

January 5, 2021

The Reorganization meeting of the Town Council of the Town of Newton was held on the above date at 12:00 pm. Present were Mr. Couce, Mrs. Diglio, Mr. Schlaffer (via cellphone), Mrs. Teets, Mr. Dickson, and Town Manager Mr. Thomas S. Russo, Jr.

Mrs. Read made the following declaration that "in accordance with the Open Public Meetings Act, notice of this special meeting was given to the two newspapers of record and posted on the official bulletin board on December 22, 2020."

**OATH OF OFFICE FOR NEWLY ELECTED OFFICIALS**

At this time, Lorraine A. Read, Municipal Clerk sworn-in John-Paul E. Couce, for a four-year term on the Newton Town Council, while his girlfriend, Lauren, held the Bible.

At this time, Lorraine A. Read, Municipal Clerk sworn-in Michelle J. Teets, for a four-year term on the Newton Town Council, while her nephew, Robert, held the Bible.

**DESIGNATION OF TEMPORARY MAYOR**

Mrs. Read requested nomination for Temporary Mayor. Upon motion by Mrs. Diglio, seconded by Mrs. Teets and carried, Matthew S. Dickson was designated as Temporary Mayor. There being no further names to be submitted, nominations were declared closed and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Mr. Schlaffer	Yes	Mrs. Teets	Yes
Mr. Dickson		Yes	

**NOMINATION AND SELECTION OF MAYOR**

Mr. Dickson, designated as Temporary Mayor, entertained a motion for nomination of Mayor for the year 2021. Mrs. Diglio then nominated Matthew G. Dickson and the nomination was seconded by Mrs. Teets. There being no further names to be submitted, nominations were declared closed and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Mr. Schlaffer	Yes	Mrs. Teets	Yes
Mayor Dickson		Yes	

At this time, Lorraine A. Read, Municipal Clerk, proceeded to swear-in Matthew S. Dickson, as Mayor, while his sons, Logan and Evan, held the Bible.

**NOMINATION AND SELECTION OF DEPUTY MAYOR**

Mayor Dickson entertained a motion for nomination of Deputy Mayor for the year 2021. Mrs. Diglio then nominated Jason Schlaffer and the nomination was

January 5, 2021

seconded by Mrs. Teets. There being no further names to be submitted, nominations were declared closed and roll call resulted as follows:

Mr. Couce	Yes	Mrs. Diglio	Yes
Deputy Mayor Schlaffer	Yes	Mrs. Teets	Yes
Mayor Dickson		Yes	

At this time, Lorraine A. Read, Municipal Clerk, proceeded to swear-in Deputy Mayor Jason J. Schlaffer, via cellphone.

**COMMENTS BY TOWN MANAGER, COUNCIL, DEPUTY MAYOR, AND MAYOR**

Mr. Russo read from a prepared statement:

“Thank you Mayor Dickson.

On behalf of all Newton employees, professionals, and volunteers, I want to wish Mayor Dickson and Deputy Mayor Schlaffer the very best of success in their leadership roles, and I look forward to working with them, and all Council members, in continuing the great progress we have made towards making Newton a better place to live, work, and visit.

I want to welcome Michelle Teets and John-Paul Couce to the Town Council and I look forward to working with both of them for many years to come.

I also thank former council members Helen Le Frois and Dan Flynn for their many years of dedicated service to the Town.

As the County Seat and economic engine of Sussex County, the work we perform in Newton on a daily basis is critical to the long-term success and vitality of the entire region. This is a responsibility we take very seriously, and we look forward to carrying out the ambitious goals, policies, and objectives of the Governing Body for 2021 and beyond.

I wish all of you the best of health, happiness, and success, and to the people of the Town of Newton, I pray for your prosperity, and a safe, enjoyable, and most of all, healthy New Year.

Thank you for the privilege of serving as Town Manager and May God continue to bless the Town of Newton!”

Mrs. Diglio welcomed John-Paul Couce and Michelle Teets to the Newton Town Council. She also congratulated Matthew Dickson and Jason Schlaffer in their new roles as Mayor and Deputy Mayor. She noted as outgoing Mayor she will be there to assist if necessary. Thank you.

Mrs. Teets read from a prepared statement:

“Good Afternoon, I would like to thank everyone who came out today for the ceremony.

I would like to thank the Newton DPW for all that they have done to make sure today’s event was possible. You guys are the backbone of just about every event that is held in town and I personally appreciate how hard you all work. I would also like to thank all the employees of Town Hall who have welcomed me, answered my questions, provided me the support where needed and kept me in line getting things done like my Bio, registering for classes and so much more. You are all truly wonderful and I look

January 5, 2021

forward to working with you in the future. I would also like to thank the Newton Fire Department and the Newton First Aid Squad for not just being here today, but for being here 365 days a year, 24 hours a day to help our community.

I especially would like to thank the Newton Police Department for being here. As most of you know, I had to leave my part-time job as a 9-1-1 Operator in order to serve on the council. The Police Department has been my family and a big part of my life for the past 28 years and I will miss working alongside the finest men and women in law enforcement but I look forward to working with Chief Osborn and his staff in my new role.

I would also like to thank outgoing councilman Dan Flynn who has unselfishly volunteered countless hours of his time over the past 8 years and you will certainly be missed on the council. Your knowledge and expertise will be hard to replace but don't worry, I have your phone number and will hold you to your offer to help me if I should ever have any questions. I wish you and your family well in the future. And to my running mate, Helen Le Frois. I truly admire your heart, your knowledge and your tireless dedication to the Town of Newton and to your family and friends. I would not have ever taken this journey if it was not for you. You and your family have been a part of my family's life for the past several years but even more so in the past six months. I just want to let you and Greg know, you have adopted me and I come with a no return policy. You have left very big shoes to fill and I promise to do the best that I can to fill those shoes. Dan and Helen, I know our paths will continue to cross, not just in our friendships but in the future roles you choose to take on and continue to volunteer your time and effort for the greater good of Newton.

I would be remised if I didn't mention my immediate family here today, my husband Ken Teets, my nephew Robert McCullough and our cousins Mike and Julie Teets. They have been my biggest fans and continue to support me in all that I do. I love you both and thank you and yes GO BRAVES!

Finally, I would like to thank the residents of Newton who voted for me and have put their trust in me. I promise you, as I swore to in the oath of office that I will perform the duties of this job to the best of my ability. I believe there is a sense of pride in Newton that makes this town so special. There are so many positive things happening in Newton in the very near future and I'm excited to be a part of it all. Whether it's a new restaurant or business opening or expanding and creating jobs it's an exciting time to continue the success the council has had over the past few years to see our town grow and prosper. I look forward to working with our new Mayor, Matt Dickson, our deputy Mayor Jason Schlafter, Councilwoman Sandy Diglio and new councilman John Paul Couce. I will continue to support our Police Department and all Emergency Responders, I will support the redevelopment projects in Newton and most importantly, I will support the residents of Newton. My goal is to continue to make Newton the best place to live, work and play.

In closing, I wish all of you a Happy and Healthy New Year. I know it will take some time, but 2021 will be better than 2020. We all have lots of things to look forward to like being able to reconnect with friends, family and colleagues, sharing in special occasions like weddings, graduations, sporting events and going to concerts or shows! Be safe, be well and God Bless."

Mr. Couce noted he may be new to the Town Council but he is not new to the Town of Newton. "He was born here, raised here and went to school here in Newton and this is my home". He noted he looks forwarded to working with his fellow colleagues as well as the Town staff in order to make the Town of Newton "the best it can be."

Thank you.

Deputy Mayor Schlafter read from a prepared statement:

January 5, 2021

"First I would like to thank Dan Flynn and Helen LeFrois for their commitment and incredible success for the Town of Newton. We are truly standing on the shoulders of giants and I know we are up to the tasks ahead. The dedication displayed by Dan and Helen reminds me of one of my favorite sayings:

Sometimes your best is not enough, sometimes you must do what is required to rise to the occasion.

Dan and Helen always embodied that ability to rise to any challenge. Now it is up to this council to do the same, we've had great teachers and an incredible municipal staff so I know we are prepared.

The residents of Newton can expect to see continued non-partisan approaches that solely look to benefit this town, it's residents and our County as a whole. We all appreciate the responsibilities given to us and we will work to turn any opportunities or changes into positive shifts for Newton and it's greater community. I am excited to see what 2021 brings and I thank you all for the opportunity"

Mayor Dickson read from a prepared statement:

He recognized a few dignitaries: Thomas S. Russo, Jr., Town Manager; Terri A. Oswin, Deputy Town Manager; Police Chief Robert Osborn, and Former-Councilwoman Helen Le Frois.

"First I want to thank everyone in attendance for taking the time to join us today. I want to thank all of our municipal staff, volunteers, and professionals for taking part in today's reorganization. You are the backbone of the Town of Newton and make our work possible. I want to recognize and thank Mayor Diglio, Deputy Mayor Flynn, Councilwoman Le Frois, Councilman Schlaffer, and Town Manager Tom Russo for all their work throughout all of the challenges that we faced in 2020.

I want to congratulate John-Paul Couce and Michelle Teets on being sworn in today as newly elected councilman and councilwoman. You are now part of a great team and I look forward to what we can accomplish for the Town of Newton.

I want to thank my wife Grace and my children, Olivia, Logan, and Evan for being supportive and understanding in me fulfilling my duties on the council. I know for Grace it might not always be easy when I am bouncing ideas off of her, venting my frustrations or sharing my excitement with all the positive happenings in town on seemingly on a daily basis, but you are always supportive because you know how much this town and serving the residents to the best of my ability means to me.

To the residents of Newton, I am here to represent all of you. I have done this as a councilman and will continue to as your Mayor. It is truly an honor and privilege to serve the fine people of Newton. It is my promise to both the residents and my fellow council members, who have the faith in my abilities that I will not let them down.

Since being elected to the council, we as a governing body have been able to conduct our duties in positive and productive ways as a team despite not always agreeing with one another. I know our new council will be able to continue to move in this direction and put the best interests of the Town of Newton first. Although we may have had to adapt and overcome due to the pandemic, the work in Newton has not stopped. This year will be about continuing to the hard work the council has put in over past several years.

There are many redevelopment projects that are in various stages. This year will be a busy year moving these projects along, to continue to see that growth in Newton. We look forward to the completion of the Thor Labs expansion that will be conventionally taxed and bring many great jobs to Newton. Continued work on the redevelopment of the G&H property and bringing national chains like Starbucks, Chipotle, and Panera to Newton. Continue to work with the college in bringing to life exciting possibilities for the McGuire property.

January 5, 2021

The town administration and the council are accountable to the taxpayers of Newton, which is something taken seriously by all. Recently, the town has been able to refinance a general obligation bond resulting in a savings of approx. \$400,000 for the Newton taxpayer. We will continue to review the status of our previous debts to find any potential opportunities to benefit the Newton taxpayer.

The town has increased its grant funding for projects as evident with being awarded the Community Development Block Grant for the installation of sidewalks along Mill St from Brookside Terrace to Project Self Sufficiency, and the grant applications for a Community Development Block Grant for installation of sidewalks along Rt. 206, and a grant from the NJ DOT for a streetscape improvement project along Sparta Ave. These \$400,000 grants are a way to increase connectivity and safety for pedestrians in the town without relying entirely on taxpayer dollars. Although we've made great strides in our grant funding, I believe we can do even more. That is why one of the council's goals for the town manager is to continue to explore grant opportunities.

We will stay the course, continuing Newton's infrastructure improvements like carrying out our 10 year Water and Sewer plan. Being that our water and sewer is funded by the collected fees, we have the ability to carry out these improvements to ensure reliable sewer services and clean water to the residents and businesses of Newton. We will complete and implement findings of our overnight parking review.

We have made large investments in our recreation facilities in the necessary repairs at the pool. The pool updates look fantastic and are now sure to be enjoyed by residents and visitors for years to come. The pool will be free for Newton residents again this coming season, so if you didn't make it to the pool during this past summer's shortened season, I encourage all residents to make plans to visit this coming summer. Deputy Mayor Schlaffer and I have already had some discussions on some ways to increase what the pool has to offer. This year we will also be making an investment in our Babe Ruth field to solve the drainage issues that have plagued it. Also looking forward to furthering our efforts to complete the rehabilitation of the Sussex Branch Trail. I believe these are smart investments that provide a better quality of life for our residents and add to **Newton's** appeal. I would like to see a continued investment in additional projects like a potential splash pad or dog park, and explore the grant opportunities that exist.

Look to continue to have strong, collaborative relationships with both the Board of Education and the County. Explore further efforts and shared service opportunities that may exist between the town and Board of Education. Have a real conversation in regards to county properties which are tax exempt and how Newton and the County could collaborate to find an agreement that would benefit our residents.

We will continue to be advocates for the town when it comes to issues that need to be addressed at a state level. Whether it be the continued the efforts to push for legislation to be passed giving the municipality the ability to handle disruptive behaviors at boarding homes, or legislation that would settle the telecommunication business personal property tax, which would restore those tax revenues to the municipality. Myself, along with others have testified before both Senate and Assembly committees and I am hopeful in the comments I have heard back.

The CLEAR program as well and our Stigma Free initiative have been great examples of Newton's ability to make a difference in getting the assistance to those who need it the most. These programs are a start and it is my goal that Newton can continue to find new partnerships to combat substance use disorder, mental health issues and homelessness within our community.

It has been my belief we must be transparent with our residents and I'm always willing to discuss issues with Newton residents whether it be an email, phone call, or meeting. We will continue to explore new avenues and technologies to increase transparency and community engagement.

I believe in Newton's potential, and after two years on this council I believe we are building upon the framework that has been laid down before us. We continue to strive to make Newton the very best place in Sussex County to live, work, and play. We have

January 5, 2021

the best staff, professionals, and volunteers and will continue to provide the residents and business with quality customer service they expect. Let's all work together for a brighter future.

Thank you for all who attended today and I look forward to the year ahead."

**CONSENT AGENDA**

Mayor Dickson 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."*

**RESOLUTION #1-2021\***

**DESIGNATE BANKS AS DEPOSITORIES FOR CALENDAR YEAR 2021**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2021:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank  
JP Morgan Chase Bank  
New Jersey Cash Management Fund  
Provident Bank  
Lakeland Bank  
First Hope Bank  
Santander Bank, N.A.  
TD Bank  
Valley National Bank  
Wells Fargo Bank, N.A.

Beginning with the filing of September 30, 2010 a list of banks that participate in the Governmental Unit Deposit Protection Act (GUDPA) and the type of certificate of eligibility is available quarterly from the State of New Jersey, Department of Banking and Insurance website:

[https://www.state.nj.us/dobi/division\\_banking/depositories/gudpa.htm](https://www.state.nj.us/dobi/division_banking/depositories/gudpa.htm)

The Chief Financial Officer/Finance Director will review this site and provide the Town Auditor with a copy of this list.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year. This may also be satisfied electronically.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

January 5, 2021

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

#### **RESOLUTION #2-2021\***

#### **APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON FOR CALENDAR YEAR 2021**

**WHEREAS**, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

**WHEREAS**, Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the calendar year 2021.

#### **RESOLUTION #3-2021\***

#### **DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2021**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the newspapers listed below be designated as the official newspapers for the Town of Newton for legal advertising during the 2021 calendar year:

New Jersey Herald

New Jersey Sunday Herald

January 5, 2021

**RESOLUTION #4-2021\***

**DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ OPEN PUBLIC MEETINGS ACT FOR 2021**

**WHEREAS**, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed, or hand delivered;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

**RESOLUTION #5-2021\***

**ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2021**

**WHEREAS**, Section 13 of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to post and maintain posted throughout the year a schedule of the meetings of said public body;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, New Jersey that the following schedule for 2021 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey, unless otherwise noticed; and

**Council Meetings**

7:00pm

January	11	and	25	July	12
February	8	and	22	August	9
March	8	and	22	September	15* and 27
April	12	and	26	October	13* and 25
May	10	and	24	November	8 and 22
June	14	and	28	December	13

\*Held Wednesday

**Reorganizational Meeting**

Thursday, January 6, 2022

Noon

**BE IT FURTHER RESOLVED**, that, for the purposes of the Act, the official bulletin board for posting notices shall be the bulletin board in the first floor lobby of the Municipal Building at 39 Trinity Street, Newton, New Jersey, with said board being just outside the door of the Municipal Clerk's Office; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to The Alternative Press (TAPintoNewton), New Jersey Herald, and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

**RESOLUTION #6-2021\***

**ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE**

January 5, 2021

**WHEREAS**, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

**WHEREAS**, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 31<sup>st</sup> of each calendar year; and

**BE IT FURTHER RESOLVED**, that the ten (10) day grace period for quarterly tax payments shall remain in effect, any payment of taxes not made on or before the due date in accordance with this Resolution shall be charged interest from the due date as set forth by law, and this Resolution shall take effect immediately.

#### **RESOLUTION #7-2021\***

##### **DESIGNATE OFFICIALS TO SIGN CHECKS**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer, and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2021.

#### **RESOLUTION #8-2021\***

##### **DESIGNATE CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES FOR CALENDAR YEAR 2021**

**WHEREAS**, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

**WHEREAS**, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

- 1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.
- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.
- 3) This Resolution shall take effect immediately upon its adoption.

January 5, 2021

**RESOLUTION #9-2021\***

**AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON THE BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2021 WITH REGARD TO TAX APPEALS**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the Municipal Tax Assessor and the Town Attorney are hereby authorized to defend all contest appeals before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey; and

**BE IT FURTHER RESOLVED**, that the Municipal Tax Assessor and the Town Attorney are also hereby authorized to initiate municipal appeals to correct the Town of Newton tax listing including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as may be necessary to correct the assessments for the Town of Newton; and

**BE IT FURTHER RESOLVED**, that the Municipal Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the purpose of signing settlements of the foregoing matters by stipulation for the 2021 Calendar Year.

**RESOLUTION #10-2021\***

**APPOINTMENT OF MAYOR AS A CLASS I MEMBER OF THE NEWTON PLANNING BOARD**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Mayor Matthew S. Dickson be and is hereby appointed to the Newton Planning Board as a Class I member for the calendar year 2021.

**RESOLUTION #11-2021\***

**APPOINTMENT OF TOWN COUNCIL REPRESENTATIVE AS A CLASS III MEMBER OF THE NEWTON PLANNING BOARD**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Deputy Mayor Jason J. Schlaffer, be and is hereby appointed to the Newton Planning Board as a Class III member for calendar year 2021.

**RESOLUTION #12-2021\***

**CANCELLATION OF SMALL BALANCES**

**WHEREAS**, N.J.S.A. 40A: 5-17.1 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than ten (\$10.00) dollars; and

**WHEREAS**, the Town Council of the Town of Newton may authorize the Tax Collector to process, without any further action on the part of the Governing Body, any cancellation of property tax refunds or delinquencies of less than ten (\$10.00) dollars;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton in the County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized to process the cancellation of any property tax refunds or delinquencies of less than ten (\$10.00) dollars.

**RESOLUTION #13-2021\***

**GRANTING AUTHORITY FOR APPROVAL OF CERTAIN PURCHASES THROUGH NEW JERSEY STATE CONTRACTS AND/OR PURCHASING COOPERATIVES**

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and P.L. 2011, c.139, the Governing Body may delegate the power to award purchases,

contracts and/or agreements through New Jersey State Contracts and/or Purchasing Cooperatives to which the Town of Newton is a member; and

**WHEREAS**, in the interest of streamlining Town operations and improving efficiency, it is the desire of the Mayor and Council to authorize the Purchasing Officer/Qualified Purchasing Agent (QPA) to approve purchases, contracts and agreements through New Jersey State Contracts and/or Purchasing Cooperatives, subject to provisions and requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and P.L.2011, c.139 below the \$44,000.00 threshold in individual purchases and the aggregate as defined by N.J.S.A. 40A:11-2(19);

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Town of Newton that the Purchasing Officer/Qualified Purchasing Agent (QPA) upon receipt of an identified need and direction from the Town is hereby authorized to approve purchases, contracts and/or agreements through New Jersey State Contracts and/or Purchasing Cooperatives to which the Town of Newton is a member without further action from Council, provided funds are available to cover the expenditure; and

**BE IT FURTHER RESOLVED**, purchase approvals made by the Purchasing Officer/Qualified Purchasing Agent (QPA) by virtue of the adoption of this Resolution shall be subject to the provisions and requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and that no amount of any contract shall be in excess of the bid threshold in a single purchase or the aggregate without express individual resolutions authorizing such cooperative purchases by contract number.

**RESOLUTION #14-2021\***

**RESOLUTION RECOGNIZING TOWN EVENTS AND TOWN ENDORSED EVENTS**

**WHEREAS**, the Town of Newton sponsors certain events throughout the year and endorses other privately held events for which it lends specified assistance; and

**WHEREAS**, the Town Council of the Town of Newton has adopted a policy whereby it will recognize Town and Town endorsed events by Resolution to be considered on an annual basis.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that there shall be two categories of events run or endorsed by the Town:

Town Events – Events that are run by the Town.

Town Endorsed Events – Privately held events the Town will provide specified assistance to (some of which will be free, other which will include escrow or other fee payment).

**BE IT FURTHER RESOLVED** that the list of possible Town events and Town endorsed events for the calendar year 2021 shall be as follows:

Town Events	Town Endorsed Events
Easter Egg Hunt	Memorial Day Parade
Events at Newton Town Pool/Pavilion	Newton Day/Fireworks
Halloween Parade	Taste of Newton
Ladies' Night Out	Holiday Parade/Post-Parade Events
Movie Nights @ Memory Park	
Fall Festival	
Miss Newton Contest	
Flags of Honor	
Town-wide Garage Sale	
Neighbors Helping Neighbors	
Annual Christmas Tree Lighting	
Summer Music Concert Series	
Newton Recreation Department Events	
Newton Recreation Commission Events	

Newton Community Development Events	
Saint Patrick's Day Parade	
Sidewalk Sales	

BE IT FURTHER RESOLVED that Town Endorsed Events must meet the following criteria:

1. The event must be sponsored by a nonprofit organization with a physical office location within the Town of Newton or County of Sussex.
2. The event must be open to all Town residents, whether free or by fee.
3. Each organization shall be limited to no more than two events per calendar year.
4. The Greater Newton Chamber of Commerce (GNCC), due to its historic importance and special working relationship with the Town of Newton for decades, shall be limited to no more than six (6) outdoor events per calendar year.
5. Organizations utilizing Town-owned facilities, parks or roadways must be in compliance with all applicable resolutions and ordinances of the Town of Newton, including, but not limited to, Chapter 307 regarding parking and traffic and Chapter 115 concerning fire prevention; and the event shall not interfere with or obstruct contiguous traffic, access to residences or businesses, or the movement of firefighting, first aid or other safety vehicles.
6. Each organization is required to inform the Newton Town Manager's Office in writing the date of an event at least sixty (60) calendar days prior to the event. The written notice must also include any formal request for paid services to be rendered by the Newton DPW and/or the Newton Police Department.
7. The Newton Town Manager shall review all DPW and/or Police requests and determine the amount of escrow funds necessary to be provided by the sponsoring organization to the Town of Newton. Escrow funds must be provided by the sponsoring nonprofit organization to the Town of Newton twenty-one (21) calendar days prior to the date of the scheduled event. Any funds not utilized for the event shall be returned after the event within thirty (30) days by the Town of Newton Finance Department to the sponsoring nonprofit organization.
8. Each organization shall be responsible for providing honest and thorough answers to the "Town of Newton Event Checklist Application" which will be available at the Community Development Office in the Town of Newton. The Community Development Director and Town Manager shall both be required to be signatories on a final event checklist application which must be completed no later than seven (7) calendar days prior to the event. The Town will not charge a fee for any staff or professional review of said Event Checklist Application.
9. Town Endorsed Events may include but not be limited to the following: shows, carnivals, circuses, festivals, fairs, flea markets, outdoor plays, dances, concerts, theatrical events, parades, or sporting events not sponsored by the Town of Newton or Town of Newton recognized league; any event requiring temporary or permanent closure of any Town streets, sidewalks, park areas, or impacting the public health, safety and welfare of the Town or its residents; excludes weddings, funerals, memorials, graduations, or Town-sponsored functions.

**RESOLUTION #15-2021\***

**RESOLUTION AUTHORIZING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the Governing Body of each municipality and county to certify their local unit's hiring

January 5, 2021

practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the Newton Town Council members have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto;

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Newton hereby states it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S**

**"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES  
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY  
COUNTY OF SUSSEX

We, members of the governing body of the *Town of Newton* being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Town Council* of the *Town of Newton* in the County of *Sussex*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
Lorraine A. Read, RMC  
Municipal Clerk

January 5, 2021

**RESOLUTION #16-2021\***

**APPOINTMENT OF KATHRYN WALKER AS ACTION ALLIANCE COORDINATOR FOR THE TOWN OF NEWTON FOR 2021**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Kathryn Walker be and is hereby appointed as the Action Alliance Coordinator for the Town of Newton during calendar year 2021.

**RESOLUTION #17-2021\***

**APPOINTMENT OF ADAM VOUGH AS MUNICIPAL RECYCLING COORDINATOR FOR CALENDAR YEAR 2021**

**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 2021.

**RESOLUTION #18-2021\***

**TO CONFIRM/ESTABLISH PETTY CASH AND CHANGE FUNDS FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton maintains the following petty cash funds, as approved and recorded with the Division of Local Government Services:

Finance	\$250.00	Treasurer (Max reimbursement \$25 Excludes tax)
Water & Sewer	\$50.00	Treasurer

**WHEREAS**, The Town of Newton maintains the following change funds:

Tax	\$200.00	Tax Collector
Water & Sewer	\$200.00	Water Sewer Utility Collector
Clerk	\$100.00	Municipal Clerk
Court	\$100.00	Court Administrator
Court	\$100.00	Deputy Court Administrator
Police	\$10.00	Records Clerk
Recreation	\$150.00	Recreation Supervisor

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the aforementioned petty cash and change funds are established and confirmed.

**RESOLUTION #19-2021\***

**APPOINTMENT OF MEMBERS OF THE TOWN OF NEWTON AD HOC REDEVELOPMENT TEAM**

**WHEREAS**, the Town of Newton acknowledges there are potential benefits to the Town of Newton to be gained through the process of redevelopment; and

**WHEREAS**, opportunities for beneficial redevelopment should be thoroughly, expeditiously and efficiently evaluated and pursued;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby appoints individuals in the positions listed below to an ad hoc Redevelopment Team to evaluate and pursue redevelopment opportunities in the Town of Newton for a one-year period from January 1, 2021 through December 31, 2021; and

**BE IT FURTHER RESOLVED** that individuals representing the following positions shall be members of the Redevelopment Team, with said meetings to be called by the Town Manager as needed:

Mayor; Deputy Mayor; Town Manager; Town Attorney; Town Planner; Town Engineer; Planning Board Chairperson; Redevelopment Counsel; and other professionals and/or staff as deemed necessary by the Town Manager; and

January 5, 2021

**BE IT FURTHER RESOLVED**, said Redevelopment Team is a purely advisory group working only in an analytical and advisory capacity and is: (a) not empowered to make any decisions; (b) has no effective authority; (c) is not empowered to act by vote; (d) is not governed by the Open Public Meetings Act; and (e) is not a "Redevelopment Agency" pursuant to N.J.S. 40A:12A-11.

**RESOLUTION #20-2021\***

**APPOINT LOCAL EMERGENCY PLANNING COMMITTEE FOR CALENDAR YEAR 2021**

**WHEREAS**, Appendix A:9-41 of the NJ Statutes Annotated, and N.J.A.C. 13:64-2.3 pertaining to Emergency Management, requires every New Jersey municipality create a Local Emergency Planning Committee; and

**WHEREAS**, the individual appointed as the local Emergency Management Coordinator shall also be a member of, and shall serve as Chairman of, said Local Emergency Planning Committee;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2021 as listed below:

Kenneth A. Teets	Emergency Management Coordinator
Daniel Finkle	Deputy Emergency Management Coordinator
Jason Miller	Deputy Emergency Management Coordinator
Acting Chief Robert Osborn	Newton Police Department
Thomas S. Russo, Jr.	Newton Town Manager
Mike Razzano, Chief	Newton Fire Department
John-Paul Couce, Captain	Newton Vol. First Aid and Rescue Squad
Kenneth Jaekel	Newton Public Works Supervisor
Adam Vough	Assistant Newton Public Works Supervisor
Joseph Carr	Licensed Water and Sewer Operator
Lorraine Read	Newton Municipal Clerk
Teresa Oswin	Deputy Town Manager/Deputy Municipal Clerk
Kimberly Williams	Community Development Director
Joseph Butto	Newton/Hardyston Construction Official
Dr. Kennedy Greene	Newton School Superintendent

**BE IT FURTHER RESOLVED**, if any positions become held by different individuals in the 2021 calendar year then said individuals will assume the aforementioned titled responsibilities on Newton Local Emergency Planning Committee.

**RESOLUTION #21-2021\***

**DESIGNATION OF THERESA SCHLOSSER AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2021**

**WHEREAS**, N.J.S.A. 54:5-11 provides that each municipality within the State of New Jersey shall designate a person to act as the Tax Search Officer for the municipality; and

**WHEREAS**, Theresa Schlosser, as Certified Tax Collector for the Town of Newton, is qualified to make examinations of the municipalities records as to unpaid municipal liens and to certify the results of that examination;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby designates Theresa Schlosser as the Tax Search Officer for the Town of Newton for calendar year 2021.

**RESOLUTION #22-2021\***

**APPOINTMENT OF JOHN-PAUL COUCE AS TOWN COUNCIL LIAISON TO THE NEWTON**

January 5, 2021

**BOARD OF EDUCATION**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Councilman John-Paul Couce be and is hereby appointed as the Town of Newton liaison to the Newton Board of Education for calendar year 2021.

**RESOLUTION #23-2021\***

**APPOINTMENT OF MICHELLE TEETS AS TOWN COUNCIL LIAISON TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Councilwoman Michelle Teets be and is hereby appointed to the Economic Development Advisory Commission as the Town Council liaison member for calendar year 2021.

**RESOLUTION #24-2021\***

**APPOINTMENT OF SANDRA LEE DIGLIO AS TOWN COUNCIL LIAISON TO THE HISTORIC PRESERVATION ADVISORY COMMISSION**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Councilwoman Sandra Lee Diglio be and is hereby appointed to the Historic Preservation Advisory Commission as the Town Council liaison member for calendar year 2021.

**RESOLUTION #25-2021\***

**RESOLUTION AFFIRMING THE CURRENT FUND BALANCE POLICY**

**WHEREAS**, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014 and renewed and amended it by the adoption of Resolution 222-2018 on November 26, 2018; and

**WHEREAS**, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended it is an appropriate Policy;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby resolves and agrees to affirm the Current Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 12%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
6. This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

January 5, 2021

**RESOLUTION #26-2021\***

**RESOLUTION AFFIRMING THE WATER SEWER UTILITY FUND BALANCE POLICY**

**WHEREAS**, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014 and renewed and amended it by the adoption of Resolution 222-2018 on November 26, 2018; and

**WHEREAS**, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended it is an appropriate Policy;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby resolves and agrees to affirm the Water Sewer Utility Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 12%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.

This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

**RESOLUTION #27-2021\***

**APPOINTMENT OF VIRGINIA RAFTERY AS CLEAN COMMUNITIES COORDINATOR FOR THE TOWN OF NEWTON FOR 2021**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that Virginia Raftery be and is hereby appointed as the Clean Communities Coordinator for the Town of Newton during calendar year 2021.

**RESOLUTION #29-2021\***

**APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the anticipated term of this contract is for calendar year 2021; and

**WHEREAS**, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

January 5, 2021

**WHEREAS**, Wielkotz & Company, LLC has submitted a proposal dated October 22, 2020 indicating they will provide the 2021 auditing services for \$29,600.00; additional services, should they be required, would be billed at amounts set forth in the contract with hourly rates not to exceed \$175.00 per hour; and

**WHEREAS**, Wielkotz & Company, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Wielkotz & Company, LLC 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 the Wielkotz & Company, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified, subject to the availability and appropriation of sufficient funds in the 2021 budgets, funds will be provided in the 2021 Municipal Current Budget – Audit Services #1054300 \$14,800.00 and in the 2021 Water Sewer Utility Budget – Audit Services #6051205 \$14,800.00 to support an agreement with Wielkotz & Company, LLC in the total amount of \$29,600.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Wielkotz & Company, LLC as described herein; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #30-2021\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR LOSAP WITH WIELKOTZ & COMPANY, LLC**

**WHEREAS**, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2020; and

**WHEREAS**, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, Mr. Thomas M. Ferry, RMA of the accounting firm Wielkotz & Company, LLC, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

**WHEREAS**, Wielkotz & Company, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 the firm from making any reportable contributions through the term on the contract; and

**WHEREAS**, the anticipated term of this contract is for calendar year 2021; and

**WHEREAS**, the Chief Financial Officer has certified that funds will be provided in the 2021 Municipal Current Budget – Audit Services #1054300 to support this agreement with Wielkotz & Company, LLC in the amount not to exceed \$1,500.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Manager is hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

January 5, 2021

**BE IT FURTHER RESOLVED**, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that notice of this award be published in accordance with the Local Public Contracts Law.

**RESOLUTION #31-2021\***

**AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW IN 2021**

**WHEREAS**, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

**WHEREAS**, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2020 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in 2021.

**RESOLUTION #32-2021\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR DAVID B. SIMMONS, JR., OF HAROLD E. PELLOW & ASSOCIATES, INC., AS WATER ENGINEER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

**WHEREAS**, the anticipated term of this contract is for the 2021 calendar year(s); and

**WHEREAS**, David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

**WHEREAS**, David B. Simmons, Jr., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies David B. Simmons, Jr. of Harold E. Pellow & Associates, Inc., 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 them from making any reportable contributions through the term of the contract; and

**WHEREAS**, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2021 Temporary and Permanent budgets, funds NOT TO EXCEED \$30,000.00 will be encumbered as follows:

**2021 Water Sewer Utility Budget – Engineer Contractual #6051217**

*“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”*

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., not to exceed \$30,000 for the 2021 calendar year; and

January 5, 2021

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

**RESOLUTION #33-2021\***

**ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2021**

**WHEREAS**, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2021; and

**WHEREAS**, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the total of the appropriations made for all purposes in the budget for the preceding year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2021 Temporary Operating Budget and the 2021 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2021 Annual Municipal Budget and the 2021 Water and Sewer Utility Budget.

**2021 TEMPORARY CURRENT BUDGET CALCULATION**

	\$13,253,537.	Total 2020 Budget		
	2,323,807.	Less: Debt (principal & interest)		
	-0.	Less: Public Assistance		
	<u>291,000.</u>	Less: Capital Improvements		
	\$10,638,730.	Amount on which % is applied		
<u>x .2625</u>		Percentage increase allowed by state		
Budget	\$2,792,666.	Allowable	2021	Temporary

**APPROPRIATIONS NOT SUBJECT TO 26.25% MAXIMUM**

Capital Improvements	OE	1095200	\$100,000
Debt Service	OE	1096200	\$600,000

**2021 TEMPORARY WATER AND SEWER BUDGET**

	<u>2020 BUDGET</u>	<u>2021 TEMPORARY BUDGET</u>
Salaries and Wages	\$1,042,715.	\$273,713.
Other Expenses	2,182,256.	572,842.
DCRP	1,373.	360.
PE R S	18,500.	4,856.
Unemployment	4,300.	1,129.
Social Security System	<u>77,130.</u>	<u>20,246.</u>
	3,326,274.	\$873,147.
	<u>x.2625</u>	
	\$873,147	
<b>TOTAL 2021 TEMPORARY WATER &amp; SEWER BUDGET</b>		\$873,147
<b>TOTAL 2021 TEMPORARY W&amp;S CAPITAL IMPR BUDGET</b>		\$450,000
<b>TOTAL 2021 TEMPORARY W&amp;S DEBT SERVICE BUDGET</b>		\$200,000

January 5, 2021

2021 CURRENT TEMP BUD				
ACCOUNT		2020		2021
NUMBER	APPROPRIATIONS	BUDGET	0.2625	Temporary Budget
1050100	TOWN MANAGER'S OFFICE - SALARY & WAGES	133,000		34913
1050200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	68,000		17850
1051100	TOWN CLERK'S OFFICE - SALARY & WAGES	113,500		29794
1051200	TOWN CLERK'S OFFICE - OTHER EXPENSES	25,525		6700
1051500	ELECTIONS - OTHER EXPENSES	18,000		4725
1052100	TOWN COUNCIL - SALARY & WAGES	10,000		2625
1052200	TOWN COUNCIL - OTHER EXPENSES	5,000		1313
1053100	HUMAN RESOURCE - SALARY & WAGES	39,633		10404
1053200	HUMAN RESOURCE - OTHER EXPENSES	9,350		2454
1054100	FINANCE ADMINISTRATION - SALARY & WAGES	89,000		23363
1054200	FINANCE ADMINISTRATION - OTHER EXPENSES	15,037		3947
1054300	FINANCE ADMINISTRATION - AUDIT SERVICES	16,000		4200
1055100	ASSESSMENT OF TAXES - SALARY & WAGES	56,500		14831
1055200	ASSESSMENT OF TAXES - OTHER EXPENSES	28,000		7350
1056100	COLLECTION OF TAXES - SALARY & WAGES	38,050		9988
1056200	COLLECTION OF TAXES - OTHER EXPENSES	10,780		2830
1058200	LEGAL SERVICES - OTHER EXPENSES	189,500		49744
1059100	MUNICIPAL COURT - SALARY & WAGES	138,035		36234
1059200	MUNICIPAL COURT - OTHER EXPENSES	21,870		5741
1060200	ENGINEERING - OTHER EXPENSES	25,500		6694
1061200	BUILDINGS & GROUNDS - OTHER EXPENSES	94,800		24885
1062100	PLANNING/ZONING ADMIN - SALARY & WAGES	45,700		11996
1062200	PLANNING BOARD - OTHER EXPENSES	25,550		6707
1063200	HISTORIC COMMISSION - OTHER EXPENSES	1,600		420
1064100	COMMUNITY DEVELOPMENT - SALARIES/WAGES	55,408		14545
1064200	COMMUNITY DEVELOPMENT - OTHER EXPENSES	20,000		5250
1065300	SHADE TREE COMM - OTHER EXPENSES	1,000		263
1065400	ECONOMIC DEVELOPMENT COMM - OTHER EXP	1,000		263
1066200	EMPLOYEE GROUP INSURANCE - OTHER EXPENSE	1,429,031		375121
1066300	HEALTH BENEFIT WAIVER	25,900		6799
1067200	WORKMEN'S COMP INSURANCE - OTHER EXPENSE	153,905		40400
1069200	OTHER INSURANCE PREMIUMS - OTHER EXPENSE	95,640		25106
1070200	FIRE DEPARTMENT - OTHER EXPENSES	25,100		6589
1072200	Aid to Volunteer Fire Depts - Other Expense	13,000		3413
1073100	CENCOM - SW	430,608		113035
1074100	POLICE DEPARTMENT - SALARY & WAGES	2,911,334		764225
1074200	POLICE DEPARTMENT - OTHER EXPENSES	100,000		26250
1074300	COMMUNICATIONS CENTER - OTHER EXPENSES	90,000		23625
1075100	PARKING METERS - SALARY & WAGES	0		0
1076200	AID TO FIRST AID ORGANIZATION - OTHER EX	25,000		6563
1077100	INSPECTION OF BUILDINGS - SALARY & WAGES	25,700		6746
1077200	INSPECTION OF BUILDINGS - OTHER EXPENSES	1,600		420
1077400	CODE ENFORCEMENT - SALARIES & WAGES	46,500		12206
1077500	CODE ENFORCEMENT - OTHER EXPENSES	3,290		864
1078100	EMERGENCY MANAGEMENT - SALARY & WAGES	12,000		3150
1078200	EMERGENCY MANAGEMENT - OTHER EXPENSES	10,000		2625
1079100	MISC OPERATING EXPENSE - S&W	1,000		263
1079200	MISC OPERATING EXPENSE - OE	1,000		263
1080100	ROAD REPAIR & MAINT - SALARY & WAGES	560,974		147256
1080200	ROAD REPAIR & MAINT - OTHER EXPENSES	93,250		24478
1081100	SNOW REMOVAL - SALARY & WAGES	56,700		14884
1081200	SNOW REMOVAL - OTHER EXPENSES	87,000		22838
1082200	STORMWATER/FLOOD CONTROL - OTHER EXPENSE	16,000		4200
1083100	RECYCLING/SANITATION - SALARY & WAGES	1,600		420
1083200	RECYCLING/SANITATION - OTHER EXPENSES	42,000		11025
1083300	VEHICLE MAINTENANCE - OTHER EXPENSES	106,500		27956
1084200	BOARD OF HEALTH - OTHER EXPENSES	1,650		433
1085100	OCCUPATIONAL HEALTH - SALARY & WAGES	3,050		801
1085200	OCCUPATIONAL HEALTH - OTHER EXPENSES	5,500		1444
1087100	RECREATION - SALARIES & WAGES	48,700		12784
1087200	RECREATION - OTHER EXPENSES	15,000		3938
1089200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	406,500		106706
1090100	SWIMMING POOL - SALARY & WAGES	80,000		21000
1090200	SWIMMING POOL - OTHER EXPENSES	35,000		9188
1091100	PARKS & PLAYGROUNDS - SALARY & WAGES	65,500		17194
1091200	PARKS & PLAYGROUNDS - OTHER EXPENSES	32,700		8584
1092200	CELEBRATION OF PUBLIC EVENTS - OE	22,000		5775
1093100	SENIOR CITIZEN PROGRAM - SALARY & WAGES	38,000		9975
1093200	SENIOR CITIZEN PROGRAM - OTHER EXPENSE	3,300		866
1094400	UNCLASSIFIED -S&W - ACUUMULATED ABSENCE	1,000		263

January 5, 2021

1091100	PARKS & PLAYGROUNDS - SALARY & WAGES	65,500	17194
1091200	PARKS & PLAYGROUNDS - OTHER EXPENSES	32,700	8584
1092200	CELEBRATION OF PUBLIC EVENTS - OE	22,000	5775
1093100	SENIOR CITIZEN PROGRAM - SALARY & WAGES	38,000	9975
1093200	SENIOR CITIZEN PROGRAM - OTHER EXPENSE	3,300	866
1094400	UNCLASSIFIED -S&W - ACUUMULATED ABSENCE	1,000	263
1094500	LOSAP	50,000	13125
1094550	RECYCLING TAX (PL2007 c.311)O/S CAP	500	131
1094570	RES TAX APPEALS	25,000	6563
1094575	STATE OF EMERGENCY - CORONAVIRUS	91,850	24111
1094710	INTERLOCAL- PARKING AUTHORITY	45,000	11813
1094795	INTERLOCAL - ANIMAL CNTRL (was Dog 1087200)	4,000	1050
1094796	INTERLOCAL - UNIF CONSTR CODE (HDSTN)	3,000	788
1094798	INTERLOCAL - GREEN TWP COURT	45,000	11813
1094800	PUBLIC & PRIVATE PROGRAMS O/S CAP	90,840	23846
1097200	DEFERRED CHARGES - OE	2,247	590
1098294	STAT. EXPEND. - DCRP	14,100	3701
1098296	STAT. EXPEND. - PERS	295,703	77622
1098297	STAT. EXPND. - PFRS	774,309	203256
1098298	STAT. EXPEND. - SOCIAL SECURITY	249,800	65573
1098299	STAT. EXPEND. - UNEMPLOYMENT	4,000	1050
1099200	Reserve for uncollected Taxes	525,508	137946
	<b>TOTAL APPROPRIATIONS SUBJECT TO 26.25% INCREASE</b>	<b>10,638,727</b>	<b>2792666</b>
	<b>APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE</b>		
1095200	CAPITAL IMPROVEMENTS - OTHER EXPENSES	291,000.00	100,000
1096200	DEBT SERVICE - OTHER EXPENSES	2,323,810.00	600,000
	<b>TOTAL CURRENT 2019 SUBJECT TO A TEMP BUDGET</b>	<b>13,253,537.00</b>	
	<b>TOTAL CURRENT TEMPORARY 2020 BUDGET</b>		<b>3,492,666</b>

**RESOLUTION #34-2021\***

**APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

**WHEREAS**, said professional services will be needed by the Town of Newton during calendar year 2021, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

**WHEREAS**, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

**WHEREAS**, the anticipated term of each individual contract is one (1) year;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

- |  |   |
|--|---|
| Jonathan E. McMeen, Esq., of<br>Laddey, Clark & Ryan, LLC        | Municipal Prosecutor                        |
| Robert B. McBriar, Esq., of<br>Schenck, Price, Smith & King, LLP | Tax Appeal &<br>Municipal Conflict Attorney |
| Edward J. Buzak, Esq., of<br>The Buzak Law Group, LLC            | Environmental Attorney                      |

January 5, 2021

James T. Prusinowski, Esq., of Trimboli & Prusinowski, LLC	Labor Relations Attorney
Daniel P. Agatino, J.D., PhD Gruber, Colabella, Liuzza & Thompson	Municipal Public Defender
Martin Allen, Esq. of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.	Tax Appeal Conflict Attorney

**BE IT FURTHER RESOLVED** that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

**RESOLUTION #35-2021\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR J. CALDWELL & ASSOCIATES, LLC AS PLANNER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton requires the services of a qualified Planner for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

**WHEREAS**, the anticipated term of this contract is for the 2021 calendar year (s); and

**WHEREAS**, J. Caldwell & Associates, LLC, in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

**WHEREAS**, J. Caldwell & Associates, LLC has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies J. Caldwell & Associates, LLC 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 them 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 2021 Temporary and Permanent budgets, funds NOT TO EXCEED \$50,000.00 will be encumbered as follows:

**2021 Current Budget – Community Devel. #1064216 & Planning Board #1062216**  
**2021 Water Sewer Utility Budget – Consultant #6051216**  
**Trust Escrow Accounts as applicable**  
**General Capital – Redevelopment**

*"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."*

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with J. Caldwell & Associates LLC, not to exceed \$50,000 for the 2021 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 #36-2021\***

**APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT FOR CALENDAR YEAR 2021**

January 5, 2021

**WHEREAS**, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

**WHEREAS**, said insurance services will be needed during calendar year 2021;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860, be named as agent of record effective January 1, 2021 for the following insurance policies:

- a) Package SIF2021-07860
- b) Workers' Compensation WC2007860
- c) Umbrella Policy SIF2021-07860
- d) Fire Accident Insurance VFP-4231-3258E-4
- e) Fire Life AD&D Insurance G600592-0001

**BE IT FURTHER RESOLVED**, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #37-2021\***

**APPOINTMENT OF HELEN R. LE FROIS AS AN ALTERNATE MEMBER OF THE PLANNING BOARD**

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

**WHEREAS**, Helen R. Le Frois has expressed an interest in serving as an Alternate Member on the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that Helen R. Le Frois is hereby appointed to fill an unexpired two-year term as an Alternate member on the Planning Board, effective immediately with said term continuing to December 31, 2021.

**RESOLUTION #38-2021\***

**REAPPOINTMENT OF CERTAIN BOARD AND COMMISSION MEMBERS**

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the following appointments be made:

<u>Board/Commission</u>	<u>Name</u>	<u>Term</u>	<u>Expiration Date</u>
Economic Development Advisory Commission	Richard Krasnomowitz	3 Years	December 31, 2023
Economic Development Advisory Commission	Daniel Hayek	3 Years	December 31, 2023
Economic Development Advisory Commission	Vicki Hall-Romer	3 Years	December 31, 2023
Economic Development Advisory Commission	Rachel Bucci	3 Years	December 31, 2023

January 5, 2021

Parking Authority	Alexandra Kweselait	5 Years	December 31, 2025
Planning Board	Neil Flaherty	4 Years	December 31, 2024
Planning Board	Earl Schick (Alternate)	2 Years	December 31, 2022
Planning Board	Joseph Ricciardo (Alternate)	2 Years	December 31, 2022
Recreation Commission	Alan Abramson	5 Years	December 31, 2025
Recreation Commission	Maureen Cuff	5 Years	December 31, 2025
Recreation Commission	Rachel Bucci	5 Years	December 31, 2025
Utility Advisory Board	Donald Vrahnos	5 Years	December 31, 2025

**RESOLUTION #39-2021\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR FREDERICK J. MARGRON, P.E., REM, CEA, OF THE FIRM PROFESSIONAL CONSULTING, INC., AS SEWER ENGINEER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton requires the services of a qualified Sewer Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

**WHEREAS**, the anticipated term of this contract is for the 2021 calendar year(s); and

**WHEREAS**, Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

**WHEREAS**, Frederick J. Margron, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., 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 them from making any reportable contributions through the term of the contract; and

**WHEREAS**, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2021 Temporary and Permanent budgets, funds NOT TO EXCEED \$50,000.00 will be encumbered as follows:

**2021 Water Sewer Utility Budget – Engineer Contractual #6051218**

*"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."*

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., not to exceed \$50,000 for the 2021 calendar year; and

January 5, 2021

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

**RESOLUTION #40-2021\***

**AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton anticipates the need for a professional appraiser and consultant in connection with emerging and ongoing tax appeals litigation within the Town of Newton; and

**WHEREAS**, Michael Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

**WHEREAS**, appraisal service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, the anticipated term of this contract is one (1) year, January 1, 2021 through December 31, 2021; and

**WHEREAS**, the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2021 Temporary and Permanent budgets, funds NOT TO EXCEED \$17,500.00 will be encumbered as follows:

**1055218 TAX ASSESS - OE - CONSULTANT SERVICES**

*"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."*

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated December 9, 2020; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to Holzhauer & Holenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

**RESOLUTION #41-2021\***

**APPOINTMENT OF CLARA WALTERS AS VOLUNTEER SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2021**

**BE IT RESOLVED**, by the Town Council of the Town of Newton, that Clara Walters be and is hereby appointed as the volunteer Senior Citizen Coordinator for the Town of Newton during calendar year 2021.

**RESOLUTION #42-2021\***

**AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN AGREEMENT WITH EXCEL ENVIRONMENTAL RESOURCES, INC., FOR ENVIRONMENTAL ENGINEERING SERVICES FOR CALENDAR YEAR 2021**

**WHEREAS**, the Town of Newton is in need of environmental engineering services for calendar year 2021; and

**WHEREAS**, EXCEL Environmental Resources, Inc., can provide environmental engineering services, in accordance with N.J.S.A. 40A:11-9; and

January 5, 2021

**WHEREAS**, environmental engineering 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 EXCEL Environmental Resources, Inc., for environmental engineering services, effective January 1, 2021 through December 31, 2021, based on the proposal submitted dated November 30, 2020;

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

1. This resolution hereby serves as an Agreement between the Town of Newton and EXCEL Environmental Resources, Inc., for environmental engineering services for calendar year 2021; and
2. A copy of this resolution and EXCEL Environmental Resources, Inc., proposal dated November 30, 2020 be place on file in the Municipal Clerk's Office.

**RESOLUTION #43-2021\***

**AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR DECOTIIS, FITZPATRICK, COLE AND GIBLIN, LLC FOR REDEVELOPMENT COUNSEL FOR 2021**

**WHEREAS**, there exists a need for specialized legal services for the Town of Newton, in the County of Sussex, New Jersey in connection with the redevelopment program in the Town; and

**WHEREAS**, such special legal services can be provided best by a recognized Redevelopment Counsel firm, and the law firm of DeCotiis, FitzPatrick, Cole and Giblin, LLC, Paramus, New Jersey is so recognized by the financial community; and

**WHEREAS**, subject to the Governing Body appropriating sufficient funds in the 2021 Budgets the Chief Financial Officer will certify funds pursuant to NJAC 5:30-5.5 (b2) open-end contract:

Amounts, not to exceed \$40,000, will be encumbered when services are ordered directly against the applicable General Capital ordinances, Legal accounts, Water Sewer Capital ordinances, Trust escrow accounts, or the 2021 Current Budget – Community Development #1064217.

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AS FOLLOWS:**

1. The law firm of DeCotiis, FitzPatrick, Cole and Giblin, LLC, Paramus, New Jersey is hereby retained to provide the specialized legal services necessary in connection with redevelopment in accordance with an Agreement based on the proposal dated as of November 11, 2020 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. The services to be rendered by DeCotiis, FitzPatrick, Cole and Giblin, LLC, shall on an "as needed" requirement, as sought by the Town of Newton in an amount **not to exceed \$40,000.00**.
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town and notice of this action shall be published once in the New Jersey Herald.

January 5, 2021

**RESOLUTION #44-2021\***

**APPOINTMENT OF BOND ATTORNEY FOR CALENDAR YEAR 2021**

**WHEREAS**, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Town of Newton advertised a Request for Proposals for the services of a qualified Bond Attorney and received several responses; and

**WHEREAS**, John D. Draikiwicz, Esq., of the firm Gibbons P.C., of Newark, NJ, has submitted a proposal outlining the services to be provided; and

**WHEREAS**, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that John D. Draikiwicz, Esq., of the firm Gibbons P.C., is the best candidate for the position; and

**WHEREAS**, the anticipated term of this contract is one (1) year ending December 31, 2021; and

**WHEREAS**, subject to the Governing Body appropriating sufficient funds in the 2021 Budgets the Chief Financial Officer will certify funds pursuant to N.J.A.C. 5:30-5.5 (b2) open-end contract:

Amounts, not to exceed \$25,000, will be encumbered when services are ordered directly against the applicable General Capital ordinances, Legal accounts, Water Sewer Capital ordinances, Trust escrow accounts, or the 2021 Current Budget – Community Development #1064217.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement John D. Draikiwicz, Esq., of the firm Gibbons P.C., for services as Bond Attorney for calendar year 2021; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to John D. Draikiwicz, Esq., of the firm Gibbons P.C.; and

**BE IT FURTHER RESOLVED** that a fully-executed copy this resolution as well as the Contract shall be placed on file with the Clerk of the Town and notice of this action shall be published once in the New Jersey Herald.

**RESOLUTION #45-2021\***

**APPOINTMENT OF HELEN R. LE FROIS AS A MEMBER OF THE PARKING AUTHORITY**

**WHEREAS**, there is currently a vacancy for a member on the Town of Newton Parking Authority; and

**WHEREAS**, Helen R. Le Frois has expressed an interest in serving as a Member of the Parking Authority;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that Helen Le R. Frois is hereby appointed to a five-year term as a member of the Parking Authority, effective immediately with said term continuing to December 31, 2025.

**RESOLUTION #46-2021\***

**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 2020 and 2021 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.

**NO BILLS THIS MEETING**

**RESOLUTION #47-2021\***

**AUTHORIZE PAYMENT OF RECURRING BILLS**

**WHEREAS**, all claims of payment by the Town of Newton, County of Sussex, State of New Jersey, are required to be first submitted to the Mayor and Town Council for consideration before payment is made; and

**WHEREAS**, due to the nature of certain claims and timing of the particular meetings involved, certain claims should be paid when presented which are statutory and regular in nature, rather than held for the next meeting of the Mayor and Town Council due to the nature of said bills;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Newton that we hereby approve the payment between meetings of the following enumerated claims for payment, when the same are presented to the Mayor and Town Council and Chief Finance Officer of the Town of Newton.

- a. Town of Newton, net payroll and payroll deduction accounts
- b. Town of Newton, Board of Education
- c. County Treasurer (County taxes only)
- d. Banks for investment Purposes/Inter-fund transfers/Debt Service payments Bond/Note payments
- e. Statewide Insurance Fund, NJ Municipal Employee Benefits Fund, Vision Service Plan, and all other insurances
- f. Repair of emergency, police, and rescue vehicles; parts needed for said vehicles; and critical equipment related to the operations of the DPW/Police or emergency services
- g. Bond Releases
- h. All utility payments
- i. Employee Reimbursements
- j. Petty Cash Reimbursements
- k. Lien Redemptions
- l. Premium Redemptions

**RESOLUTION #48-2021\***

**PROCEDURE FOR CLAIMANT CERTIFICATION**

**WHEREAS**, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing the claimant certification requirement set forth in N.J.S.A. 40A:5-16(a); and

**WHEREAS**, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

**WHEREAS**, the Chief Financial Officer, Monica B. Miebach of the Town of Newton, recommends a claimant signature only be required for the following:

- Transactions above the dollar threshold of \$6,600
- Reimbursement to Town Employees
- Sole Proprietors

January 5, 2021

- Deposits in advance of work and travel

**WHEREAS**, the Chief Financial Officer and Town Manager recommend the adoption of this Claimant Signature policy;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Newton that, effective immediately, Claimant Certification be waived on the Town Purchase Orders with the exceptions noted above.

#### **RESOLUTION #49-2021\***

##### **AWARD OF AN INSURANCE BROKER OF RECORD CONTRACT FOR EMPLOYEE BENEFITS**

**WHEREAS**, the Town of Newton (the "Town") requires the services of an insurance broker of record in order to oversee the Town's employee benefits program including medical, prescription, dental, vision, and Cobra administration as determined by the Town; and

**WHEREAS**, the Town is presently a member of the North Jersey Municipal Employee Benefits Fund ("NJMEBF"); and

**WHEREAS**, Health Insurance Broker and/or the Town's program administrator/representative to the NJMEBF is exempt from public bidding and may be awarded via resolution pursuant to N.J.S.A. 40A:11-5(m), in accordance with the requirements for extraordinary unspecifiable services; and

**WHEREAS**, Acrisure, LLC ("Broker") is qualified to provide the above referenced services; and

**WHEREAS**, the Town is hereby authorized and directed to execute a Broker of Record authorization and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5.

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. This agreement is hereby authorized and approved.
3. Acrisure, LLC is hereby appointed to represent the Town as Broker of Record for employee benefits including medical, prescription, dental, vision, and Cobra administration.
4. Acrisure, LLC is here appointed and designated as the Program Administrator/Town representative to NJMEBF.
5. The Town is hereby authorized to execute to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
6. This resolution shall be effective immediately.

#### **RESOLUTION #50-2021\***

##### **APPOINTMENT OF TOWN ATTORNEY FOR CALENDAR YEAR 2021**

**WHEREAS**, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Town of Newton advertised a Request for Proposals for the services of a qualified Municipal Attorney and received several responses; and

**WHEREAS**, Eric M. Bernstein, Esq., of the firm Eric M. Bernstein & Associates, LLC, has submitted a proposal outlining the services to be provided; and

**WHEREAS**, after review of all submitted proposals by the RFP Review Committee,

January 5, 2021

the Governing Body has determined, Eric M. Bernstein, Esq., of the firm Eric M. Bernstein & Associates, LLC, is the best candidate for the position; and

**WHEREAS**, the anticipated term of this contract is one (1) year ending December 31, 2021;

**WHEREAS**, the Town of Newton’s Chief Financial Officer certifies funds will be provided in the 2021 Municipal Current Budget – ‘Legal Services – Other Expenses’ and the 2021 Water Sewer Operating Budget – ‘Legal’ for expenditures pertaining to this open-ended contract for said municipal matters at a rate of \$130.00 per hour **not to exceed \$60,000.00**;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Eric M. Bernstein, Esq., of the firm Eric M. Bernstein & Associates, LLC, for services as Municipal Attorney for calendar year 2021; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Eric M. Bernstein, Esq., of the firm Eric M. Bernstein & Associates, LLC; and

**BE IT FURTHER RESOLVED** that a fully-executed copy of the agreement be kept on file and available for public inspection in the Municipal Clerk’s office.

**RESOLUTION #52-2021\***

**TOWN OF NEWTON**

**RESOLUTION #52-2021 AND AGREEMENT  
FOR PROFESSIONAL SERVICES**

**MUNICIPAL COURT JUDGE**

**WHEREAS**, there exists a need for a Municipal Court Judge to be appointed to represent the Town of Newton and Green Township through the shared court services agreement with respect to municipal matters, for calendar years 2021, 2022, and 2023; and

**WHEREAS**, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said court matters, and the funds have been certified as being available by the Chief Financial Officer; and

**WHEREAS**, James P. Sloan, Esq., has indicated all such services will be rendered to the Town of Newton for the 2021, 2022, and 2023 calendar years, which the Newton Town Council deems fair and equitable for said professional services the fees set forth below:

	<b>2021</b>	<b>2022</b>	<b>2023</b>
Newton	\$37,143.00	\$37,886.00	\$38,644.00
Green	\$5,000.00	\$5,000.00	\$5,000.00

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

**WHEREAS**, Mr. Sloan agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

**WHEREAS**, the Town and Mr. Sloan agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer

January 5, 2021

pursuant to P.L 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3;

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and James P. Sloan, Esq., providing for his retention as Municipal Court Judge for the Town of Newton for calendar years 2021, 2022, and 2023.

2) The services to be rendered by Mr. Sloan shall be on a yearly basis, as sought by the Town of Newton and Green Township through the shared court services agreement at the rates set forth above.

3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. Sloan is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

4) Political Contribution Disclosure. This contract has been awarded to James P. Sloan, Esq., based on the merits and abilities of Mr. Sloan to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 *et seq.* As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

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

**ATTEST:**

**TOWN OF NEWTON**

\_\_\_\_\_  
Lorraine A. Read, RMC, Municipal Clerk

\_\_\_\_\_  
Matthew S. Dickson, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the years 2021, 2022, & 2023.

Date: \_\_\_\_\_

\_\_\_\_\_  
James P. Sloan, Esq.

A motion was made by Mrs. Diglio to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Deputy Mayor Schlaffer and roll call resulted as follows:

Mr. Couce (Recused R#20-2021)	Yes	Mrs. Diglio	Yes
Mr. Schlaffer	Yes	Mrs. Teets (recused R#20-2021)	Yes
Mayor Dickson			Yes

**RESOLUTION #28-2021**

**CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL POLICE OFFICERS**

**WHEREAS**, within Chapter Thirty, Police Department, of the Code of Town of

January 5, 2021

Newton, NJ, it indicates the Town Manager may appoint Special Police Officers for a term not to exceed 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 Special Police Officers for calendar year 2021:

**Class II**

Raul Couce

Donald Donofrio

Stephen Moran

**RESOLUTION #51-2021**

**REAPPOINTMENT OF THE EMERGENCY MANAGEMENT COORDINATORS**

**BE IT RESOLVED** by the Town Council of the Town of Newton hereby makes the following reappointments:

- Kenneth A. Teets to a three-year term as Emergency Management Coordinator for the Town of Newton.
- Daniel Finkle to a three-year term as Deputy Emergency Management Coordinator for the Town of Newton.
- Jason Miller to a three-year term as Deputy Emergency Management Coordinator for the Town of Newton.

**BE IT FURTHER RESOLVED**, the above terms are made in accordance with State law and are effective January 1, 2021 through December 31, 2023.

Upon motion of Mr. Schlaffer, seconded by Mrs. Diglio and carried, Resolution #28-2021 and Resolution #51-2021 were approved and roll call resulted as follows:

Mr. Couce (Recused R#28-2021)	Yes	Mrs. Diglio	Yes
Mr. Schlaffer	Yes	Mrs. Teets (recused R#51-2021)	Yes
Mayor Dickson		Yes	

**APPOINTMENT**

At this time, Mayor Dickson made the Mayor's Appointment to the Planning Board by appointing the Town Manager, Thomas S. Russo, Jr., as a Class II Representative to the Newton Planning Board.

**SWEARING-IN CEREMONY**

**a. Hon. James P. Sloan – Judge Municipal Court**

At this time, Mayor Dickson swore-in Hon. James P. Sloan, as Municipal Court Judge, while Michelle Estremera, Deputy Court Administrator, held the Bible.

**OPEN TO THE PUBLIC**

Mayor Dickson opened the meeting to the public.

January 5, 2021

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

There being no further business to be heard, upon motion of Mrs. Diglio, seconded by Mrs. Teets and carried, the meeting was unanimously adjourned at 12:34 p.m.

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 typed name.

Lorraine A. Read, RMC  
Municipal Clerk