison Street, and she gets the knock and run at 2am. Her daughter works in two separate group homes, and she is having the same problems in Newton proper.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by advising the Council he would have Dave Simmons provide some information to them on the dam and brook issue. The next meeting is Wednesday, September 13th. Taste of Newton is Monday, September 11th, tickets are on sale. The Town Hall will be closing at 3pm on Friday, September 1st and closed for Labor Day on September 4th. The last day for the Newton Pool is Labor Day, 10:30am to 6:30pm. This week's guest for Tom Talk Live is Dr. Piccirillo, Thursday at 10:30am live on Facebook. Mr. Russo then stated we have a presentation tonight the Deputy Mayor will handle.

Deputy Mayor Couce read the following proclamation:

August 21, 2023

Office of the Mayor

Newton, New Jersey

Proclamation

Rosalie Monaco

WHEREAS, Rosalie Monaco was born in Motta D' Affermo, Sicily on January 28, 1941, and is the daughter of Pietro and Anna LaMonaca. She lived in Sicily until she, along with her parents and 2 sisters and 1 brother immigrated to the United States, eventually settling in the Bronx, New York; and

WHEREAS, On October 31, 1964, Rosalie married Joseph Monaco, and they settled in Clifton, NJ. A few years later, they moved to Newton with their son, Joseph, where they raised another son, Michael, and daughter, Janet. Rosalie also enjoys spending time with her grandson and two granddaughters; and

WHEREAS, while enjoying raising her children, being a loving grandmother, mother and wife, Rosalie has been a member of the St. Joseph's Catholic Church and was a long-time employee of Acme Markets in Newton; and

WHEREAS, Rosalie volunteers at the Beehive Thrift Shop (Newton Medical Center Auxiliary) and is an active member of Newton's Prime Time Seniors group. Rosalie is often seen walking around town, smiling and waving to people that she sees along the way;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to Rosalie Monaco, for exemplifying the vital role that senior citizens play within their community. In recognition of commitment to community, and most of all her spirit and dedication to the Town, we hereby name Rosalie Monaco:

2023 "Newton Senior Citizen of the Year"

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

_____/s/ John-Paul Couce

Attest: /s/ Teresa Ann Oswin

Date: _____ August 21, 2023

Deputy Mayor Couce presented Mrs. Monaco with the proclamation, Mrs. Diglio presented her with a bouquet of flowers, and Mr. Dickson held up the plaque to be hung in the lobby with her name engraved on it.

Mrs. Monaco was surprised and overwhelmed and thanked everyone.

Deputy Mayor Couce called for a five-minute break for pictures and congratulations.

BREAK

Councilman Dickson – offered congratulations to Rosalie Monaco on the great honor of becoming Newton's Senior of the Year. August 1st, we had our second National Night Out. It was a great start last year; it was great to see it return. Kimberly Williams and

Officer Bellis did a great job. He thanked the NPD, NFD, NFAS, and all our municipal employees that came out. The DPW did a wonderful job setting up and cleaning up. He thanked all the outside agencies that came out this year. He looks forward to next year's growing even more. On August 3rd he took part in the painting of the mural. It was nice to be with several other volunteers and the excitement of being part of something that will be on display for many years. Also, that day, he along with the Town Manager, Deputy Mayor, Police Chief, Fire Chief, DPW, W/S, Building Department, and Sussex County Fire Marshal toured Brookside apartment building to see what is going on there and make some suggestions to their leadership.

Councilwoman Diglio – reminded everyone the Prime Time Seniors meet the 1st and 3rd Wednesday of each month at the Firehouse on Mill Street. They welcome all new members. She congratulated Mrs. Monaco, who is a member of the Prime Time Seniors, in charge of refreshments. She does a fabulous job. She deserves the honor of being Senior Citizen of the Year for Newton.

Councilwoman Le Frois – offered congratulations to Mrs. Monaco, every time she sees her, she always has a wonderful smile on her face. She thanked Terri and the Clerk's office for coordinating the Town-Wide Garage sale. She thanked Kimberly for the concerts and movies even though sometimes the weather was an issue. The August meeting for the Historic meeting has been cancelled due to a lack of business. She echoed everyone's appreciation to everyone that participated in the National Night Out. She thanked Mr. Russo for having her and her friend Bluey™ on Tom Talk, it was a great experience. She also wanted to thank all the residents that came out tonight to make us aware of the stormwater issues. Thank you to those that spoke both in favor and against the curfew ordinance. We have the Chief with us tonight. At the last meeting he did an overview of the ordinance, it is available on our website to review. With regards to traffic, we have tried numerous times to talk to the State. We have been told it is not a priority for the State at this time. It is not a Town road, so our hands are little tied at this time. Thank you to everyone that spoke tonight.

Mayor Teets – apologized she was not there in person. She feels fortunate she is able to join via Zoom. She congratulated Mrs. Monaco. She echoed the comments made about National Night Out. It has certainly been added to from last year and is going in the right direction. Next year should be bigger and better. Mark your calendars for the first Tuesday in August. As students return to school in the next few weeks, we wish them luck. Those going off to college, we wish them great success. Go BRAVES!

Deputy Mayor Couce – to those that spoke about Moore's Brook and Lake Ave: He believes it is in the Town's short future to be dredging Moore's Brook at the Memory Park section which may or may not affect or enhance the drainage in the Lake Avenue area. We will keep an eye on it. For those who spoke regarding the curfew, there is a separate public hearing portion on the ordinance for anyone else that would like to comment. Chief Van Nieuwland may want to reiterate some keep points at that time. To Mr. Tatro, maybe the Chief can assist with any issues you are experiencing. The Chief stated they did have an issue with some people moving the cones and barricades. He will follow-up and make sure Officers are monitoring that detour and cones and barricades. To Miss

Pooley, as Councilmember Dickson mentioned, we did tour the facility on August 3rd and we are looking into the matter.

UNFINISHED BUSINESS – None.

ORDINANCES

Deputy Mayor Couce read aloud the following Ordinance relative to final adoption.

ORDINANCE # 2023-20

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR
BLOCK 10.01, LOTS 5 & 6, COMMONLY KNOWN AS 125 WATER
STREET AND 5 SOUTH PARK DRIVE, RESPECTIVELY**

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on April 23, 2012, the Town directed the Planning Board by duly adopted Resolution #84-2012 to examine whether Block 10.01, Lots 5 and 6 (formerly known as Block 801, Lots 49.01 and 49.02, collectively, the "Property") should be determined an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the "Planning Consultant") prepared a preliminary investigation report of the above-referenced Property in accordance with the Redevelopment Law, entitled "Area in Need of Redevelopment Study for the Newton Armory & ShopRite Block 10.01, Lots 5 & 6" (the "Study"); and

WHEREAS, on June 25, 2012, the Town, subsequent to the Planning Board's recommendation, adopted Resolution #130-2012, designating Block 10.01, Lots 5 and 6 the Property as an Area in Need of Redevelopment in accordance with the Act; and

WHEREAS, in accordance with the Act, the Town prepared a proposed redevelopment plan for the Property on May 11, 2023, entitled "ShopRite Redevelopment Plan" (the "Plan"); and

WHEREAS, the Town Council, by Resolution #162-2023 adopted on May 22, 2023, referred the Plan to the Planning Board for its review and comment in accordance with N.J.S.A. 40A:12A-7(e) of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on June 21, 2023, the Planning Consultant presented the Plan and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Plan, testimony regarding the Plan, and discussion of the foregoing, the Planning Board determined the Plan is consistent with the Town's Master Plan and recommended the Town adopt the Plan as set forth in written correspondence from the Board to the Town Council; and

WHEREAS, the Town wishes to adopt the Plan attached hereto as **Exhibit A** (the "Redevelopment Plan");

NOW, THEREFORE BE IT ORDAINED, BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Town hereby adopts the Redevelopment Plan entitled "ShopRite Redevelopment Plan" by J. Caldwell & Associates dated July 17, 2023, attached hereto as **Exhibit A**.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan, and to delineate the boundaries of the Redevelopment Area, as set forth in the Redevelopment Plan.

Section 3. This Ordinance shall take effect as provided in law.

Deputy Mayor Couce opened the meeting to the public.

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

Mrs. Diglio questioned if this particular ordinance referred to ShopRite and if they purchased the property from us. Mr. Russo advised it has not been reverted back to the Town yet, so no. Then she asked if we would be expanding the cannabis retail in that area. Mr. Russo advised it is a permitted use, but no new applications have been received. Lastly, she asked if this would entitle the developer to a PILOT. M. Russo stated yes to redevelop it.

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

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

Deputy Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE #2023-21

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CREATING CHAPTER 330 OF THE TOWN CODE OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ENTITLED "CURFEW"

WHEREAS, over the past several months, the Town of Newton has received a number of complaints in relation to various incidents of juvenile misbehavior/delinquency/violence/violation of law; and

WHEREAS, the Town has a clear interest in reducing violence and crime committed by juveniles against residents, citizens, or properties in the Town; and

WHEREAS, the Town also believes that responsibility exists with parents, guardians, and/or caretakers to promote the safety and well-being of the Town's youngest citizens, those under the age of eighteen (18) years, while continuing to provide consistency with N.J.S.A. 40:48-2.52 and New Jersey Attorney General Directive 2020-12 to ensure an appropriate curfew, both as to hours and enforcement procedures, is instituted in an effort to prevent future acts of juvenile misbehavior/delinquency/violence/violation of law within the Town;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Town Code of the Town of Newton is hereby amended, revised, and supplemented by creating a new Chapter 330, entitled "Curfew", which shall read as follows:

CHAPTER 330, SECTION 1, Curfew Definitions.

- A. "Caretaker" is hereby defined and refers to an adult who is at least eighteen (18) years of age who has been formally authorized, by the juvenile's parents to be temporarily responsible for the parental care, custody, authority, safety, and/or any other parental responsibilities required to supervise the juvenile, such as, but not limited to, babysitter(s).

- B. "Establishment" is hereby defined and refers to any privately owned place within the Town, to which any member of the public is invited, including, but not limited to, any place of amusement, business, eating/dining, entertainment, and/or convenience store.
- C. "Guardian" is hereby defined and refers to any person, other than a parent or caregiver, who, pursuant to a Court order, is the guardian to whom legal custody of the juvenile has been given pursuant to a Court order; or, a public or private agency with whom a juvenile has been placed by a Court. In either circumstance, they are responsible for the care and/or welfare of the juvenile.
- D. "Juvenile" is hereby defined and refers to any person under eighteen (18) years of age who has not been emancipated in accordance with all New Jersey State laws, regulations, and/or procedures, whether or not they reside in the Town of Newton.
- E. "Law Enforcement Officer" is hereby defined and refers to a police officer and/or any other law enforcement officer charged with the duty of enforcing the laws of the State of New Jersey, and/or the County of Sussex, and/or the laws and/or ordinances of the Town of Newton.
- F. "Motor Vehicle" is hereby defined and refers to: (1) a wheeled conveyance that does not run on rails and is self-propelled, including, but not limited to, one which is powered by an internal-combustion engine, a battery or a fuel-cell, or any combination of these; and/or, (2) an instrument of transportation or conveyance.
- G. "Parent" is hereby defined and refers to a biological parent(s), adoptive parent(s), or step-parent(s) of the juvenile, including, either parent if juvenile custody is shared under a Court order or other legal agreement.
- H. "Public Place" is hereby defined and refers to any place to which the public has access to, including, but not limited to, public street, public highways, roads, sidewalks, bridges, alleys, plazas, avenues, parks, thoroughfares, recreational, and/or public transportation facilities, vehicles used for public transportation, parking lots, the common areas of schools, apartment houses, office buildings, commercial facilities/establishments, shops, and/or hospitals, as well as any other public building, structure, and/or area which members of the public at any time of the day or night have access to.

CHAPTER 330, SECTION 2, Curfew Hours Established.

It shall be unlawful for any juvenile, as defined herein, to be in or on any Public Place and/or Establishment, as defined herein, in the Town between the hours of 10:00PM and 6:00AM, whether on foot, bicycle, scooter, skateboard, and/or Motor Vehicle, unless said juvenile is accompanied by a Parent, Guardian, and/or Caretaker, who must be over the age of eighteen (18) years.

CHAPTER 330, SECTION 3, Offenses.

In relation to and in addition to Section 2 above:

- (1) It shall be unlawful for a juvenile during the curfew hours to remain in or upon any Public Place within the geographic boundaries of the Town of Newton, to remain in any Motor Vehicle operating or parked therein or thereon, and/or to remain in or upon the premises of any Establishment within the geographic boundaries of the Town.

- (2) A Parent, Guardian, and/or Caretaker of a juvenile commits an offense if they knowingly permit, allow, and/or encourage or, by insufficient control of the juvenile, allow the juvenile to remain in or upon any Public Place within the geographic boundaries of the Town of Newton and/or to remain in any Motor Vehicle operating or parked therein or thereon and/or to remain in or upon the premises or any Establishment within the Town during curfew hours.
- (3) It shall be unlawful for a person, who is the owner and/or driver of any Motor Vehicle to knowingly permit, allow, and/or encourage a violation of this Ordinance/Town Code provision.
- (4) It shall be unlawful for the Operator/Owner of any Establishment, or for any person who is an employee thereof, to knowingly permit, allow, or encourage a juvenile to remain upon the premises of any Establishment during curfew hours.
- (5) It shall be unlawful for any person, including any juvenile, to give a false name, address, and/or telephone number to any Law Enforcement Officer investigating, in any manner, a possible violation of this Ordinance/Town Code provision.

CHAPTER 330, SECTION 4, Exceptions/Defenses.

- (1) It shall be unlawful for a juvenile, during the curfew hours, to remain in or upon any Public Place within the geographic boundaries of the Town of Newton, to remain in any Motor Vehicle operating or parked therein or thereon, and/or remain in or upon the premises of any Establishment within the geographic boundaries of the Town, unless:
 - (a) The juvenile is accompanied by a Parent, Guardian, and/or Caretaker; or
 - (b) The juvenile is engaged in an employment activity or traveling to or from an employment activity, without detour or stop, which the laws of the State of New Jersey authorize a juvenile to perform during curfew hours; or
 - (c) The juvenile is engaged in an errand or errands involving a medical emergency or emergencies during curfew hours; or
 - (d) The juvenile is attending an extracurricular school activity and/or traveling to or from such extracurricular school activity; without detour or stop, during curfew hours; or
 - (e) The juvenile is attending an activity sponsored by a religious or community-based organization of a cultural, educational, or social nature if said activity is supervised by at least two (2) or more adults. This shall also involve the juvenile's travel to or from the activity, as defined herein, without detour or stop during curfew hours.

CHAPTER 330, SECTION 5, Adult Responsibility.

It shall be unlawful for any Parent, Guardian, and/or Caretaker to allow any unaccompanied juvenile to be on any Public Place, Motor Vehicle, and/or Establishment during the curfew hours, except as noted in Section 4, Chapter 330 above.

CHAPTER 330, SECTION 6, Adult Permission Presumed.

If it should be established that any juvenile remaining idle, loitering, wandering, strolling, or remaining in or upon any Public Place and/or Establishment, and/or sitting in or upon a Motor Vehicle, within the geographic boundaries of the Town of Newton in violation of any of the provisions of this Chapter, then it shall be presumed, in the absence of proof to the contrary, that the Parent, Guardian, and/or Caretaker of the juvenile knowingly permitted the juvenile to violate any of the provisions of this Chapter.

CHAPTER 330, SECTION 7, Penalties.

Any juvenile violating any provision of this Chapter shall be subject to the following:

- (1) First Offense: Upon the initial occurrence of any violation of this Chapter by a juvenile, the Town of Newton Police Department or other authorized Law Enforcement Officer shall issue the juvenile a verbal curbside warning. A verbal curbside warning for any violation of this Chapter shall be documented with a case number and an entry in the curbside warning tracking system.
- (2) Second Offense: Upon a second (2nd) occurrence of any violation of this Chapter by a juvenile, the Town of Newton Police Department or other authorized Law Enforcement Officer shall issue a formal written warning to the juvenile and shall issue a formal written warning to the juvenile's Parent, Guardian, and/or Caretaker. The issuance of a formal written warning shall be documented with a case number in the curbside warning tracking system and/or curfew ordinance violation log.
- (3) Third or Subsequent Offense: Upon a third (3rd) and/or subsequent occurrence of any violation of this Chapter by a juvenile, the Town of Newton Police Department will issue a formal complaint summons to the juvenile and a formal complaint summons to the Parent, Guardian, and/or Caretaker of the juvenile offender. In the event a juvenile is charged with an act of juvenile delinquency, while engaged in a third (3rd) or subsequent violation of any provision of this Chapter, a violation of the Chapter will be added to the formal complaint.
- (4) If a juvenile and/or Parent, Guardian, and/or Caretaker is found to have violated any provisions of this Chapter either by a finding of guilt or a plea of guilty for a third or subsequent offense shall be subject to the provisions of Section 8, Chapter 330 below.

CHAPTER 330, SECTION 8, Penalties.

- A. Any juvenile, Parent, Guardian, and/or Caretaker who is found guilty or pleads guilty in the Town of Newton Municipal Court or other court of jurisdiction, to any violation of this Chapter for a third or subsequent offense of any provision of this Chapter shall be required to perform community service and may, in addition, be subject to fine of not to exceed One Thousand (\$1,000.00) Dollars.
- B. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) (juvenile, and/or Parent, and/or Guardian, and/or Caretaker) allowing and/or permitting the continuation of the violation may be punished as provided for above for each separate offense. If both a

juvenile and his/her/their Parent, Guardian, and/or Caretaker are found guilty or plead guilty to any provision of this Chapter and are required to perform community service, they shall be required to perform community service together.

CHAPTER 330, SECTION 9, Enforcement.

- A. The Law Enforcement Officer shall not issue a verbal and/or written curbside warning to a juvenile or issue a summons to appear in the Town's Municipal Court (either juvenile or a Parent, Guardian, and/or Caretaker) unless the Law Enforcement Officer reasonably believes that a violation of any provision of this Chapter has occurred.
- B. Before taking any enforcement action for a second offense and beyond, the Law Enforcement Officer shall endeavor to make an immediate investigation to establish such reasonable belief exists that an offense has occurred.
- C. As to either Section A and/or Section B above, if the investigation reveals the presence of the juvenile is in violation of any provision of this Chapter, then the Law Enforcement Officer:
 - (1) Shall ask the apparent juvenile offender's age and residence and the reason(s) for being out in a Public Place within the geographic boundaries of the Town of Newton; and/or, in any Motor Vehicle operating or parked therein or thereon; and/or, in or upon the premises of any Establishment within the Town; and
 - (2) Shall issue a verbal and/or written curbside warning (as set forth above) and shall ask the juvenile to leave the Public Place within the geographic boundaries of the Town of Newton, any Motor Vehicle operating or parked thereon or therein and/or in or upon the premises of any Establishment within the Town; and
 - (3) Shall issue to the juvenile a violation notice as to any provisions of this Chapter to the juvenile if it is not the juvenile's first notice for any violation of this Chapter; and
 - (4) If a juvenile refuses to give a Law Enforcement Officer, his/her/their name and/or address, refuses to give the name and address of his/her/their Parent(s), Guardian(s), and/or Caretaker(s) or if no Parent(s), Guardian(s), and/or Caretaker(s) can be located prior to the end of the applicable curfew hours, or, if located, no Parent(s), Guardian(s), and/or Caretaker(s) appears to accept custody of the juvenile, the Law Enforcement Officer shall be empowered to take the juvenile to the Newton Town Police Department Headquarters for a period not to exceed the curfew hours so that the juvenile's Parent, Guardian, and/or Caretaker may retrieve the juvenile.
- D. If the investigation conducted pursuant to this Section reveals the juvenile's Parent, Guardian, and/or Caretaker is violation of any provision of this Chapter, a Law Enforcement Officer shall be empowered to issue a summons to such juvenile's Parent, Guardian, and/or Caretaker, where the juvenile's Parent, Guardian, and/or Caretaker shall appear in front of the Municipal Court of the Town of Newton.

CHAPTER 330, SECTION 10, School Day Curfew.

No juvenile under the age of eighteen (18) shall be in any Public Place within the geographic boundaries of the Town of Newton when the juvenile is required to be in attendance at either a public or non-public school, unless the juvenile is accompanied by a Parent, Guardian, and/or Caretaker or is carrying written permission from the juvenile's educational authority allowing the juvenile to be in a Public Place.

CHAPTER 330, SECTION 11, Severability.

If, for any reason, any section of this Chapter shall be deemed invalid by a court of competent jurisdiction, the remaining sections and/or any and all other unaffected language of this Chapter and this Ordinance shall remain in full force and effect.

CHAPTER 330, SECTION 12, Repealer.

Any Ordinance or any part of any Ordinance and/or provision of the Town Code that is inconsistent with this Ordinance shall be repealed to the extent of the inconsistencies only.

CHAPTER 330, SECTION 13, Publication and Effective Date.

This Ordinance shall take effect immediately upon the adoption and publication of this Ordinance in accordance with law.

Deputy Mayor Couce opened the meeting to the public.

Anthony Piano, 225 Spring Street stated the gentleman that commented being against the curfew because good kids were being penalized should realize good kids won't be out after-hours climbing over fences and dancing on the hoods of cars.

Helen Longobardi, 225 Spring Street, stated she has been a resident in Newton since January of 2022. She moved here from Hamburg. She said they never had this problem before with young people. She was affected by these young individuals. She encountered one young girl with a box cutter scrapping signs late at night when she was in the parking garage. When she went to reenter the building with her FOB, the girl tried to push on the door, luckily, she was able to push back so she couldn't enter. She called the police, and they were there instantly, thankfully. The police have to deal with these children, and it could take them away from a more serious situation. She went on to say we need to do something, or we will be living in the problem not the solution.

Mr. Russo asked Chief Van Nieuwland to say a few words to explain what this ordinance will help the police do. The Chief said currently there are juvenile problems during the overnight hours. The police hands are tied to a certain level. The things these juveniles are doing don't rise to the level of a chargeable crime. The police take them home, the parents either did not know their child snuck out or the parents say we don't have a curfew so what do we want them to do. The juveniles even say they will just sneak back out. Our goal is to keep them out of the Juvenile Justice System. Loitering, causing a nuisance, etc., leads to other more serious offenses. This curfew will make the parents responsible. This ordinance will give the police discretion, and their goal is not to target

kids driving home from their jobs at night or after a school event. We had an incident the other night with a bunch of kids fighting after midnight, this is what the ordinance will help with. The Chief went on to thank the Town Council, Mayor, and Mr. Russo for giving them a tool in their toolbox to keep it from escalating.

Deputy Mayor Couce stated for clarification the goal is not to infringe on good kids, and the police will use discretion.

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

Mayor Teets stated she received an email from someone that was unable to attend the meeting tonight and she would like her email included in the record.

"Dear Councilman,

I am a lifelong resident of Newton, having grown up on York Rd and as an adult choosing to raise my own children here in our wonderful town. I was alerted yesterday to the council voting on a proposed curfew for our young teenagers. I understand, according to the article I read, some complaints have been received about some youth causing disturbances and perhaps vandalism. I am currently on vacation and unable to attend this meeting. First, I would like to know which councilman proposed this ordinance. Second, I would like to express my vote as a town resident AGAINST said curfew ordinance. I strongly feel the many teens in this small town should not be penalized and restricted based on a few. The handful of teens at fault should be reprimanded and held responsible but not all teens! My kids go to half apps at Applebees, they walk to friend's houses to swim after work, as a high school teen in this rural town myself, my friends and I would hang out at the playground until our parent set curfew of midnight on weekends. There is no need for the Town to be setting restrictions on our youth. Let the police do their job, hold those who act inappropriately responsible for their actions. Let the rest of our well-behaved small-town youth have some freedom to be teens!!

*Sincerely,
Rachael Detwiller"*

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

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

Mr. Russo stated the ordinance will be advertised and the curfew goes into effect on September 14, 2023.

Deputy Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE #2023-22

AN ORDINANCE PROVIDING FUNDING FOR THE INSTALLATION AND RECONSTRUCTION OF SIDEWALKS AND ALL ASSOCIATED COSTS ALONG MILL STREET FOR THE TOWN OF NEWTON AND APPROPRIATING \$589,268.45 FOR SUCH PURPOSE

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

Section 1. The Town of Newton, in the County of Sussex, New Jersey, authorizes for the installation and reconstruction of sidewalks along Mill Street, including signs, curbs, ADA ramps, a new wall, guide rails and related materials, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk for the Town of Newton to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$589,268.45 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount is funded from a County of Sussex receivable pursuant to a County of Sussex and Town of Newton Shares Services Agreement for CR 519 Mill Street Streetscape Program Design, Construction, Operations, and Maintenance Agreement in the amount of \$589,268.45.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Town determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Town of Newton may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Deputy Mayor Couce opened the meeting to the public.

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

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

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

Deputy Mayor Couce read aloud the following Ordinance relative to introduction.

ORDINANCE 2023-23

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2023

Mr. Russo stated the ordinance is to add Animal Control Officer and Deputy Animal Control Officer.

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

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

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

CONSENT AGENDA

Deputy Mayor Couce 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.

RESOLUTION #203-2023*

August 21, 2023 “Resolution to Amend Resolution #199-2023”

WHEREAS, the Town of Newton awarded in part an award to Campbell Foundry Company, Resolution #199-2023 on July 17, 2023, based upon Morris County Cooperative Pricing Council MCCPC Contract #14; and

WHEREAS, it was determined that portions of the Campbell Foundry Company award under MCCPC #14, were in fact held by General Foundries Inc., additional holder of portions of MCCPC Contract #14; and

WHEREAS, it is the recommendation of the Town of Newton Municipal Engineer to award the following portions of Resolution #199-2023 according to MCCPC Contract #14, as follows:

Campbell Foundry Company	\$1,295.00
General Foundries Inc.	\$1,526.50

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the Resolution of Award, Resolution #199-2023, is hereby amended with no change in the overall price, as follows and in accordance with the Morris County Cooperative Pricing Council Contract #14:

Campbell Foundry Company	\$1,295.00
General Foundries Inc.	\$1,526.50

BE IT FURTHER RESOLVED, all other portions of Resolution #199-2023 remain in full effect.

RESOLUTION #204-2023*

“Town of Newton Certification of Annual Audit”

WHEREAS, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #205-2023*

"Accept and Approve Corrective Action Plan for the 2022 Audit"

WHEREAS, a Corrective Action Plan for the Audit Report Year of 2022 has been prepared and filed by Chief Financial Officer, Monica Miebach; and

WHEREAS, said Plan has been reviewed by the Mayor and Council of the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Town of Newton that the Corrective Action Plan for the Audit Report Year of 2022 is accepted and approved for filing in the Municipal Clerk's Office.

RESOLUTION #206-2023*

"Accept as Final and Complete the Retaining Wall Repair Project"

WHEREAS, on October 24, 2022, the Newton Town Council adopted Resolution #236-2022, awarding the Retaining Wall Repair Project to Hear Construction, Inc. in the amount of \$88,700.00; and

WHEREAS, the Town Engineer, Harold E. Pellow, Harold E. Pellow & Associates, Inc., recommends in his memo dated July 31, 2023, the project be accepted as final and complete by the Town Council;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Retaining Wall Repair Project as final and complete based on the recommendation of the Town Engineer, so the final paperwork can be completed.

RESOLUTION #207-2023*

"Authorize an Agreement with CGP&H, LLC for Administrative Agent Services Related to Affordable Housing Requirements for July 1, 2023, Through June 30, 2024"

WHEREAS, the Town of Newton anticipates the need for an Administrative Agent to advise on affordable housing requirements for new developments within the Town of Newton; and

WHEREAS, CGP&H, LLC has submitted a proposal for continued Administrative Agent services, which is acceptable to the Newton Governing Body; and

WHEREAS, the anticipated term of this contract is one (1) year, July 1, 2023 through June 30, 2024; and

WHEREAS, the Chief Financial Officer hereby certifies funds in the 2023 budget, NOT TO EXCEED \$10,000.00 will be encumbered as follows:

RESERVE FOR COMMERCIAL DEVELOPMENT #751220

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

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton hereby authorizes the execution of an agreement with CGP&H, LLC, for Administrative Agent services outlined in the proposal submitted by CGP&H, LLC.

RESOLUTION #208-2023*

“Authorize the Award of a Required Disclosure Contract for HQW Architects LLC”

WHEREAS, the Town of Newton has a need to provide for architectural design and project management at Newton Firehouse #1, by HQW Architects LLC, as a required disclosure award pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, HQW Architects LLC, 14 North Village Boulevard, Suite C, Sparta, NJ 07871 has provided a proposal in the amount of \$80,000.00, which in the aggregate is expected to be in excess of the pay to play threshold of \$17,500.00; and

WHEREAS, HQW Architects LLC, 14 North Village Boulevard, Suite C, Sparta, NJ 07871 has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies HQW Architects LLC has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and the contract will prohibit HQW Architects LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$80,000.00, are available as follows:

2023 Capital Budget		
Ordinance 2023-7	Firehouse #1 Renovations	#30923074

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the Newton Town Manager to enter into a contract with HQW Architects LLC, 14 North Village Boulevard, Suite C, Sparta, NJ 07871 not to exceed \$80,000.00 for the architectural design and project management of Newton Firehouse #1; and

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

RESOLUTION #209-2023*

“Authorizing the Purchase of Natural Gas Supply Services for Public Use on an Online Auction Website”

WHEREAS, the Town of Newton has determined to move forward with the EMEX Reverse Auction in order procure natural gas for the Town of Newton; and

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the “Act”) authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, the Town of Newton will utilize the online auction services of EMEX, LLC, a division of Mantis Innovation, an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC, a division of Mantis Innovation, is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.6647/therm or less for a 12-month term, a price of \$0.6931/therm or less for an 18-month term, a price of \$0.6735/therm or less for a 24-month term, a price of \$0.684/therm or less for a 36-month term; the Town of Newton may award a contract to the winning supplier for the selected term;

NOW, THEREFORE BE IT RESOLVED, that the Town Manager of the Town of Newton is authorized to execute on behalf of the Town of Newton any natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.6647/therm or less for a 12-month term, a price of \$0.6931/therm or less for an 18-month term, a price of \$0.6735/therm or less for a 24-month term, a price of \$0.684/therm or less for a 36-month term; the Town of Newton may award a contract to the winning supplier for the selected term.

RESOLUTION #210-2023*

“Authorizing the Purchase of Electricity Supply Services for Public Use on an Online Auction Website”

WHEREAS, the Town of Newton has determined to move forward with the EMEX Reverse Auction in order procure electricity for Town of Newton; and

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Town of Newton will utilize the online auction services of EMEX, LLC, a division of Mantis Innovation, an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC, a division of Mantis Innovation, is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.0991/kWh or less for a 12-month term, a price of \$0.1013/kWh or less for an 18-month term, a price of \$0.1008/kWh or less for a 24-month term; the Town of Newton may award a contract to the winning supplier for the selected term;

NOW, THEREFORE BE IT RESOLVED, that the Town Manager of the Town of Newton is authorized to execute on behalf of the Town of Newton any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.0991/kWh or less for a 12-month term, a price of \$0.1013/kWh or less for an 18-month term, a price of \$0.1008/kWh or less for a 24-month term; the Town of Newton may award a contract to the winning supplier for the selected term.

RESOLUTION #211-2023*

“Refund of Redemption Monies to Outside Lien Holder for Block 7.10, Lot 12, Also Known As 5 Clarkson Street”

WHEREAS, at the Municipal Tax Sale held on October 5, 2022, a lien was sold on Block 7.10, Lot 12, also known as 5 Clarkson Street, for 2021 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-007 was sold to Evolve Bank & Trust for a 0% redemption fee and a premium of \$8,600.00; and

WHEREAS, Compu-Link, representing the owner, has affected the redemption of Certificate #2022-007 in the amount of \$3,433.61;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Evolve Bank & Trust is entitled to a redemption in the amount of \$3,433.61 as well as the return of the premium in the amount of \$8,600.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check, in the amount of \$3,433.61 for the redemption and a check in the amount of \$8,600.00 for the return of the premium for Certificate #2022-007 to Evolve Bank & Trust, 6000 Poplar Ave., Suite 300, Memphis, TN 38119.

RESOLUTION #212-2023*

“Authorize Award of Bid for Proposed ADA Ramps and Signage for W. Nelson and Division Streets to ADS Contractors LLC”

WHEREAS , a need exists for a bid for the project known as “Proposed ADA Ramps & Signage for W. Nelson & Division Streets”; and

WHEREAS, the Town advertised and received bids in a fair and open manner consistent with N.J.S.A. 19:44A-20.5 and N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Town received two (2) bids on August 10, 2023 at 11:00 AM to wit:

NAME OF BIDDER	ADS Contracting LLC	AA Berms LLC
TOTAL BID	\$50,991.53	\$76,474.00

; and

WHEREAS, ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J. was determined to be the lowest responsible bidder in accordance with N.J.S.A.40A:11-4a with a bid of \$50,991.53; and

WHEREAS, the Chief Financial Officer certifies funding in the amount of \$50,991.53 is available from:

Ordinance 2023-7 Rd Improvements #30923072

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 Council of the Town of Newton hereby awards “Proposed ADA Ramps & Signage for W. Nelson & Division Streets” to ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J., with a bid of \$50,991.53.

The Mayor and Newton Town Manager are authorized to execute contracts with ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J. consistent with all the tenets as contained within “Proposed ADA Ramps & Signage for W. Nelson & Division Streets” Bid.

RESOLUTION #213-2023*

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

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

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

WHEREAS, the Town of Newton and the County of Sussex desire to enter into a Shared Services Agreement through December 31, 2028 for maintenance of Newton's traffic signals and flashing warning devices; and

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

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

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

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

RESOLUTION #214-2023*

“Concur with the Recommendation of the Utility Advisory Board in Allocating Water and Sewer Connection Fees for Block 7.09, Lot 3”

WHEREAS, at a regular meeting of the Newton Utility Advisory Board conducted on August 15, 2023, an application was submitted to add four (4) residential apartments to 124 Main Street; and

WHEREAS, David Simmons, the Town's Water Engineer, submitted a revised report to the Utility Board dated August 2, 2023, outlining all conditions for the project and his calculations for water and sewer connection fees; and

WHEREAS, the Utility Advisory Board accepts Mr. Simmons calculations and conditions with allowing 124 Main Street four (4) additional residential apartments at a fee of \$46,432.00 due at the time of issuance of the construction permit;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body hereby concurs with the recommendations of the Utility Advisory Board and conditionally approves the fees set forth above.

RESOLUTION #215-2023*

“Approve Bills and Vouchers for Payment”

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2022 and 2023 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

List of Bills - CLEARING/CLAIMS

Check#	Vendor#	Name	Check Total
8873	2799 -	AFLAC	2,288.16
8874	3866 -	ALLIED 100 LLC	178.00
8875	3897 -	AMAZON CAPITAL SERVICES	1,137.73
8876	3869 -	AMERICAN FIDELITY ASSURANCE	562.22
8877	3868 -	AMERICAN FIDELITY ASSURANCE COMPANY	670.82

8878	4473 -	AppColony Inc	232.84
8879	4728 -	ASSOCIATION OF NEW JERSEY RECYCLERS INC	304.00
8880	2757 -	ATLANTIC TACTICAL INC.	556.96
8881	4448 -	ATLANTIC URGENT CARE LLC	127.00
8882	4026 -	AUTOZONE INC.	122.47
8883	3251 -	BADGER METER, INC.....	192.36
8884	2215 -	BCI BURKE COMP, LLC.	1,250.58
8885	2429 -	BLACK LAGOON INC.	1,300.00
8886	1132 -	BOONTON TIRE SUPPLY INC.	1,970.85
8887	300 -	BRIGHTSPEED	3,354.78
8888	2124 -	BUCKMAN'S INC.	1,502.40
8889	702 -	C W A LOCAL 1032	313.12
8890	3893 -	CAMPBELL SUPPLY OF SUSSEX CTY LLC	1,563.86
8891	192 -	CAMPBELL'S SMALL ENGINE INC.	441.69
8892	3015 -	CAPITOL SUPPLY CONST PRODUCTS, INC.	6,510.15
8893	4706 -	CARLUCCI,	3,636.99
8894	506 -	CARR, JOSEPH	200.00
8895	4549 -	CHALLENGER FENCE INC	47,749.00
8896	4549 -	CHALLENGER FENCE INC	63,750.00
8897	4549 -	CHALLENGER FENCE INC	1,200.00
8898	3770 -	CINTAS	353.74
8899	4640 -	COMMERCIAL TECHNOLOGY CONTRACTORS, INC.	300.00
8900	1632 -	COOPER ELECTRIC SUPPLY CO.	17.50
8901	2639 -	COUNTY OF SUSSEX	9,152.23
8902	4723 -	CRAFTY, KIM	80.00
8903	194 -	D & E SERVICE CENTER, INC.	550.00
8904	4386 -	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	7,490.00
8905	2136 -	DRAEGER, INC.	224.65
8906	106 -	ELIZABETHTOWN GAS	1,544.01
8907	4573 -	EMERGER PROPERTY MANAGEMENT LLC	8,398.50
8908	4385 -	ERIC M. BERNSTEIN & ASSOCIATES, LLC.	4,004.00
8909	4355 -	FAIRLEIGH DICKINSON UNIVERSITY	4,124.00
8910	225 -	FEDERAL EXPRESS	78.12
8911	2525 -	FIREFIGHTER ONE, LLC.	9,793.02
8912	807 -	FRANK SEMERARO CONSTRUCTION, INC.,	1,281.65
8913	3318 -	FREDON ANIMAL HOSPITAL	1,666.25
8914	373 -	GALLS, LLC	320.00
8915	2684 -	GARDEN STATE HIGHWAY PRODUCTS, INC.	2,530.00
8916	200 -	GARDEN STATE LABORATORIES INC	450.00
8917	4536 -	GATEHOUSE MEDIA NEW YORK HOLDINGS , INC.	91.74
8918	4384 -	GIBBONS P.C.	1,425.00
8919	4506 -	GLENN C KIENZ	800.00
8920	4398 -	GLOBAL RECYCLING SOLUTIONS LLC	1,342.04
8921	4718 -	GORMLEY, ABIGAIL	1,000.00
8922	4558 -	GOVERNMENT FORMS & SUPPLIES	332.50
8923	2313 -	GRAVITY DESIGN WORKS, INC.	672.00
8924	3804 -	HAYDEE BALLESTER	140.00
8925	230 -	HAYEK'S MARKET INC.	1,817.51
8926	4620 -	HQW ARCHITECTS, LLC.	2,370.00
8927	332 -	J & D SALES & SERVICE, LLC.	225.00
8928	3235 -	J. CALDWELL & ASSOCIATES, LLC.	6,837.50
8929	3235 -	J. CALDWELL & ASSOCIATES, LLC.	260.00
8930	113 -	JCP&L	10,688.79
8931	3067 -	JERSEY SHIRTS & DESIGNS	1,245.00
8932	3772 -	JK HVAC SERVICE, LLC.	2,878.21
8933	3644 -	JOHNNY ON THE SPOT, LLC.	541.25
8934	3711 -	KKPR MARKETING & PUBLIC RELATIONS,	2,960.10
8935	3847 -	Lakeland Auto Parts	9.49
8936	2278 -	LANGUAGE LINE SERVICES, INC.	124.10
8937	4227 -	LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.33
8938	254 -	LAWYERS DIARY & MANUAL	140.25
8939	391 -	LOU'S GLASS	609.70
8940	1566 -	MAIN POOL & CHEMICAL COMPANY, INC.	6,644.00
8941	4548 -	MANUFACTURERS EDGE INC	4,083.30

8942	4381 -	MID-AMERICAN ELEVATOR CO., INC.	500.00
8943	409 -	MINISINK PRESS INC	450.00
8944	1613 -	MITCHELL HUMPHREY INC.	2,590.00
8945	53 -	MONTAGUE TOOL & SUPPLY, INC.	4,989.64
8946	1741 -	MORRIS COUNTY POLICE ACADEMY	25.00
8947	3926 -	MOTOROLA SOLUTIONS INC.	217.98
8948	2567 -	MUNICIPAL RECORD SERVICE	668.00
8949	1638 -	NEW JERSEY WATER ASSOCIATION	670.00
8950	170 -	NEWTON BOARD OF EDUCATION	1,132,716.67
8951	700 -	NEWTON PATROLMANS ASSOCIATION	720.00
8952	1745 -	NEWTON SUPERIOR OFFICERS	420.00
8953	336 -	NEWTON TROPHY	6.00
8954	1621 -	NJ DIV ALCOHOL BEVERAGE CONTR	36.00
8955	4639 -	OLMSTED MURAL GROUP	10,968.75
8956	2216 -	PALL CORPORATION	9,500.12
8957	4656 -	PAULUS, SOKOLOWSKI & SARTOR LLC	395.00
8958	4656 -	PAULUS, SOKOLOWSKI & SARTOR LLC	405.00
8959	64 -	PELLOW, HAROLD & ASSO, INC.	15,827.89
8960	64 -	PELLOW, HAROLD & ASSO, INC.	993.50
8961	2788 -	PENTELEDATA	319.90
8962	4708 -	PHILLIPS PREISS GRYGIEL LEHENY HUGHES LL	2,060.00
8963	4204 -	PLANET NETWORKS INC.	62.50
8964	2212 -	PROCESS TECH SALES AND SERVICE	2,457.95
8965	4273 -	QUADIENT INC.	486.00
8966	39 -	QUILL CORPORATION	825.49
8967	3911 -	RECREONICS, INC.	2,543.55
8968	3679 -	REISINGER OXYGEN SERVICE, INC.	94.96
8969	2902 -	ROBERTS, JANIEN	45.00
8970	1872 -	RR DONNELLEY	426.00
8971	1755 -	S/NJ TOXICOLOGY LABORATORY	45.00
8972	611 -	SEBRING AUTO PARTS, INC.	14.82
8973	2145 -	SEELY BROTHERS, INC.	653.60
8974	4165 -	SF MOBILE-VISION, INC	2,115.00
8975	643 -	SHERWIN-WILLIAMS, INC.	19.52
8976	4644 -	SIEGEL, STEVEN M.	2,874.99
8977	1125 -	SIRCHIE FINGER PRINT LABS, LLC.	703.83
8978	1489 -	SMALLEY, JOHN H	2,875.00
8979	4726 -	SNAKE OIL WILLIE BAND	300.00
8980	3117 -	SOME'S WORLD WIDE UNIFORMS, INC.	3,057.60
8981	2257 -	STAPLES	75.79
8982	3309 -	STRAUS NEWS, INC.	500.00
8983	4144 -	SUBURBAN CONSULTING ENGINEERS, INC.....	15,782.00
8984	4725 -	SUMOWSKI DEBORAH	200.00
8985	1029 -	SUSSEX COUNTY CLERK'S ASSN	30.00
8986	130 -	SUSSEX COUNTY P & H, INC	5.00
8987	4278 -	TEXAS LIFE INSURANCE COMPANY	35.45
8988	3851 -	THE CANNING GROUP, LLC.	541.66
8989	676 -	THE EQUITABLE	11,880.00
8990	2025 -	THOMSON REUTERS -WEST	330.00
8991	217 -	TIMMERMAN COMPANY, INC.	1,095.63
8992	4630 -	TOPP BUSINESS SOLUTIONS INC.	799.00
8993	2880 -	TRACTOR SUPPLY	187.27
8994	691 -	TRANS WORLD ASSURANCE CO.	400.00
8995	1151 -	TREASURER, STATE OF NEW JERSEY	100.00
8996	3249 -	TRI-STATE RENTALS/PARTY WORLD INC	1,198.00
8997	4305 -	UGI ENERGY SERVICES LLC	138.16
8998	4130 -	UNITED FIRE PROTECTION CORP.....	17,440.00
8999	1257 -	UNUM LIFE/DISABILITY INSUR	746.12
9000	2716 -	UPSEU LOCAL 424J	672.00
9001	4579 -	USPS	3,000.00
9002	1739 -	VERIZON CONNECT	113.70
9003	1280 -	VERIZON WIRELESS, INC.	1,764.12
9004	1158 -	VISION SERVICE PLAN	1,155.90
9005	2635 -	W.B. MASON, INC.	157.98

9006	1144 -	WEINER LESNIAK	1,197.00
9007	382 -	WELDON ASPHALT COMPANY, INC.	141.75
9008	4261 -	WIELKOTZ & COMPANY, LLC.	9,050.00
9009	1656 -	WILDFLOWERS WITH TAMI	620.00
9010	3726 -	WITMER PUBLIC SAFETY GROUP, INC.	385.10
TOTAL			1,515,866.35

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

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 #8881 & 8963)	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	Mrs. Le Frois	Yes
	Mayor Teets		Yes

OPEN TO THE PUBLIC

Deputy Mayor Couce opened the meeting to the public.

Anthony Piano, 225 Spring St, he noticed the half a million for sidewalks and he said if there is any money left over, he would appreciate if we could level out the sidewalk on Elm Street. He walks the sidewalk every morning, and in the winter, it can be quite slippery.

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

COUNCIL MANAGER COMMENTS

Deputy Mayor Couce advised Mr. Piano that the Mill Street sidewalk project was being done through a grant. Mr. Russo clarified the monies Mr. Piano was referring to are for the County's portion of the project. The Town's portion is being done by a grant and Town money and therefore we cannot reallocate the monies to something else, but he will have the DPW check out the sidewalk on Elm Street.

Mr. Dickson stated we did not get great joy in establishing the curfew, but the safety of the residents and the juveniles was our ultimate goal.

ADJOURMENT

There being no further business to be conducted, upon a motion by Mrs. Diglio seconded by Mr. Dickson and unanimously carried, the regular meeting was adjourned at 8:20 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk