

June 10, 2024

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 Mr. Dickson, Mrs. Diglio, 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. Deputy Mayor Le Frois attended via Zoom.

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

Mayor Couce 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, the minutes for the May 29, 2024 Regular Meeting were approved as presented. Mrs. Diglio abstained.

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 – nothing to report at this time.

Councilmember Dickson – nothing to report at this time.

Councilmember Diglio – stated Newton Day was a success on Saturday. She thanked Mel Dennison and Tamrin from the Chamber for all their work in organizing the event. She also gave special thanks to the Police and DPW workers Roy, Craig, Randy, and Brock for all their help.

Councilmember Teets – agreed with Mrs. Diglio stated Newton Day was once again a success. She talked to a lot of people and received many positive comments. She heard the Fireworks were a great display. A great job was done by all, including the Newton Fire Department, Newton First Aid Squad, all the volunteers that helped to make the day a success.

Deputy Mayor Le Frois – stated she along with Councilwomen Diglio and Teets attended the 100th Anniversary Dinner for the Newton Rotary. It is a great tribute to the Town on the generational service many businesses have here in Newton. She is hopeful their membership continues to grow. Newton was ranked in the top fifteen (15) places to retire in New Jersey in a recent NJ Herald article. Newton Day was a beautiful day, thanks to everyone involved. She feels we need to do a better job figuring out not having so many conflicts with other events in the County, such as Hampton Day and Pride Day. The Planning Board met on May 15th, there was a continuation of a couple of applications. She offered condolences to Mrs. Diglio on the recent passing of her mother-in-law. Lastly, the Police gave a demonstration to the Council on their new drone, it was very interesting. We look forward to seeing all the work which can be done with the drone.

Mayor Couce – he attended the dedication of the Little Free Library that has been relocated to the SCCC Culinary school. It was dedicated in memory of Girl Scout leader Michelle Franzone. He thanked Debbie Danielson for all her work on this. Lastly, he stated petition packets are available in the Clerk's Office for anyone wishing to run for Town Council. They are due August 22nd @ 4:00pm.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Couce read aloud the following Ordinance relative to introduction.

ORDINANCE 2024-17

BOND ORDINANCE REAPPROPRIATING \$51,581 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR ESTABLISHMENT OF AUTO SHOP BY THE TOWN OF NEWTON, NEW JERSEY

Mrs. Diglio asked where the auto shop will be located. Mr. Russo gave a brief overview on the items to be purchased, and the plans to establish an auto shop.

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
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, June 24, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-18

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$80,000 FOR INSTALLATION OF HVAC SYSTEM AT TOWN HALL IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE

ISSUANCE OF \$76,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

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	Yes
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, June 24, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-19

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, MOST NOTABLY CHAPTER 228, ENTITLED "SEWER AND WATER", BY ADDING A NEW ARTICLE X, SECTION 228-32, ENTITLED "LEAD SERVICE LINE REPLACEMENT."

Mrs. Diglio asked for clarification on the costs to property owners. Mr. Russo explained this program will give the option to property owners to either have the Town's licensed contractor do the work or they can hire their own licensed contractor and submit paperwork for approval for reimbursement.

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
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, June 24, 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 #166-2024*

"Approval of the Execution of a Shared Services Agreement with Green Township to Provide Animal Control Services From June 1, 2024 Through December 31, 2025"

June 10, 2024

WHEREAS, the Township of Green ("Green") 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 Green to provide the requested animal control services to Green; 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 June 1, 2024 through and including December 31, 2025; 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 Municipal Clerk are hereby authorized, on behalf of the Town of Newton, to execute a Shared Services Agreement with the Township of Green to provide animal control services to Green for the Period of June 1, 2024 through December 31, 2025.

RESOLUTION #167-2024*

"Resolution Authorizing Award of a Contract to Bassani Power Equipment Through Omnia Cooperative Contract #22-6640 for EMW-96" Lazer Z OS-Series Mower and Accessories"

WHEREAS, in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 (the "Law" or "Chapter 139") and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from a vendor with a National Cooperative Contract is hereby approved for municipalities; and

WHEREAS, the Town of Newton has the need to procure certain specialized power equipment in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Town of Newton has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant National Cooperative, being the Omnia Cooperative on January 5, 2023, through Resolution #59-2023; and

WHEREAS the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

WHEREAS, the Newton Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accordance with law and regulation; and

WHEREAS the equipment and corresponding Omnia Cooperative contract number is: #22-6640, Request for Proposal – Tractors, Mowers, and Other Equipment, Parts, and Services for EMW- 96" Lazer Z OS-Series Mower and Accessories; and

WHEREAS the Town is desirous of purchasing an EMW- 96" Lazer Z OS-Series Mower and Accessories through Omnia Cooperative contract number #22-6640 through Bassani Power Equipment, 103 NJ-23, Hamburg, N.J. 07419, in the amount of \$44,663.00; and

WHEREAS the Chief Financial Officer certifies funds are in the Capital Improvement Section of the Current Fund Budget in the amount of \$44,663.00;

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 Newton Department of Public Works be and hereby is authorized to procure an EMW- 96" Lazer Z OS-Series Mower and Accessories through Omnia Cooperative contract number #22-6640 through Bassani Power Equipment, 103 NJ-23, Hamburg, N.J. 07419, in the amount of \$44,663.00.

RESOLUTION #168-2024*

“Resolution of the Town of Newton, in the County of Sussex, New Jersey, Determining the Form and Other Details of its “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank”, to be Issued in the Principal Amount Not to Exceed \$1,745,000, and Providing for the Issuance and Sale of Such Note to the New Jersey Infrastructure Bank, and Authorizing the Execution and Delivery of Such Note by the Town of Newton in Favor of the New Jersey Infrastructure Bank, All Pursuant to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank”

WHEREAS, the Town of Newton (the “Local Unit”), in the County of Sussex, New Jersey, has determined there exists a need within the Local Unit to acquire, construct, renovate, or install various improvements consisting of the acquisition of various vehicles for the water/sewer utility, including (a) jet vacuum truck; (b) street sweepers; (c) trucks; and (d) trucks with plows (Project No. S340449-10) (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”); and

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

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in an aggregate principal amount not to exceed \$1,745,000 (the “Note”); and

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

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

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

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale, and award the Note, including any renewals thereof, in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by Bond Ordinance #2024-10 of the Local Unit, which bond ordinance is entitled “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,745,000 FOR VARIOUS WATER/SEWER VEHICLE ACQUISITIONS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,745,000 BONDS OR NOTES OF THE TOWN FOR

FINANCING PART OF THE APPROPRIATION" and was finally adopted by the Local Unit at a meeting duly called and held on May 13, 2024, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

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

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

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

- (a) the principal amount of the Note to be issued shall be an amount not to exceed \$1,745,000;
- (b) the maturity of the Note shall be as set forth in the Note;
- (c) the interest rate of the Note shall be as set forth in the Note;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "NJWB-CFP-24-4";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved, or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

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

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

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

Section 8. This resolution shall take effect immediately.

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

RESOLUTION #169-2024*

“Resolution Authorizing Payment #2 for Renovations to Newton Firehouse #1 Project”

WHEREAS, the Town of Newton was in need of renovations to Newton Firehouse #1 and publicly accepted bids for the project on November 11, 2023. The bid was awarded by Resolution #104-2024 to TNS Construction, LLC, in the amount of \$1,497,000.00; and

WHEREAS, the Town of Newton has received a request for Payment #2, dated June 3, 2024, from TNS Construction, LLC requesting payment in the amount of Two Hundred Forty-Seven Thousand One Hundred and Fifty-Six Dollars (\$247,156), which reflects withholding two percent (2%) retainage from the total value completed to date; and

WHEREAS, the Town Engineer on this Project, Harold E. Pellow & Associates, Inc., has completed a Payment Recommendation dated June 3, 2024, and hereby recommends Payment #2 to TNS Construction, LLC, in the amount of Two Hundred Forty-Seven Thousand One Hundred and Fifty-Six Dollars (\$247,156), subject to TNS Construction, LLC 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 #2 to the contract with TNS Construction, LLC in the amount of Two Hundred Forty-Seven Thousand One Hundred and Fifty-Six Dollars (\$247,156), 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 #2 until such time that TNS Construction, LLC 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 TNS Construction, LLC.

RESOLUTION #170-2024*

“Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948)”

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

WHEREAS, the Town of Newton has been granted an amount of \$5,963.00 from the 2024 SIF Risk Control Grant;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2024 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

SIF Risk Control Grant\$5,963.00

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-set by Revenues:

SIF Risk Control Grant \$5,963.00

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

RESOLUTION #171-2024*

“Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Clean Communities Grant”

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

WHEREAS, the Town of Newton has received a payment in the amount of \$21,622.09 from the State of New Jersey Solid Waste Administration for a FY2024 Clean Communities Grant;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2024 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey Clean Communities Grant \$21,622.09

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-set by Revenues:

State of New Jersey Clean Communities Grant..... \$21,622.09

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

RESOLUTION #172-2024*

“Authorizing Award of Bid #4-2024 Purchase of Watermain/Fittings Bid to Ferguson Waterworks”

WHEREAS, a need exists for the bid for the project known as Bid #4-2024, Mason Avenue Watermain/Fittings Bid; 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 April 24, 2024 at 10:30A.M., to wit:

NAME OF BIDDER	Ferguson Waterworks	Capitol Supply
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TOTAL BID	\$156,086.81	\$159,753.21
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WHEREAS, Ferguson Waterworks, 507 Oak Glen Road, Howell, New Jersey, 07731, was determined to be the lowest responsible bidder in accordance with N.J.S.A.40A:11-4a with a bid of \$156,086.81; and

WHEREAS, the Chief Financial Officer certifies funding in the amount of \$156,086.81 is available from:

Ordinance 2023-14. New Hampshire Street Water Sewer Improvements. Account #6192314.

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 "Bid #4-2024, Mason Avenue Watermain/Fittings Bid", to Ferguson Waterworks, 507 Oak Glen Road, Howell, New Jersey, 07731, with a bid of \$156,086.81.

RESOLUTION #173-2024*

"Resolution Designating June as "LGBTQIA+ Pride Month" in the Town of Newton"

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Town of Newton proclaim June 2024 as "LGBTQIA+ Pride Month" in the Town of Newton and encourage residents to join in celebrating the inherent human dignity and equality of all persons, regardless of sexual orientation, gender identity, or expression, under the law.

RESOLUTION #174-2024*

"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

Check No.	Vendor #	Vendor	Amount
10869	4831	- 494 CONSULTING GROUP INC.	3,943.00
10870	3897	- AMAZON CAPITAL SERVICES	320.62
10871	4544	- ARMSTRONG, KENNETH W.	1,048.20
10872	4745	- ATHENIA MASON SUPPLY, LLC	343.24
10873	2518	- BABCOCK, DAWN	1,048.20
10874	3251	- BADGER METER, INC.	221.44
10875	4662	- BELLIS JUSTIN	44.71
10876	4214	- BESHADA, LEO	3,090.00
10877	4825	- BLESSING TREE SERVICE	2,800.00
10878	190	- BOND, CHRISTOPHER	1,048.20
10879	4810	- BOONTON TIRE & AUTO REPAIR	97.99
10880	300	- BRIGHTSPEED	125.00
10881	2124	- BUCKMAN'S INC.	1,561.25
10882	192	- CAMPBELL'S SMALL ENGINE INC.	289.02
10883	1333	- CERBO'S HAMPTON NURSERY INC.	760.00
10884	4840	- CERBO'S PARSIPPANY	3,288.50
10885	3770	- CINTAS	673.82
10886	2353	- CITTEBART, KATHERINE	2,096.40
10887	2551	- CLOUSE RONALD	2,096.40

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10888	4420	- COOPER DARLENE	2,096.40
10889	1632	- COOPER ELECTRIC SUPPLY CO.	154.26
10890	155	- COYNE CHEMICAL CORP., INC.	850.94
10891	4500	- CRYSTAL MOUNTAIN SPRINGS	115.50
10892	2290	- CUMMINS DOUGLAS	1,048.20
10893	286	- CURRENT ACCOUNT	19,423.00
10894	194	- D & E SERVICE CENTER, INC.	140.00
10895	4386	- DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	3,371.00
10896	768	- DEMPSEY UNIFORM & SUPPLY INC	1,541.26
10897	4525	- DISA GLOBAL SOLUTIONS	1,849.05
10898	2386	- DOMINICK'S PIZZA LLC	54.80
10899	3101	- EAGLE EQUIPMENT, INC.	13,982.03
10900	4532	- EARTHPLANTER LLC	1,359.00
10901	3817	- ESI EQUIPMENT INC.	1,215.00
10902	225	- FEDERAL EXPRESS	38.18
10903	250	- FIRST UNITED METHODIST CHURCH	150.00
10904	3318	- FREDON ANIMAL HOSPITAL	313.00
10905	172	- FRISBIE, RITA	1,048.20
10906	109	- FURGIUELE, CAMILLE	1,048.20
10907	4398	- GLOBAL RECYCLING SOLUTIONS LLC	1,012.48
10908	2313	- GRAVITY DESIGN WORKS, INC.	50.00
10909	490	- GRENNILLE, WILLIAM	2,096.40
10910	4450	- GYLES-ZITO DANIELLE	75.50
10911	4419	- HAVENS DEBORAH	1,048.20
10912	230	- HAYEK'S MARKET INC.	43.33
10913	4163	- HENDERSON PROMOS, LLC	3,763.50
10914	3876	- HOLLAND COMPANY, INC.	11,488.52
10915	1866	- HOME DEPOT, INC.	1,251.77
10916	173	- ILIFF, JOHN	1,048.20
10917	332	- J & D SALES & SERVICE, LLC.	250.00
10918	3235	- J. CALDWELL & ASSOCIATES, LLC.	6,087.50
10919	113	- JCP&L	6,161.21
10920	3772	- JK HVAC SERVICE, LLC.	2,585.36
10921	3644	- JOHNNY ON THE SPOT, LLC.	150.00
10922	3644	- JOHNNY ON THE SPOT, LLC.	1,345.00
10923	4173	- JORRITSMAN, BRUCE	3,090.00
10924	276	- KAYS, PETER J.	1,048.20
10925	2569	- KIEFFER ELECTRIC, INC.	10,483.59
10926	2767	- KILDUFF JAMES	1,048.20
10927	1442	- KITHCART, EILEEN	1,545.00
10928	3711	- KKPR MARKETING & PUBLIC RELATIONS,	3,137.50
10929	1011	- LASSO, ERVIN	1,048.20
10930	2300	- LOWE'S, INC.	20.88
10931	1566	- MAIN POOL & CHEMICAL COMPANY, INC.	2,354.00
10932	62	- MGL FORMS - SYSTEMS, LLC.	1,063.00
10933	4381	- MID-AMERICAN ELEVATOR CO., INC.	510.00
10934	2865	- MILLS STEVE	1,048.20
10935	53	- MONTAGUE TOOL & SUPPLY, INC.	191.90
10936	1884	- MORRIS, THOMAS & BULAH	2,096.40
10937	336	- NEWTON TROPHY	257.50
10938	213	- NEWTON VETERINARY HOSPITAL	258.28
10939	4816	- NIELSEN FORD OF MORRISTOWN INC	63,304.00
10940	1742	- NJ MUNICIPALITIES	175.00
10941	1762	- NJSACOP	899.00
10942	4681	- NORTHEAST COMMUNICAITONS INC.	1,232.40
10943	4639	- OLMSTED MURAL GROUP	1,965.63

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10944	4383	- OPTIMUM	69.70
10945	3047	- PANDISCIA MICHAEL	2,096.40
10946	64	- PELLOW, HAROLD & ASSO, INC.	5,325.01
10947	64	- PELLOW, HAROLD & ASSO, INC.	6,287.65
10948	4204	- PLANET NETWORKS INC.	2,766.05
10949	4204	- PLANET NETWORKS INC.	1,268.99
10950	2212	- PROCESS TECH SALES AND SERVICE	3,918.31
10951	4126	- PROFESSIONAL CONSULTING INC.	2,362.50
10952	39	- QUILL CORPORATION	71.94
10953	2478	- RACHLES/MICHELE'S OIL COMPANY, INC.	9,181.61
10954	1274	- RANSNORTH, NANCY	1,048.20
10955	4203	- RAPID PUMP	42,000.00
10956	1112	- RICHARDS, JEAN	1,048.20
10957	1883	- ROMYNS, LARRY E.	2,096.40
10958	3615	- ROSELLEN ANN M	1,048.20
10959	4729	- SAFELITE AUTOGLASS	971.69
10960	55	- SCHMIDT'S WHOLESALE, INC	32,006.58
10961	126	- SCMUA	3,445.47
10962	4830	- SEARCH GEEK SOLUTIONS LLC	1,416.67
10963	611	- SEBRING AUTO PARTS, INC.	285.12
10964	2145	- SEELY BROTHERS, INC.	174.00
10965	2458	- SIMON PETER SPORT, INC.	74.99
10966	1489	- SMALLEY, JOHN H	2,096.40
10967	338	- SMITH, WILLIAM F	2,096.40
10968	1461	- SPARTA READY MIX, INC.	1,780.00
10969	2257	- STAPLES	238.46
10970	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	18,641.75
10971	4072	- SUMMIT SOUNDZ ENTERTAINMENT LLC	2,800.00
10972	3442	- SUNLIGHT GENERAL	3,245.17
10973	102	- SUSSEX CAR WASH INC	256.00
10974	1029	- SUSSEX COUNTY CLERK'S ASSN	70.00
10975	3603	- SUSSEX COUNTY COMMUNITY COLLEGE	500.00
10976	130	- SUSSEX COUNTY P & H, INC.	6.97
10977	2479	- TAYLOR OIL CO., INC.	2,559.95
10978	4472	- THE FARMER'S DAUGHTER	143.59
10979	1711	- THE STAR-LEDGER	31.40
10980	2025	- THOMSON REUTERS -WEST	428.00
10981	4814	- TNS CONSTRUCTION, LLC.	247,156.00
10982	2880	- TRACTOR SUPPLY	129.16
10983	4013	- TRANSUNION ALTERNATIVE RISK & DATA,	75.00
10984	1151	- TREASURER, STATE OF NEW JERSEY	16,549.24
10985	4130	- UNITED FIRE PROTECTION CORP.	988.00
10986	4152	- UNITED SITE SERVICES, INC	18,639.53
10987	2428	- VERA RUMSEY	1,048.20
10988	1739	- VERIZON CONNECT	833.80
10989	4258	- VIRGA, ANTHONY	1,048.20
10990	2635	- W.B. MASON, INC.	214.05
10991	366	- WAGNER, WILLIAM	2,096.40
10992	1500	- WALMART	1,766.88
10993	3758	- WALTER CHADWICK	125.00
10994	1144	- WEINER LESNIAK	2,250.00
10995	633	- WEIS MARKETS, INC.	22.36
10996	4822	- WILDFLOWERS OF SUSSEX COUNTY	80.00
10997	136	- ZENES, NANCY	1,048.20
TOTAL			657,855.65

RESOLUTION #175-2024*

“Appointment of a Public Defender for the Town of Newton”

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A. 19:44A-20; and

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

WHEREAS, Orlando R. Rodriguez, Esq. has expressed interest in serving as the Public Defender for the Town of Newton; and

WHEREAS, Orlando R. Rodriguez, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies he 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 the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of this contract is for the remainder of calendar year 2024; and

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with Orlando R. Rodriguez, Esq. as described herein; and

BE IT FURTHER RESOLVED, a fully executed copy of this agreement be provided to Orlando R. Rodriguez, Esq. with a certified copy of this Resolution and advertised according to State Statute.

RESOLUTION #176-2024*

“Alternate Municipal Public Defender”

WHEREAS, there exists a need for special counsel to be appointed as Alternate Municipal Public Defender to represent defendants before the Town of Newton Municipal Court for calendar year 2024; and

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

WHEREAS, the Town of Newton's Chief Financial Officer certifies funds will be provided in the 2024 Municipal Current Budget – ‘Legal Services – Other Expenses’ for expenditures pertaining to this open-ended contract for said municipal matters; and

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 Contract itself, must be available for public inspection;

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 authority and

agreement between the Town of Newton and John Grey, Esq., providing for his retention as Alternate Municipal Public Defender in and on behalf of the Town of Newton for calendar year 2024.

2. The services to be rendered by John Grey, Esq., shall be on a per defendant basis, on an as needed requirement, as sought by certain defendants required to appear before the Newton Municipal Court, at a rate of \$150.00 per client with an amount not to exceed \$1,500.00.
3. This contract is awarded without competitive bidding as a "professional service", in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law, because John Grey, Esq., 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 and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.
4. 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.
5. Notice of this action shall be printed once in the *New Jersey Herald*.

RESOLUTION #177-2024*

"Resolution Rescinding Resolution #165-2024"

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, due to the damage to the WWTP RBC incurred as a result of the earthquake(s) and its aftershocks that recently took place; and

WHEREAS, in order to accomplish same, the Town of Newton recently passed Resolution #165-2024 authorizing said emergency appropriation pursuant to N.J.S.A. 40A:4-55.13; and

WHEREAS, the subject emergency appropriation resulting from the earthquake should be authorized pursuant to N.J.S.A. 40A:4-46 rather than N.J.S.A. 40A:4-55.13; and

WHEREAS, the Town of Newton will be authorizing said emergency appropriation pursuant to N.J.S.A. 40A:4-46 via Resolution to be adopted by the Town Council and, therefore, desires to rescind Resolution #165-2024 to accomplish same;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that it hereby rescinds Resolution #165-2024.

/s/ Teresa A. Oswin
Teresa A. Oswin, RMC
Municipal Clerk

/s/ John-Paul E. Couce
John-Paul E. Couce, Mayor
Town of Newton

RESOLUTION #178-2024*

"Resolution Authorizing Special Emergency Appropriation for Emergency Expense Pursuant to N.J.S.A. 40A:4-46"

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, due to the damage to the WWTP RBC incurred as a result of the earthquake(s) and its aftershocks that recently took place; and

WHEREAS, N.J.S.A. 40A:4-46 authorizes the municipality to make said emergency appropriation, after the adoption of a budget, for a purpose which is not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein and that said appropriation shall be made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals, or welfare;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey (by not less than two-thirds of all Governing Body members affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-46 an emergency appropriation is hereby made for the replacement of the WWTP RBC in the total amount of \$582,900.00; and

BE IT FURTHER RESOLVED, that the emergency appropriation shall be provided for in full in the next year's succeeding budget, which total amount may be reduced by the procurement of insurance proceeds; and

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

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

Deputy Mayor Le Frois wanted to make note of the additional Shared Services noted in Resolution #166-2024 for Animal Control Services for Green Township.

Deputy Mayor Le Frois made a motion to approve the **COMBINED ACTION RESOLUTIONS**, and Mrs. Teets seconded the motion and a roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio (abstain on Resolution 173-2024)	Yes
Mrs. Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce (abstain on Checks 10879, 10903, 10948, 10949)	Yes	

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 –

Mrs. Diglio read into the record the following email regarding Debbie Danielson:

Dear Newton Town Government,

Hello, Just wanted to express appreciation for the efforts of Deb Danielson of the Newton DPW for her work on the town recycling center.

In recent times, the center has become better organized, has improved clear signage,

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and accepts a wider variety of items, all of which are very beneficial to the residents.

I especially appreciate the latter as I no longer have to travel a farther distance to SCMUA to dispose of such things as rigid plastic and electronics waste. I'm also aware that Deb has plans to add new capabilities such as used motor oil and food waste for composting.

I'm also aware that Deb worked out an arrangement with George's Salvage that brings in revenue for further improvements to the center. Excellent! This sort of enterprising business sense is much appreciated.

Thank you for all your service.

Sincerely,

Kathy Messina

Mr. Russo stated there was one member of the public on Zoom wishing to speak.

Peg Baldini questioned the severity of the penalty for not letting people in to do the lead surface replacement. There is a stiff monetary fine, possible imprisonment, and community service. It seems a bit excessive.

Mr. Russo offer congratulations to Allison Iliff, Gus Giancola, Mikayla Serpico they were crowned on Saturday as Miss Newton, Little Mr. Newton, and Little Miss Newton. The event was a lot of fun, he appreciates Councilwoman Teets attending and all the volunteer that helped to make it a success. He offered congratulations to Tom Ferry, he started today as our Finance Director, when Monica retires, he will become CMFO on July 1st.

Mrs. Diglio questioned if the penalties Peg spoke of were something we decided or did they come down from the State.

Eric Bernstein explained the penalties are predominately in accordance with every other violation/ordinance the Town has. They are also in accordance with guidelines handed down from the State because they really want the lead/galvanized steel pipe replacement to happen.

Mrs. Teets congratulated Tom on doing such a great job hosting the Miss Newton and Little Mr./Mrs. Newton contest.

Mrs. Diglio stated Newton day has been on the second Saturday in June for almost 30 years, other Towns know this, and the Pride event was new as of last year.

ADJOURNMENT

There being no further business to be conducted, upon a motion by Mrs. Diglio seconded by Mrs. Teets and unanimously carried, the Regular meeting was adjourned at 7:30pm.

Respectfully submitted,

Terese Ann Osmond

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Teresa A. Oswin, RMC
Municipal Clerk