

July 15, 2024

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

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

Mayor Couce made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 5, 2024."

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.

Dr. Ludmilla Mecaj read the following statement:

"1st) I would like to thank all the Councils that voted "NO" to a very unreasonable free garbage project that would bring even more tax increase and burden to the taxpayers. The referendum idea was premature and wrong, risking blindly voting when residents were not informed, not present during this proposed model.

2nd) I'll read the following statement into the record and submit the hard copy to Newton Governing Body, Town Clerk and Manager, and New Jersey Herald, so that Newtonian will be accurately informed and my words will not be curtailed.

Per town record: Last meeting on June 24, I brought to your attention my concern about the double increase in taxes after town-wide evaluation. I scheduled a meeting with the tax assessor and the same week, when I arrived for the meeting, the tax assessor was not in the office for personal reasons. I am waiting for his confirmation to have the meeting on July 17.

I asked a question about your thoughts: you have two houses in front of you, one assessed for example \$1M the other \$.05M, and the one with the \$1M pays less taxes than \$.05M house...Does this data sound like fair taxation? There was not any good answer from none of the panelists.

Today I brought data on 6 houses.

Note: I took the market values from an independent online company, different from the AS agency hired by the town to assess all Newton Properties. Note all tax information.

Main Street, 7bd, 7ba, 4,653 sq ft estimated market value \$981,400; sold in 2005 for \$800,000. Taxes for yr 2023=\$25,265. Interesting when all the market values increased this

house value decreased. This house got a break from the AS agency (value \$787,900 x 2.724% = \$21,460)

Paterson Pl, Market value...\$409,000, 4bd, 2ba, 1582 sqft, sold in 1978 probably the year was built, yr 2023 taxes = \$8,192. (AS appraised value \$291,400 x 2.742%=\$7,937)

Dogwood Dr, Market value \$431,100, 3 bd, 2ba, 1450sqft, sold 2019 for \$227,900, build year 1996. Taxes 2023=\$9,527 (AS appraised valued \$365,300 x 2.724% = \$9,950)

Windsor Dr, Market value \$607,800;2, 812 sqft. Yr build 2001, sold 2004 for \$430,000; in 2023 taxes were \$14,740 (AS appraised market value \$584,500 x 2.724% = \$15,921.78"

Next, Mrs. Helen Heckman came forward first to thank the Council for their support in getting the Dennis Library brought into the 21st century. This will certainly be an asset to not only the residents of the Town of Newton but also the County of Sussex. Second, she wanted to sing the Council's praises on the improvements to the Pine Street Park, the Mural in the downtown, and the banners saluting the Veterans around Town. She has no complaints and hopes the Council keeps up the good work. Great Job!

On Zoom, Kathy Messina thanked the Council for their decision at the last meeting on trash and recycling to keep the status quo. She is a two (2) person household, she recycles and composts to reduce her trash. She takes her trash to SCMUA for approximately five (\$5) a month, so she is very happy things will not change. She asked, if the in the future, the Council does decide to change anything, they please give consideration to residents being allowed to opt-out.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo – started off by introducing Kai Cramando, our Newton Animal Control Officer and asking him to come forward and tell the Council about himself. Kai stated he is the new full-time Animal Control Office; in his spare time, he volunteers as a firefighter and EMT in Hopatcong where he currently lives. He started as an ACO in Hopatcong in June 2019. He has seen it all, from dogs, cats to snakes and wildlife. One of the biggest cases he worked on was in Hunterdon County where there were 188 dogs in one residence, it was a backyard breeding situation. He would like to bring his experience to Newton and work with our mutual aid agencies and other resources in Town to help build up Newton's Animal Control services. He thanked the Council for their time and appreciates them allowing him to speak. Mr. Russo then stated he was sending out prayers to President Trump and the families involved in the attempted assassination attempt this past weekend at the campaign rally. He hopes the Country can get to a point of civility in our discourse on both sides. At this time, he asked the Mayor to present the proclamation for tonight.

Mayor Couce read and presented the following proclamation:

Office of the Mayor

Newton, New Jersey

Proclamation

Ariel Franzone

Gold Award

WHEREAS, Ariel Franzone has been part of Girl Scout Troop #5688 since kindergarten where she started out as a Daisy. She is currently an Ambassador and looks forward to one day becoming a Troop Leader herself; and

WHEREAS, through the years Ariel has earned her Bronze, Silver and now Gold Awards. To earn the Gold Award Ariel’s project was to bring awareness about her challenges with having Dyslexia and the resources available so others would not have to struggle as she did. Ariel has spoken to several organizations such as the Newton Town Council, Pass it Along, and the Newton Schools. She has collected over 150 books and tools and provided additional resources which were distributed to all three of Newton’s Schools. She has approximately 100 documented hours earning her gold award; and

WHEREAS, in response to her request to the Newton Town Council, Ariel was presented with a Proclamation declaring October Dyslexia Awareness month. In recognition of all her efforts, she was recognized as a Hometown Hero and presented a certificate by Congressman Josh Gottheimer on December 15, 2023; and

WHEREAS, Ariel has devoted many hours to earning the Gold Award, working with diligence, and making sacrifices in order to achieve it;

NOW, THEREFORE BE IT PROCLAIMED, that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Ariel Franzone for having earned her Girl Scout Gold Award, an honor for both her and for those who have guided her, with best wishes for a bright and successful future.

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

Attest: _____

Date: _____

Ariel's father Steve Franzone read the following statement on her behalf:

“I want to thank the Newton Town Council for this honor tonight. A lot has happened since I was here last October. Both good and bad. Let's get the bad out of the way. For those of you that have not heard, my Girl Scout Leader, my mother passed away unexpectedly, so she is here in spirit with me.

Ok, now with the good. After I was last here you all nominated me as a Hometown Hero. This was such a shock; I was overwhelmed by your belief and confidence in me.

This past December I was recognized as a Hometown Hero and was presented with a Congressional Certificate from Congressman Josh Gottheimer. This was and truly is an honor.

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Also, in December I earned my Girl Scout Gold Award. This is the highest honor a Girl Scout could achieve. In May I was officially presented with my Gold Award. Although I am finished with my gold project, I want to continue with it.

My goal now is to get the State of New Jersey to recognize dyslexia as a true disability so that other kids in the state will not have to struggle like I did. This means they will be awarded the same resources in schools as with other disabilities. There will be no need to fight like my parents and I had to do through my school years.

I am also now a graduate from Newton High School.

I just would like to say one last thing to all the Town Council Members, thank you for this honor and for believing in me. I am honored to be a Newton resident and will continue to make this Town a better place.

Again, Thank You!"

Councilmember Dickson – started off by congratulating Ariel and stating she is truly an inspiration, and he wished her luck. He welcomed Kai, and thanked Mrs. Heckman. He too is thrilled about the library. Lastly, he stated there was no Historic meeting in July, the next one is scheduled for August 20th.

Councilmember Diglio – echoed Mr. Dickson's comments. She stated she has known Ariel for a very long time and is very proud of her.

Councilmember Teets – offered congratulations to Ariel, she makes us all proud. At the Board of Education meeting on June 25th several teachers were recognized for being really creative and going above and beyond. She will share more at our next meeting. There are lots of possibilities for the Town to partner with the schools in the future. She thanked Mrs. Heckman and Mrs. Messina for their kind words. We will keep working to make Newton a better place. The pool is doing very well. She gave a shout out to the NFAS, PD, FD, and DPW don't stop because of a heat wave, they always show up and she wanted to give them kudos. Lastly, she attended the concert at the college. It was very well attended, about 200 people were there singing and dancing. She is looking forward to the next one.

Deputy Mayor Le Frois – offered congratulations to Areil and thanked her for bringing awareness to the challenges she has faced. We are all in awe of her tenacity. She also offered condolences on the loss of her mother. By shining a light on your own story, you are impacting lives, and bringing a positive light to Newton. Achieving your Gold Award takes a lot of work and dedication, and you should be so proud. Thank you to Ariel and her entire family. She thanked all of those that worked hard on the summer concert series. Our next event is Movie in the Park featuring Paw Patrol on July 26th. She welcomed Kai to the Town of Newton. She is very proud of our ACO program. We keep building it up to be the premier ACO program in the County. She thanked Mrs. Heckman for the positive comments and for recognizing our efforts. There is no Planning Board meeting this month. She thanked the DPW for cleaning up the property on Main Street. There has been some recent negative press regarding New Jersey not being business friendly. She

just wanted to mention she and the Mayor recently attended a walking tour of Spring Street, in collaboration with several agencies, in which they met business owners, got a chance to speak with them and advise them on some of the resource available to them including some possible funding opportunities. Kimberly Williams joined them, and they spoke about upcoming improvements to the Town's website that will help businesses. Despite what is going on in the State, Newton is and continues to be built upon the entrepreneurial efforts of those that choose to base their businesses in Newton.

Mayor Couce – stated on June 27th he had the pleasure to attend the Project Self-Sufficiency's Mosaic Awards Ceremony. The Town received an award in recognition of our extraordinary efforts to their mission and our community for the calendar year 2023. They thanked us for our kindness, compassion, and generosity towards our neighbors. This specific award was a direct result of the completion of the joint project between the Town and County on installing sidewalks on Mill Street corridor and expanding the streetscape. As we all know Newton is a very walkable Town and this increases the safety of those trying to get to the College and PSS. He echoed the accolades for Ariel, thanked Mrs. Heckman for her kind words and Mrs. Messina for her feedback on what was discussed at the last meeting. To Dr. Mecaj he looks forward to reviewing what she submitted, and one thing that might need to be considered is if a property in question is an income property, which brings in the Chapter 91 element, so the assessment may be affected by this. Hopefully her upcoming meeting with the Tax Assessor will clarify things for her with positive results.

UNFINISHED BUSINESS –

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-17

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

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:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$51,581 of the bond proceeds of obligations originally made available pursuant to the following ordinance of the Town of Newton, County of Sussex, New Jersey is no longer necessary for the purposes for which the obligations previously were authorized. Each amount is listed under the column, "Balance to be Reappropriated," and is further described by reference to the number of the bond ordinance pursuant to which such amounts have been made available, the original appropriation made by the bond ordinance, and the description of the improvement for which such amounts originally were appropriated.

The \$51,581 bond proceeds to be reappropriated are made available as follows:

<u>Ordinance Number</u>	<u>Appropriation</u>	<u>Original</u>	<u>Balance to be Reappropriated</u>
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		<u>Description of Improvement</u>	
2023-7	\$420,000	Acquisition of dump trucks, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$51,581

SECTION 2:

The total amount of \$51,581 referred to in Section 1 above is hereby reappropriated as follows:

Establishment of auto shop which includes but is not limited to the acquisition of equipment in furtherance thereof, including all work and materials necessary therefor and incidental thereto. \$51,581

SECTION 3:

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 4:

The useful life of the improvements described in Section 2 above is 15 years.

SECTION 5:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Eric Bernstein, the Town Attorney stated the public hearing was held and closed at the June 24th meeting, so the appropriate action is to entertain a motion on the ordinance.

Before taking a motion, the Mayor asked the Council if they had any questions on the ordinance.

Mr. Dickson asked if it would make more sense to allocate \$25,000 and upfit an older police car so we have a second backup vehicle and looked to do the auto shop in next year's capital budget.

The Mayor asked Chief VanNieuwland if this would be an available option. The Chief responded it would help.

Mrs. Diglio stated she is in favor of the auto shop. It is better to use the money now then later look to possibly upfitting a car. All the questions have been asked and answered.

Mr. Dickson said we are already doing the work, and questions why we need the auto shop.

Mr. Russo stated it is so the work can be done safely. The work will continue to be done, it's a matter of safety.

Deputy Mayor Le Frois questioned if will be saving any money by kicking this down the road. Funds are available to use now at an no additional cost. There is nothing saying it will be a savings if we defer this.

The Mayor asked Chief VanNieuwland for his thoughts. The Chief stated if we can do the repairs in-house the work will be done quickly. He manages with one spare car; he feels moving it in-house would be a cost savings.

The Mayor asked would it be possible to find funds to do both the auto shop and upfit a second spare car. Mr. Russo said respectfully the Council should consider the Ordinance, if voted down, he and Tom Ferry would go back to the drawing board for options and to figure out funding.

Mrs. Teets said she appreciates the staff compiling the answers to all the questions. She doesn't want to rush it. She is leaning towards yes to having the auto shop and that it probably is a cost benefit.

Deputy Mayor Le Frois asked the Council what the cons they were struggling with. Mrs. Teets said it is the unknown, it scares her. Mayor Couce agreed, stating to start a new service has a bit of an unknown factor. Mr. Dickson stated his biggest concern is he didn't want to have a laborer/mechanic, and they have so much mechanical work they have to hire another laborer. He wants to make sure everything is presented.

Mr. Russo offered the suggestion to do this on a trial basis of one year, eighteen months, or two years. Try it and see how it works, if they decide it's not working, we can auction or sell the equipment.

Deputy Mayor Le Frois stated with most expanded services we are not going to have a crystal ball. She has faith in our professionals and staff, and why not try it and see what happens. Do my colleagues fear of the unknown override the cost savings? She doesn't think there is anything wrong with trying unless her colleagues can come up with another reason.

Mayor Couce asked what the delivery time on this equipment is? Adam Vough stated it was sixty (60) days.

Deputy Mayor Le Frois stated upfitting one car does not help the entire fleet.

Mrs. Diglio stated if we move it in-house, we can get the parts cheaper than what Boonton Tire charges us.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Le Frois who moved its adoption for the auto shop to be on a trial basis, seconded by Mrs. Diglio, and roll call resulted as follows:

Mr. Dickson	No	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

RESOLUTION #179-2024

“Resolution Authorizing Award of Contract to Advance Stores Company Inc. Through Omnia Cooperative Contract #R-LD-23013-01 for Automotive Equipment and Tools”

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

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

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

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

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

WHEREAS, the equipment and corresponding Omnia Cooperative contract number is: #R-LD-23013-01 Automotive Parts & Accessories for Light, Medium, and Heavy Duty Vehicles and Related Products & Services; and

WHEREAS, the Town is desirous of purchasing specialized automotive equipment and tools through Omnia Cooperative contract number #R-LD-23013-01 through Advance Stores Company Inc., 40 Hampton House Road, Newton, N.J., in the amount of \$51,581.00; and

WHEREAS, the Chief Financial Officer certifies funds are available after the adoption of Ordinance #2024-17, which includes the estoppel period in the amount of \$51,581.00.

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

1. The Newton Town Manager is hereby authorized to procure specialized automotive equipment and tools through Omnia Cooperative contract number #R-LD-23013-01 through Advance Stores Company Inc., 40 Hampton House Road, Newton, N.J., in the amount of \$51,581.00.

Deputy Mayor Le Frois made a motion to approve the **RESOLUTION 179-2024**, and Mrs. Diglio seconded the motion, and a roll call resulted as follows:

Mr. Dickson	No	Mrs. Diglio	Yes
Mrs. Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

ORDINANCES

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-20

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2023-8 FINALLY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, NEW JERSEY ON APRIL 24, 2023

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 Bond Ordinance of the Town Council of the Town of Newton, in the County of Sussex, New Jersey (the "Town") entitled "Bond Ordinance Providing An Appropriation Of \$1,110,000 For Various Water/Sewer Improvements In And By The Town Of Newton, In The County Of Sussex, New Jersey And Authorizing The Issuance Of \$1,110,000 Bonds Or Notes Of The Town For Financing Part Of The Appropriation" finally adopted on April 24, 2023 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a)(1) and 3(a)(2) of the Ordinance is hereby amended in its entirety as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
(1) Installation of a Programmable Logic Controller at the High Street Pump Station, 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.	\$335,000	\$335,000	40 Years
(2) Improvements to the Drinking Water Treatment Plants, 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.	1,210,000	1,210,000	40 Years
TOTAL ALL PURPOSES	\$1,545,000	\$1,545,000	

The Ordinance is hereby further amended by (a) deleting the reference of "\$1,110,000" for the appropriation and estimated cost and "\$1,110,000" for the estimated maximum amount of bonds or notes and substituting in lieu therefor "\$1,545,000" and "\$1,545,000" and (b) deleting the reference to "\$400,000" for Section 20 costs and substituting in lieu therefor "\$607,300".

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvements prior to the date that the 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 costs of the Improvements is \$1,545,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory Bond Ordinance shall take effect twenty days after the first publication thereof, after final adoption as provided by 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 Mrs. Diglio, seconded by Deputy Mayor Le Frois.

Mrs. Diglio stated she still had great concerns because just over a year ago in April we adopted an ordinance for over one (1) million dollars, now tonight the same ordinance is being amended for an additional \$435,000. That is a very large increase in a short amount of time, and she wants to know why. She did some research, and we have paid out a lot of money and no project work has been started.

Mr. Russo said all the projects are underway in some fashion. Some are in the design phase with the engineers, and some are awaiting I-Bank approval so the contention to say projects are not being done is inaccurate. We don't control the marketplace so therefore we don't control the pricing of these companies in the things we are trying to accomplish. We do not have the luxury of not doing these projects because it is a health, safety, and welfare issue. We have Dave Simmons from Harold Pellow's office working on water projects and we have two engineers trying to keep up with the sewer projects. Monica did a lot of work on the I-Bank funding and Tom Ferry is continuing that work. Respectfully, you are way off-base saying we are not managing these projects correctly.

Mrs. Diglio stated some of these projects were started in 2017, that is seven years ago.

Mr. Russo stated he is well aware of the timeline because he manages these projects. If you have an issue with his management, he can speak with her off-line. It doesn't change the fact that the visitors, businesses owners, and residents need water that is clean and healthy and the ability to flush their toilets, so these projects have to get done. We, the administration and staff, don't have the luxury to pontificate and talk

about theory of how long these projects should take and how much they should cost because we are in the trenches managing these projects.

With no further discussion the Mayor asked for a roll call vote, with the results as follows:

Mr. Dickson	Yes	Mrs. Diglio	No
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
		Mayor Couce	Yes

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-21

AN ORDINANCE PROVIDING FUNDING FOR VARIOUS IMPROVEMENTS TO THE WATER SUPPLY AND DISTRIBUTION SYSTEM FOR THE WATER TREATMENT PLANT FOR THE TOWN OF NEWTON AND APPROPRIATING \$21,267.72 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 improvements and acquisitions for the Water Supply and Distribution System for the Water Treatment Plant, including but not limited to Altiva pump, plus labor to remove and install, finished water chlorine/PH analyzer and filtered water unit to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$21,267.72 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Reserve for Water and Sewer Capital Outlay.

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.

Dr. Mecaj came forward and wanted to speak on Ordinance 2024-17, the Mayor stated the public hearing on Ordinance 2024-17 was held and closed at the June 24, 2024, meeting. This hearing is just for Ordinance 2024-21.

There being no one else 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 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

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 #200-2024*

“Authorize Credit Due a Water and Sewer Utility Account”

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Account is due a credit for the reason stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following account for amounts billed incorrectly due to the reason stated:

CREDIT FOR AN ACCOUNT THAT SHOULD BE INACTIVE:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6637	32 Hillside Avenue	\$541.81

RESOLUTION #201-2024*

“Statement of Intent to Pursue Plan Endorsement and Authorization to Submit the Municipal Self-Assessment Report to the Office of Planning Advocacy”

WHEREAS, the State Planning Act recognizes that New Jersey requires sound and integrated land use planning and coordination of planning at all levels of government in order to conserve the state's natural resources, revitalize the urban centers, protect the quality of the environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development, and renewal; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan (State Plan); and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional, and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans and guide where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines require the preparation and submission of a Municipal Self-Assessment Report as the means by which a municipality assesses the consistency of its existing community vision and planning documents with the State Plan; and

WHEREAS, the Mayor and Town Council of the Town of Newton desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, the Town of Newton has prepared a Municipal Self-Assessment Report pursuant to the State Planning Rules and Plan Endorsement Guidelines; and

WHEREAS, the Municipal Plan Endorsement Advisory Committee has reviewed the Municipal Self-Assessment Report and recommends that the Mayor and Town Council approve it for submission to the State Planning Commission and the Office of Planning Advocacy towards the Town of Newton's pursuit of Plan Endorsement.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Town Council of the Town of Newton hereby expressly state the intention of the Town of Newton to pursue Plan Endorsement by the State Planning Commission; and

BE IT FURTHER RESOLVED, that the Mayor and Town Council of the Town of Newton approves the Municipal Self-Assessment Report and authorizes it be submitted to the Office of Planning Advocacy for consideration and review as part of the effort to pursue Plan Endorsement; and

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Town of Newton shall transmit a copy of this Resolution and the Notice as required by the State Planning Rules to the State Planning Commission and the Office of Planning Advocacy.

RESOLUTION #202-2024*

“Resolution Authorizing Payment #3 for Renovations to Newton Firehouse #1 Project”

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

WHEREAS, the Town of Newton has received a request for Payment #3, dated July 8, 2024, from TNS Construction, LLC requesting payment in the amount of One Hundred Sixty-Seven Thousand Six Hundred and Sixty-Eight Dollars and Twenty Cents (\$167,668.20), which reflects withholding two percent (2%) retainage from the total value completed to date; and

WHEREAS, the Town Engineer on this Project, Harold E. Pellow & Associates, Inc., has completed a Payment Recommendation dated July 8, 2024, and hereby recommends Payment #3 to TNS Construction, LLC, in the amount of One Hundred Sixty-Seven Thousand Six Hundred and Sixty-Eight Dollars and Twenty Cents (\$167,668.20), subject to TNS Construction, LLC providing original Payment Request documentation to the Town Engineer's satisfaction;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town hereby authorizes Payment #3 to the contract with TNS Construction, LLC in the amount of One Hundred Sixty-Seven Thousand Six Hundred and Sixty-Eight Dollars and Twenty Cents (\$167,668.20), 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 #3 until such time that TNS Construction, LLC provides the original Payment Request documentation to the Town Engineer's satisfaction; and

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

RESOLUTION #203-2024*

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

Intersection" project to ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J., with a bid of \$34,187.35.

2. The Mayor and Newton Town Manager are authorized to execute contracts with ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J. consistent with all the tenets as contained within "Proposed ADA Ramps and Crosswalks at Liberty Street and Linwood Avenue/Annex Intersection" Bid.

RESOLUTION #205-2024*

"Authorize Award of Bid for Proposed ADA Improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court"

WHEREAS, a need exists for a bid for the project known as "Proposed ADA Improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court"; and

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

WHEREAS, the Town received three (3) bids on July 11, 2024 at 11:00 AM to wit:

NAME OF BIDDER	ADS Contracting LLC	Diamond Construction	Terra Ferma Contracting Corp.
TOTAL BID	\$62,362.67	\$73,930.60	\$91,492.16

WHEREAS, ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J. was determined to be the lowest responsive responsible bidder in accordance with N.J.S.A.40A:11-4a with a bid of \$62,362.67; and

WHEREAS, the Chief Financial Officer certifies funding in the amount of \$62,362.67 is available from:

Capital Fund – Ord. #2024-11	Various Imp. Acct.	#04-215-55-926-004	\$12,879.01
Capital Fund – Ord. #2024-14	Resurfacing Rds. Suppl	#04-215-55-928-001	\$49,483.66

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

3. The Town Council of the Town of Newton hereby awards the "Proposed ADA Improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court" project to ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J., with a bid of \$62,362.67.
4. The Mayor and Newton Town Manager are authorized to execute contracts with ADS Contracting LLC, 52 Crooks Cross Road, Pittstown, N.J. consistent with all the tenets as contained within "Proposed ADA Improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court" Bid.

RESOLUTION #206-2024*

"Award the Contract for the Proposed Improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court Project to Riverview Paving, Inc. (Milling and Paving) Per the MCCPC Contract No. 6 for District 2, Denville Line Painting, Inc. (Line Striping) Per the MCCPC Contract No. 36, and Campbell Foundry Co. (Drainage Inlet Accessories) Per the MCCPC Contract No. 14, through the Morris County Cooperative Pricing Council"

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A.40A:11-1, authorizes the Town of Newton by Resolution, and without advertising for bids or obtaining quotations, to purchase any goods or services under cooperative contracts; and

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #110-2021 on April 26, 2021 renewing membership in the Morris County Cooperative Pricing Council

(MCCPC); and

WHEREAS, Riverview Paving, Inc. (Milling and Paving) per the MCCPC was awarded Contract No. 6 for District 2, Milling and Paving in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

WHEREAS, Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey was awarded Contract No. 36, Traffic Striping on Roadways in the Morris County Co-op; and

WHEREAS, Campbell Foundry Co. (Drainage Inlet Accessories) was awarded Contract No. 14 in the Morris County Co-op; and

WHEREAS, the Town Engineer, Cory L. Stoner, has recommended the following for improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court in the Town of Newton, based on the Morris County Cooperative Pricing Council contract pricing:

To be awarded to Riverview Paving, Inc. through the Morris County Co-op	\$173,530.65
To be awarded to Denville Line Painting through the Morris County Co-op	\$3,628.45
To be awarded to Campbell Foundry Co. through the Morris County Co-op	<u>\$7,672.00</u>
Total Cost through Morris County Co-Op for the Project	\$184,831.10

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

Capital Fund – Ord. #2024-11	Various Imp. Account	#04-215-55-926-003	\$146,070.11
Capital Fund – Ord. #2024-11	Various Imp. Account	#04-215-55-926-004	\$38,760.99

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the contract for the Proposed Improvements to Douma Drive, Douma Court, Valley View Court, and Babbit Court Project in the Town of Newton is hereby awarded to Riverview Paving, Inc. in the amount of \$173,530.65, Denville Line Painting, in the amount of \$3,628.45, and Campbell Foundry Co. in the amount of \$7,672.00 based on the Morris County Cooperative Pricing Council bid results in the total amount of \$184,831.10.

RESOLUTION #207-2024*

“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
11111	4834	- ACE SERVICE GROUP	2,925.75
11112	4834	- ACE SERVICE GROUP	3,074.25
11113	1846	- ADVANCE AUTO PARTS	1,076.47
11114	2799	- AFLAC	5,039.68
11115	3897	- AMAZON CAPITAL SERVICES	1,894.28
11116	3869	- AMERICAN FIDELITY ASSURANCE	1,339.60
11117	3868	- AMERICAN FIDELITY ASSURANCE COMPANY	1,366.64

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11118	3079	- AMERICAN SOCIETY OF COMPOSERS,	439.83
11119	4473	- AppColony Inc.	283.08
11120	4744	- APPRAISAL SYSTEMS INC.	5,000.00
11121	3793	- ATLANTIC PLUMBING SUPPLY INC.	5,033.20
11122	2757	- ATLANTIC TACTICAL INC.	5,909.92
11123	3251	- BADGER METER, INC.	1,397.44
11124	4569	- BE SECURE ALARMS LLC	3,598.75
11125	3905	- BLUE DIAMOND DISPOSAL INC.	825.61
11126	4810	- BOONTON TIRE & AUTO REPAIR	39.95
11127	3355	- BRAEN STONE SPARTA	1,856.01
11128	300	- BRIGHTSPEED	58.60
11129	300	- BRIGHTSPEED	58.24
11130	300	- BRIGHTSPEED	126.70
11131	2124	- BUCKMAN'S INC.	2,828.90
11132	702	- C W A LOCAL 1032	629.36
11133	3015	- CAPITOL SUPPLY CONST PRODUCTS, INC.	62,987.18
11134	4806	- CARDIO PARTNERS INC	417.24
11135	4706	- CARLUCCI, MICHAEL	3,707.27
11136	77	- CCP INDUSTRIES, INC.	2,148.45
11137	4823	- CHIBARO, ANTHONY	1,300.00
11138	3770	- CINTAS	331.17
11139	176	- COUNTY OF SUSSEX	965,313.67
11140	178	- COUNTY OF SUSSEX	35,089.59
11141	1425	- COUNTY OF SUSSEX	3,274.92
11142	155	- COYNE CHEMICAL CORP., INC.	1,089.37
11143	4500	- CRYSTAL MOUNTAIN SPRINGS	293.63
11144	4827	- CTS LANGUAGE LINK	11.91
11145	286	- CURRENT ACCOUNT	30.60
11146	768	- DEMPSEY UNIFORM & SUPPLY INC	1,528.55
11147	2386	- DOMINICK'S PIZZA LLC	48.95
11148	2136	- DRAEGER, INC.	583.00
11149	4804	- EPICSOUL BAND LLC	3,500.00
11150	4385	- ERIC M. BERNSTEIN & ASSOCIATES, LLC.	5,291.00
11151	4164	- FAIL SAFE TESTING, LLC	5,097.63
11152	225	- FEDERAL EXPRESS	142.44
11153	3318	- FREDON ANIMAL HOSPITAL	257.95
11154	200	- GARDEN STATE LABORATORIES INC	150.00
11155	3934	- GEBHARDT & KIEFER, P.C.	1,890.00
11156	4384	- GIBBONS P.C.	5,000.00
11157	4506	- GLENN C KIENZ	800.00
11158	4398	- GLOBAL RECYCLING SOLUTIONS LLC	921.67
11159	3804	- HAYDEE BALLESTER	150.00
11160	4337	- HFE SERVICES LLC	3,337.44
11161	3876	- HOLLAND COMPANY, INC.	11,477.10
11162	1866	- HOME DEPOT, INC.	423.01
11163	1866	- HOME DEPOT, INC.	30.38
11164	1866	- HOME DEPOT, INC.	1,721.17
11165	4620	- HQW ARCHITECTS, LLC.	4,000.00
11166	4480	- HUNTON, BARBARA	75.96
11167	1345	- IACP - MEMBERSHIP	500.00
11168	332	- J & D SALES & SERVICE, LLC.	750.00
11169	1271	- JCI JONES CHEMICALS, INC	3,588.78
11170	113	- JCP&L	31,051.84
11171	3772	- JK HVAC SERVICE, LLC.	1,828.76
11172	1453	- JMP SECURITY LLC	875.00
11173	3989	- KIEFER SWIM PRODUCTS, LLC.	522.00
11174	2569	- KIEFFER ELECTRIC, INC.	5,823.00
11175	4593	- KRAVITZ KIMBERLY J	600.00
11176	4658	- LAW OFFICE OF ORLANDO R RODRIGUEZ, LLC.	1,333.33

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11177	2300	- LOWE'S, INC.	189.92
11178	1566	- MAIN POOL & CHEMICAL COMPANY, INC.	2,847.00
11179	1141	- MCGUIRE, INC.	108.00
11180	4381	- MID-AMERICAN ELEVATOR CO., INC.	515.00
11181	409	- MINISINK PRESS INC	73.00
11182	170	- NEWTON BOARD OF EDUCATION	1,418,564.94
11183	2201	- NEWTON FIRE DEPARTMENT	261.00
11184	3979	- NEWTON PIZZA	35.00
11185	4655	- NISIVOCCIA LLP	9,000.00
11186	4625	- NJ ENTERTAINERS LLC	325.00
11187	2835	- NJMEBF	229,012.00
11188	706	- NJMVC	46.50
11189	4681	- NORTHEAST COMMUNICAITONS INC.	740.20
11190	2607	- NORTHERN RAIN	283.00
11191	4350	- NW FINANCIAL GROUP LLC	1,406.25
11192	2882	- ONE CALL CONCEPTS, INC.	164.44
11193	4383	- OPTIMUM	71.85
11194	1407	- PASSAIC VALLEY SEWERAGE COMM.	7,654.50
11195	4656	- PAULUS, SOKOLOWSKI & SARTOR LLC	31,388.75
11196	64	- PELLOW, HAROLD & ASSO, INC.	9,750.32
11197	64	- PELLOW, HAROLD & ASSO, INC.	9,629.28
11198	1416	- PETRO-MECHANICS, INC.	5,000.79
11199	4204	- PLANET NETWORKS INC.	11,116.90
11200	4126	- PROFESSIONAL CONSULTING INC.	7,432.50
11201	39	- QUILL CORPORATION	43.77
11202	2478	- RACHLES/MICHELE'S OIL COMPANY, INC.	8,683.29
11203	4134	- RAVE WIRELESS, INC.	2,862.26
11204	3679	- REISINGER OXYGEN SERVICE, INC.	62.70
11205	4425	- Reliance Standard Life Insurance Co	449.92
11206	2860	- RUTGERS, CENTER FOR GOVERNMENT SERV	1,200.00
11207	61	- S K OFFICE SUPPLY INC.	190.00
11208	3660	- SCHENCK, PRICE, SMITH, & KING, LLP	2,800.88
11209	126	- SCMUA	1,479.27
11210	4830	- SEARCH GEEK SOLUTIONS LLC	2,833.34
11211	611	- SEBRING AUTO PARTS, INC.	767.76
11212	4165	- SF MOBILE-VISION, INC.	38,397.00
11213	3134	- SHOP RITE, INC.	73.42
11214	4644	- SIEGEL, STEVEN M.	2,875.01
11215	1125	- SIRCHIE FINGER PRINT LABS, LLC.	82.95
11216	2257	- STAPLES	167.31
11217	1982	- State of NJ, DCA ELSA	334.00
11218	1212	- STATEWIDE INSURANCE FUND	2,084.00
11219	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	36,058.75
11220	102	- SUSSEX CAR WASH INC	256.00
11221	130	- SUSSEX COUNTY P & H, INC.	140.75
11222	371	- T.A. MOUNTFORD COMPANY, INC.	950.00
11223	3392	- TAP INTO, LLC	2,100.00
11224	2479	- TAYLOR OIL CO., INC.	5,280.49
11225	3404	- TEAM LIFE, INC.	397.00
11226	4278	- TEXAS LIFE INSURANCE COMPANY	176.90
11227	3851	- THE CANNING GROUP, LLC.	708.33
11228	676	- THE EQUITABLE	11,190.00
11229	4844	- Thomas M. Ferry	753.72
11230	2675	- TIRE KING, INC.	361.00
11231	4814	- TNS CONSTRUCTION, LLC.	167,668.20
11232	3575	- TOYOTA WORLD OF NEWTON	773.01
11233	2880	- TRACTOR SUPPLY	1,306.22
11234	691	- TRANS WORLD ASSURANCE CO.	800.00
11235	4013	- TRANSUNION ALTERNATIVE RISK & DATA,	75.00

11236	2109	- TREASURER S/NJ FIRE SAFTY	2,063.00
11237	1151	- TREASURER, STATE OF NEW JERSEY	2,841.41
11238	2781	- TRIMBOLI & PRUSINOWSKI, LLC.	3,791.00
11239	4152	- UNITED SITE SERVICES, INC	15,443.19
11240	1257	- UNUM LIFE/DISABILITY INSUR	1,794.60
11241	2716	- UPSEU LOCAL 424J	1,512.00
11242	3315	- USA BLUE BOOK	1,441.71
11243	2485	- VAN NIEUWLAND STEVE	340.99
11244	1280	- VERIZON WIRELESS, INC.	1,881.83
11245	1158	- VISION SERVICE PLAN	2,511.76
11246	2635	- W.B. MASON, INC.	34.98
11247	1500	- WALMART	818.34
11248	633	- WEIS MARKETS, INC.	897.30
TOTAL			\$3,289,466.72

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

Mr. Dickson made a motion to approve the **COMBINED ACTION RESOLUTIONS**, and Mrs. Diglio seconded the motion, and a roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Mrs. Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	
	(abstain on Checks 11126 and 11199)		

OPEN TO THE PUBLIC

Mayor Couce opened the meeting to the public.

Dr. Mecaj came forward to finish her statement from the first public session. *“By seeing all the examples it is easy to notice what is going on, most of the houses above doubled the market values because of inflation but the taxes are not fairly distributed. There are elderly homeowners with fixed income and people with small children in Town and every time you up costs this makes the rents go up. WHY? I would like you to ponder this and let me know your response as soon as possible.”*

Dr. Mecaj also read the following:

“This is her clarification that she is presenting to you for any misunderstanding that was misinterpreted from my statement in the Town meeting, June 24, for the sake of the truth, so the public will not be confused.

Last meeting I earnestly asked that the Town be frugal in decision-making to ease the burden on the taxpayers.

In regard to the approval unanimously of the \$80,000 ordinance to fix the Town Hall air conditioner. I stated “Town has failed to manage our taxes responsibly and that resulted in doubling taxes unfairly to my properties based on the calculation Town Collector calculated for me.

I said since now I have to live frugally, not using my air conditioner, so to be able to save and pay the very high taxes. I do not find it right to facilitate those that have caused me to live in such harsh because of mismanagement. This is considered a luxury to those who can NOT afford it, which is sadly true for the people that are suffering from

your mismanagement. So why not we all make frugal choices, or you can be creative, put some heavy blinder (shades), and or use a fan.

Town Clerk please, record my statement correctly as well as NJ Herald or another reporter here in the audience so media should follows the Hippocratic pledge for objective information."

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

DISCUSSION

The Mayor asked Cory Stoner, the Town's Engineer to come forward at this time. Mr. Russo asked Chief VanNieuwland to join Cory.

Mr. Russo stated one of the goals the Council set for him was to finalize the overnight parking issue. We forwarded to Council Cory's information which includes a map entitled "Possible Overnight Parking Plan for Various Streets in The Town of Newton". The memo provides a summary of the streets which receive requests for overnight parking, streets of interest, a list of each roadway width, current parking allowances, and a statement on whether overnight parking would be feasible. Cory spoke with the Chief and based on their discussion his recommendation is to not change the status quo. If the Council would like to change the regulations for overnight parking on any of the streets it would have to be by ordinance. He is looking for direction, otherwise he is going to consider this part of his review closed out as a project.

Cory stated he prepared a brief memo dated July 12th to include roadways where overnight parking could occur, and stated this memo was actually started several years ago, so it has been talked about for a number of years. There are twenty-three (23) roadways that would allow for overnight parking to safely occur. He reviewed the requests for overnight parking from the police department. Some streets had over 30 requests in the past few years.

Chief VanNieuwland stated he sees issues that may happen with people calling to complain cars are parked in front of their house overnight, parking in school areas, as you know Newton is very tight with drop-offs, pick-ups, and busses, and vehicles being parked and abandoned. Currently we do allow for overnight parking by request, which is very rarely denied, or a person can purchase an overnight parking permit for one of the lots for a cost of \$25.00.

Cory did advise any changes would require the purchase of a lot of signage and a great deal of education to inform the public.

Mayor Couce stated currently there are no restrictions for overnight parking Saturday nights into Sunday, and questioned if it would be beneficial to expand that to include Friday night?

The Chief and Cory both agreed that may solve this issue.

Mr. Dickson just wanted to put on the record the online request process is very

simple, he used it recently while getting his driveway paved.

A brief discussion took place with all the Council in agreement to expand the allowance to include Friday night.

Cory asked for clarification on if they wanted the change on any street or on the twenty-three (23) listed. A brief discussion ensued.

Eric Bernstein stated the current code states the parking exception is 4:00am to 6:00am every day except "Sundays and public holidays". It does not include Saturday night. So, the change would be for it to state "Saturday, Sundays, and public holidays". He will prepare an ordinance for the next meeting.

Mr. Russo stated the next discussion item is to create a new Chapter 293 for a Tree Preservation Ordinance. Cory prepared a draft of the ordinance which you all have been given.

Cory started by saying Newton is a Tier A municipality for our Stormwater MS4 permit with the NJDEP. Last year the DEP updated all their requirements, and one is tree preservation. The DEP provided a draft ordinance which Towns are allowed to modify. He took their model ordinance to include the method of removing trees, what trees are exempt and what trees are not, the permit process, and the option to either replace the tree or pay a fee into Newton tree bank.

A discussion ensued with Cory answering all the Council's questions. The Mayor asked if this was time sensitive. Cory advised this is due to the DEP now.

A discussion took place on whether the Advisory Shade Tree Commission should be consulted on this. Eric Bernstein stated they could be asked for input, but the ultimate decision and enforcement lies with the Town. It was agreed to send the draft ordinance to each Advisory Shade Tree member individually since they do not have a regularly scheduled meeting in the near future, and to give them two (2) weeks to provide feedback.

Cory asked for clarification on if the Town wanted some sort of replacement option to be included. Mr. Russo will designate the staff to oversee the enforcement of the ordinance. The Council agreed, and Cory and Eric will work together to prepare the ordinance for introduction at the August 19th meeting.

Next on the agenda is the topic of Salt Storage. Cory stated this is another requirement from the NJDEP as part of the MS4 permit. Currently municipal facilities, such as DPW garages, the DEP has regulations on the storage of salt and deicing materials, so they don't run into our storm drains. This proposed ordinance will provide regulations to privately owned businesses and residences on the storage of salt and deicing materials. There was a brief discussion, Cory stated the ordinance is required by the State.

Lastly, the thirty-four (34) page ordinance on Flood Damage Prevention is up for

discussion. Mr. Russo stated we currently have Chapter 120 "Flood Damage Prevention" and we are looking to adopt a new Chapter 120 that will follow the model ordinance provided by the DEP entitled "AN ORDINANCE BY THE TOWN MAYOR AND COUNCIL AMENDING THE TOWN OF NEWTON CODE OF ORDINANCE TO REPEAL CHAPTER 120 – FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 120 – FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE".

Cory reviewed the following with the Council:

"Back in April, the NJDEP provided notice that Flood Damage Prevention Ordinances in the State were out of date and needed to be updated. The NJDEP requires that all municipalities adopt a new ordinance that is based on a model ordinance that the NJDEP has made available. The following information has been provided by the NJDEP regarding the need for this ordinance:

- *Previously, FEMA did a review of our old ordinance models and found them to be non-compliant. There were many gaps and inconsistencies, and there were many individuals responsible for managing the floodplain whose roles were not clearly defined. Based on this review, it was recommended that the state develop a model code coordinated ordinance that incorporates the National Flood Insurance Program (NFIP) regulations with the state regulations (Uniform Construction Code and Flood Hazard Area Control Act) and more clearly defines these roles. All 553 NFIP participating communities in New Jersey are required to update to the Model Code Coordinated Ordinance in order to remain in compliance with the NFIP.*
- *NFIP regulations, in particular 44 CFR 60.1 (d), require that where there are higher state standards local governments must observe these and they take precedence over minimum NFIP regulations. Adopting this ordinance ensures the Town of Byram is in compliance with the NFIP and all state higher standards.*
- *When FEMA performs their audit and their findings show the Town is not in compliance with the NFIP, it could lead to suspension from the program. The Town would not qualify for any federal disaster assistance and the homeowners in the community would lose their NFIP Flood Insurance.*
- *The model ordinance should be adopted in its entirety with the exception of the optional higher standards.*

As summarized above, the adoption of a new ordinance is required to make sure that the Town of Newton is in compliance with the National Flood Insurance Program (NFIP) and assure that the Town and its residents would be eligible for federal disaster assistance and private homeowners could maintain NFIP Flood Insurance.

The attached ordinance will repeal Chapter 120 – Flood Damage Prevention of the Town Code and adopt a new Chapter 120 – Flood Damage Prevention that will follow the model ordinance provided by the NJDEP. This ordinance provides information regarding the purpose of the ordinance, means of establishing flood hazard areas where development is restricted, outlines the duties and powers of the Floodplain Administrator, describes permitting process, sets violation penalties, and provides other supporting information. Again, this ordinance was prepared utilizing the NJDEP model ordinance. I have modified sections of the ordinance to reflect specific information regarding the Town of Newton, but I have not made any major changes from the guidance provided in the model ordinance.

Please note that I have listed the Town Engineer as the Floodplain Administrator. The past ordinance listed the Town Construction Official. As the Floodplain Administrator, the Engineer would be responsible for reviewing permit applications that may deal with development near a flood hazard area within the Town.

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The NJDEP requires that a draft ordinance be submitted to the NJDEP for review by the end of July 2024. The final adoption of the ordinance would then be scheduled for October 2024. I will plan to attend the next Town Council meeting and be prepared to discuss the draft ordinance in detail.

Cory L. Stoner, P.E., P.P., C.M.E. – Town of Newton Engineer”

A brief discussion took place with Cory answering all the Council's questions. Deputy Mayor Le Frois wanted it for the record all the requirements by the DEP are unfunded mandates.

COUNCIL MANAGER COMMENTS –

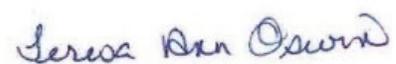
Mrs. Oswin announced the Town-Wide Garage Sale is this weekend. There are over 50 participants so far. Maps will be available on the Town's website, in the Clerk's Office, or in the Police Station lobby.

Mayor Couce, in response to Dr. Mecaj, stated on the HVAC system and our decision to purchase supplies... New Jersey is one of the few states in the country that maintains an indoor air quality standard through the Public Employee Occupational Safety and Health Standards (PEOSH), reading verbatim from that standard “when temperatures in office buildings are outside of the range of 68° to 79°F the employer shall check to make sure the HVAC system is in proper order to operate, if not the employer shall take necessary steps as outlined in 1a) above, 1(a) above states that damaged or inoperable components shall be replaced or repaired as appropriate.” The Mayor asked Mr. Russo if it was fair to say that temperatures inside this building exceeded 79°. Mr. Russo responded they exceed 85°. The Mayor went on to say as a result of the indoor air quality standard we are mandated to replace the HVAC system in this building to be in compliance with the indoor air quality standard such that our employers do not then follow up with litigation or concerns about not quite maintaining or meeting PEOSH standards. We are required to keep a cool building, it is not a luxury, it is a requirement.

ADJOURNMENT

There being no further business to be conducted, upon a motion by Deputy Mayor Le Frois seconded by Mr. Dickson and unanimously carried, the Regular meeting was adjourned at 9:00pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk