

February 25, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Dickson, Mr. Schlaffer and Mayor Le Frois, Police Chief Michael S. Richards, and Ursula Leo, Esq., Town Attorney. Deputy Mayor Flynn was excused.

Mayor Le Frois made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 4, 2019."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Deputy Clerk called the roll. Upon motion of Mr. Schlaffer, seconded by Mr. Dickson and unanimously carried, the minutes for the February 6, 2019 Budget meetings and the February 11, 2019 Regular and Executive Session meetings were approved. The February 9, 2019 Budget minutes will be carried to the March 11, 2019 meeting.

OPEN TO THE PUBLIC

At this time, Mayor Le Frois read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 5 minutes. The Deputy Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

Maureen Snellen, Plainfield Avenue came forward to voice her concern about the pool closing this summer.

Tracy Paparella, from the Newton Swim Team read the statement:

"As the president of the Newton Swim Team, I am disappointed that the town manager and council have decided to close the Newton Pool this summer. As a mom, I am very saddened. As a resident, I am outraged. The Newton Pool belongs to the community. It is a staple summertime activity for hundreds of Newton residents.

At last week's budget meeting, there was very little discussion about how to reopen the pool, but, unfortunately, a lot of discussion of what could be done instead. Three options were proposed: Close it for the season and hire a consultant for possible reopening next summer, make it into a splash pad, or close it for good.

There was no discussion about all the people who would be impacted by this closure or who account for the 5840 visits to the pool last summer, but rather focus was centered on the 100 memberships sold last summer. The council was presented with an estimated cost of \$250,000 to fix the pool, but the manager cautioned the council that "that's a lot of money to spend on something that is benefiting a very, very small group of people in this town. That's a lot of money to spend on a hundred people." The pool isn't used by just 100 members. The fact is the pool serves many more people – nearly 6000 day visits last summer – who paid nearly \$30K to use the pool on a daily basis, twice the amount of paid members. Come down to the pool on some hot Tuesday and you will see the hundreds of people who use and benefit from the Newton Pool.

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The Newton Pool is a very busy place in the summer as evidenced by the daily traffic last summer. Have you wondered what the townspeople will do this summer? What else is there to do in Newton on a hot summer day?

At the budget meeting, much concern is expressed about a decline in memberships. It is suggested that you need to adopt a new business model because you want more memberships sold. It was voiced that "memberships... are your money maker because there's not a guarantee that they (the paying members) use it. People come once or thirty times, I don't care. But people know how to beat the system. They do the daily admission. The weather's nice, they come; the weather's suspect, they don't. The weather's bad, we close early." People are not beating the system if they pay a daily rate on a sunny day. They have taken everything you mention into consideration themselves. Why buy a membership and not be able to take advantage of it because of rain or the pool closing early when you can pay the daily rate when the sun shines? These daily patrons are your loyal customers – your taxpayers – and should be foremost in your cost analysis and consideration.

You don't consider how prohibitive the cost of a membership is for a family, and why a family would opt to pay a daily rate as opposed to a membership. A family of 3 would not have their membership pay for itself until the 4th week of swimming. The cost of a family membership used to be \$100 in the early 2000s. Since then, it has risen 150% - a whopping 25% in 2017 when you raised the cost for a family membership from \$200 to \$250. The cost of a membership has outpaced inflation by more than \$100.

You say you need to reconsider your business model. Look to other municipal pools and their business models. Hackettstown charges \$120 for a resident family membership, \$200 for non-resident. While not as nice of a facility, Hackettstown offers a full lunch counter and a high dive. You need to look at the competition and at least replicate, if not beat, their model.

Even though the pool is not a business, but a service, you can narrow your cost margin by restructuring your fees. Reduce the membership fee, raise the daily rate. The revenue collected from swimmers each summer could continue to narrow the cost margin.

I raised five kids at the Newton Pool. They all learned how to swim spending the bulk of every day at the Newton Pool. Thanks to the lifeguards, swim lessons, and the swim team, they became very strong swimmers and competed on the high school team. Two of my boys were Newton lifeguards and instructors teaching kids who are now lifeguards, instructors, and coaches themselves. The Newton pool has benefited generations of kids – thousands of kids have learned how to swim at the Newton Pool. To take that opportunity away from our kids is unconscionable and irresponsible. You have four months to repair and reopen the Newton pool to the public. The pool was completely renovated in 2005. A new deck was installed, new kiddie pool and fountains built, a full replastering of both pools was completed, the seating area and fencing was enlarged, and new slides were installed. A major project which nearly rebuilt the pool facility took less than 2 months. I have full faith in you that you can repair the pool in the next four months."

Maggie Hoffman, 134 Merriam stated her life started at the pool. Her mom was the pool manager when she was a kid. From the time she was in second grade to adulthood she spent her summers at the pool. She started out taking swim lessons, and then became a lifeguard, she taught swim lessons and received her pool operator license so she could fill in when her mom or Mr. Trudgeon were not available. The pool now means something different to her. As a teacher knowing her students have a safe place to go gives her peace of mind. It provides them with exercise and keeps them off video games and out of trouble. She went on to say the fees in the 90's were much more affordable and she understands they have to increase but thinks we have to

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keep our population and what people can afford in mind. Her fear is closing for this summer and then never open again similar to what Vo-tech did with their pool. To close the pool permantely would be a travesty to our children. She feels lowering our prices to keep the money coming in might be more effective to the children in our town.

Ralph Porter, 12 Pine Street thanked the Town for installation of the parking signs in his neighborhood, it really made a difference. He offered his thoughts on the pool. He said his kids grew up at the pool and he hopes his grandchild will do the same. He questioned all the millions of dollars that was spent on the pool in the past and why a more comprehensive study wasn't done then instead of having to close the pool now. He stated "heads should roll" for that because it wasn't done properly. Lastly, he asked when the Town seeks out a new Town Manager to please make the person live in Town.

John McGuigan, Emmons Avenue stated the recreational facilities are a public resource which provides our citizens with exercise, equipment, enjoyment, fresh air and an opportunity to socialize and cool off. Our Town pool is one those resources and we should make every effort to keep the pool. He noted all the people that use the pool are not limited to season memberships. He went on to say an awful lot of people take advantage of the pool. He believes there are ways to manage costs and increase revenues and they ought to be studied, and looked at through a broad analysis. He pleaded for the Council to please find a way to restore this valuable resource.

Jessica Jacobelliss, a teacher in Newton, head swim coach for the Newton Pool for the past three years and the Newton High School swim coach for the past eight years. She stated she basically uses the program as a feeder program for the high school team. The program has grown over the past three years she has been there and she sees the joy it brings to the kids, and that encourages them to go out for the high school team.

Councilman Diglio called in to join the meeting at 7:17pm.

Nadine Harrison, 17 Linmor Avenue stated she feels the problem with the pool is they lost her membership money this year, and then miraculously found the money. Two years ago they never cashed her checks for swim lessons. She stated others have told her similar things. When she called to ask about this she stated she was told by Recreation Department Manager "I don't live in Newton so it doesn't matter". She feels

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this is wrong. She has been going to the pool all her life. She feels if you close the pool this season there is a ninety percent chance it will never open again.

Felicia Carlson, 4 Elm Street came forth with some questions. Regarding the \$250,000 estimate which was in the letter sent out and in the NJ Herald article, is there an actual estimate or do you have to consult with professionals first? Have pictures of the damaged been shared with the Council? Is an inspection and appraisal ready to be shared with the towns' people? Will an itemized estimate be made public? Talk of hiring an engineering consultant for 12-17 thousand was made: is this before or after a real estimate is provided? After the previous woman spoke of her checks being lost it is making her question how the accounting is done, is that being followed up on and how many thousands of dollars have been missed? Maybe an online payment option should be considered.

Mayor Le Frois thanked the eight people who came forward to speak. She appreciates when the public come and speak at meetings. She went on to say there were a couple things she wanted to reflect on. Mayor Le Frois went on to explain the budget process and the hours and work it takes to create a budget. The process starts in October with our department heads, professionals, staff and Council. Mayor Le Frois reviewed all the ordinances and work that has been done at the pool in the past 15 years. Many items that have been done included replacing the pool filter, updating the digital security and also even replastering the pool. She stated this Council as well as the past members realizes the pool is an amenity and is not considered a money maker. The Town is facing a \$250,000 price tag to put a Band-Aid on the problems. The Council had a very good conversation at the February budget meeting and considered all of the options. She went on to explain there is a resolution on the agenda this evening to hire engineers to do a full assessment of the entire pool facility to include everything from the snack bar, the bathrooms to the foundation under the pool. This Council has decided to take a step back, do a comprehensive study so we have a clear picture going forward to know what the issues are so we can make an informed decision.

Mayor Le Frois stated the Town's budget is a public document and encourages everyone to review it and get involved. The Council wants to move quickly on this matter and the estimate of the six month that was listed in the letter is a conservative

estimate. Mayor Le Frois then stated the letter in sent out regarding the pool is on the Town's website but the there are many issues at the pool including: Multiple cracks in the plaster, bubbles in the plaster, several broken tiles with sharp edges, cracked coping at the top edge, a broken hydrostatic valve in the main drain causing leakage of thousands of gallons of water, a severed electrical line to exterior lighting, lack of ventilation moisture buildup and tearing of the funbrellas. The Council is waiting for the engineer's report to come back before they make any decisions. In the interest of transparency, the agreements with the engineers that will be up for resolution are part of the agenda packet on the Town's website for all to review.

Again Mayor Le Frois thanked the eight people that come forward and reiterated the Council is waiting for the data evidence to make a decision regarding the pool and the plan for it going forward.

Councilman Dickson stated he has had a season membership to the pool and used the daily pass. This decision on the pool is not something he took lightly and the pool is not something he wants to see go away. However, he feels strongly the Council has a responsibility to spend money wisely. He is not looking to close the pool, he is looking for a way to move forward and hope this engineer's report will help them do that. He went on to say going forward we the Town will look at the fee structure and how it can best benefit the residents.

Mayor Le Frois jumped in to say she forgot to mention the Recreation Commission, staff and the Department of Public Works are looking to what other activities we can offer at Memory Park this summer since the pool will be closed.

Councilman Schlaffer stated he originally was going to champion opening the pool, but as a business owner he decided to take a look at the situation the same way he would with his own business. He did some research and called around to other municipalities including Hackettstown which has a pool similar to Newton's. He relayed the issues we were having, the costs we would incur and the course of action we were looking to take and they agreed it was the right thing to do so we can make an informed decision going forward. He suggests we lower membership prices, increase the daily rates and really evaluate the fee structure. He would like Newton to host a

“Save the Pool” event. The event could have live music, food trucks local vendors and contests as a fundraiser.

Mrs. Diglio stated she will reserve comments until we receive the report from the engineer.

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

COUNCIL & MANAGER REPORTS

a. **Mayor Le Frois** – Mayor Le Frois stated she attended the “Fighting for Finkle” fundraiser this past weekend. It was well attended and a great night for Dan Finkle who is a Newton Police Officer, Firefighter and Deputy OEM Coordinator and is battling cancer. March 7th she will be attending the Greater Newton Chamber of Commerce dinner where they will be honoring Nancy Woods for her many years of service. The County St. Patrick’s Day parade will once again be held in Newton on March 16th. She offered kudos to the Newton First Aid Squad, she sat in on a recent conference call and they have an excellent response rate and have almost double the calls they have gone on in the past year.

b. **Deputy Mayor Flynn** – excused.

b. **Councilwoman Diglio** – Mrs. Diglio announced February 15th the Newton First Aid Squad was recognized by iHeart Radio for all their hard work and received a \$500 donation from Nielsen Ford.

c. **Councilman Schlaffer** – Mr. Schlaffer is working on a logo for the “Weekend Bag” program for Isobel Costello. He looks forward to showing them to her.

d. **Councilman Dickson** – Mr. Dickson attend the FFA Luncheon put on by the High School. He wanted to recognize the staff for the great job they do with the students in this program. The BOE meets tomorrow at 6:00pm at the Halsted School with the regular meeting immediately following.

e. **Town Manager** – excused.

ORDINANCES

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

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ORDINANCE #2019-1

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

The aforementioned **ORDINANCE** was offered by Mr. Dickson, who moved this ordinance be carried to the March 25, 2019 Town Council meeting, seconded by Mr. Schlaffer and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance hearing on the same to be held on Monday, March 25, 2019.

Mayor Le Frois directed the Deputy Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE #2019-2

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

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Monday, March 11, 2019.

OLD BUSINESS

CONSENT AGENDA

Mayor Le Frois read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

Mayor Le Frois reviewed the consent agenda items.

RESOLUTION #66-2019*

USE A THREE-YEAR AVERAGE COLLECTION RATE FOR THE 2019 BUDGET RESERVE FOR UNCOLLECTED TAXES

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WHEREAS, according to N.J.S.A. 40A:4-40 et seq., a town may utilize a three-year average tax collection rate to calculate a line item appropriation known as Reserve for Uncollected Taxes; and

WHEREAS, prior Town of Newton tax collection rates for the calendar years 2018, 2017, and 2016 were 97.96%, 98.34%, and 98.39% respectively; and

WHEREAS, the average of these aforementioned collection rates is 98.23%;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that it hereby requests that it may utilize a tax collection rate of up to 98.23% when calculating the line item appropriation Reserve for Uncollected Taxes in its calendar year 2019 Municipal Budget. The Town intends to use a more conservative tax collection rate of 97.99%.

RESOLUTION #67-2019*

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SUSSEX, NEW JERSEY FOR TRAFFIC SIGNAL MAINTENANCE

WHEREAS, the Town of Newton owns certain traffic signals and flashing warning devices within its jurisdiction that need to be maintained, repaired, and upgraded to keep them in good repair and working condition; and

WHEREAS, the Town of Newton and the County of Sussex have determined it would be mutually beneficial to enter into a Shared Services Agreement, whereby through the Office of Bridge and Traffic Safety within the Sussex County Division of Engineering, would provide these traffic device services to the Town; and

WHEREAS, the Town of Newton and the County of Sussex desire to enter into an Shared Services Agreement through December 31, 2022 for maintenance of Newton's traffic signals and flashing warning devices; and

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

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

1. The Town Manager of the Town of Newton is hereby authorized to execute a Shared Services Agreement between the Town of Newton and the County of Sussex, New Jersey.
2. This Resolution shall take effect immediately.

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

RESOLUTION #68-2019*

AUTHORIZING THE ADOPTION OF THE CABLE FRANCHISE ASCERTAINMENT REPORT OF SERVICE ELECTRIC CABLE TV OF NEW JERSEY

WHEREAS, the Cable Television Franchise of Service Electric Cable TV of New Jersey, Inc. expires on April 19, 2020; and

WHEREAS, the Town of Newton, pursuant to N.J.A.C. 14:18-13.2, has conducted ascertainment proceedings to assess its future cable-related community needs and interests and to review past performance of the cable television operator; and

WHEREAS, the Newton Town Attorney, Municipal Clerk, and Deputy Municipal Clerk have served as the Town Cable Television Advisory Committee and reviewed the cable television status and needs of the Town of Newton; and

WHEREAS, the Advisory Committee assessed community cable-related needs and the current cable television operator's performance, including current cable services, consumer complaints, rates charged, program offerings, and reports of outages, and prepared a Cable Franchise Ascertainment Report dated February 11, 2019; and

WHEREAS, the Town of Newton hereby adopts the Cable Franchise Ascertainment Report for the Town of Newton dated February 11, 2019, which report shall be available for public inspection in the Newton Municipal Clerk's office and copies of which shall be provided to the cable television operator/Service Electric Cable TV of New Jersey, Inc. and the State of New Jersey, Board of Public Utilities, Office of Cable Television; and

WHEREAS, pursuant to the Board of Public Utilities regulations, Service Electric Cable TV of New Jersey Inc., as the cable television operator, shall have ninety (90) days from receipt of the municipal report to file a municipal consent application;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the February 11, 2019 Cable Franchise Ascertainment Report of the Town of Newton is hereby adopted and provided to Service Electric Cable TV of New Jersey and the State of New Jersey Office of Cable Television.

RESOLUTION #69-2019*

AUTHORIZE ENTERING INTO A CONTRACT WITH MOTT MACDONALD, LLC FOR PROFESSIONAL ENGINEERING SERVICES FOR CONDUCTING A WATER EFFECT RATIO STUDY FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the Town of Newton has a need for a Water Effect Ratio Study for the Wastewater Treatment Plant; and

WHEREAS, the Town Council appointed Mott MacDonald, LLC as Sewer Engineer for Special Projects for 2019 by the adoption of Resolution #268-2018 on December 26, 2018; and

WHEREAS, this study qualifies as a "special sewer project"; and

WHEREAS, Mott MacDonald has submitted a proposal dated February 4, 2019 for Conducting a Water Effect Ratio Study for the Wastewater Treatment Plant at a cost of \$24,500; and

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Mott MacDonald 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 Mott MacDonald from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$24,500.00 are available as follows;

2019 Water Sewer Utility – Consultant #6051216	\$24,500.00
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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Mott MacDonald not to exceed \$24,500.00 for the proposal dated February 4, 2019 for Conducting a Water Effect Ratio Study for the Wastewater Treatment Plant.

RESOLUTION #70-2019*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 11.01, LOT 14, ALSO KNOWN AS 216 WOODSIDE AVENUE

WHEREAS, at the Municipal Tax Sale held on October 29, 2015 a lien was sold on Block 11.01, Lot 14, also known as 216 Woodside Avenue, for 2014 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2015-005 was sold to Sunshine St Cert V/BankUnited TTE for a 0% redemption fee and a premium of \$72,000.00; and

WHEREAS, Minion & Sherman, the attorney representing the owner, Hopewell Management Inc., has effected the redemption of Certificate #2015-005 in the amount of \$128,462.30;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that this Governing Body acknowledges Sunshine St Cert V/BankUnited TTE is entitled to a redemption in the amount of \$128,462.30 as well as the return of the premium in the amount of \$72,000.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges the Newton Tax Collector shall issue a check, in the amount of \$128,462.30 for the redemption and a check in the amount of \$72,000.00 for the return of the premium for Certificate #2015-005 to Sunshine St Cert V/BankUnited TTE Miami Lakes, FL.

RESOLUTION #71-2019*

REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 14.04, LOT 7, ALSO KNOWN AS 9 LAWNWOOD AVENUE

WHEREAS, at the Municipal Tax Sale held on October 24, 2018 a lien was sold on Block 14.04, Lot 7, also known as 9 Lawnwood Avenue, for 2017 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2018-007 was sold to John-Paul Couce for a 17% redemption fee; and

WHEREAS, Corelogic., the bank representing the owner, Ann Constantino, has effected the redemption of Certificate #2018-007 in the amount of \$935.96;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges John-Paul Couce is entitled to a redemption in the amount of \$935.96; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges the Newton Tax Collector shall issue a check, in the amount of \$935.96 for the redemption for Certificate #2018-007 to John-Paul Couce, 26 Linmor Avenue, Newton, NJ 07860.

RESOLUTION #72-2019*

APPROVE 2018 APPROPRIATION RESERVE TRANSFERS

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

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Group Insurance OE 1066201A	LOSAP OE 1094500A	\$6,300.00
TOTAL CURRENT TRANSFERS		\$6,300.00

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RESOLUTION #73-2019*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR SUBURBAN CONSULTING ENGINEERS, INC., FOR FEASIBILITY STUDY MEMORY PARK - COMMUNITY POOL ASSESSMENT

WHEREAS, the Town of Newton requires the services of a professional engineer for a feasibility study at Memory Park - Community Pool Assessment through a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, under the Local Publics Contract Law N.J.S.A.40A:11-5, professional services are exempt from public bidding; 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 in the aggregate will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the feasibility study as proposed; and

WHEREAS, Suburban Consulting Engineers, Inc., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Suburban Consulting Engineers, 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 Suburban Consulting Engineers, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2019 budget, funds NOT TO EXCEED \$20,000.00 will be encumbered as follows:

Current – Capital Improvement Fund – Engineering for Pool Assessment #1095341

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract for a feasibility study Memory Park – Community Pool Assessment with Suburban Consulting Engineers, Inc., not to exceed \$20,000.00 for the 2019 calendar year; and

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

RESOLUTION #74-2019*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR SUBURBAN CONSULTING ENGINEERS, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO CONDUCT A FEASIBILITY STUDY AND FIELD DRAINAGE ASSESSMENT MEMORY PARK - BABE RUTH FIELD

WHEREAS, the Town of Newton requires the services of a professional engineer for field drainage assessment at Memory Park - Babe Ruth Field through a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, under the Local Publics Contract Law N.J.S.A.40A:11-5, professional services are exempt from public bidding; 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 their services in the aggregate will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the feasibility study as proposed; and

WHEREAS, Suburban Consulting Engineers, Inc., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Suburban Consulting Engineers, 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 Suburban Consulting Engineers, Inc., from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies subject to the Governing Body adopting the Preliminary Engineering resolution at this February 25, 2019 meeting, funds NOT TO EXCEED \$15,000.00 will be encumbered as follows:

General Capital - Capital Improvement Fund -

Preliminary Engineering Resolution #3091977

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Suburban Consulting Engineers, Inc., to conduct a feasibility study and field drainage assessment Memory Park – Babe Ruth Field, not to exceed \$15,000.00 for the 2019 calendar year; and

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

RESOLUTION #75-2019*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2018 and 2019 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

**List of Bills - (100001) CASH - CURRENT - LAKELAND #434
CURRENT FUND**

Meeting Date: 02/25/2019 For bills from 02/07/2019 to 02/21/2019

Check#	Vendor	Check Total
41194	ABCODE SECURITY INC.	120.00
41195	SYNCHRONY BANK	184.00
41196	ARF RENTAL SERVICES, INC.	622.44
41197	BOONTON TIRE SUPPLY INC.	34.10
41198	CENTURYLINK COMMUNICATIONS, INC.	72.35
41199	CHELBUS CLEANING CO., INC.	1,813.75
41200	CINTAS CORPORATION NO. 2	97.74
41201	DANFORTH'S TRAILER & AUTO, INC.	544.16
41202	DANIEL FLYNN	35.00
41203	DOMINICK'S PIZZA LLC	76.75
41204	DUSTIN MCGARRY	37.00
41205	EXTEL COMMUNICATIONS, INC.	175.00
41206	EXTRA TECH DATA SERVICES, LLC	698.00
41207	FASTENAL COMPANY, INC.	110.50
41208	FEDERAL EXPRESS	61.86
41209	INKLE, DANIEL	31.23
41210	FIRE & SAFETY SERVICES, LTD., INC.	7,976.35
41211	FIREFIGHTER ONE, LLC.	90.00
41212	GENERAL CODE, LLC	1,887.18
41213	GRAMCO BUSINESS COMMUNICATIONS INC.	1,045.00
41214	GRUBER, COLABELLA, LIUZZA, & THOMPSON	1,346.16
41215	HOLZHAUER, SCOTT	44.95
41216	IAAO	120.00
41217	J. CALDWELL & ASSOCIATES, LLC	575.00

41218	JCP&L	6,960.26
41219	JK HVAC SERVICE, LLC	988.75
41220	LADDEY, CLARK & RYAN, LLP	2,583.33
41221	LAFAYETTE AUTO PARTS	736.58
41222	LANGUAGE LINE SERVICES, INC.	6.80
41223	L-3 COMM. MOBILE-.....	4,205.00
41224	MONTAGUE TOOL & SUPPLY, INC.....	664.45
41225	NEW JERSEY HERALD, INC.	206.19
41226	NEW JERSEY PLANNING OFFICIALS	370.00
41227	NJ POLICE TRAFFIC OFFICERS	50.00
41228	NJAPZA	100.00
41229	NJMEBF	132,375.00
41230	NJMMA	250.00
41231	NJSACOP	275.00
41232	NORTH JERSEY COURT ADMIN. ASSOC.	80.00
41233	NRAAO	40.00
41234	ELIZABETHTOWN GAS	2,622.76
41235	QUILL CORPORATION	412.36
41236	R & J CONTROL INC.	223.50
41237	SANDRA	35.00
41238	SEBRING AUTO PARTS, INC.	990.05
41239	SLOAN, JAMES P.	3,278.50
41240	STANDARD SPRINGS INC	733.40
41241	STATEWIDE INSURANCE FUND	61,163.14
41242	SUNLIGHT GENERAL	199.65
41243	SUSSEX CAR WASH	147.00
41244	SUSSEX CO.ASSOC.-CHIEFS-POLICE	600.00
41245	SUSSEX COUNTY CLERK'S ASSN	150.00
41246	T.A. MOUNTFORD COMPANY, INC.....	1,240.00
41247	TEAM LIFE, INC.	279.00
41248	THYSSENKRUPP ELEVATOR CORP.	240.09
41249	TIRE KING, INC.	835.00
41250	TONY SANCHEZ LTD, INC.	685.18
41251	TOYOTA/SUBARU/SCION OF MORRISTOWN INC.	1,017.23
41252	TREASURER, STATE OF NEW JERSEY	3,320.00
41253	TREASURER, STATE OF NJ	10.00
41254	TREASURER, TOWN OF NEWTON	100.00
41255	TRI-COUNTY CONST & ROOFING	8,000.00
41256	TRIMBOLI & PRUSINOWSKI, LLC.....	2,355.00
41257	USA HOIST CO., INC	230.00
41258	VERIZON WIRELESS, INC.	1,464.16
41259	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	2,400.00
41260	W.CAMPBELL SUPPLY OF SUSSEX CTY LLC	1,250.90
41261	WALMART	22.73
41262	WEIS MARKETS, INC.	<u>227.50</u>
TOTAL		\$261,922.03

Checks Previously Disbursed

191014	BANK OF NEW YORK MELLON MCIA 2009 Bond interest	39,575.00
41193	NEWTON BOARD OF EDUCATION	1,029,766.00
191013	PAYROLL ACCOUNT	<u>204,565.02</u>
Totals	Previous Checks/Voids Current Payments	\$1,273,906.02

BILLS LIST CURRENT FUND TOTALS

\$1,535,828.05

**List of Bills - (300001) CASH - CAPITAL - LAKELAND #450
CAPITAL**

Check#	Vendor	Check Total
8776	EXCEL ENVIRONMENTAL RESOURCES, INC.	1,821.94
8777	FKA ARCHITECTS INC.	1,405.15
8778	MCMANIMON, SCOTLAND & BAUMANN, LLC	6,429.30
8779	ZITONE CONSTRUCTION	186,157.86
TOTAL		\$195,814.25

**List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426
WATER/SEWER UTILITY**

Check#	Vendor	Check Total
17372	AIRMATIC COMPRESSOR SYSTEMS, INC.	1,973.46
17373	CCP INDUSTRIES, INC.	1,176.59
17374	CENTURYLINK COMMUNICATIONS, INC.	40.30
17375	CINTAS CORPORATION NO. 2	52.75
17376	COOPER ELECTRIC SUPPLY CO.	417.48
17377	COYNE CHEMICAL CORP., INC	1,015.56
17378	EXTRA TECH DATA SERVICES, LLC.	722.00
17379	FASTENAL COMPANY, INC.	30.57
17380	GARDEN STATE LABORATORIES INC	6,679.00
17381	HAYEK'S MARKET INC.	31.59
17382	JK HVAC SERVICE, LLC.	1,927.32
17383	NEW JERSEY HERALD, INC.	129.30
17384	ELIZABETHTOWN GAS	1,074.61
17385	ONE CALL CONCEPTS, INC.	42.66
17386	PROCESSFLO, INC.	954.75
17387	SMALLEY, JOHN H	1,416.66
17388	STATEWIDE INSURANCE FUND	55,319.11
17389	SUNLIGHT GENERAL	382.18
17390	VERIZON WIRELESS, INC.	224.12
TOTAL		\$73,610.01

Checks Previously Disbursed

196007	PAYROLL ACCOUNT	<u>34,813.00</u>
Totals	Previous Checks/Voids Water/Sewer Payments	\$34,813.00

BILLS LIST WATER/SEWER UTILITY TOTALS **\$108,423.01**

List of Bills - (710001) CASH - TRUST - LAKELAND #469

Check#	Vendor	Check Total
3828	J. CALDWELL & ASSOCIATES, LLC.	3,165.00
3829	SUSSEX COUNTY MAILING SERVICE	<u>965.80</u>
TOTAL		\$5,570.80

Checks Previously Disbursed

197104	PAYROLL ACCOUNT 2/21 TRUST PAYROLL	<u>1,053.00</u>
Totals	Previous Checks/Trust Account	\$1,053.00

BILLS LIST TRUST TOTALS **\$6,623.80**

**List of Bills - (720001) CASH - DEV ESCROW - LAKELAND #515
DEVELOPERS ESCROW (Fund 72)**

Check#	Vendor	Check Total
1330	J. CALDWELL & ASSOCIATES, LLC.	1,605.50
1331	PELLOW, HAROLD & ASSO, INC.	1,156.00
1332	VOGEL, CHAIT, COLLINS, SCHNEIDER, PC	<u>75.00</u>
TOTAL		\$2,836.50

RESOLUTION #76-2019*

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 2019 shall be as follows:

Town Events	Town Endorsed Events
Easter Egg Hunt	Saint Patrick’s Day Parade
Events at Newton Town Pool/Pavilion	May the 4 th Be With You
Halloween Parade	Memorial Day Parade
Ladies’ Night Out	Newton Day/Fireworks
Movie Nights @ Memory Park	Taste of Newton
Bacon, Brews & Blues Festival	Fall Festival
Miss Newton Contest	Holiday Parade/Post-Parade Event
Farmers Market	Sidewalk Sales
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	

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 #77-2019*

TO ESTABLISH PRELIMINARY ENGINEERING COSTS TO CONDUCT A FEASIBILITY STUDY AND FIELD DRAINAGE ASSESSMENT - MEMORY PARK – BABE RUTH FIELD

WHEREAS, the Town Council of the Town of Newton hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for engineering to conduct a feasibility study and field drainage assessment of the Babe Ruth Field at Memory Park in an amount not to exceed \$15,000; and the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that the amount appropriated for preliminary costs shall not exceed \$15,000.00 and the Chief Financial Officer is authorized to set up a reserve for preliminary expenses out of the Capital Improvement Fund of the General Capital Fund. The effective date of this resolution is the date of passage.

The Deputy Clerk presented an application for a Special Permit for a Social Affair from Karen Ann Quinlan Memorial Foundation to be held on March 24, 2019 from 5:30pm to 10:00pm at Krave Café, 102 Sparta Avenue, Newton, New Jersey. It was noted that the application was in order and accompanied by the prescribed fees.

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

Mr. Dickson	Yes	Mrs. Diglio (recused on Check #41235 on Resolution #75-2019)	Yes
Deputy Mayor Flynn	Excused	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

INTERMISSION – None.

DISCUSSION – None.

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

Maureen Snellen, Plainfield Avenue, questioned when the street sign at the corner of Plainfield Avenue and West Nelson Street will be replaced. She stated people are not shoveling their sidewalks of snow, it continues to be a problem. She also questioned why the Town waited until now to do an assessment of the pool.

Felicia Carlson, questioned if the Town does maintenance and an assessment of the pool needs every year. Mayor Le Frois responded the Town has a budget for the pool with a line item for maintenance.

Ralph Porter, Pine Street questioned the snow shoveling ordinance and if there were any regulations on the timeframe and how wide the path on the sidewalk has to be. He stated some sidewalks are only cleared the width of a snow shovel. He walks with a cane and can't make it through the narrow path so he has to walk in the street. A brief discussion took place. Mayor Le Frois asked the Deputy Clerk to pull the ordinance this week so they may take a look at. Deputy Clerk Oswin stated the ordinance states "remove all snow and ice from the abutting sidewalks and fire hydrants of such street". The consensus among the Council is it would mean the entire sidewalk should be cleared. Mr. Porter also suggested enclosing the pool so it could be used all year long.

Tracy Paparella, Halsted Street questioned if there was any possibility to open the pool this year. Mayor Le Frois advised no. Ms. Paparella also questioned if the photos and estimates are available for the public to see. Mayor Le Frois advised she will check on that. She also advised they were preliminary estimates and we will not really know what we are dealing with until after the engineer's report.

Jeff Harrison, 17 Linmor Avenue stated he is a geotechnical driller and asked some questions regarding what kinds of tests and sampling is planned by the engineer or if geoprobes or rock boring should be done. Mr. Phil, of Suburban Engineering answered Mr. Harrison's questions. Mr. Harrison also questioned what the Town requires for geoprobes or rock boring when it comes to new construction. Mayor Le Frois advised applicants for development or redevelopment come before a Technical

February 25, 2019

Review Committee. Then the Planning Board and our professionals review each application carefully and advise what is needed.

Grace Dickson, Hamilton Street asked about a free recreation program for the kids. With the pool be closed, this might be a good idea in August. She stated she thinks people are upset because they didn't know the pool was being discussed at the budget meeting. Mayor Le Frois stated the pool is discussed every year at the budget meeting.

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

COUNCIL & MANAGER COMMENTS

Councilman Dickson thanked everyone for coming out tonight and voicing their concerns. He did notice some sidewalks were not cleared after last storm as noted by Mr. Porter.

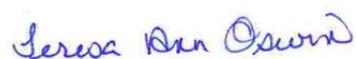
Mrs. Diglio left at 8:06pm.

Chief Richards clarified snow removal enforcement is the Police Department's responsibility. His officers do use their judgement issuing summons and seeking compliance. He also noted, in addition to the snow removal enforcement they are doing their normal police work to keep the Town safe.

EXECUTIVE SESSION - None

There being no further business to be conducted, upon motion of Mr. Schlaffer, seconded by Mr. Dickson and unanimously carried, the meeting was adjourned at 8:09pm.

Respectfully submitted,



Teresa Ann Oswin, RMC
Deputy Municipal Clerk