

August 19, 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."

APPROVAL OF MINUTES

Upon motion by Deputy Mayor Le Frois, seconded by Mrs. Diglio, the minutes for the June 24, 2024, Regular Meeting were unanimously approved as presented.

Upon motion by Mrs. Diglio, seconded by Mr. Dickson, the minutes for the July 15, 2024, Regular Meeting were unanimously approved as presented.

PRESENTATION

At this time Ptl. Zakrzewski was invited forward.

Mr. Russo read the following bio:

"Brian Zakrzewski was born in 1998, to parents Mark and Marta Zakrzewski. He grew up in Andover, NJ, where he attended Florence M. Burd Elementary School and Long Pond Middle School. Brian later attended Newton High School, graduating in 2016.

Following high school, Brian enrolled at Sussex County Community College, earning an associate degree in criminal justice in 2018. He then continued his education at Rutgers University, where he obtained a bachelor's degree in criminal justice in 2020.

After graduating from Rutgers, Brian worked alongside his father in the family business, building and renovating commercial and residential properties. After gaining valuable experience, he decided to pursue his passion for law enforcement by taking a preparatory class for entry-level law enforcement tests.

In May 2024, Brian graduated from the 102nd Morris County Public Safety Training Academy, having been accepted as an alternate route candidate.

With a long-standing passion for law enforcement and deep respect for the officers of the Newton Police Department, Brian is thrilled to begin his career as a police officer in Newton, fulfilling a lifelong goal."

Mayor Couce swore in Ptl. Zakrzewski while his family held the Bible and pinned on his badge.

Officer Zakrzewski addressed those in attendance by thanking Mr. Russo, the Town Council, Chief, Lieutenants, and the Police Department. He said this is a dream come true and he is excited to start his career.

Mr. Russo asked Chief VanNieuwland to say a few words.

Chief VanNieuwland started by thanking the Town Manager, Town Council, and his staff that did all the interviews. Officer Zakrzewski is community oriented and has an unbelievable work ethic. He hopes he has a safe, long, and prosperous career.

Mrs. Diglio welcomed Ptl. Zakrzewski and offered her congratulations.

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Deputy Mayor Le Frois congratulated and welcomed Ptl. Zakrzewski. She said he is joining the best department in Sussex County if not beyond. The men and women in the Newton Police Department are selfless, professional, proactive, well educated, respected, and trained. They serve as positive role models in the community. She challenges anyone to find a better group to work with. She thanked him for his dedication and hopes he will be here for a long time.

Mr. Dickson offered his congratulations and welcomed him aboard. He knows he will uphold the legacy of the Newton Police Department.

Mrs. Teets also welcomed Officer Zakrzewski. She apologized for not being able to attend in person. She went on to say he is joining the best of the best.

Mayor Couce announced we will take a five (5) minute break for photos.

BREAK- Five (5) minutes.

Mayor Couce at this time announced they would be changing the order of the agenda to announce the Senior Citizen of the Year. He read the following aloud:

Office of the Mayor

Newton, New Jersey

Proclamation

Harry Kaplan

WHEREAS, Harry Kaplan was born in Clifton, NJ, on July 29, 1948. He graduated from Clifton High School in 1967 and went on to attend the Plaza Business School; and

WHEREAS, in 1969, Harry enlisted in the U.S. Army and was assigned to a test missile launch site in Germany during the Vietnam War where he was responsible for testing missiles including the hawk missile; and

WHEREAS, upon his discharge from the U.S. Army he worked at ADP for 7 years before moving to Sussex County and being hired to work at the Newton Post Office; and

WHEREAS, Harry spent the next 38 years working for the Post Office before retiring and being hired as a crossing guard for the Town of Newton; and

WHEREAS, Harry is very active in the American Legion Post 86 where he has served as Commander and Second Life Commander. Harry volunteers with the Honor Guard supporting Veterans services at various events throughout the area. He has also served many years as a member of the Historic Preservation Advisory Commission in Newton;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our appreciation and gratitude to Harry Kaplan, for exemplifying the vital role that senior citizens play within their community. In recognition of commitment to both country and community, and most of all his spirit, love, and dedication to the Town, we hereby name Harry Kaplan:

2024 “Newton Senior Citizen of the Year”

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

_____/s/ John-Paul Couce

Attest: _____/s/ Teresa A. Oswin

Date: _____August 19, 2024

Mayor Couce presented the proclamation to Mr. Harry Kaplan and asked if he wanted to say a few words.

Mr. Kaplan said he first moved to Newton 40 years ago. When he did, he asked himself how he could give back to his community. So, he became a Deacon at the Presbyterian Church, where he helped shut ins. He did that for many years. He was also a United States Postman for 40 years in Newton. He believes if he put a letter in your mailbox, you were family, your watch dog. The police always supported him whenever he brought something to their attention as a letter carrier and still do even now as a Crossing Guard. He is a member of the American Legion Post and has served as an officer in several different positions. He always tries to do his best for the Town. It is a blessing to live in such a beautiful Town. The Town Council is doing a great job, and he is happy to be part of it. He will continue to give back. Thank you for this honor.

Deputy Mayor LeFrois commended Mr. Kaplan for his life of selfless service. He is everyone's favorite mail carrier, and he knows everything about this Town. While being a Crossing Guard he gives lessons to the children in the Town.

Mr. Kaplan said he enjoys the children and Lily, and her family donated a Hometown Hero banner in his honor.

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.

On Zoom Ludmilla Mecaj welcomed the new officer and thanked Harry Kaplan for his service. She then asked the Council why they decided to require dust swiping sampling for lead based paint inspections. Newton is one of three Towns in the County to require it, all the rest only require visual inspections. As a small real estate business owner this is a burden. She is looking for the reason why.

In person, Edwin Paredes came forward. He is from South River, and he wanted to commend the Town for passing the cannabis ordinance. It is his understanding that Mill Street and the SD-3 zones are at capacity. Is the Town willing to offer support for a dispensary on Water Street? Would the Town be willing to expanding the limits of dispensary allowances in the SD-3 zone?

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 – advised it is a State requirement for the Town to require dust swiping inspections for lead. As for the cannabis, he stated there is no plan to increase the number of cannabis retailers, in fact we just reduced the amount. He then advised Mr. Paredes to reach out to his office directly so he could advise what was available. On August 30th Town Hall will close at 3:00pm on Friday, and will be closed for Labor Day on Monday, September 2, 2024. He thanked the Council for allowing him to serve the Town of Newton, he starts his seventeenth (17) year today.

Councilmember Dickson – congratulated Harry for being selected as Senior Citizen of the Year. He could not think of a more deserving individual. He thanked him for his selfless dedication.

Councilmember Diglio – stated she has known Harry since 1978, they have been friends for a very long time. She thanked him for all his service and help with the parades.

Councilmember Teets – offered congratulations to Harry and apologized for not being there in person. She has known him for over thirty years, it is a well-deserved honor.

Deputy Mayor Le Frois – offered congratulations to Harry and Officer Zakrzewski again. She thanked the Pool staff for a great season, it is not too late, the pool is still open. She thanked Kimberly and the staff for the concerts and movies this year. She hopes everyone has seen our outdoor mini mural on the outside of the building. It is just like the large one on Moran street. She thanked Tom for making it happen using grant funding. There is no Planning Board meeting this month. She thanked the DPW for their prompt repair of the watermain break on Diller Avenue on August 6th. She wished everyone a Happy Labor Day. She wished the best of luck to the students returning to school soon, and thanks to the teachers, faculty, and staff for preparing for the upcoming school year.

Mayor Couce – wished a warm welcome to Ptl. Zakrzewski. He wanted to mention Harry was instrumental in getting the Hometown Heroes banners on Spring Street. He also wanted to mention that for those of you traveling on Rt. 206, the resurfacing is a State project, it is not a Town road, and we have no control over this. The DOT has been made aware of the complaints and hopefully they will take a look at the situation. To the gentleman from South River, please follow up with Mr. Russo directly, thank you for taking the long drive to attend tonight's meeting. For Dr. Mecaj's comments, you are correct there are two different methods of lead testing required by the State, a visual inspection or dust-swiping. In Sussex County Lafayette, Stanhope, and Newton are the three municipalities required to do the dust-swiping. This is required by the State, it was passed in 2021. It was P.L. 2021 c. 182. It states *"if the dwelling is located in a municipality in which at least 3% of children tested, six years of age or younger, and have a blood level greater than or equal to five (5) micrograms per deciliter according to a central lead screen database maintained by the Department of Health, the evaluation contractor or permanent local agency shall inspect for lead based paint hazards through dust-swipe sampling"*. This is handed down by the State and we have no control over what method is available.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-22

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON BY CREATING A NEW CHAPTER OF THE NEWTON TOWN CODE, ENTITLED CHAPTER 210, “PRIVATELY-OWNED SALT AND OTHER SOLID DEICING MATERIALS IN STORAGE” TO PREVENT STORED SALT AND OTHER SOLID DEICING MATERIALS FROM BEING EXPOSED TO STORMWATER

The aforementioned **ORDINANCE** was offered by Deputy Mayor Le Frois who moved its introduction, seconded by Mrs. Diglio.

Mrs. Diglio asked for more of an explanation for the public. Mr. Russo advised this is a State requirement mandating certain restrictions as it relates to the private storage of salt and deicing materials. We can provide a little bit more information upon adoption.

The roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Wednesday, September 11, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-23

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON BY CREATING A NEW CHAPTER OF THE NEWTON TOWN CODE, ENTITLED “CHAPTER 298, TREE PRESERVATION” TO CONTROL TREE REMOVAL AND REPLACEMENT IN ORDER TO REDUCE STORMWATER RUNOFF AND POLLUTANTS AND TO PROMOTE INFILTRATION OF RAINWATER INTO THE SOIL

The aforementioned **ORDINANCE** was offered by Mrs. Diglio who moved its introduction, seconded by Mr. Dickson, and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Wednesday, September 11, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-24

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 307 OF THE NEWTON TOWN CODE, ENTITLED “PARKING”, MOST NOTABLY

SECTION 307-6, ENTITLED “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS”; SECTION 307-7 “PARKING TIME LIMITED ON STREETS” AND ARTICLE XI, ENTITLED “SCHEDULES” WITHIN CHAPTER 307, MOST NOTABLY SECTION 307-49 “SCHEDULE II: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS”

The aforementioned **ORDINANCE** was offered by Mr. Dickson who moved its introduction, seconded by Mrs. Diglio, and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Wednesday, September 11, 2024 at 7:00 pm.

Mayor Couce read aloud the following Ordinance relative to Introduction.

ORDINANCE 2024-25

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,545,000 FOR VARIOUS WATER/SEWER IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,545,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Wednesday, September 11, 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 #208-2024*

“Authorizing Change Order No. 1 for Proposed Improvements to Clinton Street, West Nelson Street, and Division Street for Milling and Paving”

WHEREAS, the Newton Town Council adopted Resolution #93-2024, awarding the proposed Improvements to Clinton Street, West Nelson Street, and Division Street Project for Milling and Paving to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840; and

WHEREAS, the Town Engineer, Cory Stoner, of Harold E. Pellow & Associates, Inc., recommends in his memo dated July 15, 2024, approving Change Order No. 1 for the above referenced project for a decrease in the amount of \$14,449.31 for a new contract total of \$104,385.14;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 1 for the Improvements to Clinton Street, West Nelson Street, and Division Street Project for Milling and Paving; 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 Riverview Paving, Inc.

RESOLUTION #209-2024*

"Appointment of Samantha Waldron as an Alternate Member of the Planning Board"

WHEREAS, there is currently a vacancy for an Alternate member on the Town of Newton Planning Board; and

WHEREAS, Samantha Waldron has expressed an interest in serving as an Alternate Member on the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that Samantha Waldron is hereby appointed to fill an unexpired two-year term as an Alternate member on the Planning Board, effective immediately with said term continuing to December 31, 2024.

RESOLUTION #210-2024*

"Resolution Reappointing Janien N. Roberts as Local Registrar Effective September 1, 2024"

WHEREAS, Janien N. Roberts, was appointed to the position of Certified Municipal Registrar on September 1, 2021; and

WHEREAS, Janien N. Roberts is and has been a Certified Municipal Registrar since October 2011 and has satisfied the continuing education requirements for said certification; and

WHEREAS, the Town Council is desirous of reappointing Janien N. Roberts, CMR as Local Registrar for the Town of Newton effective September 1, 2024; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Janien N. Roberts, CMR is hereby reappointed as the Local Registrar for the Town of Newton effective September 1, 2024.

RESOLUTION #211-2024*

"Resolution for the Reappointment of Teresa A. Oswin as Municipal Clerk"

WHEREAS, Teresa A. Oswin was duly appointed and confirmed to the position of Municipal Clerk on September 1, 2021 for a three (3) year term in accordance with N.J.S.A. 40A:9-133 et. seq.; and

WHEREAS, Teresa A. Oswin is and has been certified as a Registered Municipal Clerk (RMC) since October 2013 and has satisfied the continuing education requirements for said certification; and

WHEREAS, the Town Council is desirous of reappointing Teresa A. Oswin, RMC as Municipal Clerk for the Town of Newton, effective September 1, 2024;

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

1. Teresa A. Oswin, RMC is hereby reappointed to the position of Municipal Clerk of the Town of Newton.
2. Teresa A. Oswin, RMC is entitled to all of the provisions of N.J.S.A. 40A: 9-133 et. seq. and N.J.S.A. 40A:9-134 et. seq., including, but not limited to N.J.S.A. 40A:9-133.7.

RESOLUTION #212-2024*

“Appointment of Kai Crimando as Animal Control Officer for the Town of Newton”

WHEREAS, N.J.S.A. 4:19-15.16b, states a Governing Body of a municipality shall appoint a certified Animal Control Officer who shall be responsible for animal control within the jurisdiction; and

WHEREAS, Kai Crimando, has successfully satisfied the requirements pursuant to N.J.S.A. 4:19-15.16a as a Certified Animal Control Officer;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby appoints Kai Crimando as the Animal Control Officer for the Town of Newton for the remainder of calendar year 2024.

RESOLUTION #213-2024*

“Authorize Tax Collector to Hold an Electronic Tax Sale for the Year 2024”

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

WHEREAS, the Director of the Division of Local Government Services has approved RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Town of Newton wishes to participate in an electronic tax sale;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services, if necessary.

RESOLUTION #214-2024*

“Authorize Award of Morris Lake Dam/Blowoff Project”

WHEREAS, a need exists for the bid for the project known as Morris Lake Dam/Blowoff Project; 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 thee (3) bids on June 20, 2024, to wit:

NAME OF BIDDER	Coastal Engineering LLC	PFK - Mark III, Inc.	Spectraserv Inc.
TOTAL BID	\$177,200.00	\$291,833.00	\$307,000.00

WHEREAS, Coastal Engineering LLC, was determined to be the lowest responsible bidder in accordance with N.J.S.A.40A:11-4a with a bid of \$177,200.00; and

WHEREAS, the Chief Financial Officer certifies funds are available to support this project as per the attached certification;

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

1. The Town Council of the Town of Newton hereby awards Bid for Morris Lake Dam/Blowoff Project to Coastal Engineering LLC with a bid of \$177,200.00.

RESOLUTION #215-2024*

“Resolution to Concur with the Town Manager’s Hiring of a Certain Police Officer”

WHEREAS, it is the desire of the Town of Newton to hire a police officer; and

WHEREAS, the Town of Newton Police Department staff conducted background checks and interviewed Police Officer candidates in accordance with all Civil Service guidelines; and

WHEREAS, the Town Manager and Newton Police Chief recommend the hiring of the following police officer candidate:

Anthony Vitrano, as a Temporary Appointment, at \$43,839/year, in accordance with N.J.S.A. 11A:4-1.3.

WHEREAS, the Chief Municipal Financial Officer certifies funds are available to support this Salary as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, we hereby concur with the Town Manager’s hiring of said Police Officer, Anthony Vitrano, effective August 26, 2024.

RESOLUTION #216-2024*

“Authorizing Change Order No. 4 for Drainage Improvements Contract at Memory Park and Accept as Final and Complete”

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, on June 24, 2024, Change Order No. 3 was approved through Resolution #195-2024, authorizing 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 the contract; and

WHEREAS, the Town of Newton has received a request for Change Order No. 4, dated July 25, 2024, from Paving Materials and Contracting, LLC, necessitating a change order reduction of \$58,237.01; and

WHEREAS, the Town Engineer on this Project, Suburban Consulting Engineers, Inc., recommends accepting the proposed Change Order No. 4, which will result in a net increase of 5.11% over the original contract amount, for a new total contract amount of \$780,683.19; 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 Town Engineer on this Project, Suburban Consulting Engineers, Inc., also recommends accepting this Project as final and complete and releasing the retainage in the amount of \$15,613.67; and

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. 4 to the contract with Paving Materials and Contracting, LLC for a reduction of \$58,237.01 resulting in a net increase of 5.11% over the original contract amount for a new total contract amount of \$780,683.19 and accepts this Project as final and complete releasing the retainage in the amount of \$15,613.67.

RESOLUTION #217-2024*

“Authorizing Award of Morris Lake Water Treatment Plant Chemical Room Rehabilitation Rebid”

WHEREAS, a need exists for the bid for the project known as Morris Lake Water Treatment Plant Chemical Room Rehabilitation Rebid; and

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

WHEREAS, the Town received two (2) bids on May 9, 2024, to wit:

NAME OF BIDDER	VNL Inc.	Rapid Pump & Meter Service Co. Inc.
TOTAL BID	\$998,000.00	\$1,228,793.00

WHEREAS, VNL Inc., of Whitehouse Station, New Jersey, in the amount of \$998,000.00, was determined to be the lowest responsible bidder in accordance with N.J.S.A.40A:11-4a; and

WHEREAS, the Chief Financial Officer certifies funds are available to support this project as per the attached certification;

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

2. The Town Council of the Town of Newton hereby awards Bid for Morris Lake Water Treatment Rehabilitation Bid to VNL Inc., of Whitehouse Station, New Jersey, in the amount of \$998,000.00; and

BE IT FURTHER RESOLVED, that this award is subject to the approval of the New Jersey Infrastructure Bank.

RESOLUTION #218-2024*

“Appointment of the Project Engineer to Provide Engineering Construction Phase Services for the Town of Newton Water Treatment Plant (WTP) SCADA/PLC Replacement Project”

WHEREAS, the Town has a need for engineering services for the project known as Provide Engineering Construction Phase Services Town of Newton, Water Treatment Plant (WTP) SCADA/PLC Replacement Project; and

WHEREAS, the Town passed Resolution #48-2024 appointing Paulus, Sokolowski and Sartor, LLC as Alternate Water and Sewer Engineers for the Town of Newton for Calendar Year 2024; and

WHEREAS, Paulus, Sokolowski and Sartor, LLC has provided a proposal for services for said project in the amount of \$48,275.00 acceptable to the Town; and

WHEREAS, the Chief Municipal Financial Officer has certified funds are available to support the award of the Project Engineer as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Newton Town Manager to enter into a contract with Paulus, Sokolowski and Sartor, LLC for the project known as Provide Engineering Construction Phase Services Town of Newton Water Treatment Plant (WTP) SCADA/PLC Replacement Project in the amount of \$48,275.00.

RESOLUTION #219-2024*

“Authorize Refund/Cancellation of Taxes; Block 19.06, Lot 27, for a 100% Disabled Veteran Exemption”

WHEREAS, Guiseppe Santillo owns Block 19.06, Lot 27, also known as 9-A Diller Avenue, Newton, New Jersey; and

WHEREAS, the Municipal Tax Assessor has granted a 100% Disabled Veteran Tax Exemption on June 14, 2024 for the property owner; and

WHEREAS, the Tax Collector has determined the 2024 tax amount to be refunded is \$724.43 and the tax amount to be cancelled is \$3,561.72;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to Guiseppe Santillo in the total amount of \$724.43 which is retroactive to June 14, 2024 and that the tax amount of \$3,561.72 needs to be cancelled and this is the result of a 100% Disabled Veteran Tax Exemption; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the total amount of \$724.43 to Guiseppe Santillo, 9-A Diller Avenue, Newton, NJ 07860, and the Tax Collector be authorized to cancel a portion of the 2024 taxes in the amount of \$3,561.72.

RESOLUTION #220-2024*

“Authorizing a Contract With a Certain Approved State Contract Vendor, the Home Depot, for the Purchase of Building Supplies Under New Jersey State Contract M8001 Walk-In Building Supplies”

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 contract with The Home Depot, for the procurement of building materials and accessories under New Jersey State Contract M8001;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton, authorizes the Newton Town Manager or his designee(s) to purchase certain goods and services from The Home Depot, through New Jersey State Contract M8001, pursuant to all conditions of the individual State contracts.

RESOLUTION #221-2024*

“To Cancel \$3,500.00 From Water Sewer Utility Fund - Accounts Payable”

WHEREAS, there exists a balance in the Water Sewer Utility Fund – Accounts Payable in the amount of \$3,500.00 which is no longer needed; and

WHEREAS, Limecrest Road Chamber Valve Project has been completed; and

WHEREAS, it is necessary to formally cancel said balances so the Account Payable balance may be utilized in the Water Sewer Fund Balance for future capital needs;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that \$3,500.00 from the Water Sewer Utility Fund – Accounts Payable be canceled to Fund Balance.

**Town of Newton
Resolution 222-2024
Amendment to the Water/Sewer Capital Budget**

WHEREAS, the local Water/Sewer capital budget for the year 2024 was adopted on the 8th day of April, 2024; and **WHEREAS**, it is desired to amend said capital budget section; **NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, the following amendment(s) to the adopted capital budget section of Water/Sewer Capital Fund be made.

Recorded Vote (Insert Names)

()
 ()
 ()
 Ayes ()
 ()
 Nays ()
 ()
 ()
 Absent ()
 ()

**WATER/SEWER CAPITAL BUDGET (Current Year Action)
2024**

1 Project	2 Project Num.	3 Est. Total Cost	4 Amt. Res. In Prior Years	Planned Funding Services for Current Year 2024						Total Funded In Future Year
				5a 2024 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid/Other Fund	5f Debt Authorized		
Various Water/Sewer Improvements	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 Cap. Improvement Fund 2024 Budget	2024	2025	2026	2027	2028	2029
Various Water/Sewer Improvements	2024-U29	\$1,545,000.00	2025			\$1,545,000.00				
Total All Projects		\$1,545,000.00				\$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
Various Water/Sewer Improvements	\$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 that this is a true copy of a resolution amending the capital budget section adopted by the Town Council on the 19th day of August, 2024.

Approved _____, 2024

Teresa A. Oswin, RMC
Municipal Clerk

DIRECTOR OF LOCAL GOVERNMENT SERVICES

RESOLUTION #223-2024*

“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
11259	3897	- AMAZON CAPITAL SERVICES	\$360.57
11260	4848	- ANIMAL CARE EQUIPMENT & SERVICES, LLC.	\$252.09
11261	4744	- APPRAISAL SYSTEMS INC.	\$5,000.00
11262	4745	- ATHENIA MASON SUPPLY, LLC	\$472.40
11263	3251	- BADGER METER, INC.	\$221.76
11264	3087	- BASSANI POWER EQUIPMENT	\$67.08
11265	3905	- BLUE DIAMOND DISPOSAL INC.	\$550.41
11266	3355	- BRAEN STONE SPARTA	\$606.65
11267	300	- BRIGHTSPEED	\$3,257.61
11268	300	- BRIGHTSPEED	\$41.96
11269	300	- BRIGHTSPEED	\$125.85
11270	2124	- BUCKMAN'S INC.	\$3,549.15
11271	192	- CAMPBELL'S SMALL ENGINE INC.	\$116.58
11272	77	- CCP INDUSTRIES, INC.	\$252.00
11273	3770	- CINTAS	\$140.63
11274	2375	- COUNTY OF SUSSEX ELECTIONS	\$966.40
11275	4500	- CRYSTAL MOUNTAIN SPRINGS	\$261.66
11276	286	- CURRENT ACCOUNT	\$0.06

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11277	4180	- DIFRANCESCO BATEMAN, PC	\$40.00
11278	4525	- DISA GLOBAL SOLUTIONS	\$1,540.05
11279	2386	- DOMINICK'S PIZZA LLC	\$344.00
11280	106	- ELIZABETHTOWN GAS	\$1,993.39
11281	4775	- ENGIE NORTH AMERICA, INC.	\$32,592.22
11282	4774	- FABERS GARAGE LLC	\$505.36
11283	4355	- FAIRLEIGH DICKINSON UNIVERSITY	\$4,154.00
11284	4039	- FARMSIDE LANDSCAPE & DESIGN INC	\$172.50
11285	2640	- FERGUSON ENTERPRISES LLC #3326	\$145,901.19
11286	4747	- FF1 APPARATUS LLC	\$9,641.20
11287	197	- FIRE FIGHTERS EQUIPMENT CO. INC.	\$2,239.00
11288	3318	- FREDON ANIMAL HOSPITAL	\$99.20
11289	4724	- GANNETT NEW YORK/NEW JERSEY LOCALIQ	\$216.38
11290	4724	- GANNETT NEW YORK/NEW JERSEY LOCALIQ	\$218.40
11291	200	- GARDEN STATE LABORATORIES INC	\$2,560.00
11292	4755	- GATES FLAG & BANNER COMPANY INC.	\$55.00
11293	2313	- GRAVITY DESIGN WORKS, INC.	\$200.00
11294	230	- HAYEK'S MARKET INC.	\$1,553.64
11295	4337	- HFE SERVICES LLC	\$1,398.00
11296	1866	- HOME DEPOT, INC.	\$229.00
11297	1866	- HOME DEPOT, INC.	\$59.41
11298	1866	- HOME DEPOT, INC.	\$35.91
11299	4846	- HUTSEBAUT REBECCA	\$44.97
11300	2140	- HYDRO TECHNOLOGY, LLC.	\$1,200.00
11301	332	- J & D SALES & SERVICE, LLC.	\$250.00
11302	3235	- J. CALDWELL & ASSOCIATES, LLC.	\$15,100.00
11303	113	- JCP&L	\$19,996.03
11304	4836	- JESKY PHIL	\$275.00
11305	4396	- KIMBALL MIDWEST	\$1,452.06
11306	3711	- KKPR MARKETING & PUBLIC RELATIONS,	\$5,892.50
11307	4779	- KNOX ASSOCIATES INC	\$864.00
11308	2300	- LOWE'S, INC.	\$118.67
11309	352	- LUBRICATION ENGINEERS INC	\$2,149.94
11310	1319	- MAGLOCLIN, INC.	\$400.00
11311	1566	- MAIN POOL & CHEMICAL COMPANY, INC.	\$5,159.00
11312	62	- MGL FORMS - SYSTEMS, LLC.	\$275.00
11313	1613	- MITCHELL HUMPHREY INC.	\$2,590.00
11314	4219	- MONTAGE ENTERPRISES	\$199.20
11315	53	- MONTAGUE TOOL & SUPPLY, INC.	\$988.53
11316	3339	- MUNI CLERKS ASSO OF NJ	\$175.00
11317	4334	- NAME BADGES, INC.	\$25.82
11318	3847	- NAPA	\$275.00
11319	2607	- NORTHERN RAIN	\$148.00
11320	2788	- PENTELEDATA	\$319.90
11321	4204	- PLANET NETWORKS INC.	\$609.90
11322	4204	- PLANET NETWORKS INC.	\$99.95
11323	4554	- POW-R MOLE SALES LLC	\$189.69
11324	2212	- PROCESS TECH SALES AND SERVICE	\$1,586.33
11325	4273	- QUADIENT INC.	\$486.00
11326	39	- QUILL CORPORATION	\$31.08
11327	4203	- RAPID PUMP	\$1,348.05
11328	2644	- RICCIARDI BROTHERS, INC.	\$649.00
11329	4809	- RIVERVIEW PAVING, INC.	\$102,297.43
11330	3660	- SCHENCK, PRICE, SMITH, & KING, LLP	\$12,992.58
11331	4730	- SEALMASTER PMG SM Holdings, LLC	\$5,296.77
11332	4835	- SHACKELTON JAKE	\$275.00
11333	3134	- SHOP RITE, INC.	\$44.44
11334	2402	- SKYLANDS AREA FIRE EQUIP & TRAINING	\$900.00
11335	4141	- Standard Springs Inc	\$657.60
11336	2257	- STAPLES	\$757.37

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11337	2257	- STAPLES	\$46.25
11338	273	- STATE TREASURER	\$50.00
11339	572	- SUSSEX COUNTY CLERK	\$2,286.71
11340	130	- SUSSEX COUNTY P & H, INC.	\$36.55
11341	371	- T.A. MOUNTFORD COMPANY, INC.	\$945.00
11342	4844	- Thomas M. Ferry	\$399.00
11343	2675	- TIRE KING, INC.	\$50.00
11344	3575	- TOYOTA WORLD OF NEWTON	\$430.60
11345	2880	- TRACTOR SUPPLY	\$455.79
11346	1151	- TREASURER, STATE OF NEW JERSEY	\$720.00
11347	367	- TREASURER, STATE OF NEW JERSEY	\$300.00
11348	2476	- TREASURER, STATE OF NJ -BURIAL	\$25.00
11349	219	- TRI-STATE RENTALS, INC.	\$1,413.39
11350	3249	- TRI-STATE RENTALS/PARTY WORLD INC	\$1,533.75
11351	4767	- TROJAN TECHNOLOGIES CORP	\$6,577.15
11352	4130	- UNITED FIRE PROTECTION CORP.	\$5,100.00
11353	4579	- USPS	\$18,000.00
11354	2485	- VAN NIEUWLAND STEVE	\$79.93
11355	2635	- W.B. MASON, INC.	\$71.32
11356	633	- WEIS MARKETS, INC.	\$218.86
11357	4714	- WINDOW GENIE	\$825.00
TOTAL PREPAID			\$447,674.82

Check No.	Vendor #	Vendor	Amount
11360	1846	- ADVANCE AUTO PARTS	\$52,312.18
11361	2799	- AFLAC	\$2,366.68
11362	4845	- ALLISON A ILIFF	\$1,000.00
11363	3897	- AMAZON CAPITAL SERVICES	\$748.07
11364	3897	- AMAZON CAPITAL SERVICES	\$372.15
11365	3869	- AMERICAN FIDELITY ASSURANCE	\$669.80
11366	3868	- AMERICAN FIDELITY ASSURANCE COMPANY	\$683.32
11367	3355	- BRAEN STONE SPARTA	\$3,211.09
11368	300	- BRIGHTSPEED	\$58.60
11369	300	- BRIGHTSPEED	\$41.96
11370	702	- C W A LOCAL 1032	\$291.39
11371	2443	- CAMPBELL FOUNDRY CO. INC.	\$2,364.00
11372	192	- CAMPBELL'S SMALL ENGINE INC.	\$111.96
11373	4706	- CARLUCCI, MICHAEL	\$3,707.27
11374	77	- CCP INDUSTRIES, INC.	\$2,204.00
11375	1333	- CERBO'S HAMPTON NURSERY INC.	\$1,185.00
11376	1632	- COOPER ELECTRIC SUPPLY CO.	\$47.98
11377	155	- COYNE CHEMICAL CORP., INC.	\$2,044.04
11378	768	- DEMPSEY UNIFORM & SUPPLY INC	\$2,075.35
11379	4525	- DISA GLOBAL SOLUTIONS	\$216.00
11380	2386	- DOMINICK'S PIZZA LLC	\$79.75
11381	4111	- DOWNTOWN NEW JERSEY	\$300.00
11382	106	- ELIZABETHTOWN GAS	\$2,422.78
11383	4385	- ERIC M. BERNSTEIN & ASSOCIATES, LLC.	\$6,152.70
11384	4774	- FABERS GARAGE LLC	\$2,141.77
11385	2640	- FERGUSON ENTERPRISES LLC #3326	\$1,791.23
11386	3318	- FREDON ANIMAL HOSPITAL	\$378.84
11387	4506	- GLENN C KIENZ	\$800.00
11388	4398	- GLOBAL RECYCLING SOLUTIONS LLC	\$942.19
11389	3804	- HAYDEE BALLESTER	\$150.00
11390	4337	- HFE SERVICES LLC	\$1,369.00
11391	3876	- HOLLAND COMPANY, INC.	\$11,471.39
11392	1866	- HOME DEPOT, INC.	\$1,837.29

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11393	3235	- J. CALDWELL & ASSOCIATES, LLC.	\$8,290.00
11394	1271	- JCI JONES CHEMICALS, INC	\$2,480.14
11395	113	- JCP&L	\$1,040.59
11396	3029	- Jesco Inc.	\$800.00
11397	3644	- JOHNNY ON THE SPOT, LLC.	\$1,237.56
11398	2569	- KIEFFER ELECTRIC, INC.	\$36,903.24
11399	4658	- LAW OFFICE OF ORLANDO R RODRIGUEZ, LLC	\$1,333.33
11400	391	- LOU'S GLASS & TRUCK ACCESSORIES LLC	\$2,060.00
11401	1566	- MAIN POOL & CHEMICAL COMPANY, INC.	\$2,740.00
11402	409	- MINISINK PRESS INC	\$68.00
11403	53	- MONTAGUE TOOL & SUPPLY, INC.	\$540.74
11404	170	- NEWTON BOARD OF EDUCATION	\$1,155,370.92
11405	3894	- Newton Medical Center Foundation	\$150.00
11406	700	- NEWTON PATROLMANS ASSOCIATION	\$900.00
11407	1745	- NEWTON SUPERIOR OFFICERS	\$420.00
11408	336	- NEWTON TROPHY	\$7.00
11409	213	- NEWTON VETERINARY HOSPITAL	\$215.78
11410	2835	- NJMEBF	\$223,935.00
11411	1207	- NJMMA	\$200.00
11412	4639	- OLMSTED MURAL GROUP	\$1,965.62
11413	2882	- ONE CALL CONCEPTS, INC.	\$148.35
11414	4383	- OPTIMUM	\$76.57
11415	4651	- PANERA, LLC.	\$38.94
11416	1407	- PASSAIC VALLEY SEWERAGE COMM.	\$10,206.00
11417	4711	- PAVING MATERIALS & CONTRACTING LLC	\$15,613.67
11418	4204	- PLANET NETWORKS INC.	\$399.90
11419	4204	- PLANET NETWORKS INC.	\$199.90
11420	2504	- PowerDMS, Inc.	\$6,229.54
11421	39	- QUILL CORPORATION	\$277.56
11422	2478	- RACHLES/MICHELE'S OIL COMPANY, INC.	\$9,071.06
11423	4134	- RAVE WIRELESS, INC.	\$4,535.00
11424	4425	- Reliance Standard Life Insurance Co	\$224.96
11425	126	- SCMUA	\$1,089.26
11426	4830	- SEARCH GEEK SOLUTIONS LLC	\$1,416.67
11427	611	- SEBRING AUTO PARTS, INC.	\$260.52
11428	4644	- SIEGEL, STEVEN M.	\$2,875.01
11429	2402	- SKYLANDS AREA FIRE EQUIP & TRAINING	\$835.60
11430	316	- SPARTA TOWNSHIP TAX COLLECTOR	\$18,749.83
11431	2257	- STAPLES	\$205.77
11432	273	- STATE TREASURER	\$50.00
11433	4440	- STORR TRACTOR COMPANY	\$151.38
11434	3309	- STRAUS NEWS, INC.	\$835.00
11435	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	\$29,931.00
11436	2056	- SUBURBAN PROPANE, LP.	\$1,757.40
11437	3442	- SUNLIGHT GENERAL	\$3,780.36
11438	102	- SUSSEX CAR WASH INC	\$176.00
11439	371	- T.A. MOUNTFORD COMPANY, INC.	\$170.00
11440	4278	- TEXAS LIFE INSURANCE COMPANY	\$88.45
11441	3851	- THE CANNING GROUP, LLC.	\$708.33
11442	4239	- THE COPPER KETTLE	\$900.00
11443	676	- THE EQUITABLE	\$11,190.00
11444	2675	- TIRE KING, INC.	\$361.00
11445	4814	- TNS CONSTRUCTION, LLC.	\$78,400.00
11446	2880	- TRACTOR SUPPLY	\$156.99
11447	691	- TRANS WORLD ASSURANCE CO.	\$400.00
11448	1151	- TREASURER, STATE OF NEW JERSEY	\$100.00
11449	2781	- TRIMBOLI & PRUSINOWSKI, LLC.	\$2,735.00
11450	521	- TRUST ACCOUNT, TOWN OF NEWTON	\$250.00
11451	4130	- UNITED FIRE PROTECTION CORP.	\$2,849.00
11452	4152	- UNITED SITE SERVICES, INC	\$21,089.25

11453	1469	- UNIVERSAL SUPPLY GROUP INC.	\$91.18
11454	1257	- UNUM LIFE/DISABILITY INSUR	\$872.23
11455	2716	- UPSEU LOCAL 424J	\$756.00
11456	4617	- VALLEY MEDICAL GROUP	\$412.00
11457	1280	- VERIZON WIRELESS, INC.	\$1,830.53
11458	1158	- VISION SERVICE PLAN	\$1,255.88
11459	2635	- W.B. MASON, INC.	\$428.68
11460	217	- W.E. TIMMERMAN COMPANY, INC.	\$429.75
11461	633	- WEIS MARKETS, INC.	\$248.49
11462	4815	- WELDON QUARY CO., LLC.	\$6,031.39
11463	2576	- WHITE JOE	\$51.65
11464	3080	- WINGLE SUPPLY COMPANY INC.	\$1,142.91
11465	4606	- WINOWSKI RICHARD	\$250.00
TOTAL			\$1,788,539.66

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

Mrs. Diglio asked for discuss Resolution #211-2024 and the issue of tenure. Mr. Russo stated the updated resolution, which the Council has, contains the statutes which have been provided by Eric Bernstein, Esq. The position of Clerk is reappointed for a second three (3) year term, barring any maleficence, conflicts, or crimes, Terri will receive in her fifth year, tenure. A Clerk's appointment is for three (3) years; therefore, tenure will be achieved during this reappointment.

Mrs. Diglio questioned Resolution #218-2024, stating we already have appointed them as our engineers, why are we now appointing them as project engineers?

Mr. Russo asked Sean Sauder of PS&S to come forward to clarify.

Mr. Sauder stated this resolution is being done because we are seeking funding through the I-Bank, and before they authorize award of the contract, they require you to have an engineering firm for construction admin and construction phase services. The previous award was for the design portion, now going forward they want to make sure there is oversight through the construction phase of the project.

Deputy Mayor Le Frois 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 11405, 11418 & 11419)		

OPEN TO THE PUBLIC

Mayor Couce opened the meeting to the public.

Samantha Waldron came forward and thanked the Town Council for her appointment, she is looking forward to serving her community.

Wallace Struble says he has lived here in Newton for twenty (20) years on Linwood Annex. He is asking if there is any way the Town could make it a one-way street. He has a retaining wall he has spent \$20,000.00 on; it has been damaged three (3) times in the past year costing over \$14,000 in repairs. What does he have to do to get the street one-

way.

John McGuigan, he lives on Emmons Avenue. He is here with his wife Patty and friend Danielle. He wanted to join in on all the well-deserved congratulations for Harry Kaplan. He has known Harry for over thirty (30) years. He has been a tireless volunteer, and the award is richly deserved. He also wanted to thank the Council for the Dog Park; he gets a lot of enjoyment from it. It has been a real asset to the community.

Joseph Atkinson came forth to piggy-back on what Mr. Struble said. He hasn't had any property damage, but he has experienced some awkward encounters with people pulling into his driveway to try and let him pass. It happens four (4) to five (5) times a week. It is becoming a very active alleyway. He distributed photos to give a visual of what he is talking about.

Ludmilla Mecaj on Zoom thanked the Council for addressing her question earlier, but she does not think they understood what she wanted to know. She is looking for why the State is requiring Newton to do the dust-swiping for lead testing, what is their data based on. Also, she has a question on the ordinance, is the bond ordinance for \$1,545,000 the whole amount of the project or just a phase, and will it be put to bid. She is concerned about the taxes and hopes we look for the lowest cost.

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

Mayor Couce stated he is in support of looking into the request to make Linwood Annex one-way.

Mr. Russo stated he would reach out to our Town Engineer on the matter.

Mayor Couce then directed Dr. Mecaj to the State for an explanation on why Newton must do the dust-swipe test. As for the ordinance the Mayor deferred to Mr. Ferry for clarification.

Mr. Ferry stated for Ordinance 2024-20 there appears to have been something lost in the conversation between the former CFO, Monica and Bond Counsel. The \$1,545,000 should have been a supplement to Ordinance 2023-8, but it was done as an amendment. Ordinance 2024-25 cancels Ordinance 2024-20 and will supplement Ordinance 2023-8 as it should have been done originally.

Mrs. Diglio asked for clarification on what the total amount of the project will be. Mr. Ferry responded it will be \$1,110,000 plus the \$1,545,000 supplement.

Mayor Couce asked if this is funded through the I-Bank and their principal forgiveness program. Mr. Ferry responded: yes.

DISCUSSION

Mr. Russo asked Jessica Caldwell, the Town's Planner, to come forward at this time for our discussion on E-Bikes and E-Scooters and Chief VanNieuwland.

Ms. Caldwell reviewed her memo of August 1, 2024, entitled "E-Bike and E-Scooter Regulations Memorandum" in which she did some research as the Council requested. She stated in 2019 the use of low-speed electric bicycles (under 20 mph) and low-speed electric scooters (under 19 mph) were added to Title 39 Traffic code. These differ greatly from motorized bicycles. The memo outlines the differences. Ms. Caldwell stated the

memo gives examples of ordinances from other towns. Ms. Caldwell said putting it in an ordinance will help clearly define what is allowed and not allowed. Safety is very important. Educating the public and signage were discussed as options.

The Chief said it is a concern because the low-speed bikes are not easily seen by motorists, and most do not have headlights. Many riders are not using them safely. He feels it is a good idea to put it in an ordinance, making it clear and concise to educate the public.

A discussion ensued. Mr. Dickson noted in the sample ordinance there is nothing on the storage of the batteries for these vehicles. Ms. Caldwell stated she could do more research on that matter. He then asked if we could use the NPP Grant money for the signage and education; Mr. Russo responded yes. Mr. Dickson also said the upcoming Fall Festival is a great opportunity to educate the public on this matter.

Mr. Russo stated if it was okay with the Council, he along with Eric, Jessica, and the Chief will draft an ordinance for their consideration based on what was discussed tonight. The Council agreed. The Mayor thanked the Chief and Ms. Caldwell for their time.

The next item up for discussion is the Water/Sewer Project Overview. Mr. Russo invited the Town's Water Engineer, David Simmons, Jr. to come forward.

Mr. Simmons reviewed his most recent weekly project report with the Council. He reviewed some key projects such as the Bridge Q-6 project in Sparta in which the Town had to relocate our 16-inch watermain. The Thorlabs projects for Quantum Realm and Quantum Leap. The staff is expected to move in by the end of next month, they will be tying into the water service line and sanitary sewer line on Diller. For Quantum Leap they will be developing behind Merriam Gateway, and they are doing some easement work for the bike path. Two projects of note are the work on Mason Avenue and New Hampshire Street. The Town's staff is doing the work, they have already installed 300 ft of the main, and they will be doing the valves tomorrow on Mason. The work on New Hampshire will probably be carried through until the new year. We are lucky our crews can do this work. Some other projects of note are the Morris Lake Gatehouse Blowoff, the Lead Service Line replacement, which we have another six to seven years to complete, the PFAS matter which he is working on with our attorney, 121 Water Street which we are still waiting on the DOT, 121 Main Street, they have been before the Planning Board and must now go before the Utility Advisory Board, and that is the same for 43 Trinity St. Mr. Simmons also said he meets with Thorlabs every other week on their various projects. He went on to say gas lines have recently been installed in the Fox Hollow area, he keeps on top of things like this, so we do not run into any issues with them hitting our watermains. Mrs. Diglio questioned when Fox Hollow Lake came to be. Mr. Simmons said in research he found out Fox Hollow came to be back in 1895, it was a swampy area we laid our watermain through, then Sparta filled in the area with water to create the lake.

Mayor Couce thanked Mr. Simmons for his overview.

Next, the Town's Sewer Engineer's Frederick Margron and Sean Sauder came forward along with Tom Ferry to discuss the sewer projects.

Mr. Ferry reviewed the spreadsheet he prepared which is broken into three (3)

sections. The 2024 projects, the 2025 projects, and Suburban's projects which were the purchase of vehicles and the Memory Park Drainage project, which are pretty much all complete.

The major project we are doing right now is the Water Treatment Plant SCADA – Chemical Room upgrades. Kenny Jaekel said it is like Chernobyl in that room. The project started out at \$338,000 and we recently went out to bid and it is \$998,000 for the Chemical Room.

Mr. Margron stated the Chemical Room rehab grew in scope significantly since its initial plan. Originally the project was to consist of some concrete and mason repair in order to access the piping. Once we started to get into it, we realized the pumps and tanks need to be replaced. Then the HVAC system, both heating and ventilation systems went out, so they had to include that in the project. They put the project out to bid and then we were made aware of the I-Bank principal forgiveness program. So, we had to cancel the bid on the project and go through the I-Bank approval process which is a very slow and arduous process.

The discussion ensued with the Council asking questions of Mr. Margron about the I-Bank process and the funding. Mr. Margron answered all their questions and explained his frustration with submitting items to the I-Bank for approval and it taking months for a response, and when they are able to get in contact to follow-up with someone they are told "any day now". We can not go out to bid without the I-Bank approval first. Mr. Dickson asked if there is a chance of us not getting forgiveness. Mr. Sauder explained we missed last year's funding but are the top of the list for this year. Mr. Margron stated they meet with I-Bank monthly, and we have been given every indication that we are next in the que and will receive forgiveness, but they will not tell you until you close. So, we just do not know 100% for sure what we are getting, but every indication we have been given is we are on the front of the list. Mr. Sauder stated the Water Treatment Plant SCADA is also waiting for I-Bank approval. The Council questioned some other projects such as the Sparta Ave Pump Station, which began in 2017. Mr. Margron explained the project had to be restarted because the LOI for the Wetlands permit expired. They are waiting for the DEP for the permit to be issued. The DEP staff are still working from home, so it is nearly impossible to get in touch with anyone. Once they get the permit, they will submit the permit and plans to the I-Bank for approval to go out to bid.

Mr. Russo stated most Town's do not work with I-Bank. The Council has instructed him to pursue grant funding, so we must deal with I-Bank and the DEP. It is not a question of our engineers not doing the work, but we are trying to help our ratepayers by getting funding. We are quick on the turnaround, but with I-Bank and DEP we must wait. He asked that they give our professional some grace because they have been putting in a lot of time, and both Monica and Tom have worked really hard on these projects.

After a brief discussion Mrs. Diglio suggested Mr. Russo reach out to Senator Space's office for assistance.

The Mayor thanked Mr. Margron and Mr. Sauder for their explanation of things.

COUNCIL MANAGER COMMENTS –

Mrs. Diglio thanked Mr. Ferry and the engineers for doing all this work to explain everything.

EXECUTIVE SESSION

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

Mr. Russo left at this time, 9:15pm.

Mr. Bernstein stated the first item to be discussed in the Executive Session is Attorney-Client Privilege. Official action may or may not be taken once the meeting is concluded back in public session.

Upon motion by Deputy Mayor Le Frois and seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 9:16pm.

Upon motion by Mrs. Le Frois seconded by Mrs. Diglio and unanimously carried, Council exited Executive Session at 10:11pm.

Mr. Bernstein stated all members of the Council present at the commencement of the Executive Session are present at the re-commencement of the open session at 10:11pm. Defining what is present, Mayor Couce, Deputy Mayor Le Frois, Councilmember Diglio are present in the Council Chambers, Councilmember Teets has been attending remotely and Mr. Dickson who had to go to work at the beginning of the Executive Session are present as well via the telephone. Also present is the Town Attorney, and present for a short period of time was the Municipal Clerk Teresa A. Oswin, who the Council asked to recuse herself and designate the Attorney to take notes regarding the same. Mr. Bernstein stated there was a discussion on procedures with regards to powers and duties within the confines of the Council relative to employee to or other investigation matter, advise was sought on parameters. It is the Council's desire to continue the provisions of Resolution #224-2024 by carrying it to the September 11, 2024, Town Council meeting at 7:00pm or as soon thereafter the matter may be heard. The Council would like Labor Counsel, James Prusinowski and Special Counsel, Robert McBriar to be present consult with the Governing Body.

Mrs. Diglio made a motion to carry Resolution #224-2024 to the September 11, 2024 meeting, and Deputy Mayor Le Frois 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	

At this time the Town is not taking any formal action, the matter is being carried to September 11, 2024.

ADJOURNMENT

August 19, 2024

There being no further business to be conducted, upon a motion by Mrs. Diglio seconded by Deputy Mayor Le Frois and unanimously carried, the Regular meeting was adjourned at 10:14pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Teresa A. Oswin". The signature is written in a cursive style.

Teresa A. Oswin, RMC
Municipal Clerk