

March 25, 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 (via telephone), Mayor Le Frois, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Esq., Town Attorney. Mr. Schlaffer was excused.

Mayor Le Frois 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."

Mayor Le Frois 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 March 11, 2019 Regular meeting were approved. Mayor Le Frois noted she watched the video and read the minutes of March 11, 2019 therefore is able to vote on the minutes.

#### **PRESENTATIONS**

Mayor Le Frois read the following Proclamation and presented it to Kelly Bonventre, Hospital Service Manager, a representative of New Jersey Sharing Network.

### **PROCLAMATION**

#### **NATIONAL DONATE LIFE MONTH** *April 2019*

**Whereas**, realizing the urgent need for organ and tissue donors across the country, the **NATIONAL DONATE LIFE MONTH** observance promotes a greater understanding about the life-saving benefits of donation and transplantation. Moreover, the need is increasing. NJ Sharing Network is committed to addressing that need through increased awareness; and

**Whereas**, the transplantation of organs and tissue is a miracle of modern medicine made possible through the compassion of organ and tissue donors, enabling surgeons to save thousands of lives every year. One organ donor can save eight lives and one tissue donor can restore health to over 75 others. People of all ages, ethnic backgrounds and religions are touched by donation and by the serious shortage of organ donors that exists. Currently, there are nearly 4,000 New Jersey residents and 115,000 Americans awaiting life-saving transplant operations; and

**Whereas**, every capable person should support this vital effort by registering as an organ and tissue donor, making their family aware of their wishes and being willing to give the precious gift of health, sight, and life to people in need; and

**Whereas**, registering as an organ and tissue donor at a local Motor Vehicle Agency or online at [www.NJSharingNetwork.org](http://www.NJSharingNetwork.org) signifies our fundamental human responsibility to help others; and

**Whereas**, as the Town Council of the Town of Newton, recognize **NATIONAL DONATE LIFE MONTH** as an opportunity to join NJ Sharing Network in its life-saving mission;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, do hereby proclaim April 2019 as **DONATE LIFE MONTH** in the Town of Newton, New Jersey,

March 25, 2019

and urge all residents to join us in promoting organ and tissue donor education throughout **NATIONAL DONATE LIFE MONTH.**

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

s/Helen R. Le Frois, Mayor

Attest: s/Lorraine A. Read, Clerk

Date: March 25, 2019

Ms. Bonventre made a brief presentation outlining the importance of this organization and thanked the Town Council for this Proclamation. She also introduced Dana who was a heart transplant recipient and outlined her success story.

Mayor Le Frois read the following Proclamation and presented to Nancy Woods.

**PROCLAMATION**

**NANCY WOODS**

**WHEREAS**, Nancy Woods has been a lifelong resident of Sussex County, born at Newton Memorial Hospital, grew up in Green Township, and attended Newton High School; and

**WHEREAS**, she and her husband Robert moved to Newton in 1967 and raised their two children, Kimberly and Gregory; and for over fifty years she has been an integral part of the community; and

**WHEREAS**, after receiving her bachelor's degree from Trenton State College, Nancy taught for several years in the Andover and Fredon Township school districts before deciding to dedicate herself to being a full-time mother; and

**WHEREAS**, during this time she spent many hours volunteering her time and services to numerous organizations including the Yellow Frame Church and Newton Memorial Hospital; and

**WHEREAS**, Nancy along with Margaret Woods opened Abigail's on Spring Street in 1984. While running Abigail's, Nancy became very active in the Greater Newton Chamber of Commerce, serving on almost every committee and helping at every function over the years; and

**WHEREAS**, upon closing Abigail's after twenty-three years, she retired and became the Greater Newton Chamber of Commerce's Executive Director, a position she held for twelve years;

**NOW, THEREFORE, We**, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Nancy Woods and commend her for her dedication and service to our community and we recognize her efforts and hereby name her:

**"2019 Citizen of the Year"**

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

s/Helen R. Le Frois, Mayor

Attest: s/Lorraine A. Read, Clerk

Date: March 25, 2019

March 25, 2019

Nancy Woods was presented with flowers and a Proclamation. Her name was also added to the plaque "Citizen of the Year" which is hung in the lobby of Town Hall. Mayor Le Frois wished her well and congratulations.

**OPEN TO THE PUBLIC**

At this time, Mayor Le Frois 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."*

Nadine and Hannah Harrison (age 7), Linmor Avenue, read from a prepared statement: "I'm very upset because the Town wants to close the pool. I play lots of sports and if the pool closes I will not be able to practice my swimming and get daily exercise in many days. It is way too hot to play outside. I don't understand why the Town let the pool get as bad as it did. If the pool does not open what are the kids going to do? Watch tv? That is not healthy. Mr. Russo has said the pool is not making money. Is money more important to you than my health of the Town you manager. I care for my Town and love my Town and want Newton to be the best. Thank you".

Tracy Paperella, 56 Halsted Street, read from a prepared statement. She noted she will have Mr. McGuigan finish reading her prepared statement, knowing she will run out of time.

"The council has said they want to make data driven decisions in the best interest of the taxpayers' money. Your decision to close the pool was not driven by relevant data, but rather ambiguous data. If you haven't watched the meeting, you should. The discussion about the pool begins at 36:00 and runs for 30 minutes. The council can learn a lot about the workings in this town by watching the replay.

Data (two bar graphs) of membership purchases for the last two years were given as proof of declining membership – to substantiate the claim that the pool repairs are a lot of money for so few people. The REAL number of pool visitors is not discussed. The 6000 day-visitors and the \$30K of corresponding revenue is glossed over.

The town manager is quoted in the paper and his February letter to the Friends of Newton that:

"The town was faced with a \$250,000 estimate to repair or fix several issues just to open this coming year." This is not true. I am told there is no real estimate, just a "ballpark figure."

Mr. Russo further states, "Total expenses on the pool have been between \$80,000 and \$100,000 per year" but that is ACTUALLY the capital improvements done in 2005 and 2006 amortized out to lead everyone to believe that the pool is a money pit.

March 25, 2019

"A loss of 10K to 40K a year" is presented to the town as if the pool is a drain on the town INSTEAD of a revenue maker. The FACT is the pool helps sustain itself with the revenue it generates every summer. The REAL COST of the pool does not surpass the amount budgeted for the pool. The REAL COST is normally under budget each year since the 60K+ dollar in revenue offsets the 70- 80K+ dollar budgeted each year.

Council was told that the pool lost 100K in 3 weeks last summer. Sounds like a lot of water. On average, a pool evaporates ½ to ¾ inches of water a day. Based on the size of our pool, evaporation would claim thousands of gallons of water per day. We are surely losing additional water from the known leak, but this 100K gallon number is again used to paint the pool as a money pit.

Damages reported in the paper and in the manager's February letter are not new. It is a known secret that the pool has been leaking and losing water for years – ask your veteran council members. There has been an unrepaired leak as long as some council members have been serving our town. Due to this leak, the pool has been drained and left empty each winter contributing to the current condition of the pool. Our deputy mayor and our own DPW questioned the practice of draining the pool, but it is now known that the pool is drained BECAUSE of the leak.

The broken hydrostatic valve in the main drain causing the leak is just a \$25 part! Years of disrepair and subsequent damage could have been avoided had you consulted someone who knows how to maintain and repair pools.

The pool is drained each year due to this leak, leaving the walls unprotected against the freezing and expanding ground on the outside AND the outside elements 9 months a year. A call to our county's leading expert in pool maintenance and management, Vernon Pools, confirmed that plaster needs to stay wet. An outside pool needs to keep water in it over the winter. We used to do this – and cover the pool each winter. How long have we knowingly emptied the pool and contributed to its damage? How much water have we purposely drained over the years because we haven't fixed a \$25 leak? How much money could we have saved had we properly repaired and maintained the pool years ago?

Another item of repair is a "severed electrical line serving the exterior lighting". Again, this is not new damage as presented last month. This has been known about since at least 2014.

Instead of doing these repairs when first discovered, or seeking expert advice regarding the maintenance of an outdoor pool, or even picking up the phone and getting a real estimate, you decided to spend 30k dollars of taxpayer money for a "feasibility" study. 30K dollars that could have been put toward repairs of the centerpiece of our town.

We were told this study or any repairs could not be done in the fall because there wasn't any money in the budget to fund either. You say you viewed photos of damage last fall, but did not plan for repair then? I am told the feasibility study AKA engineering study was first suggested and approved at the budget meeting on Saturday February 9th not last fall as first conveyed to the public. Without any real data or estimate, any real investigation, you accepted the manager's recommendation to close the pool.

I hear the pool has never been a top priority of the manager's. What do you think the manager hopes to find from this "feasibility" study?

The pool has been the centerpiece of this town for more than 50 years. Since its renovation in 2005, the pool has become a community hub. The 2018 annual report just released last week proves my point: It highlights the 4th of July Salute to Heroes, movie nights, birthday parties, a military support group, and Adults Only swim time as it has since 2012.

Just last summer, Mayor LeFrois extolled the beautiful rec services that draw our town and others to Newton during her swearing in ceremony. Less than two years ago, we accepted a 20K dollar donation from McKee Foods and built our new pavilion.

March 25, 2019

What is our reality here? We boast about our pool on an annual basis and accept donations for improvements, then we turn around and say the pool only serves 100 people, it's a money pit and too expensive to open. It's like a game of smoke and mirrors.

John McGuigan, 10 Emmons Avenue, Newton finished the prepared statement of Ms. Paperella:

"Both the 2017 and 2018 seasons combined, the Newton Pool served nearly 12,500 people between memberships, daily passes, and the swim team. More than 6000 people each summer enjoyed the pool. Each day-visitor signed a log book before entering the pool. Have you seen those records which would refute the notion the pool serves only 100 members?"

Additional data you should consider:

We have 1534 students in our schools.

33% are economically disadvantaged.

More than 12% of our population lives below the poverty line.

Many of our residents do not drive (as was magnanimously taken into consideration by our new rec supervisor in planning a joint family event with Andover).

A lot of people have nowhere else to go in the summer. Kids walk to the pool every day for supervised fun at the Newton Pool. What are they going to do without the pool? They will surely find some other way to have "fun" which will be another cost to our town.

Mr. Russo was incorrect at the last council meeting when he stated the "pool is just an amenity, not a necessity." It is a very real necessity to the kids in this town. The pool traditionally opens the day school lets out for summer. Hundreds of kids look forward to summer because of the Newton Pool.

The swim team is fine. We had an outpouring of support from other communities in the county and have found water. The swim team will swim this summer. All those other kids – more than 1400 - won't. It's them I worry about.

In an effort to help you best serve our town, I've contacted Vernon Pool and Spa, the leading expert on pool maintenance in our area. They have seen the same photos of damage as you. They estimate that to go "down to the bare bones of the pool (coping, plaster, tile, expansion joints, and sand-blasting), [would be] somewhere in the neighborhood of \$140,000, to do everything the right way to re-do that pool, without cutting corners." 140K dollars – not 250K dollars as presented to the town last month. We have 140K dollars of damage that "looks to be a mixture of improper maintenance, but also some improper installation in the first place."

Vernon Pool "recommend[s] that the town seeks council with the water chemistry/ proper plaster pool maintenance [experts]." Have we ever gotten expert advice or guidance on the proper care of our pool?

They have offered this free counsel as they recognize what an important asset and necessity the pool is to our community. A copy of their correspondence and contact information is provided for your consideration.

I respectfully ask that you please consider these findings and advice and allocate money in the budget for the repair of the Newton Pool.

One last thing that should be corrected for the record. It was stated that the pool was built on a landfill. This is not true and needs to be corrected.

Thank you."

March 25, 2019

Melissa Costello, 16 Halsted Street, questioned why the roof on Town Hall is being repaired when there is no damage. It's only being replaced because of the life expectancy of the roof. She questioned why we are spending on the roof instead of the Newton pool.

Ralph Porter, 12 Pine Street, feels it is important to reopen the Newton pool and hopes the Town will move the project along quickly to reopen by next summer. He questioned how old the fire trucks were and if it was necessary to replace them. If not, that money can be used to fix the pool.

Jessica Egner, 16 Windsor Drive, questioned when the Neighbors Helping Neighbors event is?

Thomas Donnelly, 2 Palmer Street, addressed a major issue with the water causing havoc and flooding his home. He has been in contact with DPW numerous times but they have not found a solution and asked if the Town Council can assist. I have my house on the market and I need to repair this issue.

Maureen Snellen, 30 Plainfield Avenue, questioned why there is no money in this year's budget and asked how it will get repaired with no funds?

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

In response to the pool questions, Mr. Russo addressed and outlined the funding availability through the 2019 Budget for capital improvement projects. Mr. Russo will address 2 Palmer Street flooding issue with DPW Supervisor. He suggested he might have to also address the issue with the Town Engineer. Mr. Russo advised Mrs. Egner that the Neighbors Helping Neighbors event is all set up and will provide her with the date.

#### **COUNCIL & MANAGER REPORTS**

a. **Mayor Le Frois** – thanked Deputy Mayor Flynn for running the last Council meeting. She then congratulated Dan and his wife, Erin, on the birth of their new baby girl, Norah. Mayor Le Frois attended the Newton Senior luncheon and play held at Newton High School. It was a wonderful event for the 60 seniors who attended. This recreation event happens in the Spring and in the Fall. She noted she missed the St. Patrick's Day parade but heard it was fantastic.

b. **Deputy Mayor Flynn** – nothing at this time.

c. **Councilwoman Diglio** – on March 12<sup>th</sup>, attended the Greater Newton Chamber of Commerce (GNCC) board meeting and noted new board members have been elected. She outlined some of the upcoming events sponsored by the GNCC. On March 13<sup>th</sup>, she and the Town Clerk attended the 100 Women Breakfast Project at Sussex County Community College. Francis E. Blanco, Director of Women's Empowerment Initiative, spoke about Women's Contributions to NJ Strength. Mrs. Diglio also attended the Newton First Aid Squad meeting and addressed the items discussed. On March 16<sup>th</sup> she, along with Deputy Mayor Flynn, Councilman Dickson, Councilman Schlaffer and Clerk Read attended the St. Patrick's Day parade which was a huge success. On March 18<sup>th</sup>, she attended the Historic Preservation meeting and outlined the plans presented for the Bula Building on Spring Street. On March 20<sup>th</sup>, she attended the Planning Board meeting and outlined the upcoming projects presented at the meeting. On March 21<sup>st</sup>, Mrs. Diglio attended the Sussex County Chamber breakfast at Friendly's and she updated the Chamber on the "happenings" in the Town of Newton. She also attended and outlined the NJLOM meeting held on March 21<sup>st</sup>. She too attended the Senior luncheon on Sunday, March 24<sup>th</sup> and was a great event.

d. **Councilman Schlaffer** – excused.

e. **Councilman Dickson** – I attended the March 12th BOE meeting. The BOE is faced with a 2 million dollar deficit. Despite receiving more state aid than initially anticipated , cuts will have to be made. Several major issues have created this deficit including sending district tuition being down over \$400,000, and an increase in health insurance premiums at over \$600,000. Over 14% increase in health insurance, and a utilization rate of 100%. Despite a spending freeze, and non-personnel cuts, the BOE is still faced with a shortfall. It had been proposed in the initial preliminary budget reductions of 8 teacher positions, 7 at NHS and 1 at MAS, 6 assistant positions district wide, two and a half non instructional positions, one central office position at the board office, one maintenance position and moving custodian to preschool part of the time. These cuts were suggested with \$200,000 of the \$609,314 increase from the state being returned to the taxpayer. The board voted down this preliminary budget and it was decided to keep the \$200,000 in the school budget to reduce the amount of cuts made to instructional staff. Dr. Greene will go back to the school administrators and make a determination of how that money could be used in the most beneficial way to the students. Tomorrow

night (3/26) the board will be presented with those findings and a new preliminary budget to vote on.

The St. Patrick's Day parade had a great turnout. Had a nice breakfast at The Barrel House before the parade and lunch at O'Reilly's. Thank you to all the businesses who participated in the day. Thank you to the parade organizers and all the participants. And thank you to the Police and DPW for all your hard work.

**Town Manager** – congratulated Nancy Woods on her retirement and wished her and her family all the best. Mr. Russo outlined the Technical Review Committee meeting from last week and update on the upcoming projects. Mr. Russo updated Council on the meeting with New Jersey Department of Transportation (NJDOT) regarding the water issues on Route 94. Mr. Russo will be attending the Sussex County Chamber dinner this Thursday, March 28<sup>th</sup> along with other Town representatives.

**ORDINANCES**

Mayor Le Frois directed the Municipal Clerk to read aloud the following Ordinance relative to final adoption.

**ORDINANCE #2019-1**

**AN ORDINANCE AMENDING SECTION 240-3.C REGARDING SITE PLAN APPROVAL AND SECTION 320-34 REVISING GENERATOR REGULATIONS IN THE TOWN OF NEWTON**

**WHEREAS**, the Town of Newton has reviewed its requirements for generators and has determined that revisions are necessary in order to alleviate some of the permit process for generators with energy output of not more than 25kW;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

**SECTION 1:** Section 240-3.C(1) shall amended by the addition of the following:

- (1) .... Further, emergency standby generators with maximum energy output of not more than 25kW shall also be exempt from site plan approval.

**SECTION 2:** Section 320-34.D shall be deleted in its entirety and replaced as follows:

D. Siting and placement requirements for all generators (commercial and residential).

- (1) Emergency generators may be located in a secondary front yard, side yard or rear yard and may not be more than 20 feet from the structure they are serving.
- (2) Minimum setbacks: 10 feet to secondary front yard, five feet to side or rear yard.

**SECTION 3:** Section 320-34.E shall be deleted in its entirety and replaced as follows:

- E. Permits
  - 1. Commercial or Residential applicants for an emergency standby generator must submit an application for a zoning permit from the



Zoning Officer. The application must include a site drawing showing the proposed location of the standby generator and associated setbacks to all adjacent property lines. Noise in decibels based on distance from the unit must also be provided.

2. Commercial or Residential applicants for an emergency standby generator with a maximum energy output of more than 25 kW shall submit an application for a minor site plan with the Planning Board, unless the generator is proposed in conjunction with a major site plan application.
3. Zoning permits for generators are revocable if the owner does not continue to meet emergency standby generator use requirements.

**SECTION 4: SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 5: NOTICE**

The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 6: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Mayor Le Frois opened the meeting to the public.

There being no one from the public to be heard, upon motion of Mr. Dickson, seconded by Mrs. Diglio and unanimously carried, the hearing was closed.

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

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

This Ordinance will take effect after publication and adoption according to law.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

**a. Resolution #86-2019**

**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**

**WHEREAS**, the Town of Newton and the County of Sussex have decided to work collectively towards the enhancement of pedestrian safety; and

**WHEREAS**, the Town of Newton and the County of Sussex have determined it would be mutually beneficial to enter into a Shared Services Agreement, related to a Pedestrian Warning Beacon System for the midblock crossing of County Route 519, a.k.a. Mill Street along +/- milepost 65.03; and

**WHEREAS**, the Town of Newton desires to enter into a Shared Services Agreement with the County of Sussex for the installation and maintenance of the Pedestrian Warning Beacon System; and

**WHEREAS**, the parties have the authority to enter into a contract for the joint provision of the services pursuant to N.J.S.A 40A:65-1, et seq.;

**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 Manager and Mayor are hereby authorized to execute this Shared Services Agreement between the Town of Newton and the County of Sussex, New Jersey.
2. This Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to Gregory V. Poff II, Administrator, County of Sussex, and to the Division of Local Government Services and Department of Community Affairs.

Council addressed various concerns with the proposed site as well as the shared service agreement.

After a lengthy discussion, upon motion of Deputy Mayor Flynn, seconded by Mayor Le Frois and carried. Roll Call resulted as follows:

Mr. Dickson	No	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Excused
	Mayor Le Frois	Yes	

**CONSENT AGENDA**

Mayor Le Frois 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 reviewed the consent agenda items.

**RESOLUTION #90-2019\***

**APPOINTMENT OF ADAM VOUGH AS MUNICIPAL RECYCLING COORDINATOR FOR CALENDAR YEAR 2019**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Adam Vough, be and is hereby appointed as the Town of Newton's Municipal Recycling Coordinator for calendar year 2019.

March 25, 2019

**RESOLUTION #91-2019\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT TO PALL CORPORATION**

**WHEREAS**, the Town of Newton has a need for engineering technical support and inspection for the Microfiltration System of its water treatment facility and has obtained a professional services quote from Pall Corporation, 839 NYS Route 13, Cortland, New York, 13045 as a Required Disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Town of Newton's Qualified Purchasing Agent, Sean Canning, Q.P.A., of the Canning Group, LLC., 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**, Pall Corporation has provided for \$26,000.00 in service costs over the prior contract year with the same level expected in 2019; and

**WHEREAS**, Pall Corporation has completed and submitted a Business Entity Disclosure Certification which certifies Pall Corporation has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit Pall Corporation 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 Water Sewer Utility Budget, funds are available NOT TO EXCEED \$26,000 as follows:

Water Treatment – OE- Contractual Maintenance - #6064217

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to allow purchases in the 2019 calendar year in an amount not to exceed \$26,000.00 for the 2019 calendar year; and

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

**RESOLUTION #92-2019\***

**AUTHORIZE RELEASE OF PERFORMANCE BOND FOR BLOCK 1.02, LOT 2 (FORMERLY KNOWN AS BLOCK 102, LOT 1.02) FOR GORDON NEWTON ASSOCIATES, LLC**

**WHEREAS**, Gordon Newton Associates, LLC, posted certain Bonds with the Town of Newton in connection with development of Block 1.02, Lot 2 (formerly known as Block 102, Lot 1.02) located at 222 High Street, Newton, New Jersey; and

**WHEREAS**, in a letter dated March 14, 2019, David B. Simmons, Jr., PE of the engineering firm of Harold E. Pellow & Associates, Inc., indicated the developer has completed all outstanding items listed in his January 19, 2016 memorandum; and

**WHEREAS**, the engineer recommends the performance guarantee in the amount of \$16,080.00 be released;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the release of the \$16,080.00 performance bond related to the development of Block 1.02, Lot 2, based on the recommendation of the office of the Town Engineer.

March 25, 2019

**RESOLUTION #93-2019\***

**REVISED RESOLUTION TO DESIGNATE OFFICIALS TO SIGN CHECKS FOR THE TOWN OF  
NEWTON – TOWNSHIP OF GREEN CONSOLIDATED MUNICIPAL COURT**

**BE IT RESOLVED** by the Town Council of the Town of Newton, that the Deputy Court Administrator, Nancyann Kurzweil and the Court Administrator, Katherine Quinn, are hereby authorized to sign General Account checks and Bail Account checks for the Town of Newton and Green Township Consolidated Municipal Court.

**RESOLUTION #94-2019\***

**AUTHORIZE COMPENSATION ADJUSTMENTS FOR 2019 CALENDAR YEAR FOR CERTAIN  
TOWN OF NEWTON EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING  
AGREEMENTS**

**WHEREAS**, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2019 by Ordinance #2018-23; and

**WHEREAS**, the Town Manager, as part of his 2019 Town of Newton Budget, has recommended a TWO PER CENT (2.0%) increase in salary for calendar year 2019 to be paid to certain Town of Newton employees, whose employment is not the subject of any bargaining agreement or individual contract; and

**WHEREAS**, the Town Council has reached the following conclusions:

1. A TWO PERCENT (2.0%) increase in salary from their 2018 rate of pay for certain full-time and part-time Town of Newton employees, whose employment is not the subject of any bargaining agreement or individual contract, for calendar year 2019 is appropriate.
2. The Police Chief has already received an increase according to his contract.
3. The salary of the Town Manager has been addressed separately by the Town Council.
4. Seasonal Employees and Summer Intern Employees are excluded from any automatic salary increase authorized by this Resolution.
5. The following employees/titles have received adjustments for 2019, or are new hires, and are therefore **excluded** from this TWO PERCENT (2%) increase:
  - a. Water/Sewer Collector
  - b. Administrative Assistant to the Police Chief
  - c. Recreation Supervisor
  - d. Deputy Municipal Registrar
  - e. Deputy Municipal Court Administrator
  - f. Crossing Guards
6. Said raises shall be retroactive to January 1, 2019.
7. Stipends received through payroll are not salary and shall not be entitled to the TWO PERCENT (2%) increase authorized by this resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the salaries and wages for the year 2019 for non-union Town of Newton employees, whose employment is not covered by bargaining agreement or individual contract and with the aforementioned exceptions, shall be increased by TWO PERCENT (2%), retroactive to January 1, 2019.

**RESOLUTION #95-2019\***

**CERTIFY SELF-EXAMINATION OF 2019 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Town of Newton has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial Officer has determined this local government meets the necessary conditions to participate in the program for the 2019 budget year;

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Town of Newton that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. With reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. The provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. The budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. Pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments (if any) have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved: Yes

Vote recorded as follows:

Mr. Dickson; Mrs. Diglio; Mr. Flynn; Mayor Le Frois

Mr. Schlaffer – Excused

March 25, 2019

**RESOLUTION #96-2019\***

**A RESOLUTION OF TOWN OF NEWTON AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, Town of Newton has determined to move forward with the EMEX Reverse Auction in order procure electricity for Town of Newton; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, C. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, the Town of Newton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction will be conducted pursuant to the Act; and

**WHEREAS**, if the auction achieves a price of \$0.0815/kWh or less for a 12-month term, a price of \$0.082/kWh or less for a 18-month term, a price of \$0.081/kWh or less for a 24-month term; Town of Newton may award a contract to the winning supplier for the selected term;

**NOW THEREFORE BE IT RESOLVED**, that the Town Manager and/or Mayor of the Town of Newton be hereby authorized to execute on behalf of the Town of Newton any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.0815/kWh or less for a 12-month term, a price of \$0.082/kWh or less for a 18-month term, a price of \$0.081/kWh or less for a 24-month term; Town of Newton may award a contract to the winning supplier for the selected term.

**RESOLUTION #97-2019\***

**A RESOLUTION OF TOWN OF NEWTON (LIGHTING ACCOUNTS) AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, Town of Newton (Lighting Accounts) has determined to move forward with the EMEX Reverse Auction in order procure electricity for Town of Newton (Lighting Accounts); and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, C. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, Town of Newton (Lighting Accounts) will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction will be conducted pursuant to the Act; and

**WHEREAS**, if the auction achieves a price of \$0.056/kWh or less for a 12-month term, a price of \$0.0555/kWh or less for a 24-month term, a price of \$0.054/kWh or less for a 36-month term, a price of \$0.053/kWh or less for a 48 month term, a price of \$0.0525/kWh or less for a 60 month term; Town of Newton (Lighting Accounts) may award a contract to the winning supplier for the selected term;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Manager or Mayor of the Town of Newton be hereby authorized to execute on behalf of the Town of Newton (Lighting Accounts) any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.056/kWh or less for a 12-month term, a price of \$0.0555/kWh or less for a 24-month term, a price of \$0.054/kWh or less for a 36-month term, a price of \$0.053/kWh or less for a 48-month term, a price of \$0.0525/kWh or less for a 60-month term; Town of Newton (Lighting Accounts) may award a contract to the winning supplier for the selected term.

**RESOLUTION # 98-2019\***

**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**

41328	ATLANTIC TACTICAL INC.	186.60
41329	AUTOZONE	49.98
41330	BOONTON TIRE SUPPLY INC.	1,199.70
41331	CAMPBELL'S SMALL ENGINE INC.	250.00
41332	CENTURYLINK COMMUNICATIONS INC.	65.22
41333	CENTURYLINK COMMUNICATIONS INC.	2,727.26
41334	CHELBUS CLEANING CO., INC.	1813.75
41335	CINTAS CORPORATION No. 2	108.22
41336	CODE 96 LLC	360.85
41337	CONSTELLATION NEWENERGY GAS DIV.	3,542.12
41338	COOPER ELECTRIC SUPPLY COMPANY	172.00
41339	CSS TEST INC.	96.00
41340	DANFORTH'S TRAILER & AUTO INC.	274.42
41341	DELL MARKETING LP	643.41
41342	E.A. MORSE & COMPANY INC.	578.55
41343	MICHELLE ESTREMER	115.00
41344	FEDERAL EXPRESS	31.33
41345	GALLS, LLC	118.00
41346	GREATER NEWTON CHAMBER OF COMMERCE	160.00
41347	GRUBER COLABELLA LIUZZA & THOMPSON	1,235.58
41348	HAYDEE BALLESTER	165.00
41349	SCOTT HOLZHAUER	115.00
41350	IACP MEMBERSHIP	190.00
41351	IMAGEPOINT LOGOWEAR LLC	688.80
41352	J. CALDWELL & ASSOCIATES	180.00
41353	JCP&L	6,550.00
41354	LADDEY, CLARK & RYAN LLP	2,583.33
41355	LAFAYETTE AUTO PARTS	152.16
41356	LANGUAGE LINE SERVICES INC.	10.20
41357	MATTHEW BENDER & CO. INC.	78.00
41358	MARIN CONSULTING ASSOCIATES	500.00
41359	MCGUIRE INC.	76.95
41360	LAUREN MCINTOSH	250.00
41361	JASON MILLER	115.00
41362	MINISINK PRESS INC.	113.00
41363	284 AGGREGATES, LLC	647.87
41364	MONTAGUE TOOL & SUPPLY Inc.	119.56
41365	MORRIS COUNTY POLICE ACADEMY	1,500.00
41366	NATIONWIDE EMPLOYEE BENEFITS	2,114.30
41367	NEOPOST LEASING, INC.	21.15

March 25, 2019

41368	NEW JERSEY HERALD INC.	19.50
41369	NEW JERSEY PLANNING OFFICIALS	590.00
41370	NEWTON FIRST AID SQUAD	6,250.00
41371	NEWTON TROPHY	85.00
41372	NJEPA	405.00
41373	NJMEBF	73,781.00
41374	NORTHERN RAIN	190.00
41375	ELIZABETHTOWN GAS	2,436.66
41376	PENTELEDATA	769.70
41377	QUILL CORPORATION	760.42
41378	R & J CONTROL INC.	410.58
41379	R.S. PHILLIPS STEEL LLC	48.05
41380	RACHLES/MICHELE OIL COMPANY INC.	5,551.69
41381	MICHAEL RZZANO	115.00
41382	REISINGER OXYGEN SERVICE, INC.	54.44
41383	ROGO FASTENER CO. INC.	47.45
41384	SK PAPER SHRED	150.00
41385	SCOT SORENSEN	500.00
41386	SERVICE ELECTRIC CABLE TV, INC.	108.35
41387	JAMES P. SLOAN	3,278.50
41388	STAPLES BUSINESS ADVANCE INC.	874.82
41389	SUI ACCOUNT	4,000.00
41390	SUNLIGHT GENERAL	323.44
41391	SUSSEX & WARREN TAX COLLECTORS	26.00
41392	SUSSEX CAR WASH INCL	128.00
41393	SUSSEX COUNTY ASSESSORS ASSOC.	100.00
41394	SUSSEX COUNTY CLERK'S ASSOC.	45.00
41395	SUSSEX COUNTY COMM. COLLEGE FND.	437.50
41396	TA MOUNTFORD COMPANY INC	875.00
41397	TCTANJ SPRING CONFERENCE	395.00

**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
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**Total DEVELOPERS ESCROW ACCOUNT Bills \$4,300.45**

**HOUSING TRUST FUND(COAH FUND 75)**

175	J. CALDWELL & ASSOCIATES, LLC.	125.00
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**Total HOUSING TRUST FUND ACCOUNT Bills \$ 125.00**

**RESOLUTION #99-2019\***

**APPROVE 2018 APPROPRIATION RESERVE TRANSFERS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2018 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Group Insurance OE 1066201A	Accumulated Absence OE 1094400A	\$50,000.00
Police SW 1074113A	Accumulated Absence OE 1094400A	55,000.00
Manager SW 1050103A	Accumulated Absence OE 1094400A	3,000.00
Clerk OE 1051251A	Accumulated Absence OE 1094400A	2,000.00
Human Resources OE 1053253A	Accumulated Absence OE 1094400A	3,000.00
Municipal Court OE 1059217A	Accumulated Absence OE 1094400A	4,000.00
Cencom SW 1073102A	Accumulated Absence OE 1094400A	9,000.00
Utility –Street Lighting OE 1089267A	Snow Removal OE 1081239A	15,000.00
Municipal Court OE 1059217A	Historic Comm. OE 1063216A	200.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$141,200.00</u></b>

March 25, 2019

**RESOLUTION #100-2019\***

**AUTHORIZE THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR GEOTECHNICAL ENGINEERING SERVICES BY SESI CONSULTING ENGINEERS FOR THE NEWTON POOL EVALUATION**

**WHEREAS**, the Town of Newton requires the services of a professional engineer for geotechnical engineering services of the Newton Pool evaluation through a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, under the Local Public Contract Law N.J.S.A. 40A:11-5, professional services are exempt from public bidding; and

**WHEREAS**, SESI Consulting Engineers ("SESI") has submitted a proposal for the geotechnical engineering services at a lump sum cost of \$9,000.00; and

**WHEREAS**, SESI has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form which certifies SESI 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 SESI from making any reportable contributions through the term of the agreement; and

**WHEREAS**, the Chief Financial Officer hereby certifies, subject to the Governing Body appropriating sufficient funds in the 2019 budget, funds not to exceed \$9,000.00 are available in:

Current – Capital Improvement Fund –Geotechnical Pool Study #1095342

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton authorizes the Town Manager to enter into an agreement for geotechnical engineering services of the Newton Pool evaluation, not to exceed \$9,000.00; and

**BE IT FURTHER RESOLVED**, that the Business Entity Disclosure Certification be placed on file with this resolution.

**RESOLUTION #101-2019\***

**AUTHORIZE THE AWARD OF A CONTRACT FOR MATTHEW MORRIS, P.P., OF HAROLD E. PELLOW & ASSOCIATES, INC., AS CONFLICT PLANNER**

**WHEREAS**, there exists a need for a conflict professional planner to be appointed to represent the Town of Newton through a contract pursuant to the provisions of N.J.S.A. 40A 11-5 for the KWest Properties, LLC Project for Block 8.08, Lots 10 and 23; and

**WHEREAS**, the anticipated term of this contract is to the completion of the project; and

**WHEREAS**, Matthew Morris, P.P., of Harold E. Pellow & Associates, Inc., has indicated that all such services will be rendered to the Town of Newton at the rate of \$105.00 per hour, plus any out-of-pocket disbursements, which the Town Council deems fair and equitable for said professional services; and

**WHEREAS**, Matthew Morris, P.P., of Harold E. Pellow & Associates, Inc., in the aggregate is not expected to exceed the pay to play threshold of \$17,500.00;

**NOW, THEREFORE, BE IT RESOLVED**, the Town Manager and Municipal Clerk are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Matthew Morris, P.P., of Harold E. Pellow & Associates, Inc., providing for the retention of Matthew Morris, P.P., as conflict Planner for the KWest Properties, LLC project for Block 8.08, Lots 10 and 23.

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Matthew Morris, P.P.  
Harold E. Pellow & Associates, Inc.

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Thomas S. Russo, Jr.  
Newton Town Manager

March 25, 2019

**RESOLUTION #102-2019\***

**RESOLUTION APPROVING VACATION & SICK LEAVE TIME PAYOUT FOR JOSE MORALES**

**WHEREAS**, Jose Morales, Police Officer with the Town of Newton, retires effective March 31, 2019 and is entitled to payout for unused and accrued vacation & sick leave time pursuant to applicable law, Town ordinances, Policemen’s Benevolent Association, Local #138 Agreement and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook;

**NOW, THEREFORE BE IT RESOLVED**, the Town Council authorizes the following payout for unused and accrued vacation & sick leave to Jose Morales as follows:

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Jose Morales	March 31, 2019	\$4,173.38

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

A motion was made by Mr. Dickson to approve the revised **COMBINED ACTION**

**RESOLUTIONS**, seconded by Deputy Mayor Flynn and roll call resulted as follows:

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

**RESOLUTIONS**

**RESOLUTION #103-2019**

**RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2018 NEWTON VOLUNTEER FIRST AID SQUAD LOSAP PARTICIPANTS**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer First Aid Squad was approved by the Mayor and Council through the passage of Ordinance 2013-3 on February 11, 2013, and approved by Newton voters as a public question at the General Election on November 5, 2013; and

**WHEREAS**, Resolution #196-2014 and Resolution #198-2014 were adopted October 27, 2014 establishing the LOSAP for the Newton Volunteer First Aid Squad and awarding the contract to Lincoln Financial Advisors; and

**WHEREAS**, the Newton Volunteer First Aid Squad has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2013-3, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2018 as per the 2018 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the First Aid Squad is 24, for a total contribution of \$18,515.00, less the State restrictive amount of \$402.50 bringing the contribution total to \$18,112.50; and

**WHEREAS**, the State of New Jersey does not permit a municipality to contribute more than the annual maximum, even if a volunteer has earned LOSAP contribution credits for both the Fire and the First Aid. Accordingly the above total payment needs to be reduced by \$287.50 and \$115.00, the amounts in excess of the \$1,150.00 annual maximum contribution authorized for two volunteers; and

**WHEREAS**, the Chief Financial Officer hereby certifies that sufficient funds have

been appropriated in the Town of Newton Operating Budget for calendar year 2018 to cover the cost of this contract;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Newton Volunteer First Aid Squad dated February 7, 2019.

A motion was made by Mr. Dickson to approve the **RESOLUTION 103-2019**, seconded by Deputy Mayor Flynn and roll call resulted as follows:

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

**DISCUSSION**

None.

**OPEN TO THE PUBLIC**

Mayor Le Frois opened the meeting to the public.

Ralph Porter, 12 Pine Street, questioned why there is no handicap sidewalks on Woodridge Court? He also inquired about the dish satellite on the Town right-of-way. Mr. Porter also had questions and concerns regarding a recent Planning Board application and was advised by Mayor Le Frois to address his concerns with the Newton Planning Board.

Margaret Baldini, 12 Barry Lane, attended a recent Planning Board meeting and had various questions on the proposed Thorlabs project.

Jessica Egner, 16 Windsor Drive, questioned when the Yield sign will be replaced at the corner High Street and Park Place. She also questioned the reason for a Police Officer and a Crossing Guard at the corner of Halsted Street and Madison Street. She noted it is not safe due to the hedges on that corner.

Michael Malone, 59 Trinity Street, stated the Town if not "transparent" and feels the residents should have known about the closing of the Newton pool well in advance.

Melissa Costello, 16 Halsted Street, was disappointed with the Town Council not addressing the young lady that read her statement to the Council. She asked the Council why they not addressing the questions of the public.

Tracy Paperella, 56 Halsted Street, agreed with the previous statement, "that the Town Council is not transparent". She feels the Town did not properly maintain the Newton pool for several years. And feels the Town Council has not asked questions regarding the huge issues surrounding the pool.

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

**COUNCIL & MANAGER COMMENTS**

Councilwoman Diglio disagreed with several statements of Ms. Paperella. She noted the Council does ask questions and stated, through her research, she asked the Town Manager for the Geo Study of the pool to be completed. Mrs. Diglio noted that all of the recreation pool staff are all certified. She also commented on the need to repair the municipal roof as she saw the leaking/flood coming through the ceiling in the Human Resources office at Town Hall.

Councilman Dickson read from a prepared statement:

“The Newton pool has provided memories to countless residents and visitors for decades and I want the Newton pool to continue to be a place the memories can be made for decades to come. That is why I feel it is best to take a look at everything before we move forward. I have only been on this council since July. With the information we were given at the budget meeting, I made my decision that I feel is best not only for the future of the pool, so we can attack this the right way, but also the most responsible thing to do in the interest of all the taxpayers. I can't speak to what has been done in the past, only to try and make decisions that are best moving forward. If mistakes have been made it's better to identify them, rather than continue to repeat them. We must wait to hear the results, before we know how we can move forward. Whether we can make the repairs through capital improvement or need to come up with other ways to fund raise, create partnerships, or outsource. Those decisions have to wait until we have the information in front of us. I think it is important that we remain positive as a community and work together. Negativity and divisiveness is counterproductive. I am always willing to speak to anyone who has questions, or concerns and will be honest and do my best to give you an answer or find out the answer for you if I don't have it.”

Deputy Mayor Flynn feels the Town is doing the right thing by fixing it the proper way. It is something that needs to be done and will allow the pool to “be solvent for years to come”.

Mr. Russo addressed the questions of Ms. Baldini.

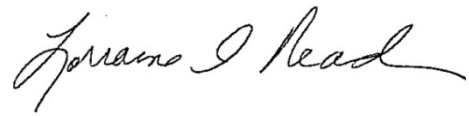
March 25, 2019

Mayor Le Frois reiterated former statements in support of the Council's decision to close the pool in order to properly correct the issues at large. The Town Council always welcomes all residents to every Council meeting and Budget Hearing. It is at the meetings that all presentations; hearings; and discussions are held and all information transparent to the public.

**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 8:20 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned above the printed name and title.

Lorraine A. Read, RMC  
Municipal Clerk