

The regular meeting of the Town Council of the Town of Newton was held in person and via Zoom on the above date at 7:30pm. Present were Mr. Dickson, Deputy Mayor Le Frois, Mrs. Teets, Mayor Couce, Teresa A. Oswin, Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Eric M. Bernstein, Esq., Town Attorney, was also present. Monica Miebach, CMFO attended via Zoom. Mrs. Diglio was excused.

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

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 5, 2024."

**APPROVAL OF MINUTES**

Upon motion by Deputy Mayor Le Frois, seconded by Mrs. Teets and all those present voting yes, the minutes for the January 4, 2024 Reorganization Meeting, were approved as presented.

Upon motion by Mr. Dickson, seconded by Mrs. Teets and all those present voting yes, the minutes for the January 22, 2024 Regular Meeting, were approved as presented.

**OPEN TO THE PUBLIC**

At this time, 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."*

Mayor Couce opened the meeting to the public.

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

**COUNCIL & MANAGER REPORTS**

**Town Manager Russo** – advised Mayor Couce there was one proclamation for him to read.

Mayor Couce read the following proclamation aloud for record.

*Office of the Mayor*

**Newton, New Jersey**

# Proclamation

## Black History Month

**February 2024**

*WHEREAS, Black History Month is celebrated annually in February to recognize the contributions that African Americans have made to American history; and*

*WHEREAS, Black History Month provides an opportunity to reflect on the significant roles African Americans have played in shaping our nation's history; and*

*WHEREAS, Black History Month is an opportunity to celebrate the achievements of African Americans and to recognize their central role in American history; and*

*WHEREAS, Black History Month provides an opportunity to educate the public about the important contributions of African Americans to our society; and*

*WHEREAS, the Newton Town Council recognizes the importance of Black History Month and encourages all residents to participate in activities that celebrate the achievements of African Americans and promote greater understanding of their contributions to our society;*

*NOW, THEREFORE, we, the Mayor and Town Council of the Town of Newton, hereby proclaim **February 2024 as Black History Month** in the Town of Newton and encourage all residents to participate in activities that celebrate the achievements of African Americans and promote greater understanding of their contributions to our society.*

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

\_\_\_\_\_/s/ John-Paul Couce

Attest: \_\_\_\_\_/s/ Teresa A. Oswin

Date: \_\_\_\_\_ February 12, 2024

Mr. Russo had two (2) items to note. Monday, February 19, 2024 Town Hall will be closed for Presidents' Day. The DPW and staff are preparing for the forecasted storm tomorrow. The staff may be doing an all-remote day, available to the public via phone or email. Stay safe.

**Councilmember Dickson** – offered congratulations to the Newton Lenape Valley Ice Hockey Team for winning the Charette Division title and for their Charette Cup semi-final win. The Charette Cup Final is Wednesday, Feb 14<sup>th</sup> against High Point at Mennen Arena. He also congratulated the Newton Lenape Ice Hockey head coach on his 200<sup>th</sup> career win! He not only coaches the kids on the high school level, but he also coaches' youth squirt, pee-wee, and middle school level. Molding the kids that will one day play on the high school level.

**Councilmember Diglio** – excused.

**Councilmember Teets** – she hopes everyone is safe tomorrow. Give the DPW and Police a wave tomorrow as they are out in the snow.

**Deputy Mayor Le Frois** – February is not only Black History Month but it is also Teen Dating Domestic Violence Awareness month. One (1) in three (3) teens will be the victims of an unhealthy relationship. She encourages parents to have hard conversations to educate their teens on what is acceptable and unacceptable behavior. School is canceled for tomorrow. Earl Schick is leaving the Planning Board to serve as a County Committeeman. She had the pleasure of attending the premier of Emerald Ties on February 4th at Sussex County Community College. This is a film by Newton resident Kevan Ali. The French Exchange Program is still looking for host families. The Town's Budget meeting will be held on February 26<sup>th</sup> starting at 5pm, she encourages all to attend. She wished Councilmember Teets a very Happy Birthday this week.

**Mayor Couce** – wished good luck to Mr. Schick. A reminder to everyone the DPW will be out plowing, so please remember not to park in the street, make sure your fire hydrants are clear, and to remove snow from your driveway.

**UNFINISHED BUSINESS** – None.

**ORDINANCES**

Mayor Couce read aloud the following Ordinance relative to adoption.

**ORDINANCE 2024-1**

**AN ORDINANCE AND AGREEMENT FOR THE APPOINTMENT OF A MUNICIPAL ENGINEER FOR CALENDAR YEARS 2024, 2025, & 2026**

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

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

**WHEREAS**, Cory L. Stoner of Harold E. Pellow & Associates, Inc., has submitted a *Scope of Services* dated November 29, 2023, outlining the services to be provided, a copy of said *Scope of Services* being maintained in the Office of the Municipal Clerk, and the contents of which are incorporated herein and made a part hereof; and

**WHEREAS**, the anticipated term of this contract is three (3) years ending December 31, 2026, in accordance with N.J.S.A. 40A:9-140; and

**WHEREAS**, Cory L. Stoner of Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00 each year; and

**WHEREAS**, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2024, 2025, and 2026 Temporary and Permanent budgets, funds NOT TO EXCEED \$180,000.00 will be encumbered as follows:

<b>2024 Current –</b>	
<b>Engineer #20-165-216, Stormwater #26-298-216, Plan Bd #21-180-216</b>	<b>estimate \$55,000</b>
<b>Trust Escrow</b>	<b>estimate \$50,000</b>
<b>General Capital &amp; W/S Capital – specific ordinances</b>	<b>estimate \$75,000</b>

**NOW, THEREFORE BE IT ORDAINED**, the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Cory L. Stoner of Harold E.

Pellow & Associates, Inc., for services as Municipal Engineer for calendar years 2024, 2025, and 2026:

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance which shall act as the authorization and agreement between the Town of Newton and Cory L. Stoner of Harold E. Pellow & Associates, Inc., providing for his retention as Municipal Engineer for the Town of Newton for calendar years 2024, 2025, and 2026.
- 2) The services to be rendered by Mr. Stoner shall be on an hourly basis, on an "as needed" requirement, as sought by the Town of Newton at a rate of \$142.00 per hour not to exceed \$180,000.
- 3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1 (1) (a) of the Local Public Contracts Law, because Mr. Stoner is a licensed engineer of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.
- 4) Political Contribution Disclosure. This contract has been awarded to Cory L. Stoner of Harold E. Pellow & Associates, Inc., based on the merits and abilities of Mr. Stoner to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 5) The maximum dollar value is based on a reasonable estimate of goods or services required over the contract term, and the Town is not obligated to spend that amount.
- 6) Notice of this action shall be published once in the *New Jersey Herald*.

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance be kept on file and available for public inspection in the Municipal Clerk's office.

**ATTEST:**

**TOWN OF NEWTON**

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

\_\_\_\_\_  
John-Paul E. Couce, Mayor

I hereby acknowledge executing this duplicate Ordinance and agree to be bound by its terms, covenants and conditions for the year 2024, 2025, and 2026.

Date: \_\_\_\_\_

\_\_\_\_\_  
Cory L. Stoner, Municipal Engineer

Mayor Couce opened the meeting to the public.

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

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

Mr. Dickson	Yes	Mrs. Diglio	Excused
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February 12, 2024

Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

Mayor Couce read aloud the following Ordinance relative to adoption.

**ORDINANCE 2024-2**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, MOST NOTABLY CHAPTER 100, ENTITLED "FEES AND COSTS", SECTION 100-15**

**WHEREAS**, the Town of Newton ("Town") has determined that there is a need to amend, revise, and supplement Chapter 100, entitled "Fees and Costs", Section 100-15, entitled "Vehicles and Traffic", as it pertains to the need for overnight parking in Lot No. 2, the Main Street Lot;

**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 supplement Chapter 100 of the Newton Town Code, entitled "Fees and Costs", Section 100-15, entitled "Vehicles and Traffic", most notably, Subsection (C) to read as follows:

**§ 100-15. Vehicles and traffic (Chapter 307).**

C. Parking passes may be purchased at the Municipal Building for the above metered lots at the following rates:

- (2) Overnight parking pass:
  - (a) ~~Central Plaza (Lot No. 4), Western Plaza (Lot No. 3) and the Adams Street Lot (Lot No. 1), Main Street Lot (Lot No. 2), Western Plaza (Lot No. 3), and Central Plaza (Lot No. 4).~~ (Residents and business night shift employees)

**BE IT FURTHER ORDAINED**, the Newton Town Manager will work with the Municipal Engineer and all appropriate Department of Public Works staff to ensure proper signage and designation of said overnight parking spots;

**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 upon due passage and publication in accordance with law.

Mayor Couce 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. Teets who moved its adoption, seconded Mr. Dickson, and roll call resulted as follows:

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

Mayor Couce read aloud the following Ordinance relative to introduction.

**ORDINANCE 2024-3**

**CALENDAR YEAR 2024**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

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

The aforementioned **ORDINANCE** was offered by Deputy Mayor Le Frois who moved its introduction, seconded by Mrs. Teets, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Excused
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	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, February 26, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

**ORDINANCE #2024-4**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$800,000 FOR RENOVATIONS TO FIREHOUSE NO. 1 IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION**

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

Mr. Dickson	Yes	Mrs. Diglio	Excused
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	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, February 26, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

**ORDINANCE #2024-5**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) SCHEDULE FOR MEMBERS OF THE NEWTON TOWN VOLUNTEER FIRST AID SQUAD**

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

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

**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, February 26, 2024 at 7:00 pm.

**CONSENT AGENDA**

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 #69-2024\***

**“Resolution Authorizing Payment #1 for the Drainage Improvements Contract at Memory Park”**

**WHEREAS**, the Town of Newton was in need of certain drainage improvements at Memory Park and advertised for bids for the project in June of 2023. The bid was awarded by Resolution #190-2023 to Paving Materials and Contracting, LLC “PMC” in the amount of \$742,743.00; and

**WHEREAS**, the Town of Newton has received a request for Payment #1, dated December 1, 2023, from Paving Materials and Contracting, LLC (“PMC”), requesting payment in the amount of One Hundred Nineteen Thousand Five Hundred Forty-Four Dollars and Eighty-Five Cents (\$119,544.85), which reflects withholding two percent (2%) retainage from the total value completed to date; and

**WHEREAS**, the Town Engineer on this Project, Suburban Consulting Engineers, Inc., has completed a Payment Recommendation dated January 16, 2024, and hereby recommends Payment #1 to Paving Materials and Contracting, LLC, in the amount of One Hundred Nineteen Thousand Five Hundred Forty-Four Dollars and Eighty-Five Cents (\$119,544.85), subject to PMC providing original Payment Request documentation to the Town Engineer’s satisfaction;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town hereby authorizes Payment #1 to the contract with Paving Materials and Contracting, LLC in the amount of One Hundred Nineteen Thousand Five Hundred Forty-Four Dollars and Eighty-Five Cents (\$119,544.85), which reflects withholding two percent (2%) retainage from the total value completed to date; and

**BE IT FURTHER RESOLVED**, that the Town of Newton shall not release said Payment #1 until such time that PMC provides the original Payment Request documentation to the Town Engineer’s satisfaction; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be forwarded to the Town of Newton Chief Financial Officer, the Town of Newton Engineer on this Project, and to Paving Materials and Contracting, LLC.

**RESOLUTION #70-2024\***

**“To Cancel Grant Receivable and Appropriated Reserve for Unrealized Municipal Alliance Grant 2022/2023 in the Amount of \$468.98”**

**WHEREAS**, the Town of Newton received an award in the amount of \$6,037.00 from the State of New Jersey Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex which was appropriated in the 2022 Municipal Budget for a Municipal Alliance Grant; and

**WHEREAS**, the costs expended and approved total \$5,568.02; and

**WHEREAS**, there is a grant receivable balance of \$468.98 due from the County of Sussex, State of New Jersey for Municipal Alliance on the Federal and State Grant balance sheet and an appropriated reserve of the same amount; and

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

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

<b>Federal &amp; State Grant Fund</b>		
Grant Receivable – Municipal Alliance #10-506-002		\$468.98
Appropriated Reserves – Municipal Alliance Grant #41-506-002		\$468.98

**RESOLUTION #71-2024\***

**“Authorizing Contract with Certain Approved State Contract Vendor, Northeast Communications, State Contract 83898”**

**WHEREAS**, the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-12, authorizes the Town of Newton by resolution, and without advertising for bids or obtaining quotations, to purchase any goods or services under the State Contract; and

**WHEREAS**, the Town has the need on a timely basis to purchase goods and services utilizing State contracts for the outfitting of police vehicles; and

**WHEREAS**, the Town intends to enter into contracts with Northeast Communications under State Contract 83898, for police vehicle outfitting in the amount of \$67,122.01; and

**WHEREAS**, the Chief Financial Officer certifies funding is available in the amount of \$67,122.01 from:

ORDINANCE 2023-7	04-215-55-918-010
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**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton, authorizes the Newton Town Manager to enter into a contract with Northeast Communications under State Contract 83898, police vehicle outfitting in the amount of \$67,122.01.

**RESOLUTION #72-2024\***

**“Approve 2023 Appropriation Reserve Transfers”**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2023 appropriation reserve transfer be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b>CURRENT</b>		
Police S&W 01-203-25-240-100	Animal Control OE 01-203-27-340-200	\$3,000.00
<b>TOTAL CURRENT TRANSFERS</b>		<b>\$3,000.00</b>

**RESOLUTION #73-2024 AND AGREEMENT**

**FOR PROFESSIONAL SERVICES\***

**MUNICIPAL COURT JUDGE**

**WHEREAS**, there exists a need for a Municipal Court Judge to be appointed to represent the Town of Newton and Green Township through the shared court services agreement with respect to municipal matters, for calendar years 2024, 2025, and 2026; and

**WHEREAS**, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said court matters, and the funds have been certified as being available by the Chief Financial Officer; and

**WHEREAS**, Michael A. Carlucci, Esq., has indicated all such services will be rendered to the Town of Newton for the 2024, 2025, and 2026 calendar years, which the Newton Town Council deems fair and equitable for said professional services the fees set forth below:

	<u>2024</u>	<u>2025</u>	<u>2026</u>
Newton	\$39,417.00	\$40,205.00	\$41,009.00
Green	\$5,000.00	\$5,000.00	\$5,000.00

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

**WHEREAS**, Mr. Carlucci agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

**WHEREAS**, the Town and Mr. Carlucci agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions, and obligations of said section 5.3;

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Michael A. Carlucci, Esq., providing for his retention as Municipal Court Judge for the Town of Newton for calendar years 2024, 2025, and 2026.

2) The services to be rendered by Mr. Carlucci shall be on a yearly basis, as sought by the Town of Newton and Green Township through the shared court services agreement at the rates set forth above.

3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. Carlucci is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

4) Political Contribution Disclosure. This contract has been awarded to Michael A. Carlucci, Esq., based on the merits and abilities of Mr. Carlucci to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 *et seq.* As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) Notice of this action shall be published once in the *New Jersey Herald*.

**Town of Newton  
Resolution #74-2024  
Amendment to the Temporary Water/Sewer Capital Budget**

**WHEREAS**, the local Capital Budget for the year 2024 has not yet been adopted; and  
**WHEREAS**, it is desired to introduce a Water Sewer Capital Ordinance; and  
**WHEREAS**, N.J.A.C. 5:30-4.4B provides the Capital Budget of a Governing Body shall be amended to reflect any provisions, changes, or inconsistencies with said Capital Budget;  
**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, that the 2024 Temporary Water Sewer Capital Budget shall be amended to reflect the introduction of an emergency Resolution #75-2024 in the amount of \$600,000 for the RBC Replacement at the Newton WWTP.

Recorded Vote (Insert Names)

(	(	(	Abstain (
(	(	(	(
Ayes (	Nays (	(	(
(	(	(	Absent (
(	(	(	(

WATER/SEWER CAPITAL BUDGET (Current Year Action)  
2024

1 Project	2 Project Num.	3 Est. Total Cost	4 Amt. Res. In Prior Years	Planned Funding Services for Current Year 2024					Total Funded In Future Year
				5a 2024 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid/Other Fund	5f Debt Authorized	
WWTP RBC Replacement	2024-U1	\$ 600,000.00		\$ 600,000.00					
<b>Total All Projects</b>		<b>\$ 600,000.00</b>		<b>\$ 600,000.00</b>					

SIX YEAR CAPITAL PROGRAM 2024 TO 2029  
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS  
5. Funding Amounts Per Year

1 Project	2 Project Num.	3 Est. Total Cost	4 Estimated Completion Time	Capital Improvement Fund 2024 Budget	2024	2025	2026	2027	2028	2029
WWTP RBC Replacement	2024-U1	\$ 600,000.00	2024		\$ 600,000.00					
<b>Total All Projects</b>		<b>\$ 600,000.00</b>			<b>\$ 600,000.00</b>					

SIX YEAR CAPITAL PROGRAM 2024 - 2029  
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	2 Estimated Total Cost	3 Budget Appropriation		4 Capital Improv. Fund	5 Capital Surplus	6 Grants In Aid-Other Funds	7 Bonds and Notes			
		Current Year	Future Years				General	Self-Liquid.	Assessment	School
WWTP RBC Replacement	\$ 600,000.00	\$ 600,000.00								
<b>Total All Projects</b>	<b>\$ 600,000.00</b>	<b>\$ 600,000.00</b>								

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

**RESOLUTION #75-2024\***

**“Resolution Authorizing an Emergency Installation of a Single Stage RBC Unit at the Waste Water Treatment Plant”**

**WHEREAS**, the Town of Newton became aware of a failure of an RBC unit at the Waste Water Treatment Plant; and

**WHEREAS**, the Newton Town Manager has determined this condition is an emergency and poses a threat to the health, safety, and welfare of the public in accordance with N.J.S.A. 40A:11-6; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-6, an emergency quote from Rapid Pump and Meter Service, 285 Straight Street, Paterson, NJ 07509 for the installation and

placement of the single stage RBC unit and accessories in the amount of \$582,900.00 was obtained; and

**WHEREAS**, the Newton Town Manager finds that this qualifies as an emergency procurement in accordance with the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-6); and

**WHEREAS**, the Chief Financial Officer certifies funding is available in the amount of \$582,900.00 from:

2024 Water Sewer Capital Outlay

09-201-60-512-000

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, based upon these circumstances, that it hereby declares an emergency and approves the need for the emergency purchase and repair of a single stage RBC unit and accessories from Rapid Pump and Meter Service, 285 Straight Street, Paterson, NJ 07509 in the amount of \$582,900.00.

**RESOLUTION #76-2024\***

**“Authorizing Aviat Microwave Backhaul & Tait Simulcast System and Accessories Contract Pursuant to New Jersey State Contract – Division of Purchase and Property Number 83900 and 83920”**

**WHEREAS**, a need exists for the acquisition of Aviat microwave backhaul and Tait simulcast system and accessories for the daily operations of the Town of Newton Police 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**, the Town received quotes under the State Contract Awards, PMC holder of New Jersey State Contract #83900 Tait & Services (\$480,490.89) and Aviat New Jersey State Contract# 83920 (\$151,593.50), acceptable to the Town of Newton; and

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

**WHEREAS**, the Chief Financial Officer certifies funding in the amount of \$632,084.39 is available from:

Community Fund Upgrade 911

02-213-41-691

**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 Police Department is authorized to procure from PMC holder of New Jersey State Contract #83900 Tait & Services (\$480,490.89) and Aviat NJ State Contract# 83920 (\$151,593.50).

**RESOLUTION #77-2024\***

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

**WHEREAS**, the Town of Newton does accept funding in the amount of \$19,423.00 with a match of \$78,196.58 by the Town for an approximate project total cost of \$97,619.58 for a project under the New Jersey Safe and Secure Communities Program (Grant No. 24-1915) for the project duration of March 14, 2024 to March 13, 2025; and

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

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

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

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

**BE IT FURTHER RESOLVED**, that the Town Manager of the Town of Newton is hereby authorized to accept and execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. 24-1915.

**CERTIFICATION OF RECORDING OFFICER**

This is to certify that the foregoing Resolution is a true and correct copy of a Resolution which was duly and regularly introduced and finally adopted at the meeting of the Town of Newton held on the 12<sup>th</sup> day of February, 2024 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.

**SEAL**

	Municipal Clerk, RMC
<b>Signature of Certifying Officer</b>	<b>Title</b>
Teresa A. Oswin	
<b>Name of Certifying Officer</b>	

**RESOLUTION #78-2024\***

**“Approve Extension of Contract for Schmidt’s Wholesale Water Meter Supply Bid 3-2022”**

**WHEREAS**, there is a need for water meter supply in the Town of Newton; and

**WHEREAS**, the Town of Newton approved through Resolution #121-2022 a two (2) year contract award to Schmidt’s Wholesale of Monticello, N.Y.; and

**WHEREAS**, the New Jersey Local Public Contracts Law at N.J.S.A.40A:11-15 allows for two (2), one (1) year extensions to bid contracts, or one (1), two (2) year extension to bid contracts; and

**WHEREAS**, it is the desire of the Town to extend the bid contract awarded through Resolution #121-2022 for an additional one (1) year under the tenets as found within Bid 3-2022; and

Capital Outlay      60-512-000      Maximum of \$30,000

**WHEREAS**, subject to approval of future budgets by the Governing Body of the Town of Newton, the Chief Financial Officer certifies funding is available;

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

Schmidt's Wholesale is authorized to enter a one (1) year contract extension from the date of this authorization to provide for water meter supply services in accordance with the auspices as contractually set forth within Bid 3-2022.

**RESOLUTION #79-2024\***

**“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 No.</b>	<b>Vendor No.</b>	<b>Vendor Name</b>	<b>Amount</b>
10050	3773	- A&S HYDRAULICS INC.	915.00
10051	3754	- ADP, LLC	3,500.00
10052	1846	- ADVANCE AUTO PARTS	17.70
10053	921	- AIRGAS USA, LLC	18.70
10054	2141	- AIRMATIC COMPRESSOR SYSTEMS, INC.	4,647.05
10055	3897	- AMAZON CAPITAL SERVICES	1,805.77
10056	3508	- AMERICAN AQUATIC TESTING, INC.	1,200.00
10057	4796	- ANGELINA LOUIS	1,148.50
10058	4026	- AUTOZONE INC.	25.98
10059	3251	- BADGER METER, INC.	192.92
10060	4569	- BE SECURE ALARMS LLC	256.00
10061	4662	- BELLIS JUSTIN	35.00
10062	3406	- BLUE RIDGE LUMBER, INC.	355.00
10063	1132	- BOONTON TIRE SUPPLY INC.	1,220.49
10064	3355	- BRAEN STONE SPARTA	1,330.19
10065	300	- BRIGHTSPEED	3,416.13
10066	4496	- BROWN KERRY	54.37
10067	3893	- CAMPBELL SUPPLY OF SUSSEX CTY LLC	255.00
10068	4787	- CARNER BROS	24,850.00
10069	77	- CCP INDUSTRIES, INC.	2,004.81
10070	3770	- CINTAS	711.59
10071	2697	- CIVIC PLUS LLC	9,896.22
10072	3609	- CLIFFSIDE BODY CORP.	1,377.83
10073	4147	- CONVERGINT TECHNOLOGIES, LLC.	5,908.00
10074	1632	- COOPER ELECTRIC SUPPLY CO.	107.04
10075	155	- COYNE CHEMICAL CORP., INC.	3,181.30
10076	4500	- CRYSTAL MOUNTAIN SPRINGS	260.98
10077	4738	- D.S. MEYER ENTERPRISES LLC.	264,090.75
10078	1736	- DANFORTH'S TRAILER & AUTO, INC	7,434.00
10079	4794	- Deborah Brown	250.00
10080	4386	- DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	3,496.32
10081	4791	- DRONE U	527.00
10082	4482	- E-PASS	52.10
10083	4385	- ERIC M. BERNSTEIN & ASSOCIATES, LLC.	8,762.00
10084	4385	- ERIC M. BERNSTEIN & ASSOCIATES, LLC.	9,003.07
10085	4747	- FF1 APPARATUS LLC	2,771.19
10086	2525	- FIREFIGHTER ONE, LLC.	535.94
10087	2377	- FOREMOST PROMOTIONS, INC.	690.71
10088	3318	- FREDON ANIMAL HOSPITAL	1,305.00
10089	2626	- GENERAL CODE, LLC	1,195.00

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10090	4398	- GLOBAL RECYCLING SOLUTIONS LLC	2,110.34
10091	789	- GNCC	3,820.00
10092	2313	- GRAVITY DESIGN WORKS, INC.	12,640.00
10093	70	- HACH COMPANY	680.00
10094	3641	- HANNA INSTRUMENTS, UNITED STATES, I	519.00
10095	4064	- HARD ROCK HOTEL & CASINO ATLANTIC C	847.00
10096	4715	- HARRINGTON CONSTRUCTION CO., INC.	4,200.00
10097	230	- HAYEK'S MARKET INC.	100.88
10098	4337	- HFE SERVICES LLC	926.96
10099	4198	- HIGHWAY EQUIPMENT COMPANY	1,937.00
10100	3876	- HOLLAND COMPANY, INC.	11,482.81
10101	1866	- HOME DEPOT, INC.	12,298.31
10102	4620	- HQW ARCHITECTS, LLC.	500.00
10103	4783	- HUGHES MARKETING GROUP	2,500.00
10104	2140	- HYDRO TECHNOLOGY, LLC.	1,200.00
10105	1345	- IACP - MEMBERSHIP	190.00
10106	332	- J & D SALES & SERVICE, LLC.	225.00
10107	3235	- J. CALDWELL & ASSOCIATES, LLC.	1,625.00
10108	4434	- J. KRAMER LANDSCAPING & SNOWPLOWING LLC	4,760.00
10109	1271	- JCI JONES CHEMICALS, INC	3,065.03
10110	113	- JCP&L	6,228.64
10111	3029	- Jesco Inc.	270.25
10112	2569	- KIEFFER ELECTRIC, INC.	4,622.00
10113	4396	- KIMBALL MIDWEST	497.38
10114	2278	- LANGUAGE LINE SERVICES, INC.	13.60
10115	2300	- LOWE'S, INC.	217.54
10116	352	- LUBRICATION ENGINEERS INC	3,852.25
10117	3792	- MACKENZIE AUTOMATIC DOORS	1,490.00
10118	496	- MICROSYSTEMS-NJ COM, LLC.	3,458.00
10119	53	- MONTAGUE TOOL & SUPPLY, INC.	634.59
10120	2508	- MORRIS COUNTY COOP	1,100.00
10121	4291	- MUTUALINK, INC	1,472.99
10122	1897	- NATIONAL ENTERTAINMENT TECH., INC.	560.00
10123	3107	- NEW JERSEY MONTHLY	34.95
10124	1638	- NEW JERSEY WATER ASSOCIATION	630.00
10125	2701	- NJLM	520.00
10126	2701	- NJLM	25.00
10127	2835	- NJMEBF	224,216.00
10128	1762	- NJSACOP	634.00
10129	2844	- NORTH JERSEY COURT ADMIN. ASSOC.	100.00
10130	2844	- NORTH JERSEY COURT ADMIN. ASSOC.	80.00
10131	2547	- NORTHWEST BUILDING SUPPLY, INC.	395.28
10132	2882	- ONE CALL CONCEPTS, INC.	265.59
10133	4383	- OPTIMUM	202.20
10134	1407	- PASSAIC VALLEY SEWERAGE COMM.	7,371.00
10135	64	- PELLOW, HAROLD & ASSO, INC.	14,111.76
10136	64	- PELLOW, HAROLD & ASSO, INC.	6,957.00
10137	64	- PELLOW, HAROLD & ASSO, INC.	4,400.50
10138	4204	- PLANET NETWORKS INC.	5,552.10
10139	4204	- PLANET NETWORKS INC.	399.90
10140	4204	- PLANET NETWORKS INC.	1,219.80
10141	4204	- PLANET NETWORKS INC.	199.90
10142	3435	- PRIME LUBE, INC.	2,513.76
10143	2212	- PROCESS TECH SALES AND SERVICE	3,466.84
10144	1217	- PUBLIC WORKS ASSN OF NJ	90.00
10145	4273	- QUADIENT INC.	486.00
10146	39	- QUILL CORPORATION	267.07
10147	2478	- RACHLES/MICHELE'S OIL COMPANY, INC.	6,216.60

10148	401	- REGISTRAR'S ASSO OF NEW JERSEY	50.00
10149	4207	- RIMAGE CORPORATION	195.99
10150	4199	- RUTGERS LIFELONG LEARNING CENTER	2,279.00
10151	2860	- RUTGERS, CENTER FOR GOVERNMENT SERV	745.00
10152	1755	- S/NJ TOXICOLOGY LABORATORY	135.00
10153	3660	- SCHENCK, PRICE, SMITH, & KING, LLP	5,309.85
10154	55	- SCHMIDT'S WHOLESALE, INC	92.10
10155	126	- SCMUA	605.62
10156	4748	- SHUPPER-BRICKLE EQUIPMENT COMPANY	824.00
10157	1461	- SPARTA READY MIX, INC.	901.00
10158	2390	- STALKER RADAR INC.	5,938.00
10159	2257	- STAPLES	237.36
10160	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	44,918.16
10161	2056	- SUBURBAN PROPANE, LP.	9,180.38
10162	102	- SUSSEX CAR WASH INC	200.00
10163	1029	- SUSSEX COUNTY CLERK'S ASSN	150.00
10164	3603	- SUSSEX COUNTY COMMUNITY COLLEGE	500.00
10165	2310	- SUSSEX COUNTY ENGINEERING DIVISION	473.13
10166	2310	- SUSSEX COUNTY ENGINEERING DIVISION	142.10
10167	130	- SUSSEX COUNTY P & H, INC.	1,412.88
10168	371	- T.A. MOUNTFORD COMPANY, INC.	700.00
10169	2479	- TAYLOR OIL CO., INC.	3,978.65
10170	2675	- TIRE KING, INC.	1,445.00
10171	4512	- Town of Newton Clerk	10.00
10172	2880	- TRACTOR SUPPLY	598.85
10173	1151	- TREASURER, STATE OF NEW JERSEY	9,385.00
10174	367	- TREASURER, STATE OF NEW JERSEY	300.00
10175	2476	- TREASURER, STATE OF NJ -BURIAL	5.00
10176	2781	- TRIMBOLI & PRUSINOWSKI, LLC.	1,326.00
10177	4152	- UNITED SITE SERVICES, INC	13,431.60
10178	1739	- VERIZON CONNECT	352.12
10179	1158	- VISION SERVICE PLAN	1,245.23
10180	2635	- W.B. MASON, INC.	90.29
10181	2635	- W.B. MASON, INC.	76.05
10182	1500	- WALMART	94.22
10183	1144	- WEINER LESNIAK	702.00
10184	633	- WEIS MARKETS, INC.	753.90
10185	804	- WEST CHESTER MACHINERY	762.20
10186	3035	- WHENTOWORK INC	715.00
10187	1656	- WILDFLOWERS WITH TAMI	200.00
10188	3726	- WITMER PUBLIC SAFETY GROUP, INC.	743.74
10189	4568	- XFCOMPUTERS, LLC	974.99
<b>TOTAL</b>			<b>851,383.88</b>

**RESOLUTION #80-2024\***

**“Resolution Furthering Historic Preservation Through a Grant from the NJ Historic Trust in the Amount of \$32,813 for the Newton Town Plot Historic District”**

**WHEREAS**, the Governing Body of the Town of Newton desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of \$32,813 for the Newton Town Plot Historic District; and

**WHEREAS**, the Town Council of the Town of Newton authorizes Thomas S. Russo, Jr., Town Manager, to execute a grant agreement with the State in an amount up to that awarded for the proposed project, and to seal the grant agreement;



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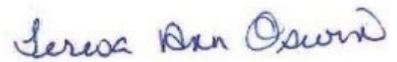
2023-7 toward the renovations of the Firehouse for interior and exterior work, we still have \$738,958 left from that ordinance. We are supplementing that with \$800,000 from Ordinance 2024-4, for a total amount of \$1.538 million. We are looking to award Phase I and Phase II soon for the bottom-level and upper-level interior renovations. This also includes in Section 20 the engineering and architectural costs. Once completed, hopefully this year, we will look to budget funds in the 2025 Capital Budget for exterior renovations which will include the parking lot, apron, stairs, and other exterior items.

Mayor Couce also advised Ms. Baldini if she wished to review the minutes of the meeting at which the firehouse project was proposed, it would be the second meeting in April 2023. Lastly, he advised there is no recycling collection tomorrow due to snow, pickup has been moved to Wednesday.

**ADJOURNMENT**

There being no further business to be conducted, upon a motion by Mrs. Teets seconded by Deputy Mayor Teets and unanimously carried, the Regular meeting was adjourned at 7:52pm.

Respectfully submitted,



Teresa A. Oswin, RMC  
Municipal Clerk