

March 11, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mr. Schlaffer (arrived @ 7:03 pm) Thomas S. Russo, Jr., Town Manager and Ursula Leo, Esq., Town Attorney. Mayor Le Frois was excused.

Deputy Mayor Flynn 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 4, 2019."

Deputy Mayor Flynn led the Pledge of Allegiance to the flag and the Municipal Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Mr. Dickson and unanimously carried, the minutes for the February 9, 2019 Budget meetings and the February 25, 2019 Regular were approved. Deputy Mayor Flynn abstained from February 25, 2019 meeting minutes.

OPEN TO THE PUBLIC

At this time, Deputy Mayor Flynn 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 5 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."

Ralph Porter, 12 Pine Street, complained that the snow was not removed from the corner of Woodside Avenue and Sparta Avenue. He expressed his frustration with the properties that are not shoveled and asked the Town Manager to do something.

Tracy Paparella, 56 Halsted Street, read from a prepared statement:

1) "The manager told the NJ Herald that the "pool has LOST between 10 and 40K dollars per year" over the last few years. LOST?? That makes it sound like you think the pool should be a money maker, words actually used at the February budget meeting. But we're not Tomahawk Lake or Mountain Creek. The pool was never meant to make money. It's an amenity for the people in this town. And it's an amenity we can afford.

2) In last month's letter to the Friends of the Newton Pool, the town manager says the "town has spent \$1.5 million in the past two decades on the pool facility.

3) BUT what he doesn't say is more than a million of that was not for maintenance or repairs. It was money the town decided to spend in a capital improvement project to renovate the pool in 2005 and 2006. By closing the pool, the town is flushing more than a million dollars down the toilet.

4) What's more, the pool is not nearly as costly as the council seems to want us to think. As a matter of fact, the pool generates revenue, collecting more than \$60K each summer from people enjoying the pool: memberships, daily passes, swim lessons, concessions, and the swim team.

This revenue doesn't seem to appear anywhere in the town budget reports. Although there are line items for other types of revenue, money collected from the Newton Pool – more than 60K a year – is not listed. Budget reports reveal a budgeted amount for pool related salaries and other expenses including maintenance, the actual cost each year, the proposed budget for the following year, BUT there is no record of any collected revenue which would directly offset the expenses in turn reducing the amount of budgeted tax dollars needed for the operation of the pool.

Maybe the council can add up all that unspent pool budget money and fix the pool this summer.

5) A county audit in 2017 shows an actual expense – salaries and maintenance – of \$67,453. Your records used at the budget meeting show revenue of \$62,945 that year. So, in actuality, the pool used LESS THAN \$4500 in taxpayer money in 2017.

6) Additionally, at the final council meeting of 2017, there was an appropriations transfer from the pool budget to the vehicle maintenance budget for almost \$15K dollars. If the pool is LOSING money every year, how is it that it had 15K to transfer to another town expense at the end of the year?

7) Two documents used at the budget meeting on 2/9 show an increase of over 17K dollars in operating expenses in 2018. The council was told that the pool lost more than 100k gallons of water over 3 weeks last summer. The loss of water and money should have been an indication that something needed to be repaired LAST SUMMER. A leak of 100k gallons of water sounds like the hydrostatic valve in the main drain was broken LAST SUMMER. As a homeowner, if my operating expenses nearly double, I take immediate action to find the problem – not wait six months to get an estimate. Both the lost water and the near double increase in operating expenses surely caused someone concern. So, I ask. Why didn't anyone get an expert out here last summer?

8) On January 7th of this year, I received an email from the former pool supervisor that I would be working with her replacement this season. On the same day, the new pool supervisor made calls to outsource the management of the pool for the summer. A month later you voted to close the pool. I don't understand the timing of all this. If in fact the pool was in such dire condition to warrant its closure on February 9th, why try to hire someone a month earlier to manage the pool in June?

9) At the February budget meeting there was a lot of talk of band aids fixing the pool over the years - although over the last three years, there has been no discussion of any problems with the pool at any council or rec committee meeting. At the last council meeting, we were told you have pictures of the pool from last spring, summer, and this winter. When will these and your \$250K estimate be made public on your website? The town would like to see the data on which you based your decision to close our pool."

Lauren Hirtes, 22 Grand Avenue, noted she and her grandchildren love to spend time at the Newton pool and feels it would be a shame to close it. She also feels the parking lot closest to the pool should not be used for the pool staff.

Bill Priester, 15 Maple Avenue, read from a prepared statement:

"1. The money issued by the town for an engineering study on the structural integrity of the pool seems to me to be excessive. Was this contract competitively bid with low bidder awarded the contract? Does the contract contain deliverables and dates in which milestones are established for various stages of completion? If this was a sole source engineering study that was selected by the Town then why?

2. The future of the town pool. Will the town council consider privatizing (outsourcing) the running of and maintenance of the town pool to an outside, competitively bid contractor or business interest? The town, through bureau of code enforcement, can maintain inspections of the facility to ensure the contractor meets all health codes, record keeping, etc. I propose that the town, upon rewarding such an outsourcing contract would put up for bid a two year contract with the town having the right to opt out the second swimming season based upon their discretion. By outsourcing it will be incumbent on the contractor to meet all safety standards, maintenance and for resolving disputes of personal injury claims. Furthermore, the town will have the capital paid for the annual contract to put back into the towns budget."

Anthony Niego, 22 Grand Avenue, addressed Council and complained that Grand Avenue has not been paved for the past 38 years. He asked Council to consider paving Grand Avenue soon.

Felica Carlson, 4 Elm Street, read from a prepared statement:

"At the February budget meeting there was talk of needing to "replace 802 for 750" next year. The town manager told me by phone that the pool repairs are a third of a fire truck. Is the repair of the pool being outweighed by a new fire truck? Does 802 get replaced at the expense of the only summer recreation in this town? A new firehouse costing taxpayers \$2.2 million dollars gets built, 250K saved for a new fire truck, and the pool gets closed?"

Not saying fire trucks are not important but it's a balance.

In last year's budget, there was a little over 87K budgeted for the pool. It all sounds like a lot of money, but we know that is reduced by more than 60K each year. Let's look at what we budgeted for playgrounds – 84K this year. Do we collect revenue from the playgrounds? Are we going to close all of them too?"

Does the council have all the necessary data to justify the closing of the pool this summer? If so, please make it public.

Please consider this as you weigh the effect the pool closure will have on this town and taxpayers:

Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did you. Thank you."

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

COUNCIL & MANAGER REPORTS

- a. **Mayor Le Frois** – excused.

March 11, 2019

- b. **Deputy Mayor Flynn** – updated Council on the upcoming SCLOM meeting on March 21, 2019. A panel discussion with keynote speakers will be addressing the State Legislation on Marijuana.
- c. **Councilwoman Diglio** – attended the Greater Newton Chamber of Commerce dinner on March 7th, which honored Nancy Woods, as past Executive Director of the GNCC. It was a well-attended and a wonderful event.
- d. **Councilman Schlaffer** – attended a terrific event at Merriam Avenue School with his son, Brody, and hopes to have more events like that in the future.
- e. **Councilman Dickson** – attended the Newton Board of Education meeting on February 26th at 6:00pm and provided the various updates. He outlined the budget figures presented at the meeting. The BOE approved a Resolution in opposition of Bill A-2606 and A-4352, which would impact the school budget tremendously. Mr. Dickson asked if the Town could support the BOE with a Resolution in opposition of these Bills. Mr. Dickson also mentioned the Newton BOE will be receiving benefits for their S2 program.
- f. **Town Manager** – mentioned he was out the last Council meeting due to a death in his family. He advised that signs and poles currently missing will be replaced by DPW in the Spring (when ground is not frozen). Mr. Russo addressed Mr. Porter's complaint regarding snow removal on Woodside Ave./Sparta Ave and advised the Town will have to be more aggressive on summons if snow if not removed by the property owner in the allotted timeframe. Mr. Russo addressed Ms. Paparella's comments and directed the Municipal Clerk to give her the photos of Newton pool. Mr. Russo addressed Mr. Priester's comments on the engineer costs and the potential of privatizing the Newton pool. Mr. Russo then addressed Mr. Niego's comments and advised he will contact the Town Engineer to see if Grand Avenue can be completed sooner.

Deputy Mayor Flynn noted the prepared Proclamation:

Child Abuse Prevention Month

April 2019

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

March 11, 2019

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, health problems, and risky behavior; and

WHEREAS, the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community;

*NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim **April 2019** as Child Abuse Prevention Month, and call upon our citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in the efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.*

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

s/Daniel G. Flynn, Deputy Mayor
Attest: s/Lorraine A. Read
Date: March 11, 2019

ORDINANCES

Deputy Mayor Flynn directed the Municipal Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE #2019-2

AN ORDINANCE TO EXCEED THE 2019 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$96,022.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations

March 11, 2019

Mr. Russo reviewed the consent agenda items.

RESOLUTION #78-2019*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

WHEREAS, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated;

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

CREDIT FOR PENALTY ERRONEOUSLY CHARGED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18640	36 Diller Avenue	\$9.18

CREDIT FOR METER MISREAD:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18375	22 Grand Avenue	\$440.00
21924	3 Windsor Drive	\$440.00

RESOLUTION #79-2019*

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE MUNICIPAL ALLIANCE FOR GRANT CYCLE JULY 2019-JUNE 2020

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey, recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Town Council further recognizes it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE BE IT RESOLVED, by the Town of Newton, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the **Action Municipal Alliance** grant for fiscal year 2020 in the amount of:

DEDR	\$18,409.00
Cash Match	\$4,602.00
In-Kind	\$13,807.00

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

APPROVED: _____
Daniel G. Flynn, Deputy Mayor

RESOLUTION #80-2019*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR CONVERGINT TECHNOLOGIES, LLC

WHEREAS, the Town of Newton has a need to maintain and upgrade access and security systems through Convergent Technologies, LLC., 429 Getty Avenue, Clifton, N.J. 07011, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A of the Canning Group, LLC., Newton's Qualified Purchasing Agent has determined and certified in writing the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2019 year (s); and

WHEREAS, Convergent Technologies, LLC., 429 Getty Avenue, Clifton, N.J. 07011, has submitted a proposal January 16, 2019 indicating they will provide the services for \$20,575.00, in addition to support per hour rates outside of scope of proposal exceeding in aggregate the pay to play threshold of \$17,500.00; and

WHEREAS, Convergent Technologies, LLC., 429 Getty Avenue, Clifton, N.J. 07011, has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies that Convergent Technologies, LLC., 429 Getty Avenue, Clifton, N.J. 07011 has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit Convergent Technologies, LLC., 429 Getty Avenue, Clifton, N.J. 07011 from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2019 budget, funds NOT TO EXCEED \$22,500.00 will be encumbered as follows:

2019 CURRENT BUDGET – Cencom OE – Contractual #1074317

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Convergent Technologies, LLC., 429 Getty Avenue, Clifton, N.J. 07011 not to exceed \$22,500.00 for the 2019 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification, Political Contribution Disclosure and the Determination of Value be placed on file with this resolution.

RESOLUTION #81-2019*

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 2018 and 2019 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.

TOWN BILLS

41263	A&S HYDRAULICS	335.00
41264	ADVANCE AUTO PARTS	23.94
41265	SYNCHRONY BANK	325.14
41266	ARF RENTAL SERVICES, INC.	231.76
41267	ATLANTIC TACTICAL INC.	134.40

March 11, 2019

41268	B & R UNIFORM, INC.	152.95
41269	BOONTON TIRE SUPPLY INC.	2,007.66
41270	CENTURYLINK COMMUNICATIONS, INC.	125.85
41271	CENTURYLINK COMMUNICATIONS, INC.	2,727.26
41272	CIT-E-NET, LLC	2,000.00
41273	DANIELLE ROCCO	298.50
41274	DEMPSEY UNIFORM & SUPPLY INC.	1,654.48
41275	DUDE SOLUTIONS	3,390.41
41276	DUSTIN MCGARRY	65.00
41277	ESS, INC.	1,368.15
41278	GALLS, INC.	98.00
41279	GREATER NEWTON CHAMBER OF COMMERCE	195.00
41280	GREATER NEWTON CHAMBER OF COMMERCE	500.00
41281	HAYEK'S MARKET	90.48
41282	HOME DEPOT, INC.	1,348.98
41283	IAMRESPONING.COM	810.00
41284	J. CALDWELL & ASSOCIATES	2,819.50
41285	JCP&L	5,648.87
41286	KATHERINE QUINN	30.00
41287	LADDEY, CLARK & RYAN LLP	7,172.80
41288	LAWRENCE S. BERGER ESQ.	38,472.78
41289	MGL FORMS – SYSTEMS, LLC	208.00
41290	MICROSYSTEMS-NJ COM, LLC	1,388.10
41291	284 AAGGREGATES, LLC	1,425.16
41292	NEW JERSEY HERALD, INC.	177.40
41293	NEWTON BOARD OF EDUCATION	700.00
41294	NEWTON BOARD OF EDUCATION	1,029,765.00
41295	NJMEBF	171,671.00
41296	HAROLD PELLOW & ASSOCIATES	1,089.00
41297	PENTELEDATA	769.70
41298	PRIME LUBE, INC.	1,069.66
41299	PUBLIC ENGINES, INC.	1,353.88
41300	QUILL CORPORATION	871.94
41301	RACHLES/MICHELE'S OIL COMPANY INC.	5,310.87
41302	REGISTRAR'S ASSOC. OF NEW JERSEY	50.00
41303	RR DONNELLEY	367.50
41304	SCHNENCK, PRICE, SMITH & KING LLP	6,809.78
41305	SCMUA	1,341.03
41306	SEBING AUTO PARTS, INC.	364.60
41307	SERVICE ELECTRIC CABLE TV, INC.	131.47
41308	SHOP RITE INC.	33.29
41309	SKYLANDS AREA FIRE EQUIP & TRAINING	2,912.34
41310	SPECTROTEL	601.24
41311	SPECTRUM COMMUNICATIONS INC.	252.50
41312	STAPLES BUSINESS ADVANTAGE INC.	337.88
41313	SUSSEX COUNTY ASSESSORS ASSOC.	100.00
41314	TAYLOR OIL COMPANY INC.	4,322.89
41315	THE CANNING GROUP, LLC	625.00
41316	THYSSENKRUPP ELEVATOR CORP.	470.18
41317	TIMMERMAN COMPANY INC.	1,532.06
41318	TIRE KING INC.	130.00
41319	TRIMBOLI & PRUSINOWSKI, LLC	2,270.00
41320	TRUCKPRO HOLDING CORPORATION	2,923.95
41321	UNITED TELEPHONE/CENTURY LINK	129.49
41322	USA HOIST COMPANY INC.	230.00
41323	V E RALPH & SON, INC.	156.48
41324	VISION SERVICE PLAN	2,167.08
41325	WALMART	29.65
41326	WEIS MARKETS INC.	382.61
41327	WITMER PUBLIC SAFETY GROUP INC.	320.00
191015	PAYROLL ACCOUNT	217,549.62

CAPITAL

8780	J. CALDWELL & ASSOCIATES LLC	250.00
8781	HAROLD PELLOW & ASSOCIATES INC.	1,406.05

Total TOWN BILLS \$ 1,535,610.10

WATER AND SEWER ACCOUNT

17392	ACCURATE WASTE REMOVAL INC.	4,221.00
17393	AIRGAS EAST	9.90
17394	ALL GAS & WELDING SUPPLY CO., INC.	30.02
17395	BADGER METER, INC.	780.00
17396	CENTURYLINK COMMUNICATIONS, INC.	1,221.69
17397	COYNE CHEMICAL CORP., INC.	7,069.20
17398	DANIELLE ROCCO	298.50
17399	DEMPSEY UNIFORM & SUPPLY INC.	524.72
17400	DUDE SOLUTIONS	4,343.85
17401	DUSTIN MCGARRY	10.00
17402	FRANK SEMERARO CONSTRUCTION INC.	750.00
17403	HOLLAND COMPANY INC.	7,144.76
17404	HOME DEPOT INC.	118.79
17405	JCP&L	17,959.42
17406	KKPR MARKETING & PUBLIC RELATIONS	875.00
17407	LADDEY, CLARK & RYAN LLP	304.00
17408	MOTT MCDONALD	4,642.80
17409	PASSAIC VALLEY SEWERAGE COMM.	6,762.00
17410	HAROLD PELLOW & ASSOCIATES	2,477.31
17411	PENTELEDATA	399.85
17412	PROFESSIONAL CONSULTING INC.	2,620.00
17413	PUMPING SERVICES, INC.	4,237.50
17414	SCMUA	1,198.30
17415	SUSSEX COUNTY P & H INC.	37.00

Total WATER & SEWER Bills \$ 68,035.61

TRUST ACCOUNT

3831	J. CALDWELL & ASSOCIATES, LLC.	125.00
3832	LADDEY, CLARK & RYAN LLP	1,664.00
3833	PELLOW, HAROLD & ASSO, INC	1,174.38
3834	STERLING METS LP	5,225.00
3835	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	465.00

Total TRUST ACCOUNT Bills \$ 8,653.38

DEVELOPERS ESCROW (FUND 72)

1333	PELLOW, HAROLD & ASSOC., INC.	4,300.45
------	-------------------------------	----------

Total DEVELOPERS ESCROW ACCOUNT Bills \$4,300.45

HOUSING TRUST FUND(COAH FUND 75)

175	J. CALDWELL & ASSOCIATES, LLC.	125.00
-----	--------------------------------	--------

Total HOUSING TRUST FUND ACCOUNT Bills \$ 125.00

March 11, 2019

RESOLUTION #82-2019*

AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROAD SALT AND SNOW GRIT FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON

WHEREAS, the County of Sussex advertised for Ice Control Materials (Rock Salt and Snow Grit) on July 25, 2017 and publicly received the bids August 22, 2017; and

WHEREAS, the bid proposals allowed the County the option to renew said contract for one (1) additional consecutive one-year period at the rates proposed for Contract year 2018; and

WHEREAS, this Contract Extension shall be in effect from August 1, 2018 until July 31, 2019; and

WHEREAS, the bid proposals included an option for the bidder to provide goods and/or services to other governmental contracting units within the County of Sussex and without substitution or deviation from the bid specification; and

WHEREAS, the Town of Newton awarded a contract for the purchase of road salt from Morton Salt at the Sussex County price of \$52.32 per ton through July 31, 2019 by the adoption of Resolution #60-2019 on February 11, 2019; and

WHEREAS, due to numerous recent ice and snow storms, the Newton Department of Public Works has exhausted their supply of road salt and there is need to replenish;

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2019 Current Budget, the Chief Financial Officer will certify funds pursuant to N.J.A.C. 5:30-5.5 (b2) open-end contract: through the budgetary accounting encumbrance process set forth in N.J.A.C. 5:30-5.3(c) and 5:30-5.4(b), an additional amount NOT TO EXCEED \$16,000.00 for road salt:

2019 Current Budget - Snow Removal O&E Materials and Supplies - #1081239

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton does hereby amend the award of the contract for the purchase of road salt from Morton Salt at the Sussex County price of \$52.32 per ton through July 31, 2019 for an additional \$16,000.00.

RESOLUTION #83-2019*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 17.03 LOT 4, ALSO KNOWN AS 100 SUSSEX STREET

WHEREAS, at the Municipal Tax Sale held on October 24, 2018, a lien was sold on Block 17.03, Lot 4, also known as 100 Sussex Street, Newton, New Jersey for 2017 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2018-010, was sold to Brian Law for a 0% redemption fee and a premium of \$600.00; and

WHEREAS, KML Law Group P.C., representing the owner, New Penn Financial, LLC has effected the redemption of Certificate #2018-010 in the amount of \$274.60;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that this Governing Body acknowledges Brian Law is entitled to a redemption in the amount of \$274.60 as well as the return of the premium in the amount of \$600.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check, in the amount of \$274.60 for the redemption for Certificate #2018-010 to Brian Law, 23 Westport, Irvine, CA 92620.

RESOLUTION #84-2019*

REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 2.01, LOT 1, ALSO KNOWN AS 100 SWARTSWOOD ROAD

WHEREAS, Lawrence S. Berger, Esq., the attorney representing Newton West LTD, owner of Block 2.01 Lot 1, also known as 100 Swartswood Road, Newton, New Jersey filed a State Tax Court Appeal to lower the 2017 and 2018 assessments on said block and lot; and

WHEREAS, the Tax Office received, on February 28, 2019, a Judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax years 2017 and 2018. This order has resulted in a refund of monies in the total amount of \$38,472.78;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges attorney Lawrence S. Berger, Esq., representing Newton West LTD, is entitled to a refund in the amount of \$38,472.78; and

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$38,472.78 to: Lawrence S. Berger, Attorney Trust Account, Berger & Bornstein, 237 South Street, Morristown, New Jersey 07960.

RESOLUTION #85-2019*

RESOLUTION #85-2019 AND AGREEMENT FOR PROFESSIONAL SERVICES

DEPUTY MUNICIPAL PUBLIC DEFENDER

WHEREAS, there exists a need for special counsel to be appointed as Deputy Municipal Public Defender to represent defendants before the Town of Newton Municipal Court for calendar year 2019; and

WHEREAS, Vanessa L. Henderson, Esq., has agreed to perform the services of Deputy Municipal Public Defender at a rate of \$150.00 per client, with an amount not to exceed \$1,500.00 which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Town of Newton's Chief Financial Officer certifies funds will be provided in the 2019 Municipal Current Budget – 'Legal Services – Other Expenses' for expenditures pertaining to this open-ended contract for said municipal matters; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the Contract itself, must be available for public inspection;

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

1. The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this resolution which shall act as the authority and agreement between the Town of Newton and Vanessa L. Henderson, Esq., providing for his retention as Deputy Municipal Public Defender in and on behalf of the Town of Newton for calendar year 2019.
2. The services to be rendered by Vanessa L. Henderson, Esq., shall be on a per defendant basis, on an as needed requirement, as sought by certain defendants required to appear before the Newton Municipal Court, at a rate of \$150.00 per client with an amount not to exceed \$1,500.00.

3. This contract is awarded without competitive bidding as a "professional service", in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law, because Vanessa L. Henderson, Esq., is a licensed attorney of the State of New Jersey, and as such is duly qualified as a professional to carry out the subject services, which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.

4. 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.

5. Notice of this action shall be printed once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Helen R. Le Frois, Newton Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2019.

Date:_____

Vanessa L. Henderson, Esq.

RESOLUTION #87-2019*

AUTHORIZE CREDIT DUE WATER AND SEWER UTILITY ACCOUNT FOR 196 SPRING STREET

WHEREAS, in the fourth quarter of 2018, Sparta Real Estate purchased three additional meters for 196 Spring Street; and

WHEREAS, the plumber split the lines after the original meter instead of before the meter; and

WHEREAS, in the fourth quarter of 2018 and the first quarter of 2019, usage was recorded on both the original meter and the additional meters; and

WHEREAS, Sparta Real Estate was double charged for the gallons recorded on the additional meters;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned property owner for two quarters of duplicate water charges.

REFUND FOR ERRONEOUS WATER CHARGES

<u>Account</u>	<u>Address</u>	<u>Amount</u>
466	196 Spring Street	\$1,821.42

RESOLUTION #88-2019*

AWARD OF BID #4-2019 FOR CLEANING SERVICES IN A FAIR AND OPEN MANNER TO CHELBUS CLEANING CO., INC.

WHEREAS, the Town of Newton advertised and received bids in a fair and open manner consistent with N.J.S.A. 19:44A-204. et. seq., on February 27, 2019 at 2:00 P.M. for Bid #4-2019 to wit; Cleaning Services; and

WHEREAS, the lowest apparent bidder, Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton N.J., provided the lowest overall bid response plus options of \$19,845.00; and

WHEREAS, the New Jersey Local Publics Contract Law, 40A:11-1 et. seq., demands bidders and vendors meet the standards of responsive and responsible as indicated in the Local Publics Contract Law; and

WHEREAS, the Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton N.J., provided the lowest overall bid response and has met the standards of responsive and responsible as outlined within law; and

WHEREAS, the Chief Financial Officer hereby certifies there are sufficient funds as follows:

2019 Temp. Current Budget - Building & Grounds OE – Contractual #1061217
\$5,441.25 already certified by PO#54006 (old contract monthly rate \$1,813.75)

Subject to the Governing Body appropriating sufficient funds in the 2019 Current Budget, funds NOT TO EXCEED \$14,883.75 will be encumbered as follows:

2019 Current Budget – Building & Grounds OE - Contractual - #1061217 (9 months at new contract rate of \$1,653.75)

Funds will be certified for the remainder of the 2-year contract subject to the Governing Body appropriating sufficient funds in the 2020 and 2021 Current Budgets.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the recommendation of the Town of Newton’s Qualified Purchasing Agent is hereby accepted, the bid provided under Bid #4-2019 by Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton N.J., for Cleaning Services is hereby accepted and authorizes entering into a two (2) year contract for services as per the specifications and services outlined in Bid #4-2019.

A motion was made by Mrs. Diglio to approve the revised **COMBINED ACTION**

RESOLUTIONS, seconded by Mr. Dickson and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Excused	

RESOLUTION #86-2019

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SUSSEX, NEW JERSEY RELATED TO A PEDESTRIAN WARNING BEACON ALONG CR519

Mrs. Leo outlined the Resolution and addressed questions of the Town Council.

Mrs. Diglio stated her concerns with regard to Resolution #86-2019. Deputy Mayor Flynn also had concerns.

After a brief discussion, the Town Council requested this Resolution be **TABLED** until the next meeting. Mr. Russo will supply more information. Roll Call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Excused	

INTERMISSION – None.

DISCUSSION –

Deputy Mayor Flynn asked the Governing Body to discuss the Newton pool.

Councilman Schlaffer asked the residents to understand the reasons for the closing of the Newton pool and asked the residents to generate excitement about the re-opening of the pool.

Deputy Mayor Flynn feels the closing of the pool is a necessity and requires a lot of work to repair. He outlined several issues in the pool and feels it needs to be done correctly.

Mrs. Diglio agrees with the closing of the pool, for this season, due to the severity of the pool repairs. She is looking forward to the reports from the Geo Study and the Engineer.

Mr. Russo noted they included \$14,000.00 in Recreation budget, in order to plan bus trips and other entertainment for the children/residents, due to the closing of the pool this year. He hopes the residents will understand the reasons for the pool closing and not continue to cast blame on the Town Council and the Town Manager. He hopes will can all work together to get the project done.

OPEN TO THE PUBLIC

Deputy Mayor Flynn opened the meeting to the public.

Melissa Costello, 16 Halsted Street, expressed her frustration with the Newton pool closing. She verbally attacked the Town Manager on various issues. She noted she is leaving the Town because of the Governing Body. She indicated she “will have the Town audited” before she leaves this Town.

Jeff Harrison, 17 Linmor Avenue, stated if the results show the Newton pool is built on a landfill, it will cost a lot more money, due to the environment. Mr. Harrison asked if the County or Newton Hospital could contribute to the cost of repairs to the pool.

Ralph Porter, 12 Pine Street, questioned whether the pool could be enclosed for additional revenue. Mr. Porter noted a new apartment complex to be built on Spring Street and feels there is not enough parking now and it will be an issue later. He also asked if the Town is getting their life expectancy out of the Town fire trucks.

Tracy Paparella, 56 Halsted Street, addressed several pool issues and had several questions, which were addressed by Mr. Russo. She also questioned the \$200,000.00

March 11, 2019

roof repair cost at the Newton Municipal Building, which was addressed by Mr. Russo.

Maureen Snellen, 30 Plainfield Avenue, questioned why the pool should not be repaired with "band aids"?

Nadine Harrison, 17 Linmor Avenue, feels it's a shame to close the pool and feels the children will not have any recreation this summer.

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

COUNCIL & MANAGER COMMENTS

Deputy Mayor Flynn advised Ms. Costello that the Town is audited every year and a copy of same may be obtained through the Clerk's Office. Deputy Mayor Flynn advised Mr. Porter parking spaces are being reviewed. He also directed Mr. Russo to expedite the studies needed in order to determine the total cost of the pool repair. Mr. Russo will follow up with the Town Engineer.

Councilman Schlaffer noted his findings when he called other municipalities who have municipal pools. He also indicated the necessity of repairing the Municipal Building roof and noted it was at the end of its life expectancy.

EXECUTIVE SESSION - None

There being no further business to be conducted, upon motion of Mr. Diglio, seconded by Mr. Dickson and unanimously carried, the meeting was adjourned at 8:11pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk