

September 16, 2020  
(VIA ZOOM)

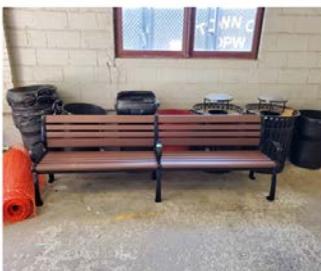
The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present via Zoom were Mr. Dickson, Deputy Mayor Flynn, Mr. Schlaffer, Mrs. Le Frois, Mayor Diglio, and Thomas S. Russo, Jr, Town Manager. Ursula Leo, Esq., Town Attorney and Monica Miebach, CFO, were also present.

Mayor Diglio read 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 April 24, 2020."

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

**PRESENTATION**

Nathan Brottman presented a PowerPoint presentation on an Eagle Scout Project which he is seeking permission to complete in the Town of Newton in connection with the Rail Trail.



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Nathan explained this project will be done with the help of his fellow Boy Scouts, the Newton DPW, and Gravity Design Works. He respectfully asks permission to complete this project in the Town of Newton.

Mayor Diglio thanked Mr. Brottman for choosing this site and stated the Town has been working on improving the trail and this will be a welcome addition to the work already done.

Councilman Schlaffer stated he loves the project, he uses the trail walking with his boys and this will be a benefit. He thanked Nathan and offered to help in any way.

Councilwoman Le Frois congratulated Nathan on getting so far in his scouting career. This project will be appreciated by our Shade Tree Commission; they are always looking to put in more trees around Town. She admires his leadership on this project and thanks him for choosing Newton.

Nathan thanked the Council for their kind words and expressed his desire to add some color to the Town of Newton and to do a project he could show his kids in the future.

Councilwoman Le Frois made a motion to approve Nathan Brottman's request to improve the Town of Newton Sussex Branch Trail Gateway Project. Deputy Mayor Flynn seconded.

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

Mr. Russo gave an update on the Rail Trail Project.

1. 2012 Trails Grant – I am currently working with Adam and Monica on the submission to the NJDEP for reimbursements. Adam provided me with a summary of costs and Monica is working to get me copies of all purchase orders and cancelled checks. I believe the submission for reimbursements in the amount of \$24,000 will be submitted next week.
2. Trail Drainage at Trinity Street – The property owner adjacent to the trail at Trinity Street has objected to the drainage work that was completed to direct the storm water under the trail at Trinity Street. The location of a riprap swale has been worked out and the DPW is scheduling the completion of the swale to assure all storm water stays away from the property in the question yard area. That work was to occur today but was delayed due to rain.
3. Hicks Avenue Crossing – I have spoken to Sussex County Engineer Bill Koppenaal regarding the crossing on Hicks Avenue to connect the trail to the existing trail East of Hicks Avenue. Bill was in agreement with the crossing but needed me to provide him another copy of the plan that Harold prepared for the crossing. I sent that plan to Bill again today and will follow up with him further to set up a meeting on site to review. Once we have final County approval, the DPW will

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need to install one (1) inlet along Hicks Avenue, remove existing guide rail, paint crosswalk and install new signs.

4. Trinity Street Crossing – A plan for the installation of a mid-block crosswalk on Trinity Street is attached. The State permits the installation of a mid-block crosswalk only after an engineer's study is completed. We will submit a report on this to you next week. An ordinance will then need to be adopted by the Town Council for the establishment and enforcement of all regulations related to the crosswalk.
5. Rental Center Easement on Town Property – Now that the Punctuated Equilibrium agreement with Tri-State is in place to allow crossing to the Town property, the conditions of the Tri-State lease agreement needs to be discussed to make sure that they are not encroaching on the Town's rail trail. I visited the site today and there is a bunch of equipment near this trail. This is not safe for those using the trail. A meeting with Tri-State Rental is needed to follow up on the lease agreement and establish how to keep their equipment away from the trail.
6. Walking Trail Bridge – A permit for the bridge crossing has been obtained. The NJDEP permit, however, required that the span of the bridge be extended to over 45 feet. This is larger than originally expected and the costs are higher as well. We have received quotes for the bridge at \$45,000 and \$70,000. We requested quotes from another company as well but did not receive a quote. We have a budget of \$50,000 for this project and are working with the two bridge companies (and will reach out again to the third company) to fine tune the bridge costs and bring down the overall cost of the structure. We will provide you an update as soon as we have the updated quotes. I would hope to have this information to you next week.



Mr. Russo requested we change the order of the meeting, moving the Discussion portion to before the public portion, as Mr. Ferry has another commitment.

Mr. Thomas Ferry, RMA of Wielkocz & Co., LLC, the Town Auditor reviewed the Statement of Operations for 2019 for the Current Fund. The Current Fund Balance as of December 31, 2019 is at \$2,832,783.21, which he considers a nice healthy Fund Balance.

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He reviewed the Water and Sewer Utility Statement of Operations for 2019. The Fund Balance at the end of the year was \$2,260,713.24 which is quite an increase from the previous year. This was done intentionally based upon a report Tom Russo and Dawn Babcock had done in which we anticipate some large capital expenditures coming up, so a large portion will be going to debt service and capital projects in future.

He explained our debt service in 2014 was at 2.65% and in 2019 it is at 2.25%. This is a move in the right direction, a good sign as the Town has been paying off as much debt as possible.

He stated everything is working smooth. It has been phenomenal to work with Tom, Dawn, and now Monica as well as the rest of the staff. They are always very receptive to his suggestions and do a great job overall.

Councilwomen Le Frois thanked Mr. Ferry for his hard work and guidance in helping Newton with the goal of paying down debt and maintaining a healthy fund balance.

#### **OPEN TO THE PUBLIC**

At this time, Mayor Diglio read the following statement:

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

Alex Majewski, 90 Trinity Street, read the following statement:

*"I would like to take a moment tonight during the public portion of this meeting to commend Deputy Mayor Flynn. As you all know, Dan has recently announced that he will not seek re-election to the Newton Town Council.*

*Dan's hard work, leadership, and innovation have been a tremendous asset to Newton. You are recognized by myself, members of the community, and organizations like the Sussex County GOP. You have been a part of many great things for the Town and have always made yourself available to tackle any issue. Thank you for moving Newton forward and for your support of the community. I look forward to the positive contributions you will continue to bring to the Council throughout the remainder of your term.*

*I wish you the best of luck to you in your future endeavors."*

Peg Baldini, 10 Barry Lane, questioned why the minutes from the August 10<sup>th</sup> meeting were not on the agenda for approval for tonight. Also, why are the videos of

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the meetings not posted on the website? The last meeting posted was from 3/9/2020. Why aren't we approving the minutes from the August 10<sup>th</sup> meeting. She was looking to get a copy of the minutes. On Ordinance 2020-19 and 2020-20, she objects to the 50% of the principal dwelling footprint portion, it doesn't seem realistic to her. The off-street parking areas other than driveways being prohibited seems a little extreme.

She then read the following statement:

*"You are engendering harassment and discrimination in the Town environment against people of lower socioeconomic status, the elderly, and persons with large families would be effected by this. You are also opening yourselves up to a lot of legal liability by doing this. I know of specific examples of your code enforcement officers harassing elderly widows and the like. This seems unconscionable in the light of recent events and the COVID-19 lockdowns. Many persons have lost their jobs and are unable to keep up their properties. This is not a business as usual situation. People are struggling and doing their best, struggling at this point to pay their bills and doesn't seem like the time for you to be weaponize your code enforcement department. Thank you very much".*

Ludmilla Mecaj, 9 Madison Street, she questioned why she never received an answer to her question at the August 10<sup>th</sup> meeting on when was the maintenance of the wet field done. Deputy Mayor Flynn stated he would respond after the public portion is over.

There being no one else from the public to be heard, Mayor Diglio closed this portion of the meeting to the public.

In response to Dr. Mecaj, Deputy Mayor Flynn stated he didn't have exact dates on when the field was last cleared out but it was well over 20 years ago. The reason we couldn't do it on a regular basis is we didn't have the permitting and there is a whole scrutiny of liability in bringing heavy machining into the stream to clean it out. We have been pushing for this for several years and it has only really been a problem in the last 5 to 6 years, it has been progressing. It is not something that is easily maintainable on a regular basis so we are pushing for a 5-year continuous permit so we can clear the stream out and drain the field so it doesn't flood. The problem now is the water level has risen over the years due to the stream backing up at Moore's Brook. It's not a matter of something has been neglected over the past few years, this happened over the past 20 to 30 years. So here we are, we will get the job done now.

Mayor Diglio wanted it noted the wetlands have been encroaching for a number of years.

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## **COUNCIL & MANAGER REPORTS**

**Mayor Diglio** – The reason there are not minutes is because Lorraine Read is out, hopefully she will be back soon. Then read the following statement:

*“Good evening everyone. It has been a little over a month since the last Council meeting and much has happened during that time. I will start with the County COVID report update. As of yesterday, September 15th, there are 1490 cases of COVID and 198 deaths in Sussex County. The number of people who have recovered is now 1260. Since July 13, there have been 3 reported deaths. I fell like a broken record, however, as I stated at previous meetings, individuals maybe experiencing feelings of helplessness and depression due to the COVID limitations. If you know of anyone, please give them the Hotline # 973 579 9488.*

*And again the broken record. Have you filled out your census yet. The dead line has been moved to September 30<sup>th</sup>. Remember, counting everyone in the 2020 census helps communities receive funding for health care, education, and emergency services. Also remember the important role the census plays to draw boundaries for congressional, state legislative and school districts*

*Moving on to the local level, the municipal building is open to the public from 9:30 am to 3:30 pm. For the safety of the staff and public several accommodations have been made and masks are required.*

*On August 13<sup>th</sup> I attended the dedication of Hero’s Way which was th naming of the u shaped road that leads to the Newton Medical Center. Also with me was Councilwoman Helen LeFlois and Councilman Matt Dickson. The idea was brought to me by Tami Horsefield, Director of the Sussex County Chamber. I brought the idea to Tom Russo, our Town manager, who actually made it happen. He also was the MC for the event. Thank you to all who attended to honor and thank the members of our community who have been there through the COVID crisis: the doctors, nurses, EMS volunteers, police and all the supporting staff.*

*The Newton Town Pool opened to the public on August 14<sup>th</sup>. There have been three sessions: seniors from 9 to 11, and the general public from 1 to 3pm and from 4 to 7pm. Pre registration is required as we are limited by COVID rules as to how many are allowed in the pool area. I am sorry to say the pool will be closing this weekend so come on down and enjoy. Some good news, due to the late opening, Newton residents will enjoy free membership next season.*

*On September 2<sup>nd</sup> the Town hosted a Hero’s Appreciation Day at the pool to again thank our local heros, many who put their lives on the line every day.*

*On September 11<sup>th</sup>, our firemen, EMS volunteers, police and members of the community including Tom Russo, Town Manager, and Kimberly Williams, Community Development Director, meet at SCCC to honor the memory of those who were killed on that day. That is a day I will never forget.*

*This past Monday, the GNCC and the Town hosted a Meet and Greet at the pool. Many attended and mingled. New businesses were able to introduce themselves and learn of the many established businesses. Many thanks to the sponsors.*

*Restaurants are now allowed to be open for indoor serving. As always, I encourage you to support the restaurants and local businesses.*

*Finally it is with great pleasure that I thank Nathan Brottman for his Eagle Scout Presentation and for his choice to improve the Sussex County Trail.”*

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**Deputy Mayor Flynn** – none.

**Councilman Dickson** – read the following statement:

*"The Pool ribbon cutting and opening: Just want to say thank you to Sherri and the recreation staff, the DPW, Tom and his staff, Suburban, and All State for all the time and hard work that went into the pool project. The end result looks fantastic and the pool will continue to be a gem of the Town for many years to come.*

*The Hero's way sign dedication at NMC was a nice way for the Town of Newton to show all the frontline healthcare professionals at the hospital how appreciated they are.*

*International Overdose Awareness Day was August 31st and the Center for Prevention and Counseling held a vigil on the Newton Green. It was a chance to honor individuals who were lost as a result of overdose. Myself and Councilwoman Le Frois attended.*

*BOE update: At the Sept 8th meeting, the Board of Education passed a resolution in regards to the preschool modular classrooms. The resolution highlighted the failures of the previous Business Administrator to relay communications from the County Business Administrator and Department of Education, which would cast doubt in the ability for the project to proceed, to the Superintendent or Board in March. This was prior to the plan even being presented to the board. With none of this knowledge, the decision to proceed was made and a lease purchase agreement was entered into. Once it became clear in July that the project was prohibited, the Superintendent, Interim Business Administrator, and Board took several steps to mitigate the financial impact including ; involving board attorneys, engaging an independent auditor, and submitting a claim to the board's insurance carrier pursuant to Public Official Bond on the Business Administrator. The investigation and solution is ongoing, but the Board did resolve for Vangaurd Modular Building Systems to be permitted to market the modulares fabricated for the board for resale. The Board would be credited any net proceeds of a sale.*

*Yesterday, I attended the Annual ShopRite Partners in Caring Bag Hunger event along with Councilwoman Le Frois. Chief Osborn and Officer Torres also participated in the event. It is truly a privilege to be able to attend events like these."*

**Councilman Schlaffer** – Fall Festival will be on Sunday, October 11<sup>th</sup> on Spring Street from 11am to 4pm. The event is free. There will be live music, costume contest, car show, and much more. He encourages everyone to spread the word, Kimberly has lawn signs to advertise the event and hopes to see everyone there.

**Councilwoman Le Frois** – Attended the August 11<sup>th</sup> ribbon cutting ceremony for the opening of the newly renovated pool. The privacy fencing makes it feel like a resort. It is beautiful facility and looks great. She stated we have the best recreation staff and lifeguards. They did fabulous job this season, worked hard doing drills, sanitizing, and overall working hard. They were always very polite and respectful to the public. She also attended the Heroes Way dedication on August 13<sup>th</sup>. Speaking with some of the healthcare workers they are very appreciative of the acknowledgement and recognition they have received. She is working on legislation with Senator Oroho to allow online raffles for non-profits. He has bipartisan support for this bill and it would really benefit the non-profit organizations which rely heavily on raffles/bingos income through fundraising events. Our second movie night was held August 21<sup>st</sup>, she commends Tom and Kimberly for providing the 2 concerts and movie nights this summer. We were the first if not only municipality to offer events this summer. As

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Councilman Dickson mentioned she also attend the Center for Prevention and Counseling's candlelight vigil recognizing International Overdose Awareness Day. Becky Carlson, the Center director expressed to her they couldn't do what they do without the support of the Town and Newton Police Department. She also attended the First Responders day at the pool. This past Saturday she attended the VFW annual BBQ Chicken Dinner. It was a great event, and she was glad they were able to hold this fundraiser in spite of COVID. Finally, it was a great Meet and Greet at the Newton Pool; she thanked Tom for giving all the attendees an update on the things happening in Newton. It was a great night, about 50 people attended. She was proud to participate in the Shoprite Bag Hunger Day event. Finally, she just wanted to thank everyone involved in the 9/11 ceremony.

**Town Manager Russo** – First, he asked Terri Oswin to give an update on the pool. Terri stated since we opened on August 14<sup>th</sup> we had a total of 2,806 visitors, 2,340 were residents and 466 were non-residents. Total revenue for the season so far is \$1,826.20. On Monday night we hosted the GNCC Meet and Greet at the pool with approximately 60 people in attendance. It was a great event. As for incidents, we had 11 band-aid incidents, 1 bee sting, and 1 minor guest dispute which was settled quickly. We closed one full day and opened late one day due to the weather. We are closing for the season this Sunday, September 20<sup>th</sup>. We had some minor kinks with the software system which are being worked on. Overall this was a great season; we have received a lot of positive feedback. Sherri has many ideas for improvements for next year.

Tom offered kudos to Sherri, AllState, Suburban, DPW, and staff on the pool season. It was a great battle drill to prepare us for next year. He was happy to work with the Mayor and Tammi Horsefield on the Heroes Way dedication. Bob Adams of the hospital was very appreciative as was his staff.

He was happy to participate in the 9/11 ceremony. He was invited to attend in person; he and Kimberly attended on behalf of the Town and streamed it. He was an elected official in Parsippany on 9/11/01 and attending the ceremony takes you back to the day and it is important to not forget. He was glad it was still held in spite of COVID.

He offered any assistance to Councilwoman Le Frois with the Senate bill to allow for online raffles/bingos.

The GNCC event was great. Everyone in attendance had good time while still following social distancing guidelines. He was grateful to be able to give an update on the cool things going on in Town. It was great to see a lot of familiar faces even if it was from the nose up and get a chance to catch up. He thanked everyone who attended.

He thanked Tom Ferry for attending tonight. Lots of positivity as far as the audit, but also the long-term financial planning which he gets to implement, but the Town Councils have been very supportive, especially when it comes to decreasing debt. In the 12 years he has been with Newton he has been responsible for about ¼ of a billion dollars in spending. All the staff are cost conscience with spending, using shared services, CO-OP purchasing always trying to get the best pricing in whatever we do.

In response to public: Peg Baldini, if she was looking for specific recordings he has them, he records all the meetings. She can just OPRA them. As for the minutes, Lorraine is out on medical leave and it is the reason for the delay on the minutes. Reasonable people can disagree on the ordinances. We have our attorney present to answer any questions on the ordinance. He respects her opinion but disagrees with her opinion, and doesn't think Bernie, Jeff Schiffner, or Sherri do anything to weaponize the Code Enforcement Department. They are always fair and consistent and if a violation is issued and there is a hardship they work with people to gain compliance. Ignoring notices or violations never works, but if people need assistance, guidance, or time, Bernie is always willing to work fairly with people while obviously maintaining the quality of life for all the residents.

For the Babe Ruth Field, he offers these additional comments he received a few

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days ago from David Battaglia of Suburban Consulting Engineer:

*"During last week's field reconnaissance DPW showed our survey and environmental professionals the channel path which they recollect clearing previously.*

- 1. A GPS coordinate was taken at the existing outfall, and then our personnel drove downstream with DPW to the location where the channel met the brook where another GPS coordinate was taken.*
- 2. Per DPW, when they cleared this channel they went straight from outfall to the brook. This is a distance of 0.24 mile, with an elevation difference of 6 inches.*
- 3. Our personnel investigated along that straight path, and to 50 feet on either side to account for the channel potentially not being as much straight a line as DPW recollects. Unfortunately no evidence of a previous channel could be found. This straight line extends through upland areas where the remains of a channel should be evident.*
- 4. Our personnel also investigated the channel seen on the aerial, which we provided to NJDEP as the presumed existing channel path with supporting aerial evidence that it had been silted in over time.*
- 5. Field reconnaissance showed some evidence of this channel farther away from the brook, where it appears wider on the aerial. However, they didn't find any evidence it had ever extended all the way south to the brook. In order for this channel to have connected to the brook it would have extended though an upland area near the brook that should be visible today.*
- 6. The aerial images combined with our new field information indicates that the channel seen on the aerial flowed north toward the ponds and not south out to the brook.*
- 7. With either path there isn't any field evidence to support the concept of "reestablishing" an existing channel as shown on paper with the preapplication request.*
- 8. Based on the field reconnaissance we believe the that the best course of action is to propose a completely new, piped, path. Although this is a harder sell to NJDEP than "reestablishing" a channel, we do expect they would allow this new path through a General Permit.*
- 9. The new path will require piping and a flood gate. The piping is necessary because a new open channel would effectively drain the wetland where no such channel can be proven to have existed previously. The flood gate would be required to protect the system from back-flooding as much as possible.*
- 10. The new path would cause the least amount of wetland disturbance and is therefore most likely for NJDEP to accept.*

*At this time we think this is the best option to achieve your goal."*

Mr. Russo stated he has given the go ahead on this. He went on to say Fall Fest is Sunday, October 11<sup>th</sup>, 11am to 4pm with social distancing guidelines. The 2<sup>nd</sup> annual Flags of Honor will be on Sunday, November 1, 2020 at 11:00am. We look forward to supporting our veterans. Proceeds go to Community Hope, they do housing for veterans, it is a great cause.

Mr. Russo went on to state, he has hired a new police officer, Garrett Armstrong, he is legacy from a law enforcement family. He starts after October 1<sup>st</sup>.

There will be a bunch of Planning Board projects coming in in the near future. The Farm Store, the G&H Redevelopment, and townhomes for Paterson Avenue.

**OLD BUSINESS** – None.

**ORDINANCES** –

Mayor Diglio read aloud the following Ordinance relative to final adoption.

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**ORDINANCE 2020-19**

**AN ORDINANCE AMENDING CHAPTER 320-3 AND 320-23 OF THE CODE OF  
THE TOWN OF NEWTON ENTITLED "DEFINITIONS" AND "PARKING AND  
DRIVEWAY STANDARDS"**

**WHEREAS**, it is the express purpose of this Ordinance to protect the public health, as well as the safety and welfare of the public; and

**WHEREAS**, in furtherance thereof, the Town seeks to diminish the environmental contamination resulting from the discharge of motor vehicles fluids such as air conditioning refrigerant, motor oil, and radiator fluid, into the soil and groundwater by prohibiting off-street parking on areas not designated or zoned as driveways;

**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 320-3 of the Code of the Town of Newton entitled "Definitions" shall be amended by replacing the definition for "Driveway" as follows:

**Driveway**

Vehicular accessway provided for the purpose of allowing passage over, and parking upon, private or public property.

**SECTION 2.** Chapter 320-23 of the Code of the Town of Newton entitled "Parking and driveway standards" shall be amended by replacing Subsection 320(E)(2) and adding new Subsections 320(E)(3) and (4) as follows:

320-23 Parking and driveway standards

E. Residential driveways.

(2) Off-street parking on areas other than driveways is prohibited.

(3) All driveways shall be hard surfaced with asphalt, concrete, gravel, crushed stone, pavers or other material that provides a durable, dust free surface, which meets or exceeds the minimum specifications prescribed by any zoning, construction, and/or land use requirements. All driveways shall be durable and maintained in good condition.

(4) The total residential driveway area shall not exceed fifty percent (50%) of the principal dwelling footprint, plus a twelve foot (12') wide driveway sufficient to connect to the municipal right of way, or the minimum parking area which is required in order to meet the parking requirements of Section 320-23, whichever is larger.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall become effective after second reading and publication as required by law.

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By motion by Mr. Schlaffer, seconded by Mrs. Le Frois and unanimously carried, Mayor Diglio opened the meeting to the public.

Scott Lurker, 33 Liberty Street, stated one of his concerns is many of the larger houses have been converted to duplexes but lack a lot of parking space. For some of these families that are sharing houses they would be limited to the number of cars allowed. Is there anything that could be done to ease these situations? Also, he noticed there are many homes in Town which lack for driveways or a large portion of there yard is already taken up by driveway. He questioned if any would be grandfathered in situations.

Robert McBriar, Esq., responded with regard to driveways parking standards being grandfathered. The ordinance was written for someone wishing to make improvements, that would trigger the ordinance. The code states parking outside a residential driveway is prohibited, so if someone wanted to enlarge their driveway they would have to seek a variance. The Mayor questioned for clarification, if driveways are already larger than what the ordinance allows, would they be grandfathered in. Mr. McBriar responded yes.

Peg Baldini, 10 Barry Lane, questioned if overnight parking restrictions still be in effect.

Mr. McBriar responded this doesn't effect current overnight regulations.

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

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

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

This Ordinance will take effect after publication and adoption according to law. The Deputy Clerk will advertise the above Ordinance according to law.

Mayor Diglio read aloud the following Ordinance relative to final adoption.

**ORDINANCE 2020-20**

**AN ORDINANCE AMENDING CHAPTER 213, ARTICLE II OF THE CODE OF THE TOWN OF NEWTON ENTITLED "PROPERTY MAINTENANCE CODE"**

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**WHEREAS**, the International Property Maintenance Code ("IPMC"), published by the International Code Council, establishes minimum requirements for the maintenance of existing buildings and exterior premises through model code regulations that contain property maintenance and property improvement provisions; and

**WHEREAS**, the Town of Newton ("Town") formally adopted the IPMC and its amendments, by reference, as its Property Maintenance Code together with additions, insertions, deletions, and changes it may make from time to time as set forth in Chapter 213, Article II, Section 213-9 entitled "Amendments to standards"; and

**WHEREAS**, the Town seeks to update and amend its Property Maintenance Code for the purposes of protecting the public health, safety, and welfare of the Town and its residents; avoiding, preventing, and eliminating the maintenance of or creation of hazards to the public health and safety; avoiding, preventing, and eliminating conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties; and preventing the creation, continuation, extension, or aggravation of blight.

**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.** Article II, Section 213-9 entitled "Amendments to standards" shall be amended to revise and/or supplement the following sections of the IPMC as described below:

**Section 202** of the IPMC entitled "General Definitions" shall be revised to include the following definition:

**PUBLIC VIEW.** Any premises, or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, parking lot, or from any adjoining or neighboring premises.

**Section 202** of the IPMC entitled "General Definitions" shall be revised by deleting the definition of "Inoperable Motor Vehicle" in its entirety.

**Section 302.1** of the IPMC entitled "Sanitation" shall be revised by deleting and replacing same as follows:

**302.1 Sanitation.** Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. It shall be the duty of the owner and occupant to keep all parts of the exterior property and premises in a clean and sanitary condition.

**Section 302.8** of the IPMC entitled "Motor vehicles" shall be revised by deleting and replacing same as follows:

**302.8 Motor Vehicles.**

- (A) The term "motor vehicle" shall include all automobiles, motor vehicles and other vehicles subject to Title 39 of the New Jersey Statutes Annotated.
- B) Except as otherwise provided in Section 302.8(D), unregistered and inoperable motor vehicles, and any motor vehicle in a state of major disassembly and disrepair, shall not be parked, kept, or stored outside on any residential premises including any part or parts thereof for more than ten (10) calendar days.
  - (1) "Unregistered" means any motor vehicle that is not currently registered with a state motor vehicle division or department.

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- (2) "Inoperable motor vehicle" means any motor vehicle that is damaged or missing critical components, such as the engine, wheels, or tires thus rendering the vehicle mechanically inoperative for lawful use on a public roadway or incapable of being moved under its own power; and any motor vehicle without a currently valid license plate.
- (3) "Major disassembly and disrepair" shall include, without limitation, the following common conditions: missing tire(s); vehicle on blocks, jacks, or similar supports; missing windshield; missing engine, transmission, axle, chassis or brakes; missing door(s); missing steering wheel; and broken driveshaft.
- (C) At no time shall any vehicle of any type undergo major overhauling, including bodywork, substantial repair and restoration on any residential premises unless such work is performed inside a structure or similarly enclosed area designated and approved for such purposes.
- (D) Motor vehicles described in Section 302.8(B) may be parked, kept, or stored in garages or similarly enclosed structures. Covering a motor vehicle described in Section 302.8(B) that is parked, kept or stored outdoors with a tarpaulin, cloth, canvas, or similar covering does not satisfy the requirements of this section.
- (E) Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

**SECTION 2.** Article II, Section 213-9 entitled "Amendments to standards" shall be amended to supplement the IPMC by adding Section 302.10 as follows:

**302.10 Blighted Condition.** The exterior property and premises shall be maintained so that it does not create, contribute to, or promote a blighted condition. "Blighted condition" is any condition or combination of conditions exposed to public view existing upon any premises which tends to devalue surrounding property values, is unsightly, dilapidated, causes a negative visual impact upon the neighborhood, or negatively affects any neighbor's use and enjoyment of his or her own property, due to neglect, decay, deterioration, disrepair, rotting, dilapidation, or failure to maintain.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall become effective after second reading and publication as required by law.

By motion by Mr. Schlaffer, seconded by Mr. Flynn and unanimously carried, Mayor Diglio opened the meeting to the public.

Peg Balini, 10 Barry Lane, questioned the section stating depreciating value of adjacent properties, aggravation of blight, and negatively affecting neighbors used his or her property. How is this going to be proved?

Mr. McBriar responded stating the Municipal Court Judge would make the determination in conjunction with the language of the ordinance.

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Scott Lurker, on the section on making repairs to your own vehicle including body work and major overhaul stating it has to be done in a garage, or designated place. Does this mean if I try to repair my car in my own driveway I would be in violation, and what constitutes major overhaul or repair?

Mr. McBriar responded it would be substantial body work, significant repair, and substantial restoration if that is done in a garage or similar enclosure it would be acceptable and would be prohibited outside the area defined in the ordinance.

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

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

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

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

The Deputy Clerk will advertise the above Ordinance according to law.

Mayor Diglio read aloud the following Ordinance relative to final adoption.

**ORDINANCE 2020-21**

**ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE MERRIAM GATEWAY REDEVELOPMENT PLAN, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.**

**WHEREAS**, the Merriam Gateway Redevelopment Plan governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and adopted by the Town Council in November 2010, amended in September 2012, March 2015, and July 2017; and

**WHEREAS**, in accordance with the Redevelopment Law and upon Planning Board recommendation, the Town Council designated property identified as Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (former Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14) (the "Property") as a non-condemnation area in need of redevelopment under the Redevelopment Law (the "**Redevelopment Area**"), which designation authorized the Town Council to use all those powers permitted by the Redevelopment Law for use in a redevelopment area except the power of eminent domain; and

**WHEREAS**, in accordance with the Redevelopment Law and by resolution duly adopted (Resolution 169-2020), the Municipal Council (the "**Town Council**") of the Town of Newton (the "**Town**") authorized and directed the Town Planning Board (the

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“**Planning Board**”) to review the draft Redevelopment Plan Amendment, pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, following such review the Planning Board has rendered its report and recommendations to the Town Council and noted the Redevelopment Plan is not inconsistent with the Town’s Master Plan, and with comments and recommendations, pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, the Town Council hereby finds it appropriate for an Amendment to the Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Town; and

**WHEREAS**, the Planning Board recommended certain amendments to the Redevelopment Plan, which the Town wishes to incorporate therein, as described in Exhibit A hereto; and

**WHEREAS**, the Town Council now desires to adopt the Amendment to the Redevelopment Plan and to direct the applicable provisions of the Town’s Zoning Ordinance and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein;

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

1. **Generally**. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **Adoption**. The Amendment to the Redevelopment Plan, as filed in the Office of the Town Clerk and attached hereto as Exhibit A, is hereby approved and adopted.
3. **Amendment of Zoning Ordinance and Map**. The sections of the Town’s Zoning Ordinance and Map are hereby amended to incorporate and reflect the Redevelopment Plan, and, to the extent provided in the Redevelopment Plan, are superseded thereby.
4. **Severability**. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.
5. **Public Review**. A copy of this Ordinance shall be available for public inspection at the offices of the Town Clerk.
6. **Effective Date**. This Ordinance shall take effect as provided by law.

By motion by Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, Mayor Diglio opened the meeting to the public.

Peg Baldini, 10 Barry Lane, questioned if this will allow treatment facility and what kind.

Jessica Caldwell, the Town Planner, responded yes a treatment facility is allowed with condntions to limit the negative impact on the area.

Ludmilla Mecaj, 9 Madison Street, questioned if clients will be from the County or just from Newton.

Ms. Caldwell responded it is unknown until they have a tenant.

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

Mr. Dickson stated before the ordinance is acted on, he had a couple of things he wanted to bring up. It would obviously be a positive to bring more treatment and services to Newton and Sussex County especially with Capital Care closing and Sunrise House and Garden State only serving those with insurance or self-pay. He 100% supports having facilities like this in the Town so individuals with substance abuse disorder can seek treatment, but he does have some concerns if this is an appropriate spot for that. One of the concerns of the Planning Board was the close proximity to the schools and kids walking to and from daily. Also, being close to the apartment complex known for some drug related issues. He doesn't want to set anyone up for failure. A larger need exists for facilities that accept Medicaid or no insurance, will this facility do this? Also, he has concerns on the strain on local law enforcement, EMS and emergency services.

Jessica Caldwell addressed Mr. Dickson's concerns stating conditions are in place to address security, accreditation, and other concerns. Ursula Leo, Esq. stated as a conditional use if the conditions in this proposed ordinance are not met, its would be a "D" variance which requires a 5 out of 7 approval so it is a higher burden if these things aren't met and is helpful from the municipal perspective.

Mr. Russo stated, the accreditation requirement is helpful is getting a facility that is recognized for doing things the right way with high standards. This is an opportunity for Newton to host a facility to help people dealing with depression, mental illness, and addiction.

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

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

This Ordinance will take effect after publication and adoption according to law.  
The Deputy Clerk will advertise the above Ordinance according to law.

**CONSENT AGENDA**

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Mayor Diglio 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 195-2020\***

##### **"Affirm the Issuance of a \$88,500 Bond Anticipation Note"**

**WHEREAS**, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes (BAN's) to provide temporary financing for the Town; and

**WHEREAS**, the Town of Newton needs to finance the debt authorized by Ordinance #2020-12 adopted on July 13, 2020; and

**WHEREAS**, the Town received one quotation of 2.85% Net Interest Cost (NIC) as listed on the attached Note Sale Bid Results; and

**WHEREAS**, the Chief Financial Officer, with advice of Phoenix Advisors, financial advisors and McManimon, Scotland and Baumann, bond counsel for the Town of Newton, accepted the quotation from Joint Insurance Fund - JCMI for a Bond Anticipation Note totaling \$88,500 at an interest rate of 2.85% which will require a 2021 interest payment of \$2,326.08; and

**WHEREAS**, the appropriate Town Officials have executed said Note in the amount of \$88,500 with an interest rate of 2.85% (NIC 2.85%) dated August 20, 2020 and maturing July 22, 2021; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby affirm the issuance of a \$88,500 Bond Anticipation Note issued August 20, 2020 and maturing July 22, 2021 bearing an interest rate of 2.85% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

#### **RESOLUTION #196-2020\***

##### **"Authorizing the Elimination of Pool Season Pass Membership and Daily Admission Fees for Town of Newton Residents Only for the 2021 Pool Season"**

**WHEREAS**, on February 24, 2020, the Newton Town Council, via the adoption of Resolution #71-2020, authorized the waiver of pool season pass membership and daily admission fees for Town of Newton residents only for the 2020 pool season; and

**WHEREAS**, the Newton Town Pool renovation project was successfully completed in mid-August of this year due to unforeseen delays related to contractor issues and the COVID-19 pandemic; and

**WHEREAS**, the renovated Newton Town Pool has received rave reviews for the quality of the renovations as well as overall aesthetics and pool experience; and

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**WHEREAS**, the Newton Town Manager has recommended to the Newton Town Council the waiver of pool season pass membership and daily admission fees for Town of Newton residents only for the 2021 pool season as a recognition of the importance of the pool to residents and the significant financial investment made by the taxpayers of the Town to see the project come to fruition; and

**WHEREAS**, Section 100-24.A of the Newton Town Code sets forth the fees for Town of Newton Residents to the Town Pool;

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Town of Newton, County of Sussex, State of New Jersey, that the pool season pass membership and daily admission fees, set forth in Section 100-24.A of the Newton Town Code, shall be waived for all Town of Newton residents only for the 2021 pool season, with said fees resuming for the 2022 pool season.

**RESOLUTION #197-2020\***

**“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 June 25, 2019 and publicly received the bids on July 16, 2019; 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 2019-2020; and

**WHEREAS**, this Contract Extension shall be in effect from August 14, 2020 until August 13, 2021; 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 following vendors were awarded contracts for road salt and snow grit and have extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

<b><u>Rock Salt</u></b>	<b><u>Price Per Ton</u></b>
Morton Salt 444 West Lake Street, Suite 3000 Chicago, IL 60606	\$51.98
<b><u>Snow Grit</u></b>	
284 Aggregates LLC 10 Route 284 Sussex, NJ 07461	\$9.99
Braen Stone PO Box 8310 Haledon, NJ 07538-8310	\$9.97
North Church Gravel 216 North Church Rd Franklin, NJ 07416	\$9.09
Stavola Construction Materials 175 Drift Road Tinton Falls, NJ 07724	\$11.00

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**WHEREAS**, the Chief Financial Officer has certified funds are available in the 2020 Town of Newton operating budget to award these contracts for the 2020-2021 portion of the contracts up to \$60,000;

- 1,000 tons of salt, not to exceed \$52,000 from account number 1081239
- 800 tons of grit, not to exceed \$8,000 from account number 1081239

2020 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 award a contract for the purchase of road salt from Morton Salt at the Sussex County price of \$51.98 per ton and Snow Grit from North Church Gravel at \$9.09 per ton, 284 Aggregates LLC at \$9.99 per ton, and Braen Stone at \$9.97 per ton.

**RESOLUTION #198-2020\***

**“Accept and Approve Corrective Action Plan for 2019 Audit”**

**WHEREAS**, a Corrective Action Plan for the Audit Report Year of 2019 has been prepared and filed by Chief Financial Officer, Monica Miebach; and

**WHEREAS**, said Plan has been reviewed by the Mayor and Council of the Town of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Town of Newton that the Corrective Action Plan for the Audit Report Year of 2019 is accepted and approved for filing in the Municipal Clerk’s Office.

**RESOLUTION #199-2020\***

**“Concur with the Town Manager’s Appointment of School Crossing Guards for the 2020-2021 School Year”**

**WHEREAS**, New Jersey Statute 40A:9-154.1 states *“The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...”*;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager’s appointment of the following individuals as School Crossing Guards for the 2020-2021 school year:

Cindy Bailey  
Carol Blanchard  
Peter Cannarozzi  
Carolyn Dipple  
Mary Edwards  
Edward Kampka  
Harry Kaplan  
Peter Kays  
Robert Krueger  
Sue Mihail  
Barbara Phillips  
Charles Reynolds  
Louis Slamer  
Ruth Stang  
Steven Stoll  
Melinda Whittaker

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**RESOLUTION #200-2020\***

**“Appointment of Beatriz Bueno to the Advisory Board of Health”**

**WHEREAS**, there is currently a vacancy for a Regular Member on the Advisory Board of Health; and

**WHEREAS**, Beatriz Bueno has expressed interest in serving on the Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the following five-year appointment to fill an unexpired term is made, effective immediately to the Advisory Board of Health:

**Beatriz Bueno – expires December 31, 2021**

**RESOLUTION #201-2020\***

**“Authorize the Execution of the Termination of Deed Restrictions Regarding Block 1301, Lot 1”**

**WHEREAS**, by Deed dated August 28, 1987 and recorded in the Sussex County Clerk’s office on September 15, 1987 in Book 1498, Page 101, the Town of Newton transferred certain property known as Block 1301, Lot 1 to James Eskin and William Dusche, which deed contained nine numbered paragraphs that impose restrictions on the property; and

**WHEREAS**, these restrictions were repeated in a Deed dated February 25, 1988 and recorded in the Sussex County Clerk’s Office on August 20, 1988 in Book 1556, Page 154 from James Eskin and William Dusche, as grantor, to James Eskin, William Dusche, Richard Wingle, and Anthony M. Surano, Jr., trading as Station House Properties, a New Jersey partnership; and

**WHEREAS**, due to the passage of time and changed circumstances, the deed restrictions are no longer needed or desired and may be permanently removed from the Sussex County land records;

**NOW, THEREFORE BE IT RESOLVED**, by Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Town of Newton Mayor and Clerk are hereby authorized to execute the Termination of Deed Restrictions for Block 1301, Lot 1, and appropriate officers and employees of the Town are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution. This Resolution shall take effect immediately.

**RESOLUITON #202-2020\***

**“Authorize Change Order No. 1 for the Paving Portion of the Proposed Improvements to Halsted Street & Madison Street Project”**

**WHEREAS**, on June 22, 2020, the Newton Town Council adopted Resolution #144-2020, awarding the paving for the Proposed Improvements to Halsted Street & Madison Street Project to Tilcon New York, in the amount of \$138,475.65; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated August 24, 2020, approving Change Order No. 1, for the paving portion of the Proposed Improvements to Halsted Street & Madison Street Project for a decrease in the amount of \$18,948.35 for a new contract total of \$119,527.30;

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**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 1 for the paving portion of the Proposed Improvements to Hasted Street & Madison Street Project and accepts the paving portion of the project as complete; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1, and Mr. Pellow's recommendation memo of August 24, 2020 be attached to and made part of this Resolution.

**RESOLUTION #203-2020\***

**"Authorize Change Order No. 1 for the Proposed Construction of ADA Ramps on Halsted Street and Madison Street Project"**

**WHEREAS**, on June 22, 2020, the Newton Town Council adopted Resolution #154-2020, awarding the Proposed Construction of ADA Ramps on Halsted Street and Madison Street Project to Cifelli & Son General Contracting, Inc., in the amount of \$35,847.50; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated August 17, 2020, approving Change Order No. 1, for the Construction of ADA Ramps on Halsted Street and Madison Street Project for an increase in the amount of \$2,737.00 for a new contract total of \$38,584.50;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts Change Order No. 1 for the Construction of ADA Ramps on Halsted Street and Madison Street Project and accepts the project as complete; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1, and Mr. Pellow's recommendation memo of August 17, 2020 be attached to and made part of this Resolution.

**RESOLUTION #204-2020\***

**"Authorizing the Town of Newton to Enter into an Agreement with the Canning Group, LLC for the Provision of Qualified Purchasing Agent Services for Calendar Year 2021"**

**WHEREAS**, the Town of Newton is in need of Qualified Purchasing Agent ("QPA") services; and

**WHEREAS**, The Canning Group, LLC can provide QPA services, in accordance with N.J.S.A. 40A:11-9; and

**WHEREAS**, QPA services are exempt from bidding requirements per N.J.S.A. 40A:11-3, et. seq.; and

**WHEREAS**, the Town of Newton desires to enter into an agreement with The Canning Group, LLC for QPA services, effective January 1, 2021 through December 31, 2021, based on the proposal submitted dated September 1, 2020 in the amount of \$6,500.00;

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

1. The Town Manager is hereby authorized to execute the Agreement between the Town of Newton and The Canning Group, LLC for QPA services based on the proposal submitted dated September 1, 2020 in the amount of \$6,500.00; and
2. Sean P. Canning, MPA, QPA is hereby appointed as Qualified Purchasing Agent for the Town of Newton effective January 1, 2021 through December 31, 2021.

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**RESOLUTION #205-2020\***

**“Renewal of Plenary Retail Consumption Licenses for 2020-2021”**

**BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption Licenses are renewed for licensing year 2020-2021, effective July 1, 2020:

**No. 1915-33-001-006** be issued to Chenlin Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; and

**No. 1915-33-002-009** be issued to B&M LLC, t/a O’Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; and

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

**No. 1915-33-006-012** be issued to Sunwoo Management LLC, t/a Freelance Bistro, 216 Woodside Avenue, Newton, New Jersey; and

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

**No. 1915-33-008-005** be issued to Newton Sports Bar & Grill, LLC t/a Newton Sports Bar and Grill, 173 Spring Street, Newton, New Jersey; and

**No. 1915-33-011-009** be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining Cocktails & Caterers, 64 Water Street, Newton, New Jersey; and

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License w/Broad Package Privilege be renewed for licensing year 2020-2021, effective July 1, 2020:

**No. 1915-32-005-011** be issued to Newton Bar & Liquors, Inc., t/a Shop Rite Liquors of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey.

**RESOLUTION #206-2020\***

**“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 AN ACCOUNT THAT SHOULD HAVE BEEN INACTIVE:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2760	2-10 E. Clinton St. A	\$225.00

**CREDIT FOR A METER THAT WAS READ INCORRECTLY:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
24467	11 Paterson Place	\$497.20
6884	12 Division Street	\$182.60

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**RESOLUTION #207-2020\***

**“Resolution of the Town of Newton, County of Sussex, New Jersey Authorizing the Qualified Purchasing Agent to Receive Certified Bids in Accordance with N.J.A.C 5:34-5.1”**

**WHEREAS**, the Town of Newton has appointed a Qualified Purchasing Agent in accord with N.J.S.A. 40A:11-9; and

**WHEREAS**, the State of New Jersey, in the Administrative Code and in response to the crisis has promulgated rules to allow for electronic receipt of bids with the rules at N.J.A.C. 5:34-1 et. Seq. and

**WHEREAS**, Sean P. Canning, QPA has recommended the use of Bidnet Direct software which complies with all the administrative rule as required by the New Jersey Administrative Rules; and

**WHEREAS**, the electronic procurement platform is available to other officials as required to virtually observe bid openings in a transparent manner and provide for bids available for public inspection; and

**WHEREAS**, the cost to the Town and to the vendors wishing to conduct business with the Town is a zero cost;

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

1. That Sean P. Canning QPA of The Canning Group LLC is hereby authorized to conduct bid openings and procurement in accordance with N.J.S.A. 40A:11-9 through E-Procurement in accordance with N.J.A.C. 5:34-1 et. Seq., through Bidnet Direct at a zero cost to the Town and to vendors for bid response.

**RESOLUTION #208-2020\***

**“Refund of Redemption Monies to Outside Lien Holder for Block 7.10, Lot 12, also known as 5 Clarkson Street”**

**WHEREAS**, at the Municipal Tax Sale held on October 23, 2019, a lien was sold on Block 7.10, Lot 12, also known as 5 Clarkson Street, for 2018 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2019-006, was sold to Christiana Trust as Custodian for GSRAN-Z, LLC for a 0% redemption fee and a premium of \$42,300.00; and

**WHEREAS**, NOVAD Management Consulting, Contractor for the Secretary of the Department of Housing and Urban Development (HUD) has effected the redemption of Certificate #2019-006 in the amount of \$3,140.15;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges Christiana Trust as Custodian for GSRAN-Z, LLC is entitled to a redemption in the amount of \$3,140.15 as well as the return of the premium in the amount of \$42,300.00; 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 \$3,140.15 for the redemption and a check in the amount of \$42,300.00 for the return of the premium for Certificate #2019-006 to Christiana Trust as Custodian for GSRAN-Z, LLC, PO Box 71276, Philadelphia, PA 19176.

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**RESOLUTION #209-2020\***

**“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 2019 and 2020 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**

2195	3861	A ROYAL FLUSH, INC. ....	464.14
2196	921	AIRGAS EAST .....	9.90
2197	4321	ALL ACCESS STAGING & PRODUCTIONS, INC. ....	250.00
2198	4062	ALL STATE TECHNOLOGY INC. ....	150,430.00
2199	4026	AUTOZONE .....	107.94
2200	1994	BARCO PRODUCTS COMPANY .....	1,199.91
2201	2429	BLACK LAGOON .....	800.00
2202	3905	BLUE DIAMOND DISPOSAL .....	782.36
2203	1132	BOONTON TIRE SUPPLY INC. ....	1,038.54
2204	3355	BRAEN STONE SPARTA .....	915.30
2205	2124	BUCKMAN’S INC. ....	2,812.15
2206	2443	CAMPBELL FOUNDRY CO. INC. ....	854.00
2207	3893	CAMPBELL SUPPLY OF SUSSEX CTY LLC .....	2,486.41
2208	192	CAMPBELL’S SMALL ENGINE INC. ....	220.58
2209	77	CCP INDUSTRIES, INC. ....	1,801.92
2210	163	CENTURYLINK COMMUNICATIONS, INC. ....	125.85
2211	163	CENTURYLINK COMMUNICATIONS, INC. ....	82.60
2212	163	CENTURYLINK COMMUNICATIONS, INC. ....	41.32
2213	163	CENTURYLINK COMMUNICATIONS, INC. ....	4,077.14
2214	2843	CHELBUS CLEANING CO., INC. ....	2,899.00
2215	4327	CIFELLI & SON GENERAL CONTRACTING INC. ....	37,812.81
2216	3770	CINTAS .....	320.28
2217	4177	CLIFFHANGER PRODUCTIONS, INC. ....	6,500.00
2218	2765	CODE 96 LLC .....	3,635.51
2219	4138	CONSTELLATION NEWENERGY -GAS DIV 2 .....	66.06
2220	2361	CSS LLC. ....	240.00
2221	768	DEMPSEY UNIFORM & SUPPLY INC .....	2,423.04
2222	4180	DIFRANCESCO BATEMAN,PC .....	735.00
2223	2386	DOMINICK’S PIZZA LLC .....	92.70
2224	2136	DRAEGER, INC. ....	179.00
2225	4317	EAGLE ROCK UTILITY SERVICE .....	141.75
2226	106	ELIZABETHTOWN GAS .....	3,176.41
2227	3263	EMERGENCY REPORTING, INC. ....	1,420.00
2228	2394	FEDERAL & STATE GRANT .....	346.50
2229	225	FEDERAL EXPRESS .....	127.41
2230	1880	FIRE & SAFETY SERVICES, LTD., INC. ....	3,020.05
2231	197	FIRE FIGHTERS EQUIPMENT CO. INC. ....	610.60
2232	807	FRANK SEMERARO CONSTRUCTION, INC., .....	900.00
2233	373	GALLS, LLC .....	147.99
2234	200	GARDEN STATE LABORATORIES INC .....	4,278.00
2235	4333	GENERAL PLUMBING SUPPLY, INC. ....	428.59
2236	2313	GRAVITY DESIGN WORKS, INC. ....	1,792.50
2237	70	HACH COMPANY .....	768.05
2238	3804	HAYDEE BALLESTER .....	175.00
2239	230	HAYEK’S MARKET INC. ....	67.82
2240	4198	HIGHWAY EQUIPMENT COMPANY .....	78,475.00
2241	1866	HOME DEPOT, INC. ....	1,124.79
2242	3815	IMAGEPOINT LOGOWEAR, LLC. ....	238.92
2243	3235	J. CALDWELL & ASSOCIATES, LLC. ....	2,795.00
2244	3235	J. CALDWELL & ASSOCIATES, LLC. ....	5,170.00
2245	113	JCP&L .....	32,213.34

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2246	3029	Jesco Inc. ....	550.09
2247	2618	JMC ENVIRONMENTAL CONSULTANTS, INC. ....	4,730.05
2248	1774	KAY PRINTING .....	675.00
2249	3969	KAYLANI, SHERRI .....	138.48
2250	3711	KKPR MARKETING & PUBLIC RELATIONS, .....	1,075.00
2251	2532	LADDEY, CLARK & RYAN, LLP .....	7,837.00
2252	266	LAFAYETTE AUTO PARTS .....	108.24
2253	2278	LANGUAGE LINE SERVICES, INC. ....	27.20
2254	4335	LIVE TO BE WELL LLC .....	199.90
2255	2300	LOWE'S , INC. ....	47.40
2256	1319	MAGLOCLLEN, INC. ....	400.00
2257	1566	MAIN POOL & CHEMICAL COMPANY, INC. ....	4,687.50
2258	1022	MCCULLOUGH TREE EXPERTS LLC .....	550.00
2259	263	MCMANIMON, SCOTLAND & BAUMANN, LLC .....	6,295.50
2260	263	MCMANIMON, SCOTLAND & BAUMANN, LLC .....	43.00
2261	409	MINISINK PRESS INC .....	215.00
2262	53	MONTAGUE TOOL & SUPPLY, INC. ....	62.37
2263	116	NEW JERSEY HERALD, INC. ....	484.50
2264	336	NEWTON TROPHY .....	209.00
2265	303	NJ POLICE TRAFFIC OFFICERS .....	50.00
2266	4329	NJASRO .....	395.00
2267	2835	NJMEBF .....	165,963.00
2268	2882	ONE CALL CONCEPTS, INC. ....	156.58
2269	1407	PASSAIC VALLEY SEWERAGE COMM. ....	6,144.60
2270	64	PELLOW, HAROLD & ASSO, INC. ....	2,780.57
2271	64	PELLOW, HAROLD & ASSO, INC. ....	8,603.72
2272	2788	PENTELEDATA .....	1,069.60
2273	4204	PLANET NETWORKS INC. ....	2,064.57
2274	2212	PROCESS TECH SALES AND SERVICE .....	3,121.50
2275	4126	PROFESSIONAL CONSULTING INC. ....	60,378.50
2276	39	QUILL CORPORATION .....	819.43
2277	4034	R & J CONTROL INC. ....	298.00
2278	2478	RACHLES/MICHELE'S OIL COMPANY, INC. ....	3,751.81
2279	4203	RAPID PUMP .....	31,584.51
2280	3731	READY REFRESH BY NESTLE .....	116.76
2281	4301	REGOLIZIO, GIGI .....	12.74
2282	4315	ROTO ROOTER .....	107.50
2283	4152	RUSSELL REID WASTE & DISPOSAL., INC. ....	8,971.27
2284	3660	SCHENCK, PRICE, SMITH, & KING, LLP .....	1,010.66
2285	55	SCHMIDT'S WHOLESALE, INC .....	4,038.55
2286	126	SCMUA .....	1,857.54
2287	611	SEBRING AUTO PARTS, INC.....	231.96
2288	951	SERVICE ELECTRIC CABLE TV, INC.....	242.70
2289	4165	SF MOBILE-VISION, INC. ....	120.00
2290	3134	SHOP RITE, INC. ....	20.93
2291	3881	SHRED-IT US JV, INC. ....	900.00
2292	4024	SPECTROTEL .....	626.77
2293	2257	STAPLES .....	602.12
2294	146	STATE OF NEW JERSEY - PWT .....	450.23
2295	4144	SUBURBAN CONSULTING ENGINEERS, INC. ....	615.22
2296	3442	SUNLIGHT GENERAL .....	3,260.11
2297	102	SUSSEX CAR WASH INC .....	128.00
2298	2113	SUSSEX COUNTY MAILING SERVICE .....	994.00
2299	130	SUSSEX COUNTY P & H, INC. ....	244.17
2300	3897	SYNCHRONY BANK .....	2,082.85
2301	371	T.A. MOUNTFORD COMPANY, INC. ....	250.00
2302	3392	TAP INTO, LLC .....	1,950.00
2303	2479	TAYLOR OIL CO., INC. ....	886.47
2304	4338	THE LAW OFFICE OF JOHN C GREY JR. LLC. ....	200.00
2305	1601	TILCON NEW YORK, INC. ....	117,136.76
2306	217	TIMMERMAN COMPANY, INC. ....	1,129.09
2307	2675	TIRE KING, INC. ....	2,440.00
2308	4197	TOPOLOGY NJ, LLC. ....	900.00

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2309	2880	TRACTOR SUPPLY .....	199.98
2310	4328	TREE KING INC. ....	2,390.00
2311	2781	TRIMBOLI & PRUSINOWSKI, LLC. ....	425.00
2312	3369	UNITED TELEPHONE/CENTURY LINK .....	291.94
2313	4018	USA HOIST CO., INC. ....	470.00
2314	1280	VERIZON WIRELESS, INC. ....	3,625.72
2315	1158	VISION SERVICE PLAN .....	2,349.10
2316	1819	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC, .....	1,515.00
2317	2635	W.B. MASON, INC. ....	597.76
2318	1500	WALMART .....	216.64
2319	633	WEIS MARKETS, INC. ....	80.94
2320	4261	WIELKOTZ & COMPANY, LLC. ....	175.00
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Total		.....	840,401.28

**Checks Previously Disbursed**

<b>Account</b>	<b>Amount</b>	
201071	Electronic Fees – Rec (Pool).....	63.71
2013039	Elavan, Inc. ....	63.71
201038	Current Account.....	1,220.00
17967	NJDMV .....	60.00
206049	Payroll Account .....	41,540.03
201125	Payroll Account .....	996.03
201068	Payroll Account .....	183,052.53
201067	Bank of New York Mello.....	415,075.00
207129	Payroll Account .....	3,610.50
208172	ADP, LLC.....	122.17
207305	Payroll Account .....	122.17
3942	Center for Prevention & Counseling .....	100.00
17966	Sparta Postmaster .....	957.26
2013037	Current Account.....	11.23
207128	Payroll Account .....	6,438.00
201066	Payroll Account .....	188,676.02
201124	Payroll Account .....	1,427.10
206048	Payroll Account .....	38,523.75
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<b>Total</b>	.....	<b>1,128,665.89</b>

Mrs. Le Frois just wanted to highlight Resolution #196-2020. In her many conversations around the pool in recognition of the facility she brought forth the suggestion to the Town Manager and asked he work with the Mayor to talk about and consider making the pool free for Newton residents not just for this season but going into next season. Mrs. Le Frois thanked the Mayor and Town Manager for their consideration and discussions and putting forth the resolution to waive the 2021 pool fees for Newton residents.

A motion was made by Mrs. Le Frois to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mr. Dickson and roll call resulted as follows:

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

**DISCUSSION**

September 16, 2020  
(VIA ZOOM)

**OPEN TO THE PUBLIC**

Mayor Diglio opened the meeting to the public.

Robert Boyle, 4 Park Place, just wanted to let the Town Council and the public know his crews are working hard on the fiber build-out for Newton. The goal is to finish by the end of the year. They are progressing and it will be a great thing for Newton, especially those working from home or virtual schooling. Newton will be the first town in the County to have fiber. He thanked the Council and Manager for all their help and assistance.

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

**COUNCIL & MANAGER COMMENTS**

Mrs. Le Frois thanked Mr. Boyle for following through on his promise to bring fiber to Newton. It is really appreciated. Mrs. Le Frois went on to say, October is Domestic Violence Awareness Month, and would like to do a proclamation in support of this at the next meeting. Also, she is looking forward to all the projects Tom mentioned earlier, all of them will help the Town.

Mr. Dickson, stated with the ordinance we adopted tonight can we in the near future review and see if there are changes we could make with the regards to the on-street parking. Also, September is Suicide Prevention Awareness month, he would like to do a proclamation at the next meeting in support of this cause.

Mr. Russo, asked if it was okay with the Council he would like to reach out to Harold Pellow to review the parking matter brought forth by Mr. Dickson.

A brief discussion ensued, the Council directed Mr. Russo is to get cost estimates from all professionals on this matter.

**EXECUTIVE SESSION – None.**

There being no further business to be conducted, upon motion of Mrs. Le Frois, seconded by Mr. Schlaffer and unanimously carried, the regular meeting was adjourned at 8:30 pm.

Respectfully submitted,



Teresa A. Oswin, RMC  
Deputy Municipal Clerk