

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

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

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

APPROVAL OF MINUTES

Upon motion by Deputy Mayor Le Frois, seconded by Mrs. Teets, the minutes for the October 16, 2024, Regular Meeting were unanimously approved.

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.

Kristen Becker came forth and thanked the Council for their support for her new business on Spring Street which she opened today. She next said she has spoken to three (3) of the five (5) Council members about an issue with her neighbor at 155 Spring Street doing roofing work without a permit. She had to call the police over the weekend because she thought there was a stop work order in place. The police had no way of knowing and she thinks there could be better communication between all the departments and the public when there is a construction/code issue, so she doesn't have to resort to calling the police.

Next on Zoom Ludmilla Mecaj raised her hand to speak. She wanted clarification on the "Free Rabies" clinic and who pays for it.

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 asking Ms. Oswin to answer Dr. Mecaj's question. Ms. Oswin explained a portion of the fee collected for dog licenses each year is sent to the State. The State then supplies the serum for any municipality wishing to hold a free rabies clinic.

Mr. Russo then reminded everyone the Halloween Parade is on 10/31, Election Day is 11/5 and Town Hall will be closed for business, Flags of Honor is on 11/9, Town Hall will also be closed on 11/11 for Veterans Day. Also, on 11/9 there are two events at the Recycling Center, one for Tires and the other for paper shredding. Also, on 11/11 there will be a VFW remembrance ceremony for the retiring of flags. Our DPW assisted in building the fire pit for this.

Councilmember Dickson – nothing to report.

Councilmember Teets – thanked Tom and the Superintendent of Schools for working together. She brought some items to Tom's attention recently and in a collaborative effort the school events will also be held at our parks. She congratulated Trey McClure on winning the Veterans pin design.

Councilmember Diglio – reminded everyone the Holiday Parade is the Saturday after Thanksgiving.

Deputy Mayor Le Frois – reminded everyone polling stations are open for early voting. On 10/18 she attended the SCEDP awards luncheon, there were Newton nominees in every category. Congratulations to Kimberly Williams on winning the Business Advocate award. Other Newton business awarded were Thorlabs, SCCC, Planet Networks. She also congratulated Tom Russo on his nominations. On 10/22 she attended the D.A.S.I. candlelight vigil and presented our Domestic Violence Awareness proclamation. At the Planning Board meeting this month the County gave a demonstration of their G.I.S. parcel document viewer program. She attended the P.S.S. Season of Hope kickoff, it is the annual toy drive. They provide toys for Christmas for 2,500 children in Sussex and Warren Counties.

Mayor Couce – wanted to acknowledge for the record the fantastic job the recycling staff has done in revamping the program and all we offer the community in recycling options. He addressed Ms. Becker by letting her know we will be looking into her concerns. Lastly, he reminded everyone the Free Rabies Clinic is a free and easy way to vaccinate your pet. Rabies is preventable through vaccination.

PRESENTATION

At this time Mr. Russo invited the Code Enforcement Officer forward.

Michael Monaco, Code Enforcement Office gave a brief overview of what he does daily and presented some pictures on some of the more notable property maintenance issues currently active in his office.

At this time Mr. Russo invited the Construction Official forward.

Joesph Butto, Construction Official presented a printout of Permit Activity Trends in construction for the past few years. He spoke on how his office works collectively with Code Enforcement, Planning/Zoning, and the Health Department to address some of the more serious issues in Town. He did note so far this year \$58,996.00 in fees have been

waived due to the projects being owned by either the Town, County, or schools, and it's based on the value of the improvements.

Lastly, Kerry Brown, the Zoning Officer was invited forward. She presented a brief PowerPoint on the Planning and Zoning Department. A copy has been placed on file in the Municipal Clerk's Office.

The Council thanked Mr. Monaco, Mr. Butto, and Ms. Brown for their hard work.

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 #258-2024*

"Authorize Premium Payment Turned Over to the Treasurer"

WHEREAS, Tax Sale Certificate #2019-004 was issued at the Tax Sale held on October 23, 2019, with zero percent redemption and a premium of \$18,200.00 on Block 4.02, Lot 27, also known as 15 Shady Lane; and

WHEREAS, N.J.S.A. 54:5-33 states if redemption is not made within five (5) years from the date of the sale, the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, it has been more than five (5) years since Tax Sale Certificate #2019-004 was issued on October 23, 2024, therefore the premium in the amount of \$18,200.00 is to be turned over to the Treasurer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges the premium for Tax Sale Certificate #2019-004 in the amount of \$18,200.00 be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$18,200.00 for said premium to the Treasurer of the Town of Newton.

RESOLUTION #259-2024*

"Resolution Authorizing Disposal of Surplus Property – Vehicles"

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through Municibid pursuant to NJ State Contract 19-GNSV1-00696 in accordance with the terms and conditions of the State Contract.

- 2) The sale will be conducted online and the address of the auction site is <https://municibid.com>.
- 3) A list of the surplus property to be sold is as follows:
 - a. 2013 Toyota Camry - Hybrid
Vin: 4T1BD1FKXDU082910
Condition: Fair
 - b. 2000 Freightliner FL 112
Vin: 1FVXTMCB3YHH12890
Condition: Fair
 - c. 2005 Sterling Single Axle Dump
Vin: 2FZAATBS25AN93568
Condition: Fair
 - d. 2006 Chevy 3500
Vin: 1GBJK34U46E155423
Condition: Fair
 - e. 2007 Ford Ranger
Vin: 1FTYR11U97PA09927
Condition: Fair
 - f. 2008 Chevy 4500
Vin: 1GBE4C3938F400119
Condition: Fair
- 4) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 5) The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #261-2024*

“Authorize Award of SCADA/PLC Replacement Project”

WHEREAS, a need exists for the bid for the project known as SCADA/PLC Replacement 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 four (4) bids on October 9, 2024, at 11:00A.M. to wit:

Name of Bidder	Advanced Control Systems	Uptime Automation	Rapid Pump & Meter	VNL Inc.
Total Bid	\$210,650.00	\$228,000.00	\$478,490.00	\$498,000.00

WHEREAS, Advanced Control Systems, was determined to be the lowest responsible bidder in accordance with N.J.S.A.40A:11-4a, by the Town Engineers, Attorney, and Qualified Purchasing Agent; and

WHEREAS, the Chief Municipal Financial Officer has certified funds are available 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. That the Town Council of the Town of Newton hereby awards the bid for the project known as SCADA/PLC Replacement Project, in the amount of \$210,650.00 to Advanced Control Systems; and
2. The Newton Town Manager, Mayor, and/or Clerk are authorized to sign any appropriate paperwork in order to execute the award of the project mentioned above.

RESOLUTION #262-2024*

“Resolution Approving Vacation & Sick Leave and Accumulated Compensatory Time Payout for Thomas Muller”

WHEREAS, Thomas Muller, Police Lieutenant, with the Newton Police Department, retires effective October 31, 2024, and is entitled to payout for unused and accrued vacation & sick leave, and accrued compensatory time pursuant to applicable law, Town Ordinances, Policemen’s Benevolent Association, Local #138 – Superior Officers Association Agreement, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council authorizes the following payout for unused and accrued vacation & sick leave, and accumulated compensatory time to Thomas Muller as follows:

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Thomas Muller	October 31, 2024	\$119,585.90

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

RESOLUTION #263-2024*

“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 Name	Amount
11793	89	- AIRMARK POOLS, INC.	2,738.84
11794	3897	- AMAZON CAPITAL SERVICES	208.17
11795	4885	- AMERICAN SECURITY CABINETS	3,883.00
11796	3325	- APCO INTERNATIONAL, INC.	1,035.00
11797	32	- B & R UNIFORM, INC.	996.25
11798	3355	- BRAEN STONE SPARTA	13,801.44
11799	300	- BRIGHTSPEED	3,458.50
11800	4706	- CARLUCCI, MICHAEL	3,707.27
11801	3770	- CINTAS	447.78
11802	4147	- CONVERGINT TECHNOLOGIES, LLC.	591.90

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11803	176	- COUNTY OF SUSSEX	1,322,464.93
11804	1425	- COUNTY OF SUSSEX	4,895.48
11805	178	- COUNTY OF SUSSEX	105,139.23
11806	4500	- CRYSTAL MOUNTAIN SPRINGS	309.60
11807	2048	- DANIELSON, DEBORAH	158.12
11808	2386	- DOMINICK'S PIZZA LLC	75.00
11809	106	- ELIZABETHTOWN GAS	1,571.47
11810	4039	- FARMSIDE LANDSCAPE & DESIGN INC	435.00
11811	4747	- FF1 APPARATUS LLC	534.66
11812	197	- FIRE FIGHTERS EQUIPMENT CO. INC.	188.00
11813	2525	- FIREFIGHTER ONE, LLC.	69,940.94
11814	250	- FIRST UNITED METHODIST CHURCH	150.00
11815	3318	- FREDON ANIMAL HOSPITAL	123.00
11816	4724	- GANNETT NEW YORK/NEW JERSEY LOCALIQ	1,365.67
11817	1625	- GENSERVE INC.	305.00
11818	4506	- GLENN C KIENZ	800.00
11819	3804	- HAYDEE BALLESTER	150.00
11820	230	- HAYEK'S MARKET INC.	100.00
11821	1866	- HOME DEPOT, INC.	5,694.03
11822	1866	- HOME DEPOT, INC.	8,436.41
11823	113	- JCP&L	13,867.44
11824	2618	- JMC ENVIRONMENTAL CONSULTANTS, INC.	4,949.11
11825	3644	- JOHNNY ON THE SPOT, LLC.	756.00
11826	2569	- KIEFFER ELECTRIC, INC.	1,648.00
11827	3711	- KKPR MARKETING & PUBLIC RELATIONS,	4,350.00
11828	4658	- LAW OFFICE OF ORLANDO R RODRIGUEZ, LLC.	1,333.13
11829	4754	- LENTINI FARMS, INC.	675.00
11830	2300	- LOWE'S, INC.	24.68
11831	3308	- MASON-WILLIAMS, KIMBERLY	232.74
11832	409	- MINISINK PRESS INC	808.00
11833	3926	- MOTOROLA SOLUTIONS, INC.	34,226.25
11834	170	- NEWTON BOARD OF EDUCATION	1,155,370.92
11835	240	- NEWTON FIRST AID SQUAD	325.00
11836	4655	- NISIVOCCIA LLP	1,750.00
11837	4625	- NJ ENTERTAINERS LLC	5,050.00
11838	1762	- NJSACOP	475.00
11839	4656	- PAULUS, SOKOLOWSKI & SARTOR LLC	29,054.89
11840	2788	- PENTELEDATA	319.90
11841	4737	- PMC ASSOCIATES, INC.	258,530.24
11842	4126	- PROFESSIONAL CONSULTING INC.	7,840.00
11843	4273	- QUADIENT INC.	512.60
11844	2478	- RACHLES/MICHELE'S OIL COMPANY, INC.	6,684.49
11845	4203	- RAPID PUMP	612,737.49
11846	4203	- RAPID PUMP	2,583.00
11847	4199	- RUTGERS LIFELONG LEARNING CENTER	2,298.00
11848	1261	- S/NJ EMPLOYER ACCOUNTS	7,229.36
11849	55	- SCHMIDT'S WHOLESALE, INC	4,495.00
11850	4868	- SCHMITZ SAFE & LOCK LLC	1,783.10
11851	2145	- SEELY BROTHERS, INC.	1,852.50
11852	3134	- SHOP RITE, INC.	99.90
11853	4644	- SIEGEL, STEVEN M.	2,874.96
11854	3117	- SOME'S WORLDWIDE UNIFORMS, INC.	1,395.00
11855	4731	- SPARTA COBBLER	225.00
11856	2257	- STAPLES	558.49
11857	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	2,192.91
11858	229	- SUSSEX COUNTY ECONOMIC	1,290.00
11859	2479	- TAYLOR OIL CO., INC.	5,244.60
11860	4862	- TERRA FERMA CONTRACTING, CORP.	71,815.38

11861	3851	- THE CANNING GROUP, LLC.	708.33
11862	2880	- TRACTOR SUPPLY	159.08
11863	2485	- VAN NIEUWLAND STEVE	1,136.40
11864	1280	- VERIZON WIRELESS, INC.	1,900.08
11865	1500	- WALMART	32.90
11866	3758	- WALTER CHADWICK	75.04
TOTAL			3,805,174.60

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

Mr. Dickson asked for Resolution #260-2024 to be pulled.

RESOLUTION #260-2024

“Authorize Appointment of Chief of Police and Execution of an Employment Agreement with Joseph D’Annibale”

WHEREAS, Steven VanNieuwland has notified the Governing Body of his intention to retire as Newton's Chief of Police; and

WHEREAS, Mr. VanNieuwland's last active working day in the Police Department will be November 13, 2024, when he will commence approved terminal leave until January 31, 2025, his official last day of employment with Town of Newton; and

WHEREAS, the Town Manager, Thomas S. Russo, Jr., has determined Lt. Joseph D'Annibale is the most suitable replacement for Mr. VanNieuwland and recommends offering the position of Newton Chief of Police to Lt. Joseph D'Annibale; and

WHEREAS, Lt. D'Annibale has expressed interest in the position of Police Chief; and

WHEREAS, the parties therefore have prepared an Employment Agreement that has been reviewed by the Labor Attorney and the Town Manager, for the appointment of Joseph D'Annibale as Police Chief for the Town of Newton through December 31, 2027;

NOW, THEREFORE BE IT RESOLVED, that the Town Council agrees with the Town Manager's recommendation, therefore, Joseph D'Annibale is hereby appointed as Acting Police Chief effective Thursday, November 14, 2024, through January 31, 2025, during Mr. VanNieuwland's terminal leave; and

BE IT FURTHER RESOLVED, that Joseph D'Annibale is hereby appointed as Police Chief of the Town of Newton, effective February 1, 2025 and Mr. D'Annibale will become the 13th Chief of Police of Newton in the Department's history; and

BE IT FURTHER RESOLVED that the Town Manager and Municipal Clerk are hereby authorized to execute the aforementioned written Employment Agreement with Joseph D'Annibale on behalf of the Town of Newton, said Agreement being attached to and made part of this Resolution, and said Agreement to govern the terms of Mr. D'Annibale's service as Chief of Police (Acting) beginning November 14, 2024 and as Chief of Police commencing February 1, 2025.

Deputy Mayor Le Frois made a motion to approve Resolution #260-2024, and Mrs. Teets seconded the motion, and a roll call resulted as follows:

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

Deputy Mayor Le Frois then asked Mr. DiYanni, what does the split vote mean. Mr.

DiYanni explained there was not a majority of affirmative votes, therefore the resolution is not approved.

A discussion ensued on what the next steps should be. Mr. Russo asked Mr. Dickson and Mrs. Diglio what he could provide to them to reconsider their vote. Mr. Dickson stated he feels the salary is too much and it's a slippery slope if we keep increasing the salary for the Police Chief. Mrs. Diglio said she would like to see the salaries of other Police Chiefs in the County and similar municipalities in other counties.

Mayor Couce directed Mr. Russo to gather the information for the Council to review before the next meeting so they can discuss it in Executive Session. Mr. DiYanni stated the Resolution can be placed on the next meeting agenda for reconsideration.

The Mayor redirected the Council back to the Consent Agenda.

Deputy Mayor Le Frois made a motion to approve the **COMBINED RESOLUTIONS of the Consent Agenda**, 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 (abstain on Check #11835)	Yes	

OPEN TO THE PUBLIC

Mayor Couce opened the meeting to the public.

On Zoom Peg Baldini stated she had concerns regarding the Police Chief's salary as she believes Mr. Russo's contract has language which stipulates he would always be the highest paid employee. Mr. Russo advised that the clause is no longer in his contract.

Also on Zoom, Ludmilla Mecaj asked if the Manager considered that Newton is only 3.2 square miles and Andover for example is 60 square miles. Did he take into consideration the experience of the candidate and how did he decide on the salary?

Mr. Russo explained we are a Civil Service town and follow their guidelines. The contract was based on the current Chief's contract, the salary is within the Ordinance minimum and maximum amounts. He went on to say you cannot compare Newton to any of our neighboring municipalities as we are the County Seat and have a higher call volume, more staff, and provide animal control and dispatch services.

COUNCIL MANAGER COMMENTS – None.

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 and Mr. DiYanni left at 8:19pm.

Mr. Robert McBriar, Conflict Counsel, stated the item to be discussed in the Executive Session is Attorney-Client Privilege. Official action may or may not be taken

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once the meeting is concluded back in public session.

Upon motion by Mrs. Teets and seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 8:20pm.

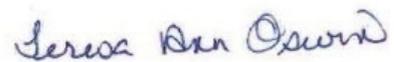
Upon motion by Mrs. Le Frois seconded by Mrs. Diglio and unanimously carried, Council exited Executive Session at 9:01pm.

Mr. McBriar 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 9:01pm. Also present is the Town Conflict Attorney, Labor Attorney, and Insurance Counsel. The Municipal Clerk, Teresa A. Oswin, was asked by the Council to recuse herself and designate the Conflict Attorney to take notes regarding the same at the beginning of the Executive Session. No formal action is to be taken at this time.

ADJOURNMENT

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 9:02pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk