

The regular meeting of the Town Council of the Town of Newton was held in person and via Zoom on the above date at 7:00pm. Present were Mrs. Diglio, Mr. Dickson, Deputy Mayor Le Frois, Mrs. Teets, Mayor Couce, Teresa A. Oswin, Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Monica Miebach, CMFO and Eric M. Bernstein, Esq., Town Attorney were also present.

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 Mrs. Diglio, seconded by Deputy Mayor Le Frois and all those present voting yes, the minutes for the March 11, 2024 Special Meeting were approved as presented.

Upon motion by Mrs. Diglio, seconded by Mrs. Teets and all those present voting yes, the minutes from the March 11, 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.

Helen Heckman came forward and thanked the Council for the wonderful improvements to Pine Street Park. She gave an update on the plans for the Dennis Library, the new plans are a scaled down version to make it more affordable. She thanked the Council for their support of this project. She said the library is a benefit to every citizen. Lastly, she had a concern about an incident with a Senior Shuttle and she wanted to know whom she should talk to about it, she wasn't sure if it was the Town's or the County. Mayor Couce directed her to talk to the Town Manager after the meeting.

There being no one else 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** – announced Town Hall is closed on Good Friday, and he wished everyone celebrating a Happy Easter.

**Councilmember Dickson** – stated on March 18<sup>th</sup> he attended the Historic Preservation Advisory Commission meeting. The Commission selected Ralph Porter as Chairperson and Harry Kaplan as Vice-Chairperson. Prior to the meeting Dan Finkle submitted his resignation to focus on his growing personal and professional responsibilities. He thanked Dan for serving on the committee. They heard three applications, and they were all approved.

**Councilmember Diglio** – stated on March 16<sup>th</sup> the St. Patrick's Day parade was held on Spring Street. On behalf of the Parade Committee, GNCC, and the Town, she thanked all involved in making it a success, including the participants, sponsors, Police Department, Fire Department, Public Works Department, and all the spectators. The Memorial Day Parade Committee met on March 22<sup>nd</sup> and assignments were handed out. That same day they had an EDC meeting at Poy's restaurant, and they discussed ideas to bring more attention to that area. On March 24<sup>th</sup> she attended the Senior Luncheon and play. It was a pleasure to attend as a senior this year. The play, *The Addams' Family*, was phenomenal.

**Councilmember Teets** – stated the parade was wonderful. She heard tons of positive comments. It was very well attended. She also attended the Senior Luncheon, Danielle and Barbara did an excellent job along with the Recreation Committee and volunteers. She is looking forward to their next event.

**Deputy Mayor Le Frois** – offered congratulations to the Newton FBLA and the many awards the students received. She attended the Senior Luncheon, the Recreation Commission, Danielle, and Barbara all did a great job. The next event, the Annual Easter Egg Hunt, is this Saturday, March 30<sup>th</sup>. It is geared toward kids ten and under. After the hunt there will be crafts and pictures with the Easter Bunny in the cafeteria. She and the Mayor recently attended the Planning Board meeting, there were three applications, 113 Main Street, Busy Bee, and Thorlabs, which were all approved. She offered thanks to everyone involved with the St. Patrick's Day parade. Mark Hontz always does a great job of being an emcee. She recently attended the D.A.S.I. tricky tray which was sold out. She offered congratulations to Joe White on his recent promotion to foreman. We had a great response to the Hometown Hero program; forty-five flags were purchased to be hung. On April 21<sup>st</sup> the Newton Theater will be having a sensory friendly showing of the movie Trolls. Doors open at 2:00pm. In closing she offered everyone a happy holy week.

**Mayor Couce** – stated hands down the St. Patrick's Day parade is the best parade he has ever attended in Town.

**UNFINISHED BUSINESS** – None.

**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 #100-2024\***

**“Authorize Compensation Adjustments for 2024 Calendar Year for Certain Town of Newton Employees Not Covered by Collective Bargaining Agreements or Individual Contracts”**

**WHEREAS**, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2024 by Ordinance #2023-29; and

**WHEREAS**, the Town Manager, as part of his 2024 Town of Newton Budget, has recommended a 2.3% increase in base salary for calendar year 2024 to be paid to certain Town of Newton employees, whose employment is not the subject of any collective bargaining agreement or individual contract; and

**WHEREAS**, the Town Council has reached the following conclusions:

1. A 2.3% increase in salary from their 2023 base rate of pay for certain full-time and part-time Town of Newton employees, whose employment is not the subject of any collective bargaining agreement or individual contract, for calendar year 2024, is appropriate.
2. The salaries of the Town Manager and Chief of Police have been addressed separately by the Town Council.
3. Seasonal Employees and Summer Intern Employees are excluded from any salary increase authorized by this Resolution and will be handled by the Town Manager, Chief Financial Officer, and Human Resources Director.
4. The following employees/titles have received adjustments for 2024 or are new hires, and are therefore **excluded** from this 2.3% base salary increase:
  - a. Administrative Assistant to DPW (D. Danielson)
  - b. Administrative Assistant to the Police Chief (C. McNally)
  - c. Animal Control Officer (J. Vollero)
  - d. Code Enforcement Director (M. Monaco)
  - e. Crossing Guards (Separately Addressed by Town Manager)
  - f. Recreation Assistant (B. Hunton)
  - g. Recreation & Senior Services Coordinator (D. Finkle)
  - h. Substitute Animal Control Officer (M. O'Grady)
  - i. Substitute Animal Control Officer (J. Rader)
5. Said raises shall be retroactive to January 1, 2024.
6. Stipends received through payroll are not salary and shall not be entitled to the 2.3% increase authorized by this Resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the base salaries and wages for the year 2024 for non-union Town of Newton employees, whose employment is not covered by any bargaining agreement or individual contract, and with the aforementioned exceptions, shall be increased by 2.3%, retroactive to January 1, 2024.

**RESOLUTION #101-2024\***

**“Approval of the Execution of a Shared Services Agreement with Hardwick Township to Provide Animal Control Services for Calendar Year 2024”**

**WHEREAS**, the Township of Hardwick ("Hardwick") wishes to obtain animal control services from the Town of Newton ("Newton"); and

**WHEREAS**, the Town of Newton ("Newton") is willing to enter into a Shared Services Agreement with Hardwick to provide the requested animal control services to Hardwick; and

**WHEREAS**, the parties desire to enter into a Shared Services Agreement, a copy of which is attached, which sets forth the terms and conditions of the shared animal control services for the period commencing February 1, 2024 through and including December 31, 2024; and

**WHEREAS**, these types of shared services are just what the State of New Jersey envisioned when it seeks to encourage same through the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Clerk are hereby authorized, on behalf of the Town of Newton, to execute a Shared Services Agreement with the Township of Hardwick to provide animal control services to Hardwick for the Period of February 1, 2024 through December 31, 2024.

**RESOLUTION #102-2024\***

**"Refund of Redemption Monies to Outside Lien Holder for Block 19.06, Lot 16, also known as 10 Palmer Street"**

**WHEREAS**, at the Municipal Tax Sale held on October 18, 2023 a lien was sold on Block 19.06, Lot 16, also known as 10 Palmer Street, for 2022 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2023-006 was sold to FNA VII, LLC for a 0% redemption fee and a premium in the amount of \$4,500.00; and

**WHEREAS**, the owner has affected the redemption of Certificate #2023-006 in the amount of \$11,356.49;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges FNA VII, LLC is entitled to a redemption in the amount of \$11,356.49 as well as the return of the premium in the amount of \$4,500.00; 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 \$11,356.49 for the redemption and a check in the amount of \$4,500.00 for the return of the premium for Certificate #2023-006 to FNA VII, LLC, 201 W. Lake St., #165, Chicago, IL 60606.

**RESOLUTION #103-2024\***

**"Resolution Authorizing Cancellation of Outstanding Checks"**

**WHEREAS**, there exists outstanding checks in various bank accounts that are older than six (6) months; and

**WHEREAS**, those checks need to be cancelled from the books and records of the Town of Newton, pursuant to N.J.S.A. 12A:4-404;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the following checks are hereby cancelled:

MUNICIPAL COURT GENERAL ACCOUNT (DATE OF CHECK)	CHECK #	AMOUNT OF CHECK
January 28, 2022	#4972 (PJZ)	\$4.00
June 12, 2023	#5077 (PD)	\$15.00

MUNICIPAL COURT BAIL ACCOUNT (DATE OF CHECK)	CHECK #	AMOUNT OF CHECK
April 19, 2021	#5398 (JC)	\$66.00
July 28, 2021	#5413 (JP)	\$50.00
January 19, 2023	#5503 (RC)	\$75.00

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the Town of Newton Chief Financial Officer to take appropriate action.

**RESOLUTION #104-2024\***

**“Award Contract to TNS Construction, LLC for Renovations to Newton Firehouse #1”**

**WHEREAS**, the Town of Newton publicly accepted bids for the Renovations to Newton Firehouse #1 Project on November 11, 2023 at 1:00 p.m. which included bid proposals for 1) Base Bid – 1<sup>st</sup> Floor Renovations, 2) Alternate #1 – 2<sup>nd</sup> Floor Renovations, and 3) Alternate #2 - Exterior renovations; and

**WHEREAS**, based on their review of the bid documents the Town's Consultant, HQW Architects, Town Engineer, and the Qualified Purchasing Agent, recommended awarding a contract for the Renovations to Newton Firehouse #1 project in the amount of \$1,497,000, for the Base Bid with Alternate #1 to TNS Construction, LLC, 1294 Waterloo Road, Stanhope, NJ 07874; and

**WHEREAS**, the award of this contract requires the Town to encumber and budget funding for 100% of the project cost and the Town's Chief Financial Officer to provide a certification of available funds. In order to fund the project, the Town of Newton has introduced and adopted a bond ordinance to encumber the additional funds required for the project; and

**WHEREAS**, TNS Construction, LLC has agreed to hold all prices quoted, specifications and all other application conditions listed in their bid package beyond the required 60-day period to the date of this contract award; and

**WHEREAS**, the Town of Newton's Qualified Purchasing Agent, has concurred with the purchase in accordance with the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et. Seq.); and

**WHEREAS**, the Chief Financial Officer as required by N.J.S.A. 40A:4-5, N.J.A.C. 5:34-5.1 et seq., hereby certifies funds are available from:

Capital Fund – Ord. #2024-4 Fire House 1 Renovations Account #04-215-55-925-000

Ord. #2023-7 Fire House 1 Renovations Account #04-215-55-918-000

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the contract for the Renovation to Newton Firehouse #1 Project is awarded to TNS Construction, LLC, 1294 Waterloo Road, Stanhope, NJ 07874 in the amount of \$1,497,000.

**RESOLUTION #105-2024\***

**“Authorizing the Purchase of a Ford F250 Vehicle and Accessories Through New Jersey State Purchase and Property Contract 23-FLEET-34922”**

**WHEREAS**, a need exists for the acquisition of a Ford F250 vehicle and accessories for the daily operations of the Newton Department of Public Works; and

**WHEREAS**, the Town of Newton may, without advertising for bids, purchase such materials through the New Jersey State Purchase and Property Contract 23-FLEET-34922 through Nielsen Ford, 170 Ridgedale Ave, Morristown, N.J. 07960, pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. Seq.; and

**WHEREAS**, under the State Contract Award, the vendors contained therein may participate in said purchases under State Contract as approved by the Qualified Purchasing Agent; and

**WHEREAS**, the Newton Department of Public Works has received a quote under State Contract for a 2023 Ford F250 and accessories in the amount of \$63,304.00; and

**WHEREAS**, the Chief Financial Officer certifies that funds are available within the 2023 Current Fund budget in the amount of \$63,304.00 from:

Line item: Ordinance 2023-7 Truck Account#04-215-55-918-001

**NOW, THEREFORE BE IT RESOLVED**, by the Newton Town Council that it authorizes, without bidding pursuant to N.J.S.A. 40A: 11-12, State Contract 23-FLEET-34922 through Nielsen Ford, 170 Ridgedale Ave, Morristown, N.J. 07960 for the purchase of a 2023 Ford F250 and accessories in the amount of \$63,304.00 as approved by the Qualified Purchasing Agent in accordance with the New Jersey Local Public Contracts Law, N.J.S.A.40A:11-1 et. Seq.

**RESOLUTION #106-2024\***

**“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 2023 and 2024 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>
10361	84	- ABCODE SECURITY INC.	420.00
10362	3897	- AMAZON CAPITAL SERVICES	897.38
10363	3897	- AMAZON CAPITAL SERVICES	53.18
10364	3508	- AMERICAN AQUATIC TESTING, INC.	2,500.00
10365	4466	- ASAP MARKETING, LLC.	1,442.15
10366	4745	- ATHENIA MASON SUPPLY, LLC	928.84
10367	4810	- BOONTON TIRE & AUTO REPAIR	753.54
10368	300	- BRIGHTSPEED	58.65
10369	300	- BRIGHTSPEED	57.89
10370	300	- BRIGHTSPEED	3,290.86

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10371	300	- BRIGHTSPEED	41.98
10372	4706	- CARLUCCI, MICHAEL	3,707.27
10373	3770	- CINTAS	482.14
10374	286	- CURRENT ACCOUNT	91,825.00
10375	4386	- DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	4,182.00
10376	3685	- DELAWARE RIVER BASIN COMMISSION	1,560.00
10377	2386	- DOMINICK'S PIZZA LLC	36.00
10378	106	- ELIZABETHTOWN GAS	6,148.16
10379	1303	- ENVIRONMENTAL RESOURCE ASSO.	322.45
10380	4650	- FINKLE DANIELLE	136.00
10381	4724	- GANNETT NEW YORK/NEW JERSEY LOCALIQ	90.83
10382	4506	- GLENN C KIENZ	800.00
10383	70	- HACH COMPANY	274.00
10384	4064	- HARD ROCK HOTEL & CASINO ATLANTIC C	327.00
10385	3804	- HAYDEE BALLESTER	450.00
10386	230	- HAYEK'S MARKET INC.	10.33
10387	4337	- HFE SERVICES LLC	1,333.96
10388	272	- HOLZHAUER, SCOTT	136.00
10389	1866	- HOME DEPOT, INC.	1,033.41
10390	3235	- J. CALDWELL & ASSOCIATES, LLC.	10,725.75
10391	3235	- J. CALDWELL & ASSOCIATES, LLC.	1,365.00
10392	4434	- J.KRAMER LANDSCAPING & SNOWPLOWING LLC	7,344.12
10393	113	- JCP&L	31,256.51
10394	3067	- JERSEY SHIRTS & DESIGNS	110.00
10395	3772	- JK HVAC SERVICE, LLC.	1,632.17
10396	4227	- LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.34
10397	4356	- LENOVO	430.00
10398	2110	- LINCOLN NAT'L LIFE INSUR CO	27,229.40
10399	2110	- LINCOLN NAT'L LIFE INSUR CO	29,582.60
10400	1741	- MORRIS COUNTY POLICE ACADEMY	100.00
10401	170	- NEWTON BOARD OF EDUCATION	1,132,716.67
10402	240	- NEWTON FIRST AID SQUAD	7,500.00
10403	4655	- NISIVOCCIA LLP	15,500.00
10404	2882	- ONE CALL CONCEPTS, INC.	110.82
10405	1407	- PASSAIC VALLEY SEWERAGE COMM.	5,670.00
10406	4656	- PAULUS, SOKOLOWSKI & SARTOR LLC	21,397.07
10407	64	- PELLOW, HAROLD & ASSO, INC.	10,883.88
10408	2788	- PENTELEDATA	319.90
10409	4792	- PERIGO ANTHONY	238.00
10410	4126	- PROFESSIONAL CONSULTING INC.	12,507.50
10411	39	- QUILL CORPORATION	860.95
10412	4203	- RAPID PUMP	42,000.00
10413	3660	- SCHENCK, PRICE, SMITH, & KING, LLP	1,453.20
10414	55	- SCHMIDT'S WHOLESALE, INC	2,288.09
10415	4800	- SCHOOL HEALTH CORPORATION	2,550.00
10416	3134	- SHOP RITE, INC.	4.32
10417	4644	- SIEGEL, STEVEN M.	2,875.01
10418	2257	- STAPLES	595.83
10419	1212	- STATEWIDE INSURANCE FUND	135,062.51
10420	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	10,159.00
10421	2056	- SUBURBAN PROPANE, LP.	4,289.89
10422	3442	- SUNLIGHT GENERAL	1,537.19
10423	2561	- SUSSEX COUNTY CHAMBER OF COMMERCE	100.00
10424	2310	- SUSSEX COUNTY ENGINEERING DIVISION	767.48
10425	4712	- TANKEL JESSICA	235.00

10426	4148	- TCTANJ SPRING CONFERENCE	480.00
10427	3851	- THE CANNING GROUP, LLC.	708.33
10428	4328	- TREE KING INC.	2,200.00
10429	4767	- TROJAN TECHNOLOGIES CORP	10,765.00
10430	3027	- ULINE	514.71
10431	2032	- UPS STORE	61.15
10432	4499	- VERBAL JUDO INSTITUTE INC	390.00
10433	1280	- VERIZON WIRELESS, INC.	1,958.76
10434	2635	- W.B. MASON, INC.	65.64
10435	1500	- WALMART	196.76
10436	1144	- WEINER LESNIAK	2,457.00
10437	382	- WELDON ASPHALT COMPANY, INC.	204.04
10438	382	- WELDON ASPHALT COMPANY, INC.	5,163.10
TOTAL			1,671,194.71

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

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
		(abstain on Check 10402)	
Mrs. Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	
	(abstain on Check 10402)		

**OPEN TO THE PUBLIC**

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 COMMENTS**

Deputy Mayor Le Frois thanked Mrs. Heckman for being such a strong advocate for the Dennis Library, and for keeping everyone informed. Mrs. Heckman then handed out a copy of the plans to each Councilmember and the Clerk.

**EXECUTIVE SESSION**

Mayor Couce read the following statement “in accordance with the Open Public Meetings Act, notice of this Special Closed Session meeting was given to the two newspapers of record and posted on the official bulletin board on January 5, 2024”

Mr. Bernstein stated the first item to be discussed in the Executive Session is Negotiations Other Than Collective Bargaining – Animal Control. The Chief of Police will be a participant in the discussion, he did not receive a RICE notice due to the last minute situation. Chief Van Nieuwland stated for the record he is waiving his right to a RICE notice so he may participate in the discussion but he will

not participate in any deliberations. The other topic is Attorney-Client Privilege – Historic Preservation Advisory Commission. Official action may or may not be taken once the meeting is concluded back in public session.

Upon motion Deputy Mayor Le Frois and seconded by Mrs. Teets and unanimously carried, Council entered Executive Session at 7:24pm.

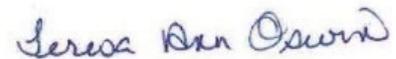
Upon motion of Mrs. Le Frois seconded by Mr. Dickson and unanimously carried, Council exited Executive Session at 8:53pm.

Mr. Bernstein stated all members of the Council present at the commencement of the Executive Session are present at the re-commencement of the open session at 8:53pm as well as the Municipal Clerk Teresa A. Oswin, and Town Attorney Eric Bernstein. Mayor Couce recused himself on the discussion involving Animal Control and the Town Manager was not present for the discussion on Historic Preservation. Ongoing discussions regarding potential negotiations with other municipalities for Animal Control services and other related items occurred. No formal action needs to be taken at this time and no direction was given to the Town Manager, Attorney, or Chief of Police. There was a discussion about the Historic Preservation Advisory Commission seeking legal advice from the Town Attorney. At this time the Town is not taking any additional formal action other than other than the direction it would like the Town Attorney to go.

#### **ADJOURNMENT**

There being no further business to be conducted, upon a motion by Deputy Mayor Le Frois seconded by Mrs. Diglio and unanimously carried, the Regular meeting was adjourned at 8:54pm.

Respectfully submitted,



Teresa A. Oswin, RMC  
Municipal Clerk