

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. Eric M. Bernstein, Esq., Town Attorney was also present. Monica Miebach, CMFO attended via Zoom.

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 Mrs. Teets, the minutes for the April 22, 2024 Regular Meeting were approved as presented. Mr. Dickson abstained. Later in the meeting Mrs. Diglio stated she did not attend the April 22, 2024 Regular Meeting, so she changed her vote to "abstain".

Upon motion by Mrs. Teets, seconded by Deputy Mayor Le Frois, the minutes from the April 29, 2024 Special Meeting were approved as presented. Mr. Dickson and 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 – noted there were two (2) proclamations for the record. Arbor Day and the Rotary Club 100th Year Anniversary.

May 13, 2024

Office of the Mayor

Newton, New Jersey

Proclamation

Arbor Day Celebration

May 4, 2024

WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW, THEREFORE, We, the Town Council of the Town of Newton, do hereby proclaim **Saturday, May 4, 2024** as an “**ARBOR DAY CELEBRATION**” in the Town of Newton, and urge all citizens to celebrate and to support efforts to protect our trees and woodlands, to plant trees to gladden the heart and promote the well-being of this and future generations.

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: _____ May 4, 2024

Office of the Mayor

Newton, New Jersey

Proclamation

Newton Rotary Club's 100th Year Anniversary

May 2024n

WHEREAS, the Newton Rotary Club was established on May 15, 1923; and

WHEREAS, the Club is a unit of Rotary International, a worldwide organization of 33,000 clubs and 1.2 million members, in 200 countries; and

WHEREAS, the mission of the Newton Rotary Club is to enhance the quality of life for all in Sussex County and beyond. It is a service club that encourages friendship, business development, and public speaking skills while offering prestige and companionship to its members; and

WHEREAS, the Newton Rotary Club started with 18 charter members. They were drawn from a wide circle of industries. Those early categories included: silk merchant, shoe manufacturer; lawyer, and hotel owner, and over the years the Club has grown and now has close to 100 members and is the largest in the district; and

WHEREAS, the Club's mission is executed in multiple ways throughout the area including donating dictionaries to local elementary schools, partnering with Project Self Sufficiency with the Homeless Project, partnering with Newton Medical Center in the Golf Outing Fundraiser, working at Manna House to serve lunches, awarding scholarships to local students in area schools, and sponsoring a young girl in Kenya through the Massai Project; and

WHEREAS, the Newton Rotary Club is a valuable asset to the Town of Newton and its surrounding municipalities;

NOW, THEREFORE, We, the Town Council of the Town of Newton, do hereby recognize the **NEWTON ROTARY CLUB** and celebrate their **100 YEAR ANNIVERSARY** in the Town of Newton, and we look forward to the next 100 years of community service from this exceptional organization.

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: _____ May 13, 2024

Mr. Russo also reminded everyone the Memorial Day Parade will be held on May 27th and the next Town Council meeting will be held on Wednesday, May 29th due to the Memorial Day Holiday.

Councilmember Dickson – nothing to report.

Councilmember Diglio – stated on May 4th, she along with Councilmember Teets and Deputy Mayor Le Frois, attended the Arbor Day tree planting. Cerbo's did a great job. On May 27th the Memorial Day Parade will begin on Spring Street at 10:00am, followed by a memorial service at Memory Park to honor fallen veterans.

Councilmember Teets – she stated she thought the Arbor Day event was a success, there were more people this year than in previous years. The tree is drawing attention to the area. The DPW did a great job cleaning up the area. The Bulk pick-up was also a success. She attended the Fire Department annual dinner, it was a very nice event, they recognized the top five (5) responders to their over 500 call last year. They also gave a very informative slide presentation. She offered congratulations to those members of the Police Department who participated in the Police Unity Tour to bring awareness to fallen police officers. This year's participants were Ret. Lt. Monaco, Lt. Muller, Ptl. Bellis, and Ptl. Armstrong.

Deputy Mayor Le Frois – noted a few more awareness month recognitions: May is Mental Health Awareness month. During Mayor Dickson's tenure the Town of Newton was designated a "Stigma Free" community, where we encourage all that need treatment to seek treatment. May is also Asian-Americans & Pacific Islander Heritage Month where they are recognized for their influence and contributions as Asian-Americans & Pacific Islanders and the achievements. Lastly, May is Military Appreciation Month, created in 1999 and it encourages everyone to reflect on the sacrifices of soldiers. We are always proud to host the Memorial Day parade and the services afterward. We should be seeing banners going up around Town soon. On April 25th she attended the Sussex County Chamber Awards luncheon. Newton businesses or individuals were nominated in every single category. Newton was nominated for the Outstanding Community Event of the Year award for our Newton mural. We were also nominated for the Workplace of the Year award, and our very own Town Manager, Tom Russo, was nominated for Businessperson of the Year award. Congratulations to all. On May 2nd she attended Sheriff Strada's Crime Stoppers Award dinner. As mentioned, she also attended the Arbor Day Tree Planting ceremony on May 4th. She just wanted to recognize Deb Danielson, the DPW, the Shade Tree Commission, and Cerbo's for all their work on this event. She did receive some requests that the next place for a tree planting be in the Dog Park. She attended Rachel Bucci's appreciation event at the Arbor Restaurant. They always do a great job, they are finished for the semester, but look for some pop events and classes which always sell out. The Planning Board meets this Wednesday. This Thursday is the Newton Rotary event to celebrate their 100th Anniversary.

Mayor Couce – On May 3rd there was a fire at the apartments at 70 West End Avenue, with a resident trapped. The Police and Fire Departments were able to extricate the person and luckily, they did not have too bad of an experience. Thanks to our Water Department for keeping our water system in check so they were able to put the fire out.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-6

AN ORDINANCE AUTHORIZING THE CHANGE OF A STREET NAME IN ACCORDANCE WITH N.J.S.A. 40:67-1(k)

WHEREAS, pursuant to the provisions of N.J.S.A. 40:67-1(k), the Governing Body of a municipality may make ordinances to provide for the naming of and the changing of street names within a municipality; and

WHEREAS, the purpose of the within Ordinance is to change the current street name of Brooks Plaza to Quantum Realm Drive, pursuant to the request of Thorlabs; and

WHEREAS, the Town Council of the Town of Newton has reviewed the request and finds it acceptable and wishes to authorize the changing of the current street name in accordance with N.J.S.A. 40:67-1(k);

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 hereby authorize the changing of the current street name of Brooks Plaza to Quantum Realm Drive; and

BE IT FURTHER ORDAINED that:

(1) All ordinances or parts of the ordinance which are inconsistent with the terms of this Ordinance 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 Mr. Dickson who moved its adoption, seconded by Mrs. Diglio, and roll call resulted as follows:

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

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-7

AN ORDINANCE TO CHANGE WAGE LEVELS FOR CHIEF FINANCIAL OFFICER AND FINANCE DIRECTOR IN THE TOWN SALARY ORDINANCE

WHEREAS, the Town of Newton previously approved Ordinance 2023-29 to establish minimum and maximum salaries and wages for Officers and Employees for 2024 in accordance with N.J.S.A. 40 A:9-165 and Section 25-3 of the Code of the Town of Newton; and

WHEREAS, Schedule "B" of said Ordinance contains the wage levels of all officers and employees of the Town of Newton; and

WHEREAS, the position of Finance Director is currently included under Wage Level 10 and the position of Chief Financial Officer is currently included under Wage Level 14; and

WHEREAS, it has been determined the position of Finance Director needs to be moved to Wage Level 15 and the position of Chief Financial Officer needs to be moved to Wage Level 15;

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

SECTION 1: Schedule "B" of Ordinance 2023-29 is hereby amended, revised, and supplemented to move the position of Finance Director from Wage Level 10 to Wage Level 15 and the position of Chief Financial Officer from Wage Level 14 to Wage Level 15, as well as setting forth the total weekly hours of the Finance Director and the Chief Financial Officer, and stating the hours of work for Police Chief and Town Manager to read as follows:

- Level 15**
- Chief Financial Officer (35 hrs/wk)
- Finance Director (35 hrs/wk)
- Police Chief (40 hrs/wk)
- Town Manager (40 hrs/wk)

SECTION 2: SEVERABILITY AND REPEALER
Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 3: EFFECTIVE DATE
This Ordinance shall take effect immediately upon adoption 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 by Mr. Dickson, and roll call resulted as follows:

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

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-8

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$880,000 FOR VARIOUS WATER/SEWER IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$880,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$880,000. No down payments is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this Bond Ordinance.

SECTION 2:

In order to finance the additional cost of the Improvement, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$880,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$880,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

| Improvements | Appropriation and Estimated Cost | Estimated Maximum Amount of Bonds or Notes | Period of Useful Life |
|---|-------------------------------------|---|--------------------------|
| (1) Improvements to Glen Lake including installation of blowoff pipe connection, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering. | \$280,000 | \$280,000 | 40 Years |
| (2) Replacement of the Mason Avenue Watermain, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering. | 350,000 | 350,000 | 40 Years |

| | | | |
|---|---------|---------|----------|
| (3) Sewer Line Improvements, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering. | 250,000 | 250,000 | 40 Years |
|---|---------|---------|----------|

| | | | |
|---------------------------|------------------|------------------|--|
| TOTAL ALL PURPOSES | \$880,000 | \$880,000 | |
|---------------------------|------------------|------------------|--|

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$880,000.

(c) The estimated cost of the Improvement is \$880,000 which amount represents the initial appropriation made by the Town.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Municipal Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited, and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$880,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$260,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This Bond Ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum

principal amount of debt expected to be issued for payment of the cost of the Improvement is \$880,000.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 Deputy Mayor Le Frois who moved its adoption, seconded by Mrs. Diglio, and roll call resulted as follows:

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

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-9

AN ORDINANCE PROVIDING FUNDING FOR VARIOUS WATER/SEWER IMPROVEMENTS FOR THE TOWN OF NEWTON AND APPROPRIATING \$406,496.37 FOR SUCH PURPOSE

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

Section 1. The Town of Newton, in the County of Sussex, New Jersey, authorizes various water/sewer improvements to be undertaken, including (a) replacement of lead service lines; (b) replacement of hydrants and valves; (c) replacement of valves and piping at the Water Treatment Plant; and (d) replacement of raw water pumps, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$406,496.37 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the (a) Water Sewer Capital Improvement Fund for the improvements described in Section 1(a) and (b) above in the amount of \$152,000, (b) Reserve for Water Valve Replacement for the improvements described in Section 1(c) above in the amount of \$184,496.37, and (c) Reserve for Capital Outlay for the improvements described in Section 1(d) above in the amount of \$70,000.

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

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

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

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 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 | |

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-10

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

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$1,745,000. No down payments is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this Bond Ordinance.

SECTION 2:

In order to finance the additional cost of the Improvement, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$1,745,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$1,745,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are acquisition of various vehicles for the water/sewer utility, including (a) jet vacuum truck; (b) street sweepers; (c) trucks; and (d) trucks with plows.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$1,745,000.

(c) The estimated cost of the Improvement is \$1,745,000 which amount represents the initial appropriation made by the Town.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Municipal Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited, and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 12.29 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$1,745,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This Bond Ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$1,745,000.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 Deputy Mayor Le Frois who moved its adoption, 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 | |

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-11

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,464,000 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$539,140 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$1,464,000, consisting of (a) \$749,000 grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(1), (b) \$158,360 grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(2) (collectively, the "Grants") and (c) \$17,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment and the Grants, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$539,140 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$539,140 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

| Improvements | Appropriation and Estimated Cost | Estimated Maximum Amount of Bonds or Notes | Period of Useful Life |
|---|----------------------------------|--|-----------------------|
| (1) Boardwalk Connector for Memory Park, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk. | \$894,000 | \$145,000 | 15 Years |
| (2) Resurfacing of Douma Drive, Douma Court, Valleyview | 220,000 | 61,640 | 10 Years |

| Improvements | Appropriation and Estimated Cost | Estimated Maximum Amount of Bonds or Notes | Period of Useful Life |
|--|-------------------------------------|---|--------------------------|
| Court, and Babbit Court, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk. | | | |
| (3) Installation of HVAC System at Town Hall, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk. | 350,000 | 332,500 | 15 Years |
| TOTAL ALL PURPOSES | \$1,464,000 | \$539,140 | |

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$539,140.

(c) The estimated cost of the Improvement is \$1,464,000 which amount represents the initial appropriation made by the Town.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Town Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited, and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 14.42 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Town Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$539,140 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$539,140.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 Mr. Dickson who moved its adoption, 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 | |

Mayor Couce read aloud the following Ordinance relative to introduction.

ORDINANCE 2024-12

AN ORDINANCE PROVIDING FUNDING FOR A POLICE ALCOTEST MACHINE FOR THE TOWN OF NEWTON AND APPROPRIATING \$25,000 FOR SUCH PURPOSE

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 Wednesday, May 29, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-13

AN ORDINANCE AMENDING ZONING SECTION 320-4 REGARDING MAXIMUM BEDROOMS FOR MULTI-FAMILY UNITS AND SECTION 320-23 REGARDING PARKING SPACE REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

The aforementioned **ORDINANCE** was offered by Deputy Mayor Le Frois who moved its introduction, seconded by Mr. Dickson, 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 Wednesday, May 29, 2024 at 7:00 pm. It has been referred to the Planning Board for review at their May 15, 2024 meeting.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-14

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$70,000 FOR RESURFACING OF DOUMA DRIVE, DOUMA COURT, VALLEYVIEW COURT, AND BABBIT COURT IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$66,500 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 | 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 Wednesday, May 29, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-15

ORDINANCE AUTHORIZING THE PRIVATE SALE OF PUBLIC LANDS NOT NEEDED FOR PUBLIC PURPOSE TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO N.J.S.A. 40A:12-13(b)(1)

The aforementioned **ORDINANCE** was offered by Deputy Mayor Le Frois who moved its introduction, seconded by Mrs. Diglio, 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 Wednesday, May 29, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-16

AN ORDINANCE OF THE TOWN OF NEWTON AUTHORIZING THE AMENDMENT OF THE FINANCIAL AGREEMENT PREVIOUSLY ENTERED INTO BY THE TOWN OF NEWTON AND WSR I URBAN RENEWAL, LLC AND THE ASSIGNMENT AND ASSUMPTION OF SAID FINANCIAL AGREEMENT TO 123 WATER URBAN RENEWAL, LLC

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 Wednesday, May 29, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

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 #140-2024*

“Issuance of Estimated 3rd Quarter Tax Bills”

WHEREAS, N.J.S.A 54:4-66.2 allows for a Governing Body of a Municipality operating on the calendar fiscal year to use an estimated 3rd quarter tax bill if it is determined that the Tax Collector will be unable to complete the mailing or delivery of tax bills by June 14th provided the estimated and reconciled tax bills shall be mailed by June 30th and September 30th respectively; and

WHEREAS, it is anticipated the Tax Collector will not be in receipt of a certified tax rate in enough time to be able to complete the mailing and delivery of real property tax bills by June 14, 2024 as is required by law; and

WHEREAS, the Tax Collector and the Chief Financial Officer have requested the Council provide them with the latitude to submit estimated 3rd quarter property tax bills in the event that they do not receive a timely certified tax rate, which would allow the Tax Collector to complete the mailing and delivery of property tax bills by June 30, 2024; and

WHEREAS, the Chief Financial Officer, in consultation with the Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levy for the previous year, and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council approve the estimated tax levy of \$28,383,678.00 at a tax rate of \$2.7243; and

WHEREAS, the above levy and rate have been calculated on a worksheet that is attached hereto and made a part hereof by reference; and

WHEREAS, the above levy amount falls between the mandated estimated range required by N.J.S.A. 54:4-66.3(a)(1) and approval will enable the Town to meet its financial obligations; maintain the tax collection rate; provide uniformity for tax payments; and save the unnecessary cost of interest expenses on borrowing;

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

1. The Tax Collector of the Town of Newton is hereby authorized and directed to prepare and issue estimated tax bills for the Town, for the third installment of 2024.
2. The entire estimated tax levy for 2024 is hereby set at \$28,383,678. The estimated tax rate for 2024 is hereby set at \$2.7243.
3. In accordance with applicable law, the third quarter installment of 2024 taxes (whether estimated or not) shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated bills were mailed.

RESOLUTION #141-2024*

“Resolution Authorizing Payment #2 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 #2, dated May 3, 2024, from Paving Materials and Contracting, LLC (“PMC”), requesting payment in the amount of Three Hundred Sixty-Six Thousand Four Hundred Seven Dollars and Twenty-Five Cents (\$366,407.25), 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 May 3, 2024, and hereby recommends Payment #2 to Paving Materials and Contracting, LLC, in the amount of Three Hundred Sixty-Six Thousand Four Hundred Seven Dollars and Twenty-Five Cents (\$366,407.25), 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 #2 to the contract with Paving Materials and Contracting, LLC in the amount of Three Hundred Sixty-Six Thousand Four Hundred Seven Dollars and Twenty-Five Cents (\$366,407.25), 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 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 #142-2024*

“Authorizing Change Order No. 2 for Drainage Improvements Contract at Memory Park”

WHEREAS, a need existed for the bidding of a project known as “Drainage Improvements at Babe Ruth Field at Memory Park” within the Town of Newton; and

WHEREAS, the Town of Newton advertised and received bids in a fair and open manner on June 21, 2023, and Paving Materials Contracting, LLC was determined to be the lowest responsible bidder with a bid of \$742,743.00; and

WHEREAS, on June 26, 2023, the project was awarded to Paving Materials Contracting, LLC by Resolution #190-2023; and

WHEREAS, on December 11, 2023, Change Order No. 1 was approved through Resolution #283-2023, extending the completion time of the contract; and

WHEREAS, the Town of Newton has received a request for Change Order No. 2, dated May 6, 2024, from Paving Materials and Contracting, LLC, identifying unforeseen conditions at the time of bid award, necessitating a change order in the amount of \$65,930.24; and

WHEREAS, the Town Engineer on this Project, Suburban Consulting Engineers, Inc., recommends accepting the proposed Change Order No. 2, which will result in a change order increase of 8.88% for a total contract amount of \$808,673.24; and

WHEREAS, the aggregate amount of change orders is less than 20% in accordance with N.J.A.C. 5:30-11.8;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town hereby authorizes the issuance of Change Order No. 2 to the contract with Paving Materials and Contracting, LLC for an increase of 8.88% (\$65,930.24) for a total contract amount of \$808,673.24.

RESOLUTION #143-2024*

“Resolution Authorizing the Application to the NJ Clean Energy Program Community Energy Planning Grant Program”

WHEREAS, a sustainable community seeks to ensure its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Town of Newton strives to assure clean land, air, and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established community-level action is necessary to achieve the State's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, the Town of Newton is invested in developing a Community Energy Plan to help the State achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help the Town of Newton to plan for and invest in renewable energy and to work towards a better environment for all residents by using the State's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions;

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Town of Newton has determined the Town of Newton should apply for the aforementioned Community Energy Planning Grant program; and

BE IT FURTHER RESOLVED, the Town of Newton will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Town of Newton, County of Sussex, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

RESOLUTION #144-2024*

"Resolution to Reject all Submittals for the Bid for Cleaning of the Morris Lake WTP Clearwell and High Street Water Storage Tank"

WHEREAS, the Town of Newton publicly advertised in a fair and open manner consistent with N.J.S.A. 19:44A-20.4 *et seq.* for bids for Cleaning of the Morris Lake WTP Clearwell and High Street Storage Tank; and

WHEREAS, the Town received bids in a public opening on April 30, 2024, at 11:00 AM; and

WHEREAS, upon examination by the review committee it became apparent that certain aspects of the technical specifications required substantial revision; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-13.2(d) allows for the rejection of submittals due to the need for substantial revisions to the specifications; and

WHEREAS, it is the recommendation of the review committee to reject all submittals, substantially revise the specifications, and conduct a new public procurement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that it has determined all bids submitted in response to Bid for Cleaning of the Morris Lake WTP Clearwell and High Street Storage Tank are hereby rejected in accordance with N.J.S.A. 40A:11-13.2(d);

BE IT FURTHER RESOLVED that upon revision of specifications, the Newton Town Manager, Qualified Purchasing Agent, and Consulting Engineer are authorized to commence the procurement of Cleaning of the Morris Lake WTP Clearwell and High Street Storage Tank in accordance with the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-1 et. Seq.

RESOLUTION #145-2024*

“Resolution Calling for the Modernization of the Open Public Records Act (OPRA) and the Swift Passage of S-2930/A-4045”

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees,

which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests, and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE BE IT RESOLVED, the Governing Body of the Town of Newton, in the County of Sussex, State of New Jersey respectfully requests the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Honorable State Senator Parker Space, Honorable Assemblywoman Dawn Fantasia, Honorable Assemblyman Michael Inganamort, Governor Philip D. Murphy, and the New Jersey State League of Municipalities.

RESOLUTION #146-2024*

“Approval of the Execution of a Shared Services Agreement with Fredon Township to Provide Animal Control Services From June 1, 2024 Through December 31, 2024”

WHEREAS, the Township of Fredon (“Fredon”) 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 Fredon to provide the requested animal control services to Fredon; 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, 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 Fredon to provide animal control services to Fredon for the Period of June 1, 2024 through December 31, 2024.

RESOLUTION #147-2024*

“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 |
| 10629 | 84 | - ABCODE SECURITY INC. | \$100.00 |
| 10630 | 2799 | - AFLAC | \$2,519.84 |
| 10631 | 2141 | - AIRMATIC COMPRESSOR SYSTEMS, INC. | \$6,092.56 |
| 10632 | 3753 | - ALCOCK KATHERINE | \$79.06 |
| 10633 | 3897 | - AMAZON CAPITAL SERVICES | \$1,441.78 |
| 10634 | 3869 | - AMERICAN FIDELITY ASSURANCE | \$669.80 |
| 10635 | 3868 | - AMERICAN FIDELITY ASSURANCE COMPANY | \$683.32 |
| 10636 | 4026 | - AUTOZONE INC. | \$29.68 |
| 10637 | 3251 | - BADGER METER, INC. | \$664.32 |
| 10638 | 3087 | - BASSANI POWER EQUIPMENT | \$549.77 |
| 10639 | 3905 | - BLUE DIAMOND DISPOSAL INC. | \$9,174.00 |
| 10640 | 4810 | - BOONTON TIRE & AUTO REPAIR | \$951.09 |
| 10641 | 3355 | - BRAEN STONE SPARTA | \$3,296.33 |
| 10642 | 300 | - BRIGHTSPEED | \$125.85 |
| 10643 | 702 | - C W A LOCAL 1032 | \$321.25 |
| 10644 | 3015 | - CAPITOL SUPPLY CONST PRODUCTS, INC. | \$65,543.14 |
| 10645 | 1333 | - CERBO'S HAMPTON NURSERY INC. | \$675.00 |
| 10646 | 4823 | - CHIBARO, ANTHONY | \$500.00 |
| 10647 | 3770 | - CINTAS | \$344.31 |
| 10648 | 4147 | - CONVERGINT TECHNOLOGIES, LLC. | \$17,724.00 |
| 10649 | 155 | - COYNE CHEMICAL CORP., INC. | \$7,582.21 |
| 10650 | 4500 | - CRYSTAL MOUNTAIN SPRINGS | \$283.48 |
| 10651 | 286 | - CURRENT ACCOUNT | \$3.58 |
| 10652 | 3389 | - CUSTOM BANDAG INC. | \$2,439.08 |
| 10653 | 4386 | - DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP | \$5,562.50 |
| 10654 | 768 | - DEMPSEY UNIFORM & SUPPLY INC | \$2,011.82 |
| 10655 | 2386 | - DOMINICK'S PIZZA LLC | \$142.70 |
| 10656 | 106 | - ELIZABETHTOWN GAS | \$3,467.46 |
| 10657 | 4573 | - EMERGER PROPERTY MANAGEMENT LLC | \$19,450.00 |
| 10658 | 4774 | - FABERS GARAGE LLC | \$2,836.05 |
| 10659 | 225 | - FEDERAL EXPRESS | \$46.85 |
| 10660 | 1707 | - FINKLE, DANIEL | \$267.44 |
| 10661 | 4635 | - FRANKLIN SUSSEX AUTO MALL, INC. | \$212.52 |
| 10662 | 3318 | - FREDON ANIMAL HOSPITAL | \$171.00 |
| 10663 | 4724 | - GANNETT NEW YORK/NEW JERSEY LOCALIQ | \$288.73 |
| 10664 | 200 | - GARDEN STATE LABORATORIES INC | \$4,440.00 |
| 10665 | 4398 | - GLOBAL RECYCLING SOLUTIONS LLC | \$762.94 |
| 10666 | 789 | - GNCC | \$195.00 |
| 10667 | 2660 | - GRASS ROOTS, INC. | \$7,840.00 |
| 10668 | 70 | - HACH COMPANY | \$2,033.00 |
| 10669 | 232 | - HAMBURG PLUMBING SUPPLY CO INC | \$1,315.07 |
| 10670 | 230 | - HAYEK'S MARKET INC. | \$100.00 |
| 10671 | 4337 | - HFE SERVICES LLC | \$2,693.96 |
| 10672 | 3876 | - HOLLAND COMPANY, INC. | \$11,482.81 |

| | | | |
|-------|------|---------------------------------------|--------------|
| 10673 | 3235 | - J. CALDWELL & ASSOCIATES, LLC. | \$525.00 |
| 10674 | 113 | - JCP&L | \$903.72 |
| 10675 | 3067 | - JERSEY SHIRTS & DESIGNS | \$140.00 |
| 10676 | 3772 | - JK HVAC SERVICE, LLC. | \$7,402.26 |
| 10677 | 2569 | - KIEFFER ELECTRIC, INC. | \$1,123.17 |
| 10678 | 4779 | - KNOX ASSOCIATES INC | \$3,874.97 |
| 10679 | 2278 | - LANGUAGE LINE SERVICES, INC. | \$164.90 |
| 10680 | 4040 | - LOEFFELS WASTE OIL SERVICE LLC | \$672.50 |
| 10681 | 2300 | - LOWE'S, INC. | \$65.49 |
| 10682 | 1566 | - MAIN POOL & CHEMICAL COMPANY, INC. | \$9,062.00 |
| 10683 | 4824 | - MEISINGER, DONALD | \$55.00 |
| 10684 | 4381 | - MID-AMERICAN ELEVATOR CO., INC. | \$510.00 |
| 10685 | 4531 | - MILLENNIUM STRATEGIES LLC | \$2,500.00 |
| 10686 | 53 | - MONTAGUE TOOL & SUPPLY, INC. | \$355.28 |
| 10687 | 4284 | - NEWTON AUTO BODY & RESTORATION, LLC | \$2,550.35 |
| 10688 | 700 | - NEWTON PATROLMANS ASSOCIATION | \$840.00 |
| 10689 | 3979 | - NEWTON PIZZA | \$73.83 |
| 10690 | 1745 | - NEWTON SUPERIOR OFFICERS | \$420.00 |
| 10691 | 213 | - NEWTON VETERINARY HOSPITAL | \$405.50 |
| 10692 | 2835 | - NJMEBF | \$217,462.00 |
| 10693 | 4681 | - NORTHEAST COMMUNICAITONS INC. | \$22,322.33 |
| 10694 | 4350 | - NW FINANCIAL GROUP LLC | \$1,012.50 |
| 10695 | 2882 | - ONE CALL CONCEPTS, INC. | \$241.66 |
| 10696 | 4383 | - OPTIMUM | \$74.00 |
| 10697 | 1407 | - PASSAIC VALLEY SEWERAGE COMM. | \$12,496.50 |
| 10698 | 4711 | - PAVING MATERIALS & CONTRACTING LLC | \$366,407.25 |
| 10699 | 64 | - PELLOW, HAROLD & ASSO, INC. | \$5,218.76 |
| 10700 | 64 | - PELLOW, HAROLD & ASSO, INC. | \$14,466.13 |
| 10701 | 64 | - PELLOW, HAROLD & ASSO, INC. | \$5,672.51 |
| 10702 | 64 | - PELLOW, HAROLD & ASSO, INC. | \$71.00 |
| 10703 | 4204 | - PLANET NETWORKS INC. | \$4,917.30 |
| 10704 | 4204 | - PLANET NETWORKS INC. | \$399.90 |
| 10705 | 4204 | - PLANET NETWORKS INC. | \$609.90 |
| 10706 | 4204 | - PLANET NETWORKS INC. | \$99.95 |
| 10707 | 4204 | - PLANET NETWORKS INC. | \$599.70 |
| 10708 | 4204 | - PLANET NETWORKS INC. | \$4,289.00 |
| 10709 | 4204 | - PLANET NETWORKS INC. | \$180.00 |
| 10710 | 4273 | - QUADIENT INC. | \$486.00 |
| 10711 | 39 | - QUILL CORPORATION | \$193.99 |
| 10712 | 251 | - R.S. PHILLIPS STEEL LLC | \$362.78 |
| 10713 | 2478 | - RACHLES/MICHELE'S OIL COMPANY, INC. | \$6,950.57 |
| 10714 | 4425 | - Reliance Standard Life Insurance Co | \$347.30 |
| 10715 | 4541 | - REVCORD | \$6,065.00 |
| 10716 | 2902 | - ROBERTS, JANIEN | \$50.92 |
| 10717 | 4199 | - RUTGERS LIFELONG LEARNING CENTER | \$962.00 |
| 10718 | 61 | - S K OFFICE SUPPLY INC. | \$240.00 |
| 10719 | 3660 | - SCHENCK, PRICE, SMITH, & KING, LLP | \$21.00 |
| 10720 | 3973 | - Schlosser, Theresa | \$175.00 |
| 10721 | 126 | - SCMUA | \$1,834.97 |
| 10722 | 4818 | - SCOTT PAUL | \$2,953.50 |
| 10723 | 611 | - SEBRING AUTO PARTS, INC. | \$640.19 |
| 10724 | 3756 | - SHACKLETON, JACKI | \$175.00 |
| 10725 | 3134 | - SHOP RITE, INC. | \$154.28 |
| 10726 | 2402 | - SKYLANDS AREA FIRE EQUIP & TRAINING | \$278.00 |

May 13, 2024

| | | | |
|--------------|------|--------------------------------------|-----------------------|
| 10727 | 4260 | - SKYLANDS STADIUM | \$2,250.00 |
| 10728 | 3117 | - SOME'S WORLD WIDE UNIFORMS, INC. | \$84.50 |
| 10729 | 2257 | - STAPLES | \$408.99 |
| 10730 | 1982 | - State of NJ, DCA ELSA | \$258.00 |
| 10731 | 1212 | - STATEWIDE INSURANCE FUND | \$149,062.50 |
| 10732 | 2056 | - SUBURBAN PROPANE, LP. | \$2,979.04 |
| 10733 | 102 | - SUSSEX CAR WASH INC | \$280.00 |
| 10734 | 2561 | - SUSSEX COUNTY CHAMBER OF COMMERCE | \$220.00 |
| 10735 | 3603 | - SUSSEX COUNTY COMMUNITY COLLEGE | \$1,600.00 |
| 10736 | 2310 | - SUSSEX COUNTY ENGINEERING DIVISION | \$321.94 |
| 10737 | 130 | - SUSSEX COUNTY P & H, INC. | \$119.05 |
| 10738 | 3248 | - SWANK MOTION PICTURES | \$1,330.00 |
| 10739 | 371 | - T.A. MOUNTFORD COMPANY, INC. | \$250.00 |
| 10740 | 3392 | - TAP INTO, LLC | \$2,100.00 |
| 10741 | 2479 | - TAYLOR OIL CO., INC. | \$5,030.95 |
| 10742 | 4278 | - TEXAS LIFE INSURANCE COMPANY | \$88.45 |
| 10743 | 676 | - THE EQUITABLE | \$10,990.00 |
| 10744 | 2675 | - TIRE KING, INC. | \$1,016.00 |
| 10745 | 4508 | - TORRES, JUDY A | \$55.00 |
| 10746 | 2880 | - TRACTOR SUPPLY | \$77.95 |
| 10747 | 691 | - TRANS WORLD ASSURANCE CO. | \$400.00 |
| 10748 | 293 | - TREASURER, PETTY CASH FUND | \$150.00 |
| 10749 | 1151 | - TREASURER, STATE OF NEW JERSEY | \$101.41 |
| 10750 | 2781 | - TRIMBOLI & PRUSINOWSKI, LLC. | \$1,275.00 |
| 10751 | 4767 | - TROJAN TECHNOLOGIES CORP | \$170,793.18 |
| 10752 | 4130 | - UNITED FIRE PROTECTION CORP. | \$2,786.00 |
| 10753 | 4152 | - UNITED SITE SERVICES, INC | \$25,263.05 |
| 10754 | 1469 | - UNIVERSAL SUPPLY GROUP INC. | \$31.78 |
| 10755 | 1257 | - UNUM LIFE/DISABILITY INSUR | \$947.31 |
| 10756 | 2716 | - UPSEU LOCAL 424J | \$798.00 |
| 10757 | 4617 | - VALLEY MEDICAL GROUP | \$311.00 |
| 10758 | 1158 | - VISION SERVICE PLAN | \$1,340.35 |
| 10759 | 2635 | - W.B. MASON, INC. | \$1,049.74 |
| 10760 | 1500 | - WALMART | \$15.74 |
| 10761 | 477 | - WATER & SEWER CAPITAL ACCOUNT | \$9,620.63 |
| 10762 | 297 | - WATER & SEWER OPERATING ACCT | \$23,334.35 |
| 10763 | 1144 | - WEINER LESNIAK | \$1,674.00 |
| 10764 | 4421 | - ZOOM VIDEO COMMUNICATIONS, INC | \$149.90 |
| TOTAL | | | \$1,315,751.97 |

RESOLUTION #148-2024*

“Authorizing an Addendum to the Redevelopment Agreement Previously Entered into By and Between the Town of Newton and Water Street Holdings LLC as Redeveloper on April 12, 2021”

WHEREAS, by Resolution 69-2018 adopted February 26, 2018, the Town Council (the **“Town Council”**) of the Town of Newton (the **“Town”**) designated property identified on the official tax map of the Town as Block 10.01, Lot 4, and commonly known as 121 Water Street, as a non-condemnation area in need of redevelopment (the **“Redevelopment Area”** or **“Project Area”**) in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the **“Redevelopment Law”**); and

WHEREAS, by Ordinance 2020-14 adopted July 13, 2020, the Town Council duly adopted a redevelopment plan for the Redevelopment Area, entitled "121 Water Street Redevelopment Plan", prepared by Topology and dated June 22, 2020 (as the same may be amended and supplemented from time to time, the "**Redevelopment Plan**"); and

WHEREAS, by Resolution 99-2021 adopted April 12, 2021, the Town Council (a) designated Water Street Holdings, LLC as the redeveloper (the "**Redeveloper**") of the Redevelopment Area; and (b) authorized the Town to enter into a redevelopment agreement setting forth the terms and conditions by which the Redeveloper will redevelop the Redevelopment Area for the construction, renovation, operation, and maintenance of the improvements within the Redevelopment Plan (the "**Project**" or "**Redevelopment Project**"); and

WHEREAS, on April 12, 2021, the Town and the Redeveloper entered into a redevelopment agreement setting forth their respective undertakings, rights, and obligations in connection with the Redevelopment Project in accordance with the Redevelopment Plan and applicable law (the "**Redevelopment Agreement**"); and

WHEREAS, Lot 4 was subsequently subdivided into Lots 4.01 (the "**Residential Project Property**") and 4.02 (the "**Retail Project Property**"), both of which are controlled by the Redevelopment Agreement; and

WHEREAS, by Ordinance 2021-5 adopted April 26, 2021, the Town Council authorized the Town to enter into a financial agreement with WSR I Urban Renewal LLC (the "**Entity**"), an affiliate of the Redeveloper, setting forth the long-term tax exemption granted to the Entity concerning the Retail Project Property under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "**Exemption Law**"); and

WHEREAS, on April 26, 2021, the Town and the Entity entered into a financial agreement (the "**Financial Agreement**") as was authorized by Ordinance 2021-5; and

WHEREAS, by correspondence dated February 20, 2024, counsel for the Entity notified the Town that it is under contract to sell the Retail Project Property to 123 Water Urban Renewal, LLC (the "**Assignee**"), which sale is contingent upon the assignment of the Financial Agreement to the Assignee, and requested the Town Council approve the execution of an agreement by the Town with the Entity and Assignee permitting the proposed assignment of the Financial Agreement to Assignee; and

WHEREAS, the proposed sale of the Retail Project Property and the authorization of the assignment of the Financial Agreement require the Town and Redeveloper enter into an agreement providing for certain amendments to the Redevelopment Agreement (the "**Addendum**"); and

WHEREAS, the Town has determined it is appropriate and necessary for the Redevelopment Project to execute the Addendum to the Redevelopment Agreement;

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

1. The above "WHEREAS" paragraphs are hereby incorporated herein by reference as though specifically set forth herein below.

2. The Newton Town Manager shall be and is hereby authorized and directed to execute the Addendum to the Redevelopment Agreement in the form attached hereto as **Exhibit A**.

3. The Newton Town Manager, Mayor, and Town Clerk and any other Town representatives as may be deemed necessary are hereby authorized to execute any and all documents necessary or convenient to the transaction(s) contemplated and

authorized, and to take all other necessary and appropriate action to effectuate the transaction(s), subject to final review and approval by Redevelopment Counsel.

4. This Resolution shall take effect immediately.

Name: Teresa A. Oswin
Title: Municipal Clerk

Name: Thomas S. Russo, Jr.
Title: Town Manager

RESOLUTION #149-2024*

“Approving and Authorizing the Town Manager to Execute and Deliver a Certificate of Completion on Behalf of the Town of Newton for the Project Constructed on Tax Block 10.01, Lot 4.02”

WHEREAS, by Resolution 69-2018 adopted February 26, 2018, the Town Council (the “**Town Council**”) of the Town of Newton (the “**Town**”) designated Block 10.01, Lot 4, commonly known as 121 Water Street, as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**” or “**Project Area**”) in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”); and

WHEREAS, by Ordinance 2020-14 adopted July 13, 2020, the Town Council duly adopted a redevelopment plan for the Redevelopment Area, entitled, “121 Water Street Redevelopment Plan”, prepared by Topology and dated June 22, 2020 (as the same may be amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, by Resolution 99-2021 adopted April 12, 2021, the Town Council (a) designated Water Street Holdings, LLC as the redeveloper (the “**Redeveloper**”) of the Redevelopment Area; and (b) authorized the Town to enter into a redevelopment agreement setting forth the terms and conditions by which Redeveloper will redevelop the Redevelopment Area for the construction, renovation, operation, and maintenance of the improvements within the Redevelopment Plan (the “**Project**” or “**Redevelopment Project**”); and

WHEREAS, on April 12, 2021, the Town and the Redeveloper entered into a redevelopment agreement setting forth their respective undertakings, rights, and obligations in connection with the development of the Project in accordance with the Redevelopment Plan and applicable law (the “**Redevelopment Agreement**”); and

WHEREAS, Lot 4 was subsequently subdivided into Lots 4.01 (the “**Residential Project Property**”) and 4.02 (the “**Retail Project Property**”), both of which are controlled by the Redevelopment Agreement; and

WHEREAS, by Resolution 148-2024 adopted May 13, 2024, the Town Council authorized execution of an addendum to the Redevelopment Agreement between the Town of Newton and Water Street Holdings, LLC (the “**Addendum**”), which Addendum is considered a full and complete part of the Redevelopment Agreement; and

WHEREAS, by the terms incorporated into the Redevelopment Agreement by the Addendum and made a part thereof, the Redeveloper has no further obligations under the Redevelopment Agreement with respect to the Retail Project Property portion of the Redevelopment Project; and

WHEREAS, based upon the completion of the Redevelopment Project on the Retail Project Property by Redeveloper under the Redevelopment Agreement and Addendum, the Redeveloper has requested that the Town execute and deliver a Certificate of

Completion for the Retail Project Property pursuant to and consistent with the terms of the Addendum.

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

1. The above "WHEREAS" paragraphs are hereby incorporated herein by reference as though specifically set forth herein below.

2. The Newton Town Manager shall be and is hereby authorized and directed to execute and deliver to the Redeveloper a Certificate of Completion, in the form attached hereto, for the Redevelopment Project on the Retail Project Property portion of the Redevelopment Area pursuant to and consistent with the terms of the Redevelopment Agreement as amended by the Addendum.

3. The Newton Town Manager, Mayor, and Town Clerk and any other Town representatives as may be deemed necessary are hereby authorized to execute and deliver any and all documents necessary or convenient to the transaction(s) contemplated and authorized, and to take all other necessary and appropriate action to effectuate the transaction(s), subject to final review and approval by Redevelopment Counsel.

4. This Resolution shall take effect immediately.

Name: Teresa A. Oswin
Title: Municipal Clerk

Name: Thomas S. Russo, Jr.
Title: Town Manager

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

Mr. Russo clarified that Resolution 149-2024 is being done now that the Redeveloper of 121 Water Street Redevelopment Plan has sold off the retail properties.

Deputy Mayor Le Frois just wanted to make note of Resolution 146-2024. It is another shared service agreement for animal control services. Providing animal control services is only a few years in the making and our reputation is drawing more municipalities.

Mr. Bernstein noted in support of Resolution 145-2024, the OPRA reform bill passed in both the Senate and Assembly today and is on the Governor's desk for his signature and approval.

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

Mr. Dickson Yes Mrs. Diglio Yes

Mrs. Le Frois Yes Mrs. Teets Yes

Mayor Couce Yes
(abstain on Checks 10640 and 10703 through 10709)

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.

DISCUSSION

Mr. Russo stated he had a conversation with the Mayor and Deputy Mayor about a lead service line replacement program. He stated the State of NJ implemented legislation which was adopted in law about communities addressing the concerns of lead service lines going into dwelling units. We have one residential property that we are aware of that came to fruition the past few weeks about a lead galvanized line coming into property. That started the conversation about how we should handle any type of reimbursement program or payment program going forward. He has spoken with our attorney Eric on this matter, as he has experience with this in other Towns. He has also spoken with our staff on the matter. He also did research on a half a dozen other communities to see if there were any common denominators on how they were handling the particular issue. As part of the information given out tonight there is a draft ordinance, also his office created a replacement reimbursement form, and a narrative of what individuals would have to do. He is recommending the Town either implement a replacement program whereby residents can either apply to have a reimbursement for work they have had done at their property, or the Town could hire a vendor through the bidding process and have a vendor go out and do the work and the Town would absorb the cost. He is recommending the Town absorb the cost because we understand that it could be very difficult for people to afford the average repair which could cost \$8,000 to \$12,000 a property. The Town over time could over time work on grants for this type of program as other communities are doing. We are still in the process of identifying our lead service lines. He invited Dave Simmons, our Water Engineer, here tonight to speak to what we have done so far. Once we all the lines identified, we can seek grants. Through paperwork in Dave's office and research by the Department of Public works we have been able to identify about 1,000 lines, but we still have an additional 1,700 to do work on. There is a piece of equipment called a "Swordfish" that Kenny Jaekel has recommended that has been approved to be used in other States. It has been approved by the EPA, but has not received approval by the State of New Jersey or the DEP. He sent a letter to the DEP asking for approval to allow Newton to be a test program to BETA test the equipment, so we expedite working on the 1,700 lines that still need to be identified. He has not received a response yet. He also sent the letter to Senator Space's office and the Assembly people so they knew to keep it on their radar, and to see if there was any way they could help facilitate and accelerate the approval of the equipment. Not only could Newton use the equipment but there might be opportunities for shared services for other Towns to use the equipment too. It makes it easier and quicker to identify if a line is lead or galvanized.

Mr. Russo asked Mr. Simmons to talk about the legislation and walk through the

work his office has done so far, what the requirements are, and what still needs to be done.

Mr. Simmons started by saying as of July 1st, this will be the end of the third year of a ten-year period that we have been working on identifying the lead service lines and getting them replaced. The Town has 2,752 water service lines. Over the last 40+ years the Town has done a lot of water main replacements. Normally when we do a water main replacement, we also replace the service lines from the main up to and including the curb stop and the curb box with type K copper. We have that documentation in case we are ever audited by the DEP. That helped us to identify 642 services on the Town side, and between the information in his office, and the Water department going through old meter cards we were able extra information to provide documentation if needed. In addition, on the Town's website and through visual observation and some feedback from different customers who were asked to try and identify what type of material is coming into the foundation of their home right by the water meter. Of those, a total number of verified non-lead water services on the customer's side from the curb box into the house was 253 services. Of those totals, sixty-two were verified on the customer side and the Town side. So, by our count we have 833 services taken care of. That put us on target for at least 10% for each year one, two, and three. This is reported to the DEP. The DEP does not want municipalities to wait until year nine of this ten-year program to start. So, 10% of 2,752 is roughly 300, times that by 3, because we are just finishing the third year and it is 900, we are at 833 so we are on target. We have exhausted gathering all the information that is readily available, now we are getting to the point where we have to start doing some field investigations.

Mr. Simmons detailed the work that will need to be done which would start with going in people's basement to do a visual on where the service enters, then go to the curb box and dig down to the service line and see what the material is on each side of the main, this will involve excavating the line. The "Swordfish" is similar to a plumber's snake and can be inserted down the line from the inside. It has a gauge on the tip to determine if it is lead or galvanized pipe. This if is a far less intrusive way to do this testing, with less manual labor in the field or disruption of property or having to dig up or jackhammer concrete sidewalk material which may be the case in the downtown area. This would save a lot of time. Mr. Simmons gave more statistics on replacements that have been done in the past few years. He also explained some of the difficulties we would face if we would have to dig up any roads, some of which are County and State.

At this time Public Works Supervisor, Kenneth Jaekel came forward. He and Mr. Simmons answered several questions of the Council. Mr. Jaekel elaborated on how it could take a whole day to test a property manually, using the "Swordfish" it could be done in about 15 minutes. A discussion ensued on the benefits of using the "Swordfish" even if we did not have DEP approval. It would be a risk, and the State guidelines are

not clear on it. Mr. Russo stated he would like to give the DEP a chance to respond to his letter before we take any risks. He suggests we give them ninety days to respond.

After a lengthy discussion it was the consensus to the Council to implement the Lead Service Line Replacement program, so the cost is not borne by the property owner. Mr. Russo will work with Mr. Bernstein on getting the ordinance ready. Mr. Russo will follow up with the DEP if they do not respond within ninety days.

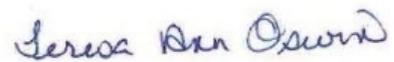
COUNCIL MANAGER COMMENTS

Mrs. Teets stated that Deb Danielson and the Shade Tree Commission are working with Cerbo's on possibly implementing a tree purchasing agreement with Cerbo's. Newton Day is fast approaching on June 8th. We also have the Miss Newton contest and the Little Mr. and Miss Newton contest coming up. She also wanted to mention April 29th we had two ribbon cuttings; one was for Pine Street Park and the other was for the Animal Shelter. It is a beautiful building, she thanked all involved in the work on the building.

ADJOURNMENT

There being no further business to be conducted, upon a motion by Deputy Mayor Le Frois seconded by Mrs. Teets and unanimously carried, the Regular meeting was adjourned at 8:07pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk