

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, Deputy Mayor Le Frois, Mrs. Teets, Mayor Couce, and Teresa A. Oswin, Municipal Clerk. Monica Miebach, CMFO, Thomas Ferry, Finance Director, and Eric M. Bernstein, Esq., Town Attorney, were also present. Mr. Dickson and Thomas S. Russo, Jr., Town Manager attended via Zoom.

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

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

APPROVAL OF MINUTES

Upon motion by Mrs. Teets, seconded by Deputy Mayor Le Frois, the minutes for the June 10, 2024, Regular Meeting were approved as presented.

OPEN TO THE PUBLIC

At this time, Mayor Couce read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 3 minutes. The Municipal Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes. Council may choose to comment after the entire public portion has concluded. Please identify yourself and spell your last name."

Mayor Couce opened the meeting to the public.

Dr. Mecaj (on Zoom) stated she recently received her estimated tax bill, and it was not what the appraisal company promised. On her own properties the tax more than doubled in one (1) year. The assessment on her house doubled and the tax rate lowered, it does not sound right to her. She called and made an appointment with the Tax Assessor. This is not fair.

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 by advising Dr. Mecaj, the Tax Assessor, who is on vacation this week, is whom she should speak with regarding her assessment to verify the information on record is accurate. Any questions she has on the rates should be directed to the Tax Collector. He went on to acknowledge this is Monica Miebach's last meeting and gave his sincere thanks for her dedicated work facing many challenges such as COVID, Water & Sewer Projects, and grants. He wishes her well in her retirement. At this time the Mayor and Deputy Mayor stepped forward to handle the presentation.

Mayor Couce stated Monica has had a lengthy career and he is thankful she found her final home here in Newton. Though he has only worked with her for the past

few years he always appreciated her guidance and thanked her for her dedication. He presented Monica with a plaque.

Deputy Mayor Le Frois wanted to echo the comments of the Town Manager, during Monica's time with Newton we had the COVID pandemic, many water and sewer projects, shared service contracts, and numerous grants, and her work and time does not go unnoticed. She thanked her for her time and dedication to the Town. Deputy Mayor Le Frois wished her a long and happy retirement and then presented Monica with a bouquet of flowers.

Monica stated it has been a pleasure to work with everyone. The one person she really wanted to thank is her husband... especially for his patience during budget season. She has met some wonderful people here and will miss seeing them every day.

Councilmember Dickson – there was no Historic meeting in June. He offered congratulations to all the 2024 graduates. He congratulated Monica on her retirement and thanked her for dedicated service to the Town of Newton.

Councilmember Diglio – thanked Monica for all her help with LOSAP and the Newton First Aid Squad and her years of service.

Councilmember Teets – the Board of Education meeting is tomorrow night. The pool is open and doing great. She offered congratulations to Monica and will miss seeing her friendly face at meetings. Steven Moran will be retiring as a Special Police Officer in July. She thanked him for his service, he has been a great representative for Newton. She offered congratulations to all the 2024 graduates, please make good decisions and be safe.

Deputy Mayor Le Frois – started by letting everyone know that tomorrow between 2pm and 4pm the Newton Police will be at the pool for "Ice Cream with a Cop". On July 13th is the first Concert Under the Stars, the Mighty Spectrum Band will be performing, rain date is Monday, July 15th. This is being done in partnership with Thorlabs, SCCC, Andover, Green, and Hampton Townships. She thanked and acknowledged all the Town Hall employees that have been dealing with the HVAC issues. Their patience and dedication are appreciated. The next Planning Board meeting is this Wednesday. Congratulations on the great opening of the pool, people are coming from the Town and all over the County. She offered her congratulation to Special Officer Moran on his retirement, he has been a very present asset on Spring St.

Mayor Couce –in response to Dr. Mecaj, it sounds like she has a reasonable plan to talk to Mr. Holzhauer and Mrs. Schlosser. He wanted to mention the Town's portion of the tax bill is 35% of the total. The County portion is 15% and 50% is the school district's. The Town's original increase for the average household was \$60 or \$5 a month and through the work of our staff it was cut by almost half to \$36. She does have the opportunity to appeal your assessment. He also advised she could share her comments with the County Commissioners and the school district as there are multiple different stakeholders involved in creating the tax bill.

UNFINISHED BUSINESS – None.

ORDINANCES

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 Description of Improvement</u>	<u>Balance to be Reappropriated</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
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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.

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.

Mayor Couce invited DPW Supervisor, Kenny Jaekel, and Assistant DPW Supervisor, Adam Vough forward to address to questions from the Council on this ordinance. Chief VanNieuwland was available on Zoom.

Mr. Russo started by stating he received some good questions from Mr. Dickson on the process and what went into our decision to move forth with the auto shop. Kenny and Adam did respond via email and their responses were given to the Council. He asked Adam and Kenny to walk through the thought process.

Adam Vough stated Chief VanNieuwland asked to meet to go over the mechanical things as he was spending more than he would like on car maintenance with the new owners of Boonton Tire. After some discussion we felt with some lifts and someone on staff in the DPW we could do a lot of the routine maintenance for all the departments with vehicles, and it would save the Town money and down time on vehicles.

Chief VanNieuwland stated Boonton Tire has a new owner and they have a different business model than the previous owner, Jay, which was a volume-based business module. The new owners have a value-based business model which has impacted his budget significantly. As an example, tires for the cars, Jay was very economical and we did not have to go through State Contract pricing, when got a price from the new owners there was a significant increase. The price increase was about \$120-\$140 a tire, which is over \$450 a car times four (4) cars. With the new owner he did have one instance where they hooked up a battery backwards and it caused \$6,000 worth of damage. The owner was great and paid the damages, but it did take a car out of service while it was being repaired. The new owners seem to have less knowledge of cars. While researching with other Police Departments on who they use for car maintenance, he came to realize they all have their own mechanic on DPW's staff to service their fleet. We spend \$100hr for service, once we get past our initial investment we will save on labor and on parts. Our cars run 24/7 and we do not have the luxury of having a car down for days for service. The instance with the battery, the car was down for 3 weeks. If we move the work to in-house, we can get a car on the road quicker and save on parts, by buying them at wholesale prices and labor.

Mrs. Teets asked about warranty work. The Chief explained on patrol cars we get 3 years/36,000 miles. We can diagnose in-house and send out for warranty work.

Mrs. Teets also asked about training. Mr. Vough stated the gentleman they have is trained in what he needs to be to get the ball rolling, and they will send him for more training for the diesel vehicles. We jumped on the chance to hire this person because our recycling attendant left, and whether this works out or not, he is someone that can be a DPW laborer as well as a mechanic. From speaking with other Towns that have only one mechanic, they just schedule their maintenance work when he is available and use him where needed the rest of the time.

Mr. Dickson asked why we did not explore a shared service with other municipalities or the County, either as either the receiver or provider.

Mr. Jaekel stated they did look into shared services a few years ago. The issue is with other municipalities their fleet comes first, so our vehicles could be sidelined, and we would have to wait, resulting in cars being out of service for longer periods of time.

Chief VanNieuwland stated he talked to Andover, Hardyston, and Hampton and their staff's workload is maxed out and could not do a shared service. Also, to go with another Town it takes two (2) cars to drop off the vehicle and pick it up, so that would take more cars out service.

Mayor Couce questioned whether other garages in Town were looked at. His personal comfort level would be to formally explore all options and speak to other garages in Town, and to get a more comprehensive understanding of what our options are before this is voted on.

Deputy Mayor Le Frois stated if we have a person on staff familiar with our fleet, having been employed previously with Boonton Tire and will enhance the work of our DPW team mechanically, this person with the right skill set gives us an opportunity to save on parts alone by being a wholesale purchaser and on labor for not having to outsource the work. To entertain another shop, there will still be an increase in cost over moving the work in-house.

The Chief said we are an anomaly; we are the only one in the County. We were extremely fortunate with Boonton Tire when Jay owned it. If the way to go was outsourcing it, then other towns would do it also.

Deputy Mayor Le Frois asked Mr. Vough if the staff hired would be able to help with the DPW's terribly busy workload.

Mr. Vough said yes. He also stated the DPW did not really utilize Boonton Tire. Usually due to the size of their vehicles they have to go to a dealership. Boonton Tire is used for police and administrative vehicles.

Mr. Jaekel said the average labor cost is \$128 an hour. We have taken vehicles to other garages and the pricing was even higher. This is a chance to bring it in-house and have more control over things.

Mr. Russo stated we need four (4) affirmative votes and if we do not have that he would rather see the matter die at this time.

Mayor stated without a cost comparison he cannot confidently say this is the best decision. He only received the answers to the questions this afternoon, and he needs more time to make a decision.

Mr. Dickson stated he did not have a chance to review the answers to the questions as he was at work today.

Mr. Russo stated we only received the Council's questions today and the staff worked hard to get the answers to the Council today.

Mr. Bernstein advised we could continue the matter at the next meeting on July 15, 2024, no notice is needed. The Council agreed.

The public hearing on the aforementioned **ORDINANCE** has been carried to the July 15, 2024, meeting at 7:00pm or as soon thereafter as the matter may be heard without further notice.

Mayor Couce read aloud the following Ordinance relative to adoption.

ORDINANCE 2024-18

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$80,000 FOR INSTALLATION OF HVAC SYSTEM AT TOWN HALL IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$76,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

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 \$80,000, such sum includes \$4,000 from the capital improvement fund 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").

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$76,000 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 \$76,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the 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 (supplements Bond Ordinance 2024-11).

(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 \$76,000.

(c) The estimated cost of the Improvement is \$80,000 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 and 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 15 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 \$76,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 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 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 \$76,000.

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.

Dr. Mecaj (on Zoom) with regard to the \$80,000 to fix the HVAC. She said air conditioning is a luxury. We are all really suffering every time taxes are raised. We need to learn to be more frugal. We can start with simple things like instead of hiring new jobs and hiring new positions we should be cutting jobs and being more productive in our work. Is it really necessary to spend \$80,000 to make the building comfortable. There are households that do not even have window air conditioners. Maybe instead, for a building that is built out of brick that holds the temperature we should look into putting in blinds to keep the temperature nice. She is concerned with her taxes and is against this.

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

Deputy Mayor Le Frois stated she does not think the staff should have to work in a building where the temperature is 85-90 degrees. She respectfully disagrees with Dr. Mecaj and offers a motion to adopt **ORDINANCE 2024-18**, it was seconded by Mrs. Teets,

before calling roll call Mayor Couce asked Mr. Russo to give some context and explain some of the mitigating factors we took to help reduce the temperature in the building.

Mr. Russo stated there are two different systems. One for the Council Chambers, the other for the rest of the building. Thursday the building unit was not functioning, so he closed the building at 1:00pm. Some staff worked remotely on Friday. He, Kat, Terri and a few others came into the office. No use of fans or closing of the blinds would help prevent the temperature from climbing. Council approved the bulk of the replacement through the budget, this is a supplement to that cost. We have gotten as many years out of the current system as we could. It is a specialized system, and our professionals are working on the design which will allow us to go out to bid soon. Unfortunately it will not be ready for this summer, but it will be for next year.

Mayor Couce also stated there are OSHA regulations on temperature standards. We have to abide by them, or we would be in violation and could face fines or possible lawsuits from the employees. He then asked the Clerk to take a roll call vote.

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 2024-19

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

WHEREAS, the Town of Newton ("Town") has determined that there is a need to amend, revise, and supplement Chapter 228 of the Town Code of the Town of Newton, entitled "Sewer and Water", in order to comply with the New Jersey Safe Drinking Water Act Amendments of 2021, codified at *N.J.S.A. 58:12A-40, et seq.*:

NOW, THEREFORE BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise, and supplement Chapter 228 of the Town Code of the Town of Newton, County of Sussex, State of New Jersey, entitled "Sewer and Water", by adding a new Article X, § 228-32, entitled "Lead Service Line Replacement," to read as follows:

§ 228-32 Lead Service Line Replacement.

§ 228-32.1 Definitions.

CONTRACTOR

A licensed plumber or vendor certified by the State of New Jersey and which contracts with the Town of Newton to replace lead service lines.

DWELLING

A building or structure, or part thereof, containing one (1) or more dwelling units. This Chapter shall also apply to buildings and structures that are not used for residential purposes.

DWELLING UNIT

Any room or groups of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking, eating, and/or bathing.

LEAD SAFE

Any condition that does not allow access or exposure to lead, in any form, to the extent that adverse human health effects are possible.

LEAD SERVICE LINE(S)

A service line which is composed of lead and/or galvanized steel.

SERVICE LINE

The piping, tubing, and fittings which connect the main Town water line to a private property structure or building. Service Line includes that portion of the piping, tubing, and fittings which run from the Town water main to curbside or connection box and that portion of the piping, tubing and fittings which run from the curbside or connection box to the dwelling's water connection.

OCCUPANT

A person or persons in actual possession of and living in the building or dwelling unit.

OWNER

Any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who is executor, executrix, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a Court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents has charge, care, and/or control of any dwelling or rooming house.

§ 228-32.2 Lead Service Lines Prohibited.

All lead service lines are prohibited in the Town of Newton and shall be removed in accordance with the requirements of the New Jersey Safe Drinking Water Act Amendments of 2021.

§ 228-32.3 Mandatory Replacement of Lead Service Line.

The owner of any dwelling, building, or structure serviced by a lead service line is required to have the lead service line on their property replaced in accordance with the following options:

- A. Participation in the Lead Service Line Replacement Program offered by the Town at no cost to the owner and allowing the Town's contractor to access their property to verify the existence of a lead service line and to conduct the replacement of the lead service line if such lead service line is determined to be serving the property; or
- B. Replacing the lead service line on their own and at their own expense. If an owner selects this option, the owner is required to provide the Town with proof that the lead service line has, in fact, been replaced. Proof must include at a minimum: (1) a permit issued by the Town to a licensed plumber authorized to do the work; (2) an invoice from the contractor who completed the work; (3) a copy of the estimate along with

any report of the work completed; (4) an inspection report verifying the removal; and (5) any other information as required by the Town Manager.

- C. Participation in the Town's lead service line replacement program shall be done on a timetable determined by the Town Manager or his designee and not subject to any schedule imposed by the owner.
- D. If the owner hires a licensed contractor to replace the lead service line, the owner is responsible to restore or repair any property or dwelling damage that may occur. If the Town hires a contractor to do the work and damage occurs, the Town shall be responsible to restore or repair any property or dwelling damage.
- E. The replacement water service line must be Type "K" copper, minimum ¾" diameter, or larger size, as may be required by the Town plumbing subcode official, Town construction department official, and/or Town Water/Sewer Division of the Town Department of Public Works.

§ 228-32.4 Exclusion from Requirement; Proof Required.

A property owner may be excluded from the mandatory lead service line replacement requirement by providing to the Town written proof from a licensed plumber that the owner's property does not have a lead service line on its property and/or that the lead service line was previously removed and replaced.

§ 228-32.5 Authorization to Access Property.

- A. Unless an owner has provided proof that it does not have a lead service line pursuant to Section § 228-32.4 above, the Town or the contractor shall seek to gain access to the building to identify and/or replace a lead service line.

Whenever the contractor is unable to access premises to either identify and/or replace a lead service line, then:

- 1. The Town or contractor shall send, by regular and certified mail, to the owner of the premises as reflected on the tax rolls at the address stated therein a notice that the contractor has been unable to gain access to the premises and requests that the owner communicate with the contractor within ten (10) calendar days of the date of the letter to set a reasonable date and time when such access can be achieved;
 - 2. At the same time, the Town shall post a copy of the letter on the premises;
 - 3. If access is not achieved or arranged within thirty (30) calendar days of the transmittal of the letter by steps in paragraph 1 and 2 above, the Town or contractor shall send a second notice by regular and certified mail; and
 - 4. If access is not achieved within fifteen (15) calendar days of the transmittal of the second notice letter, the Town shall impose the denial of access account administration fee, pursuant to Subsection § 228-32.5(B)(1) below on that account on that date and for each and every quarterly billing cycle thereafter until access is achieved.
- B. If an owner of the dwelling, building, or structure does not participate in the Lead Service Line Replacement Program or is inaccessible or otherwise denies access to the property to enable the replacement of the lead service line after notices in accordance with Subsection § 228-32.5(A) above, then the Town may proceed as follows:
 - 1. The Town shall impose a Denial of Access Account Administrative Fee in the amount of Five Hundred (\$500.00) Dollars, which shall become a part of the

Town Water Service Fee and shall be collected in the next quarterly Water Service Fee bill.

2. The Town may secure entrance to the property from the owner or current occupant of the dwelling, building, or structure and the Town shall be held harmless, indemnified by the owner, and incur no liability from the owner. The contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the contractor with access to the property to verify the existence of a lead service line.
3. If access is granted by an occupant of the dwelling, building, or structure, then the occupant shall be held harmless and no liability shall incur to the Town, contractor, or occupant due to the replacement of the lead service line by the Town.
4. If access continues to be denied by the current occupant or owner, then the Town may commence procedures, including filing a Court action, to conduct the replacement of the lead service line at the owner's expense or may seek a court order requiring the owner to replace the Lead Service Line within ninety (90) calendar days, at owner's sole cost and expense.

§ 228-32.6 Proof of Lead Service Line Replacement Required for Certificate of Occupancy, Certificate of Code Compliance, and Smoke & Carbon Monoxide Detector Certificates.

- A. Upon the sale or transfer of ownership of any dwelling, building, or structure, that occurs after two (2) years from the effective date of this Section, the owner must provide proof that the lead service line has been replaced (or that the property is excluded from the requirement pursuant to Section § 228-32.4, above) in order to secure a Certificate of Occupancy, Certificate of Code Compliance, and Smoke and Carbon Monoxide Detector Certificates.
- B. Upon the sale of any Town-owned property, within ninety (90) calendar days of the closing, the buyer is responsible for replacing the lead service line, by either participating in the Town's Lead Service Line Replacement Program or replacing the lead service line at its sole cost in accordance with Subsection § 228-32.3(B), above.

§ 228-32.7 Penalty.

In addition to the imposition of the Denial of Access Account Administrative Fees, pursuant to Subsection § 228-32.5(B)(1) above, if the lead service line replacement is not performed by the owner within ninety (90) calendar days after final notice by the Town, the owner shall be subject to a fine of at least Two Hundred Fifty (\$250) Dollars per calendar day but not exceeding Five Thousand (\$5,000) Dollars or by imprisonment for a term not exceeding ninety (90) calendar days or by a period of community service not to exceed ninety (90) calendar days.

Mayor Couce opened the meeting to the public.

Margaret Baldini (on Zoom) wanted to reiterate what she has said previously, she thinks the fee charged for penalties and the administrative fee is excessive, especially the threat of jail time.

Dr. Mecaj (on Zoom) understands lead is not healthy and this needs to be done. She is concerned about the administrative fees, especially with the water and sewer increases and high taxes. She tries to be frugal, so she turns off her air conditioner to save money, but she has to pay for the workers to have a good place to work. She does not agree with this and thinks we need to be more frugal. She told the Council when they approve something, they have to put themselves in our shoes.

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

Mrs. Diglio stated this is a State mandate.

Mayor Couce said there is precedent on a State level with Trenton Water Works. The DEP filed a lawsuit against Trenton. The Town would lose more money if we ignored this and were sued.

Mr. Bernstein stated to avoid the penalties on the matter of failure to give access the property owner has the option to provide the Town with the proper paperwork on their lines and who will address the issue if they contain lead, and proof the matter has been taken care of. There is a federal mandate handed down through the State. As for the penalties that is a matter for the court to decide.

Mayor Couce reiterated what Mr. Bernstein said, stating the alternative to granting access to just provide the information required.

Mr. Russo stated there are communities passing on the expense to the property owners. We consciously chose not to put the onus on the property owners. This could affect hundreds of properties at an average cost of \$10,000 to \$15,000 each. So, we have given them a choice, they can get the work done themselves and they could apply for reimbursement. The Town of Newton is going way beyond what other Towns are doing because it is a health, safety, and welfare issue.

Deputy Mayor Le Frois stated this a Federal/State ten (10) year mandate. We are several years into the project. We have had several conversations on the matter, and we have unilaterally said we did not want to pass the costs on to the taxpayers. This will allow the Town to apply for grant funding to offset the costs. Compliance is simple. We needed to set boundaries for non-compliance. We could have passed the costs on to the taxpayers.

The aforementioned **ORDINANCE** was offered by Deputy Mayor Le Frois who moved its adoption, it was 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 2024-20

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, July 15, 2024, at 7:00 pm.

Mrs. Diglio has read the ordinance and questions why since April 2023 to now the cost has gone up over \$435,000 and why has not the work been started.

Mr. Russo asked Mr. Jaekel or Mrs. Miebach to address Mrs. Diglio’s questions.

Mr. Jaekel stated this ordinance covers three (3) separate projects. We have increases in costs in material, delivery, and manufacturing. We have an increase in engineering costs because the projects are going through NJ I-Bank, and they have more engineering requirements. We had a bid opening on one project, and it came in substantially more than anticipated.

Mrs. Diglio said her concern is we have been working on these projects for several years now and we know the work that has to be done and the longer the delays the higher the costs will be and that is not fair to the taxpayers.

Mr. Russo said we have so many projects going on. We have tens of millions of dollars in projects. He understands her concerns but the amount of time and money being spent to move these projects along is insane. The engineers are working as fast they can on the designs, Monica has been working as fast as she can on securing funding. The delays are through no fault of the staff or the professionals, there are just so many projects in the queue. There have been delays with I-Bank funding, delays with vendors, problems with bids, and problems with estimates. It is universal across the board; it is not unique to Newton. We have Fred Margron and Sean Sauder working on projects, Monica Miebach has and now Tom Ferry will be working on funding as fast as they can.

Mrs. Miebach stated Newton is considered a small water system with under 10,000 users so through the I-Bank we can apply for up to one (1) million dollars in principal forgiveness.

Mayor Couce read aloud the following Ordinance relative to Introduction.

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Monday, July 15, 2024, at 7:00 pm.

CONSENT AGENDA

Mayor Couce read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

Mr. Russo then reviewed the consent agenda items.

RESOLUTION #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.

RESOLUTION #180-2024*

“Authorize an Agreement with CGP&H, LLC for Administrative Agent Services Related to Affordable Housing Requirements for July 1, 2024 Through June 30, 2025”

WHEREAS, the Town of Newton anticipates the need for an Administrative Agent to advise on affordable housing requirements for new developments within the Town of Newton; and

WHEREAS, CGP&H, LLC has submitted a proposal for continued Administrative Agent services, which is acceptable to the Newton Governing Body; and

WHEREAS, the anticipated term of this contract is one (1) year, July 1, 2024 through June 30, 2025; and

WHEREAS, the Chief Financial Officer hereby certifies funds in the 2024 budget, NOT TO EXCEED \$10,300.00 will be encumbered as follows:

RESERVE FOR COMMERCIAL DEVELOPMENT #35-297-56-001

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton hereby authorizes the execution of an agreement with CGP&H, LLC, for Administrative Agent services outlined in the proposal submitted by CGP&H, LLC.

RESOLUTION #181-2024*

“Renewal of Club License”

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Club License be renewed for the licensing year 2024-2025, effective July 1, 2024:

No. 1915-31-014-001 be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey.

RESOLUTION #182-2024*

“Renewal of Plenary Retail Distribution Licenses for 2024-2025”

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Distribution Licenses be renewed for the licensing year 2024-2025, effective July 1, 2024:

No. 1915-44-010-003 be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; and

No. 1915-44-004-012 be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey.

RESOLUTION #183-2024*

“Renewal of Plenary Retail Consumption License for 1915-33-009-006”

WHEREAS, on July 11, 2023, the Town of Newton received a special ruling from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Alcoholic Beverage Control, permitting the renewal of an inactive license, pursuant to N.J.S.A. 33:1-12.39 for the 2023-2024 License term for License No. 1915-33-009-006 for License Name: PHIN ARIES LLC: Docket No. 06-23-422; Job No. 603697; and

June 24, 2024

WHEREAS, On May10, 2024 "ABC" issued Administrative Order (AO) 2024-03 granting blanket 12.39 relief for the 2024-2025 license term for all eligible inactive license holders; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License is renewed for licensing year 2024-2025:

No. 1915-33-009-006 be issued to PHIN ARIES LLC 144 Spring Street, Newton, New Jersey.

RESOLUTION #184-2024*

"Renewal of Plenary Retail Consumption License for 1915-33-011-011"

WHEREAS, on June 22, 2022, the Town of Newton received a special ruling from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Alcoholic Beverage Control ("ABC"), permitting the renewal of an inactive license, pursuant to N.J.S.A. 33:1-12.39 for the 2022-2023 and 2023-2024 License terms for License No. 1915-33-011-011 for License Name: Spring Alley Café, LLC: Docket No. 05-22-296; Job No. 517611; and

WHEREAS, On May10, 2024 "ABC" issued Administrative Order (AO) 2024-03 granting blanket 12.39 relief for the 2024-2025 license term for all eligible inactive license holders; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License is renewed for licensing year 2024-2025:

No. 1915-33-011-011 be issued to Spring Alley Café, LLC, 185 Spring Street, Newton, New Jersey.

RESOLUTION #185-2024*

"Renewal of Plenary Retail Consumption Licenses for 2024-2025"

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption Licenses are renewed for licensing year 2024-2025, effective July 1, 2024:

No. 1915-33-001-007 be issued to CHUNBO 668, INC., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; and

No. 1915-33-002-010 be issued to B&M LLC, t/a O'Reilly's Pub & Grill, 271 Spring Street, Newton, New Jersey; and

No. 1915-33-003-008 be issued to L & P Concessions, LLC, t/a L & P Concessions, 234 Spring Street, Newton, New Jersey; and

No. 1915-33-006-013 be issued to the Sizzle BBQ Argentinian Food LLC, 216 Woodside Avenue, Newton, New Jersey; and

No. 1915-33-007-005 be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; and

No. 1915-33-008-007 be issued to Newton Sports Bar & Grill, LLC t/a Newton Sports Bar and Grill, 173 Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License w/Broad Package Privilege be renewed for licensing year 2024-2025, effective July 1, 2024:

No. 1915-32-005-012 be issued to Newton 830, LLC t/a ShopRite Wines & Spirits of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey.

RESOLUTION #186-2024*

“To Cancel Appropriated Reserve Balance in the Federal and State Grant Fund – NJDCA ARP Firefighter in the amount of \$30.60”

WHEREAS, the Town of Newton received a grant in the amount of \$52,000 from the State of New Jersey DCA ARP Firefighter in 2023; and

WHEREAS, this amount was appropriated as an item of revenue in the 2023 Current Municipal Budget and transferred into the Federal and State Grant Fund in the same year; and

WHEREAS, the Town had expended \$51,969.40 from the Federal and State Grant Fund and has completed the grant; and

WHEREAS, the Town received a wire from the State of New Jersey on January 24, 2024 in the amount of \$52,000; and

WHEREAS, there remains an unexpended balance in the grant fund of \$30.60; and

WHEREAS, it is necessary to formally cancel the grant appropriated reserve balance;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following:

Federal & State Grant Fund

Appropriated Reserves – NJDCA ARP Firefighter #02-213-41-526 \$30.60

RESOLUTION #187-2024*

“Authorize the Award of a Required Disclosure Contract with Enforsys Inc. for Police Software Services”

WHEREAS, the Town of Newton Police Department has a need for software technological software solutions in its daily operations supplied by Enforsys Inc., 27 Bleeker Street, Suite 222, Millburn, NJ 07041, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Sean Canning, the Town of Newton Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, Enforsys Inc., 27 Bleeker Street, Suite 222, Millburn, NJ 07041, in the aggregate is expected to be in excess of the pay to play threshold of \$17,500.00 with a quote of \$19,800.00; and

WHEREAS, Enforsys Inc., 27 Bleeker Street, Suite 222, Millburn, NJ 07041, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Enforsys Inc., 27 Bleeker Street, Suite 222, Millburn, NJ 07041, has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit Enforsys Inc., 27 Bleeker Street, Suite 222, Millburn, NJ 07041, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$19,800.00 are available as follows.

Line Item: 01-201-25-250-217

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Town Council of the Town of Newton authorizes the Newton Town Manager to enter into a contract with Enforsys Inc., 27 Bleeker Street, Suite 222, Millburn, NJ 07041, not to exceed \$19,800.00 for the 2024 budget year; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Personal Contribution Disclosure form, and Determination of Value be placed on file.

RESOLUTION #188-2024*

“Authorizing Contract with Certain Approved State Contract Vendor Firefighter One for Purchase of Volunteer Fire Department Turnout Gear and Bailout Systems”

WHEREAS, as provided for within the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-12 et. Seq.) the Town of Newton may by Resolution, and without advertising for bids or obtaining quotations, purchase any goods or services under State Contract; and

WHEREAS, the Town has the need on a timely basis to purchase goods and services utilizing State contracts; and

WHEREAS, the Town intends to enter into a contract with Firefighter One, 34 Wilson Dr., Sparta, NJ 07871, for the procurement of turnout gear and accessories at a cost of \$58,586.19 under New Jersey State Contract17-FLEET-00811/T0790; and

WHEREAS, the Chief Financial Officer certifies funding is available in the amount of \$58,586.19 from:

NJDCA Firefighter Grant Account # 02-213-41-526

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton, authorizes the Newton Town Manager to purchase certain goods and services from Firefighter One, through New Jersey State Contract 17-FLEET-00811/T0790 for \$58,586.19, pursuant to all conditions of the individual State Contract.

ESOLUTION #189-2024*

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

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

WHEREAS, the Town of Newton has a signed Shared Service Agreement to supply Animal Control Services to the Township of Fredon in the amount of \$4,958.00;

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

- Miscellaneous Revenues:
 - Section D: Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of
 - Local Government Services:
 - Shared Service Agreements Off-set with Appropriation:

Township of Fredon – Animal Control Services \$4,958.00

General Appropriations:

(A) Operations - Excluded from "CAPS"

Shared Service Agreements:

Township of Fredon – Animal Control Services..... \$4,958.00

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

RESOLUTION #190-2024*

"Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Green Township ACO Shared Service"

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

WHEREAS, the Town of Newton has a signed Shared Service Agreement to supply Animal Control Services to the Township of Green in the amount of \$7,000.00;

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

Miscellaneous Revenues:

Section D: Special Items of General Revenue Anticipated

With Prior Written Consent of the Director of

Local Government Services:

Shared Service Agreements Off-set with Appropriation:

Township of Green – Animal Control Services \$7,000.00

General Appropriations:

(A) Operations - Excluded from "CAPS"

Shared Service Agreements:

Township of Green – Animal Control Services..... \$7,000.00

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

RESOLUTION #191-2024*

"Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Hampton Township ACO Shared Service"

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

WHEREAS, the Town of Newton has a signed Shared Service Agreement to supply Animal Control Services to the Township of Hampton in the amount of \$8,000.00;

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

Miscellaneous Revenues:

Section D: Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of
Local Government Services:

Shared Service Agreements Off-set with Appropriation:

Township of Hampton – Animal Control Services \$8,000.00

General Appropriations:

(A) Operations - Excluded from "CAPS"

Shared Service Agreements:

Township of Hampton – Animal Control Services \$8,000.00

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

RESOLUTION #192-2024*

"Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Hardwick Township ACO Shared Service"

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

WHEREAS, the Town of Newton has a signed Shared Service Agreement to supply Animal Control Services to the Township of Hardwick in the amount of \$9,166.66;

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

Miscellaneous Revenues:

Section D: Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of
Local Government Services:

Shared Service Agreements Off-set with Appropriation:

Township of Hardwick – Animal Control Services \$9,166.66

General Appropriations:

(A) Operations - Excluded from "CAPS"

Shared Service Agreements:

Township of Hardwick – Animal Control Services \$9,166.66

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

RESOLUTION #193-2024*

"Insertion of Special Items of Revenue in the 2024 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948) – Hardyston Township Zoning Officer Shared Service"

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

WHEREAS, the Town of Newton has a signed Shared Service Agreement to supply a Zoning Officer to the Township of Hardyston in the amount of \$4,500.00;

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

Miscellaneous Revenues:
 Section D: Special Items of General Revenue Anticipated
 With Prior Written Consent of the Director of
 Local Government Services:
 Shared Service Agreements Off-set with Appropriation:
 Township of Hardyston – Zoning Officer \$4,500.00

General Appropriations:
 (A) Operations - Excluded from "CAPS"
 Shared Service Agreements:
 Township of Hardyston – Zoning Officer..... \$4,500.00

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

RESOLUTION #194-2024*

"Resolution Authorizing Payment #3 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, on May 13, 2024, Change Order No. 2 was approved through Resolution #142-2024, authorizing an increase of 8.88% (\$65,930.24) for a total contract amount of \$808,673.24; and

WHEREAS, the Town of Newton has received a request for Payment #3, dated June 17, 2024, from Paving Materials and Contracting, LLC ("PMC"), requesting payment in the amount of Two Hundred Seventy-Nine Thousand One Hundred Seventeen Dollars and Forty-Two Cents (\$279,117.42), 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 June 17, 2024, and hereby recommends Payment #3 to Paving Materials and Contracting, LLC, in the amount of Two Hundred Seventy-Nine Thousand One Hundred Seventeen Dollars and Forty-Two Cents (\$279,117.42), 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 #3 to the contract with Paving Materials and Contracting, LLC in the amount of Two Hundred Seventy-Nine Thousand One Hundred Seventeen Dollars and Forty-Two Cents (\$279,117.42), 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 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.

June 24, 2024

RESOLUTION #195-2024*

“Authorizing Change Order No. 3 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, on May 13, 2024, Change Order No. 2 was approved through Resolution #142-2024, authorizing an increase of 8.88% (\$65,930.24) for a total contract amount of \$808,673.24; and

WHEREAS, the Town of Newton has received a request for Change Order No. 3, dated June 17, 2024, from Paving Materials and Contracting, LLC, identifying unforeseen conditions at the time of bid award, necessitating a change order in the amount of \$30,246.95 and an extension of 75 days to completion time of the contract; and

WHEREAS, the Town Engineer on this Project, Suburban Consulting Engineers, Inc., recommends accepting the proposed Change Order No. 3, which will result in a net increase of 12.95% for a total contract amount of \$838,920.19; and

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

WHEREAS, the Chief Financial Officer certifies funding for Change Order No. 3 in the amount of \$30,246.95 is available from:

Ordinances 2022-21 and 2023-2 #04-215-55-913-001

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. 3 to the contract with Paving Materials and Contracting, LLC for a net increase of 12.95% (\$30,246.95) for a total contract amount of \$838,920.19 and an extension of 75 days to completion time of contract.

Town of Newton Resolution #196-2024 Amendment to the Water/Sewer Capital Budget										
<p>WHEREAS, the local Capital Budget for the year 2024 was adopted; and WHEREAS, it is desired to introduce a Water Sewer Capital Ordinance that was excluded from the Capital Budget; and WHEREAS, N.J.A.C. 5:30-4.4B provides that the Capital Budget of a Governing Body shall be amended to reflect any provisions, changes, or inconsistencies with said Capital Budget; NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, that the 2024 Water Sewer Capital Budget shall be amended to reflect the introduction of Ordinance 2024-20, in the amount of \$1,545,000 for Various Water/Sewer Improvements.</p>										
Recorded Vote (Insert Names)										
<p>() Abstain () () () Ayes () Nays () () Absent () ()</p>										
WATER/SEWER CAPITAL BUDGET (Current Year Action)										
2024										
Planned Funding Services for Current Year 2024										
1 Project	2 Project Num.	3 Est. Total Cost	4 Amt. Res. In Prior Years	5a 2024 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid/Other Fund	5f Debt Authorized	Total Funded In Future Year	
IMP to Water/Sewer	2024-U29	\$ 1,545,000.00						\$ 1,545,000.00		
Total All Projects		\$ 1,545,000.00						\$ 1,545,000.00		
SIX YEAR CAPITAL PROGRAM 2024 TO 2029										
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS										
Funding Amounts Per Year										
1 Project	2 Project Num.	3 Est. Total Cost	4 Estimated Completion Time	5. Capital Improvement Fund 2024 Budget	2024	2025	2026	2027	2028	2029
IMP to Water/Sewer	2024-U29	\$ 1,545,000.00	2025			\$ 1,545,000.00				
Total All Projects		\$ 1,545,000.00								
SIX YEAR CAPITAL PROGRAM 2024 - 2029										
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS										
Project	2 Estimated Total Cost	3 Budget Appropriation		4 Capital Improv. Fund	5 Capital Surplus	6 Grants In Aid-Other Funds	7 Bonds and Notes			
		Current Year 2024	Future Years				General	Self-Liquid.	Assessment	School
IMP to Water/Sewer	\$ 1,545,000.00							\$ 1,545,000.00		
Total All Projects	\$ 1,545,000.00							\$ 1,545,000.00		
BE IT FURTHER RESOLVED , that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.										
IT IS HEREBY CERTIFIED this is a true copy of a resolution amending the Water Sewer Capital Budget section adopted by the Town Council on the 24th day of June 2024										
Newton, New Jersey										
Approved _____, 2024						Teresa A. Oswin, RMC Municipal Clerk				
DIRECTOR OF LOCAL GOVERNMENT SERVICES										

RESOLUTION #197-2024*

“Resolution Approving Vacation Time Payout for Monica Miebach”

WHEREAS, Monica Miebach, CFO, for the Town of Newton, retires effective June 30, 2024, and is entitled to payout for accrued and unused vacation time pursuant to applicable law, Town ordinances, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the following payout for accrued and unused vacation time to Monica Miebach as follows:

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Monica Miebach	June 30, 2024	\$12,336.03

BE IT FURTHER RESOLVED, that appropriate Town employees are hereby authorized to make the payments set forth above, with any required revisions to the payout amounts.

RESOLUTION #198-2024*

“Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Mount View Street, Palmer Street, & Trinity Street Resurfacing Project”

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Newton Town Manager and/or Newton Mayor and Newton Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2025-Mount View St., Palmer St., & Trinit-00090 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Newton Town Manager and/or Newton Mayor and Newton Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

My signature and Municipal Clerk's seal serve to acknowledge the above Resolution and constitute acceptance of the terms and conditions of the grant agreement and approve execution of the grant agreement as authorized by the Resolution above.

ATTEST AND AFFIX SEAL

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

/s/ John-Paul E. Couce
John-Paul E. Couce
Mayor

RESOLUTION #199-2024*

“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
11000	3754	- ADP, LLC	200.00
11001	1846	- ADVANCE AUTO PARTS	328.84
11002	3753	- ALCOCK KATHERINE	20.77
11003	4106	- ALL GAS & WELDING SUPPLY CO., INC.	546.40
11004	3897	- AMAZON CAPITAL SERVICES	2,013.95
11005	3897	- AMAZON CAPITAL SERVICES	2,669.89
11006	3087	- BASSANI POWER EQUIPMENT	44,663.00
11007	3087	- BASSANI POWER EQUIPMENT	116.64
11008	4662	- BELLIS JUSTIN	142.99
11009	4810	- BOONTON TIRE & AUTO REPAIR	206.90
11010	3917	- BORGATA HOTEL CASINO & SPA	3,152.00
11011	3355	- BRAEN STONE SPARTA	10,624.89
11012	300	- BRIGHTSPEED	58.20
11013	300	- BRIGHTSPEED	58.08
11014	300	- BRIGHTSPEED	3,277.57
11015	300	- BRIGHTSPEED	41.76
11016	3015	- CAPITOL SUPPLY CONST PRODUCTS, INC.	7,904.19
11017	4706	- CARLUCCI, MICHAEL	3,707.27
11018	155	- COYNE CHEMICAL CORP., INC.	759.96
11019	4827	- CTS LANGUAGE LINK	19.27

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11020	4842	- DEFEO ASSOCIATES	950.00
11021	4069	- DELL MARKETING L.P.	493.40
11022	106	- ELIZABETHTOWN GAS	2,684.17
11023	4804	- EPICSOUL BAND LLC	3,500.00
11024	4385	- ERIC M. BERNSTEIN & ASSOCIATES, LLC.	7,670.00
11025	4839	- FARMSIDE GARDENS INC.	254.40
11026	4039	- FARMSIDE LANDSCAPE & DESIGN INC	990.00
11027	225	- FEDERAL EXPRESS	75.04
11028	2640	- FERGUSON ENTERPRISES LLC #3326	1,248.04
11029	4650	- FINKLE DANIELLE	136.00
11030	2525	- FIREFIGHTER ONE, LLC.	1,400.00
11031	3318	- FREDON ANIMAL HOSPITAL	139.70
11032	4724	- GANNETT NEW YORK/NEW JERSEY LOCALIQ	267.84
11033	200	- GARDEN STATE LABORATORIES INC	2,045.00
11034	200	- GARDEN STATE LABORATORIES INC	1,534.00
11035	4506	- GLENN C KIENZ	800.00
11036	789	- GNCC	6,030.00
11037	232	- HAMBURG PLUMBING SUPPLY CO INC	278.52
11038	3804	- HAYDEE BALLESTER	150.00
11039	4198	- HIGHWAY EQUIPMENT COMPANY	3,969.58
11040	1712	- HOLZHAUER & HOLENSTEIN, LLC	2,500.00
11041	272	- HOLZHAUER, SCOTT	136.00
11042	1866	- HOME DEPOT, INC.	69.72
11043	1866	- HOME DEPOT, INC.	5.68
11044	1866	- HOME DEPOT, INC.	100.82
11045	1866	- HOME DEPOT, INC.	6,711.56
11046	4620	- HQW ARCHITECTS, LLC.	5,000.00
11047	3235	- J. CALDWELL & ASSOCIATES, LLC.	15,572.50
11048	113	- JCP&L	22,191.41
11049	3067	- JERSEY SHIRTS & DESIGNS	39.00
11050	2618	- JMC ENVIRONMENTAL CONSULTANTS, INC.	170.00
11051	1453	- JMP SECURITY LLC	142.00
11052	2569	- KIEFFER ELECTRIC, INC.	1,140.16
11053	4227	- LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.30
11054	1566	- MAIN POOL & CHEMICAL COMPANY, INC.	5,274.50
11055	62	- MGL FORMS - SYSTEMS, LLC.	715.00
11056	1741	- MORRIS COUNTY POLICE ACADEMY	125.00
11057	4572	- NATIONAL ASSOCIATION OF TOWN WATCH	533.50
11058	170	- NEWTON BOARD OF EDUCATION	1,132,715.63
11059	240	- NEWTON FIRST AID SQUAD	7,500.00
11060	700	- NEWTON PATROLMANS ASSOCIATION	1,740.00
11061	1745	- NEWTON SUPERIOR OFFICERS	840.00
11062	2456	- NIELSEN FORD	1,402.85
11063	2835	- NJMEBF	232,220.00
11064	4681	- NORTHEAST COMMUNICAITONS INC.	40,791.87
11065	2882	- ONE CALL CONCEPTS, INC.	146.93
11066	1407	- PASSAIC VALLEY SEWERAGE COMM.	9,072.00
11067	4656	- PAULUS, SOKOLOWSKI & SARTOR LLC	20,471.15
11068	4711	- PAVING MATERIALS & CONTRACTING LLC	279,117.42
11069	2788	- PENTELEDATA	319.90
11070	4792	- PERIGO ANTHONY	238.00
11071	4204	- PLANET NETWORKS INC.	609.90
11072	4204	- PLANET NETWORKS INC.	199.90
11073	4204	- PLANET NETWORKS INC.	21,755.52
11074	57	- PRINTING CENTER, INC	2,995.23
11075	2212	- PROCESS TECH SALES AND SERVICE	5,280.61
11076	4126	- PROFESSIONAL CONSULTING INC.	5,787.50
11077	251	- R.S. PHILLIPS STEEL LLC	67.28
11078	4203	- RAPID PUMP	4,896.64

11079	4203	- RAPID PUMP	45,000.00
11080	4203	- RAPID PUMP	85,000.00
11081	4203	- RAPID PUMP	13,000.00
11082	4203	- RAPID PUMP	2,425.50
11083	4203	- RAPID PUMP	9,750.00
11084	1872	- RR DONNELLEY	532.50
11085	611	- SEBRING AUTO PARTS, INC.	171.98
11086	4644	- SIEGEL, STEVEN M.	2,875.01
11087	4260	- SKYLANDS STADIUM	771.52
11088	3108	- SPARTA POSTMASTER	893.64
11089	2257	- STAPLES	1,101.89
11090	1212	- STATEWIDE INSURANCE FUND	149,062.50
11091	4440	- STORR TRACTOR COMPANY	263.32
11092	2056	- SUBURBAN PROPANE, LP.	4,211.31
11093	3851	- THE CANNING GROUP, LLC.	708.33
11094	676	- THE EQUITABLE	11,090.00
11095	4508	- TORRES, JUDY A	666.00
11096	2880	- TRACTOR SUPPLY	60.33
11097	4812	- TRI-STATE BULK GARDEN SUPPLY, LLC.	700.00
11098	4767	- TROJAN TECHNOLOGIES CORP	6,300.00
11099	4130	- UNITED FIRE PROTECTION CORP.	1,538.00
11100	1469	- UNIVERSAL SUPPLY GROUP INC.	141.12
11101	2485	- VAN NIEUWLAND STEVE	79.93
11102	1280	- VERIZON WIRELESS, INC.	1,920.06
11103	2635	- W.B. MASON, INC.	401.56
TOTAL			2,283,721.24

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

Mr. Russo recommended removing Resolution 179-2024 and carrying it to the July 15th meeting to be considered after Ordinance 2024-17. A motion was made by Mrs. Diglio and seconded by Mrs. Teets to carry Resolution 179-2024 to the July 15, 2024 meeting. A roll call resulted as follows:

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

Deputy Mayor Le Frois made a motion to approve the **COMBINED ACTION RESOLUTIONS**, except **Resolution 179-2024**, and Mrs. Teets 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 11059, 11071, 11072, and 11073)

OPEN TO THE PUBLIC

Mayor Couce opened the meeting to the public.

Jessica Vollero came forward and requested an Executive Session and she is waiving her RICE notice.

Dr. Mecaj stated she may not have been clear during the first public session and she simply wants to know if you have two (2) houses, one assessed at one (1) million and the other assessed at a half (1/2) a million, how is it right or fair that the half (1/2) a million dollar assessed house is paying more taxes than the one (1) million dollar house.

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

The Mayor asked if any of the Council wished to address Dr. Mecaj, they chose not to. The Mayor stated without knowing all the circumstances it is difficult to make an assessment. Also, it is not the Council's role to set, appeal, or negotiate her assessment. We have professionals to do that. If she is not satisfied, she has the opportunity to appeal her taxes to the Conty Board of Taxation.

DISCUSSION

Mr. Russo stated he has been asked by the Council to look into providing garbage collection services for the Town. He invited Wayne DeFeo of DeFeo Associates to join us. He asked our Engineer, Cory Stoner and our Recycling Coordinator, Deb Danielson to look into the possibility. Currently the taxpayers have to hire a private contractor or take their refuse to SCMUA. The Town provides recycling services. At the Municipal Managers Conference in May, Wayne was one of the speakers and he was very impressed with his knowledge of the subject. Mr. Russo then gave an overview of Mr. DeFeo's qualifications. Wayne is the principal founder of DeFeo Associates, a full-service environmental consulting business. They have done all kinds of work on environmental sustainability, energy reduction strategies, and recycling and solid waste management. He has a Bachelor's in Science and Biology and a Master of Arts in Environmental Studies. He is a certified teacher of Science and LEED Accredited. He has won numerous awards for recycling programs and refuse management. He was very impressed with Wayne, and he is considered the Seminole expert when it comes to solid waste in the State. This is a great opportunity to learn from him different options that may or may not be available. At this time, he invited Mr. DeFeo to speak.

Mr. DeFeo started by saying subscription service is the most common form of garbage collection geographically in the State. Municipal collection is more common in larger communities with a higher density population. Either way works, it is common to do what is cheapest for the residents. In the past when it was part of your taxes it could be a tax deduction, which is no longer the case. If you choose to go out to bid, there are very few options for homeowners, as opposed to a subscription service where a homeowner has a menu of items to select from. The only way to keep costs down in the bidding process is to cut the services offered. So, you need to know what you want in terms of how many days a week do you want collection, do you want to include recycling collection (either single stream or dual stream), and if you want to provide bulk pick up. There are other options too that could add to the cost such as rear yard pick up. Fewer companies are bidding, and injury rates are extremely high. The average

worker's compensation claim is between \$100,000 to \$150,000 due to the continuous heavy lifting involved, so this is factored into the bid.

Cory Stoner stated he recently assisted Sparta in their garbage collection bid process. They had one response. They have over 7,000 homes compared to Newton's roughly 2,000. They opted for a five (5) year contract for twice a week collection with single stream recycling and it came to about \$425 a year per household, or \$35 a month. That is not too different for a subscription service. It would be more for Newton since we are a smaller community.

Mr. DeFeo stated with Kelly's law we either have to provide collection to apartment complexes and condominiums or reimburse them at a rate equal to what the homeowners pay. This is sometimes hard to calculate and can get contentious. Another thing to consider is the cost of carts... some haulers provide them, some do not. He went on to state in his experience he does not see the number of bidders he used to see anymore, and the ones he does have varying pricing. He does not know what the driving force is behind this, and he does not have any data in front of him, but his initial thought is there is nothing wrong with what you are currently doing. All three options work whether it is going out to bid, doing it in-house, or having the residents do a subscription service on their own.

The Mayor said the genesis of this inquiry is members of the public asking why we do not have garbage collection. The Mayor asked Debbie Danielson if she receives phone calls on this topic. Debbie stated when people move into Town, they do call down to the garage and do ask about garbage collection. She advises them they have to privately contract for it, but we do provide curbside recycling collection. Most people are coming from more urban areas, so they are surprised. The Mayor asked how often she gets calls. She stated it depends, they generally get more in the spring when the real estate sales go through and some periodically throughout the summer and fall.

A discussion ensued. The Mayor questioned if we could put this to a non-binding referendum since it is a Presidential Election this year.

Eric Bernstein stated you have to know exactly what you want to ask the public. Simply asking if they would like garage collection, he predicts you would get an overwhelming yes. Then when you later give details such as what it will cost, then the public will push back. Also, the public sometimes has a hard time with understanding a non-binding referendum. They think if they vote yes... then it must happen. He would also have to research to see if it is something that can be put to referendum, not everything is allowed. Without all the details he does not recommend it. The questions would have to be carefully thought out with specific details for the interpretive statement.

Mr. Russo stated the staff recommendation is status quo, the private subscription model is working. He is looking for direction from the Council. Do you want this to remain status quo, or do you want us to go in-house and hire staff, purchase trucks, incur insurance costs, which would be a lot of money and result in a significant tax increase, or

look into a Town-wide contract, which is probably a million dollar contract, which is probably 15 tax points. So, he is asking Council for direction to we leave it as is or go with the other two options. If that is what the Council wants, he would look to hire Wayne's firm to do the deep dive analysis.

Mrs. Teets said she would like to do more homework and needs more time to gather and analyze all the data. Mrs. Diglio would like it to remain the same. Mr. Dickson says it makes sense to leave it as is. Deputy Mayor Le Frois also would like it to remain as it is. Mayor Couce needs more time to review the data. The consensus of the Council is to leave the garbage collection as is with homeowners having to privately contract for the service. Mrs. Teets asked if the Council could be provided with the research information gathered in the past on what this would cost, and she questioned if we did provide the service, would we have to include commercial properties. Mr. DeFeo advised that would be too costly. His one suggestion to the Council is to look into getting a proper recycling vehicle and carts to reduce the injuries to your staff.

Mrs. Teets thanked the staff for getting the information for the Council today and answering all their questions.

The Mayor thanked everyone for their time and input on this matter.

COUNCIL MANAGER COMMENTS –

Mr. Russo asked for a brief recess so he can speak with the Mayor and Eric Bernstein via phone.

Deputy Mayor Le Frois made a motion to take a brief recess at 9:20pm, all were in favor.

By a motion by Deputy Mayor Le Frois, seconded by Mrs. Diglio and all voting in favor the Council returned from recess at 9:32pm.

Mr. Bernstein stated after a conversation with the Manager and Mayor his recommendation is a motion to adjourn.

ADJOURNMENT

There being no further business to be conducted, upon a motion by Deputy Mayor Le Frois seconded by Mrs. Teets and all were in favor except Mrs. Diglio stating there was a request for an Executive Session.

Mr. Bernstein explained there is no provision for an Executive Session on the agenda, and making a request is not in the purview of an individual of the public, whether an employee or not. The Regular meeting was adjourned at 9:32pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk