

May 13, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:12 pm. Present were Mr. Dickson, Mr. Schlaffer, Mrs. Diglio, Deputy Mayor Flynn, Mayor Le Frois, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

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 asked for a moment of silence in memory of Lexi Faye who we lost this weekend. Mayor Le Frois asked everyone to keep the Faye family in their prayers along with the other students involved in the terrible car accident this weekend, Anthony Burke, Maria Fiore, and Nick Chavarria.

Mayor Le Frois led the Pledge of Allegiance to the flag and the Deputy Municipal Clerk called the roll. Upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio, and unanimously carried, (Mr. Schlaffer recusing himself) the minutes for the April 22, 2019 Regular and Special meetings were approved.

CEREMONY

a. Proclamation

Mayor Le Frois presented Chief Michael Richards with the following proclamation:

PROCLAMATION

NATIONAL POLICE WEEK

MAY 12-18, 2019

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Newton Police Department; and

WHEREAS, there have been nearly 60,000 assaults against law enforcement officers each year, resulting in approximately 17,000 injuries; and

WHEREAS, since the first recorded death in 1786, more than 21,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including Chief John D. Kinney of the Newton Police Department, who died in the line of duty on November 29, 1934; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 371 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 158 officers killed in 2018 and 213 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 31st Annual Candlelight Vigil, on the evening of May 13, 2019; and

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WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 12-18; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that the Newton Town Council formally designates **May 12-18, 2019**, as **"Police Week"** in the Town of Newton, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

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

s/Helen R. Le Frois, Mayor
Attest: s/Teresa Oswin, Deputy Clerk
Date: May 13, 2019

b. Swearing- In

Mr. Russo gave a brief bio on each of the new officers.

Officer Judy Torres, badge #44, is 30 years old. She was hired off our Civil Service list. She is expected to graduate from the Morris County Police Academy on May 30th. Officer Torres has resided in Newton since 2016. She previously resided in Puerto Rico and in Ocean County, NJ. She speaks Spanish fluently. She brings with her experience from serving as a Corrections Officer for the NJ Department of Corrections. She also has experience working in private security. She earned a Bachelor's Degree in Criminal Justice while in Puerto Rico. She is married with 2 children. Officer Torres will be our first full-time female Police Officer.

At this time, Mayor Le Frois invited Judy Torres, to come forward. Ms. Torres was sworn in by the Mayor as a Police Officer.

Officer Steven Shawger, badge #45, is 27 years old. He was hired off our Civil Service list. He is expected to graduate from the Morris County Police Academy on May 30th. Officer Shawger attended middle school and high school in Newton, residing in Town for the last 15 years approximately. He was an athlete in high school and in college, William Paterson University, where he earned a Bachelor's Degree in Sociology with a concentration in Criminal Justice, graduating in 2014. He has prior training/certifications as a Police Dispatcher for an agency in Morris County and was working in demolition prior to being hired in December 2018 and starting the police academy in January of 2019.

At this time, Mayor Le Frois invited Steven Shawger, to come forward. Mr. Shawger was sworn in by the Mayor as a Police Officer.

Officer Steven Kneidl, badge #46, is 30 years old. He comes to us via Intergovernmental Transfer from the Sussex County Sheriff's Office. He graduated from the Morris County Police Academy in May 2018 where he was the Class President and recipient of the 200 Club Leadership Award. Aside from bringing with him experience

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as a Sussex County Sheriff's Officer, Officer Kneidl has experience working in security for Atlantic Health and he additionally served for 6 years in the United States Marine Corps where he earned the rank of Sergeant and was in command of 62 Marines, serving in Operation Iraqi Freedom and Operation Enduring Freedom.

Officer Kneidl earned a Bachelor's Degree in Criminal Justice from Rutgers's University and an Associate's Degree in Criminal Justice from the Sussex County Community College. He is married with 2 children.

At this time, Mayor Le Frois invited Steven Kneidl, to come forward. Mr. Kneidl was sworn in by the Mayor as a Police Officer.

Chief Richards spoke next and stated there is some cause for celebration tonight...and gratitude.

Grateful to the outstanding efforts by our Detectives who culled through the Civil Service list and performed multiple background investigations in an effort to get the best candidates for this most important position.

Thanked Council and Manager for ongoing support, as expressed in the proclamation but also as demonstrated in their commitment to hiring replacements in January with the anticipated retirements in May and July so that we can properly maintain our readiness

Losing one Steve (Sgt. Benson), getting two new ones

Losing a Spanish speaking Officer, and gaining another in Officer Torres

First full-time Female Officer

I'm proud of our Department and the outstanding work that our Officers do every day. These new Officers will be working with Field Training Officers for the next couple of months and will then be on their own. I'm sure that they too will reflect the competence, professionalism, and community mindedness that resembles the rest of the department.

At this time Mayor Le Frois suggested a brief intermission for congratulations and pictures.

BREAK FOR PHOTOS

DISCUSSION

- a. Ordinance Draft – Permitted Use in T3 Zone

At this time, Jessica Caldwell, P.P. outlined the draft ordinance for revising the T3 Zone in the Town of Newton to allow for Industrial Use. She stated the School Board is looking to purchase property in the T3 Zone and possibly put their Board Office there. Our Zoning Officer advised this use is not a permitted use in the current T3 Zone. Ms. Caldwell went on to state she feels it was intended to be allowed when we changed the Transect Zoning a few years back.

Deputy Mayor Flynn questioned if the change would affect any of the neighbors to the property the Board of Education is looking at. She advised in her opinion she did not think so.

Mayor Le Frois explained since we changed to Transect Zoning we have noticed discrepancies, oversights, and issues which have come up. The Council addresses each matter as it comes up. Mayor Le Frois polled the Councilmembers; all were in favor of moving forward with the proposed change to include Industrial Uses in the T3 Zone.

The Town Council agreed to move forward with this Ordinance and introduce same at the next Council 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 Municipal Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk’s Office after making your comments so it may be properly reflected in the minutes.”

Nadine Harrison, 17 Linmor Avenue, came forward to voice her concern regarding children racing to get to school near Merriam Avenue and Patersan Avenue Intersection. She stated this morning she almost hit two children that ran in front of her car which were rushing to get to school. She noticed there were no crossing guards present. She call the police to inquire about why there were no guards, and she was advised the guards only work until 8:30am. Merriam School starts at 8:27am, she asked

if the Council would consider extending the hours the crossing guards are present by at least fifteen minutes for the safety of the children that may run a little late to school.

Ralph Porter, 12 Pine Street asked about traffic light on Sparta Avenue and Woodside Avenue. He knows it's a County road, but asked the Council to urge them to do something about this dangerous intersection. Next, Mr. Porter questioned Mr. Russo on the Sidewalk plan he said was being done last year. He wanted to know the status.

Felicia Carlson, 4 Elm Street. It is her understanding the Town Manager is receiving weekly updates from the engineer on the pool. She asked what the engineers have reported so far and when will the pool studies be complete. When would the bid process begin on the project.

Ms. Carlson also spoke for Ms. Tracy Paparella who was unable to attend tonight. Ms. Paparella has been in contact with Dr. Greene with help with transportation for our children to swim this summer. Dr. Greene is extremely supportive of the idea and suggests the Town Council reach out to him to see how he can help with any plan the Council may have to help kids swim this summer.

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** – On April 27th Councilwoman Diglio and I attended the Newton Fire Department's Annual Dinner. The event was well attended, the Department has good camaraderie. The Department is very appreciative of the support the Council and the Town has given them.

On April 30th Councilwoman Diglio and I attended Senator Sweeney and Senator Oroho's Town Hall at Sussex County Community College on their messaging on Path to Progress Report. They discussed the initiatives in the report and reiterate none of the changes will be blanket changes and they will continue conversations on this. Mayor Le Frois encouraged everyone to look up the literature on the Path to Progress.

On May 4th we had our 11th Annual Neighbors Helping Neighbors Day. It was well attended by scout groups, Fire Department, First Aid Squad, Sussex County Stags as well as the Department of Public Works and lots of other community members. The Girl Scouts did a free library dedication right next to the new rain garden at Memory Park. The materials were donated by Home Depot; the girls built it themselves and it is

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already full of books. The thought process is to take a book-leave a book. Mayor Le Frois encouraged every to take advantage of this concept. The Town also dedicated two trees in Memory Park. This event is a great community event and the Mayor thanked Mr. Russo for bringing this to Newton.

This past week was Nurses Appreciation Week and the hospital held a ceremony in celebration. Councilwoman Diglio representing the Council presented a proclamation to the nurses at Newton Medical Center this past Friday.

We held our 2nd Annual Bulk Waste permit event this past week. There were over 80 participants and it was a great success.

b. Deputy Mayor Flynn – The Town is starting to blossom all over. DPW is doing a great job keeping the streets and roads nice and clean. He advised if anyone does see any issues that should contact the Property Maintenance Department.

Deputy Mayor Flynn wishes a belated Happy Mother's Day to all the mothers in the community.

c. Councilwoman Diglio – as was mentioned by Mayor Le Frois, I attended the Firemen's dinner and the Path to Progress event at the college.

On May 6th I attended the Ground Breaking Ceremony with our Town Manager at Sussex County Community College on the addition to the Performing Arts Center. This addition will provide more spaces for programs such as engineering which is very dear to my heart.

On May 7th I attended the 24th Legislature's meeting in Vernon, again with the Town Manager, where illegal dumping in Vernon, school funding, the rain tax, firemen's fund, the legalization of marijuana, and the issue of a sanctuary state were discussed.

On May 10th I had the honor of presenting the nurses at Newton Medical Center a proclamation for the nurses group and saying a few words in support of the nurses and everything they do providing physical and emotional care to their patients.

On May 11th I attended Neighbors Helping Neighbors.

I have attended several meetings the past two weeks regarding the Memorial Day parade and Newton Day Festival.

Mayor Le Frois asked Mrs. Diglio to share any details she had the parade.

The Memorial Day parade will be held on Monday, May 27th on Spring Street starting at 10:00am followed by a memorial service at Memory Park at 11:00am to

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honor our veterans. There will be 3 grand marshals this year, Howard Burrell will be the guest speaker, the Newton High School band will be playing, and the Harmonizers will be there along with the Hontz family.

Mayor Le Frois encouraged all to attend the parade and the ceremony.

Newton Day will be Saturday, June 8th and there are lots vendors for Spring Street. At Memory Park there will be fireworks, food vendors, blowups, hamster balls, and games and a petting zoo for the kids.

d. **Councilman Schlaffer** – Agrees with extending the time of crossing guards to fifteen (15) minutes past the start of school. I was unable to attend the Neighbors Helping Neighbors event due to a continuing education course, but he did give the Sussex Stags a pass on their workout with instructions to work their fingers to the bone helping Newton residents at the event.

Councilman Schlaffer urges all parents, sons and daughters to take this weekend's tragic event as a call to action to spend more quality time with your families and fill those silent spaces with meaningful conversation. Lexi Faye was the most sweetest most caring and intelligent young woman anyone could hope to meet. Do not miss a moment to say I love you or to make a cherished moment. Life is unexpected and you will never regret loving or connecting with our families more.

e. **Councilman Dickson** – On April 25th I traveled down to Red Bank for a New Jersey Main Street workshop focusing on economic trends and transformation strategies. Talked about the changes taking place in downtown retail areas. Trends like experiential retail, small scale production and the return of manufacturing to the downtown. Very informative presentation. I will be sharing some of this information with Councilman Schlaffer for the EDC.

May 4th was Neighbors helping neighbors. Once again a wonderful event. It's great to get out there and be able to help the residents who need assistance. Their gratitude makes it an even more rewarding experience. Thank you to Deb Danielson and everyone for their work in making this event possible. And I especially thank all the residents who came out, the Newton FD and FAS, ThorLabs, the Sussex Stags and the boy and girl scouts who participated. I look forward to next year.

I attended the May 7th Board of Education meeting. Dr Greene spoke on the events that afternoon that resulted in the shelter in place, which does differ from a lock

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down. Dr. Greene felt that the security practices and protocols worked extremely well and was pleased that the students spoke up when they saw something. He was very appreciative for the response provided by the Newton PD as well as surrounding law enforcement agencies. Dr. Greene reported that the NJ DOE approved the preschool budget and it will be expanding by an additional class. The Board approved the budget for 2019-20, in which the local tax levy will remain flat and is the 3rd consecutive year with no increase. Due to the deficit they faced, despite state aid being up, they had to make cuts which included over \$500,000 in non-personnel cuts. There was a reduction in staff that included 7 teaching positions. Some of these were able to be retirements that they did not replace. However, more cuts had to be made and despite the pleas from some parents and students the German program was voted to be phased out for reasons of economy and other good cause.

Nobody wants to see a program cut and it's unfortunate for those students who were looking forward to taking German, as well as those who wanted to continue their learning. A take away from this is the importance of supporting fair funding and continuing to make sure that we move towards being fully funded. It also stresses the importance that with the rising healthcare and pension costs, to support some of the recommendations in the Path to Progress.

My thoughts are with the families involved in the tragic accident that occurred over the weekend. My condolences to the Faye family for their heartbreaking loss. Out of the tragedy it's inspiring, but not surprising to see the way the Newton community has rallied in support.

f. Town Manager – I also would like to offer my condolences to the families involved in this past weekend's tragedy. Mr. Russo addressed several questions asked by the public: In response to Mr. Porter's question on the sidewalks, Mr. Russo advised he has the data and he does plan to incorporate the recommended changes into next year's capital budget. For the pool he will have update on the Pool tomorrow. The discussion on the Babe Ruth Field with the Council will probably be done in June. The pool discussion will probably be late summer, or September. Definitely, the Babe Ruth Field is first in the cue.

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Memorial Day, May 27th Town Hall is closed so the next Town Council meeting will be Wednesday, May 29th. Next week summer hours begin, late night Thursdays closing at 6:30pm and early closing on Fridays at 1:30pm.

A reminder several of us will be participating in a conference call with the DCA on the issue of Boarding Houses this Thursday.

Mayor Le Frois reminded everyone that she, Councilman Dickson and our attorney testified to the committee in the Assembly regarding issues with Boarding Houses with the DCA.

Mr. Russo noted the Proclamations below:

Proclamation

National Nurses Week

WHEREAS, nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and breadth of the nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health care services provided by nurses will be an ever more important component of the U.S. health care delivery system in the future;

*NOW, THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim May 6-12, 2019 as **National Nurses Week** in Newton, NJ. We encourage all residents of this community join us in honoring the nurses who care for all of us.*

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

s/Helen R. Le Frois, Mayor

Attest: s/Teresa A. Oswin, Deputy Clerk

Date: May 10, 2019

ORDINANCES -

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

ORDINANCE #2019-3

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$425,000 THEREFOR, INCLUDING A \$98,192 GRANT RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$403,750 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

Mayor Le Frois opened the meeting to the public.

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

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

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

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

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

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

ORDINANCE #2019-3

AN ORDINANCE TO INCLUDE VIOLATIONS CLERK AND RECREATION COORDINATOR IN THE TOWN SALARY ORDINANCE

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	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 Wednesday, May 29, 2019.

OLD BUSINESS – None.

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.”*

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Mr. Dickson asked for Resolution #131-2019 be removed from the Consent Agenda due to a conflict of interest and must recuse himself.

Mr. Russo reviewed the consent agenda items.

RESOLUTION #124-2019*

Resolution Declaring the Town of Newton, a Stigma Free Town

WHEREAS, the Town Council of the Town of Newton in the County of Sussex, State of New Jersey recognizes that one in five Americans have experienced some sort of mental illness according to the Substance Abuse and Mental Health Services Administration (SAMHSA); and

WHEREAS, despite major accomplishments and the progress achieved, New Jersey must still overcome significant challenges before it can reach the goal of making quality mental health care available to all those who need it; and

WHEREAS, mental health problems are more common than cancer and heart disease combined (SAMHSA), and more than half of all Iraq and Afghanistan veterans hospitalized at VA hospitals are treated for mental illness according to the Veterans Administration, and the stigma associated with mental illness is the biggest roadblock to recovery; and

WHEREAS, the Codey Fund for Mental Health has initiated a statewide campaign requesting towns throughout New Jersey designate their municipality a Stigma Free Town; and

WHEREAS, by declaring the Town of Newton a Stigma Free Town, Newton supports the elimination of stigma associated with mental health illness and will promote public awareness of mental health issues and work to overcome stigma, stereotyping, discrimination, and removing any barriers to recovery;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton in the County of Sussex, in the State of New Jersey, that the Town of Newton is a Stigma Free Town; and

BE IT FURTHER RESOLVED, that on major thoroughfares in and out of the municipality, road signs be erected showing the establishment of a Stigma Free Town.

RESOLUTION #125-2019*

Resolution Authorizing the Town of Newton to Enter into a Cooperative Pricing Agreement with the Bergen County Cooperative Pricing System

WHEREAS, a New Jersey municipality must comply with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. in the procurement of goods and services on behalf of the Town and its agencies; and

WHEREAS, under the Local Public Contracts Law, the Town may join any cooperative governmental purchasing entity and may then purchase goods and services through the use of any competitive bid for any particular goods or services made by that entity; and

WHEREAS, pursuant to the provisions of N.J.S.A. 52:34-6.2(3), the Town may also join any nationally recognized and accepted governmental cooperative purchasing entity that has been developed utilizing a competitive bidding process within any other state; and

WHEREAS, the Bergen County Cooperative Pricing System, hereinafter referred to as the "Lead Agency", has offered voluntary participation in the New Jersey

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Cooperative Purchasing Alliance #CK04 – a Cooperative Pricing System – for the purchase of goods and services; and

WHEREAS, the Town of Newton wishes to join the Lead Agency by entering into an Agreement for a Cooperative Pricing System with Lead Agency, a copy of which is attached hereto; and

WHEREAS, the form of the Agreement for a Cooperative Pricing System to be entered into between the Town of Newton and the Lead Agency has been reviewed and approved by the Town Attorney; and

WHEREAS, the Governing Body is of the opinion that it is the best interest of the Town of Newton to enter into the Agreement for a Cooperative Pricing System with the Lead Agency;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Newton that the Town shall join the Lead Agency; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and the same are hereby authorized to execute and provide to the Lead Agency the Agreement for a Cooperative Pricing System.

RESOLUTION #126-2019*

Resolution Authorizing the Town of Newton to Join the North Jersey Wastewater Cooperative Pricing System through the Passaic Valley Sewerage Commission

WHEREAS, a New Jersey municipality must comply with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. in the procurement of goods and services on behalf of the Town and its agencies; and

WHEREAS, under the Local Public Contracts Law, the Town may join any cooperative governmental purchasing entity and may then purchase goods and services through the use of any competitive bid for any particular goods or services made by that entity; and

WHEREAS, pursuant to the provisions of N.J.S.A. 52:34-6.2(3), the Town may also join any nationally recognized and accepted governmental cooperative purchasing entity that has been developed utilizing a competitive bidding process within any other state; and

WHEREAS, the Town of Newton desires to become a member of the North Jersey Wastewater Cooperative Pricing System through the Passaic Valley Sewerage Commission, (hereinafter "PVSC"), by entering into the North Jersey Wastewater Cooperative Pricing System Agreement with PVSC, a copy of which is attached hereto, effective May 13, 2019; and

WHEREAS, that such membership shall be for the period ending November 24, 2019, and each renewal, thereafter of the system, up to a maximum of five (5) years, unless the Town of Newton elects to formally withdraw from the system; and

WHEREAS, the form of the North Jersey Wastewater Cooperative Pricing System Agreement to be entered into between the Town of Newton and the PVSC has been reviewed and approved by the Town Attorney; and

WHEREAS, the Governing Body is of the opinion that it is the best interest of the Town of Newton to enter into the North Jersey Wastewater Cooperative Pricing System Agreement with the PVSC;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Newton that the Town shall join the PVSC; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and the same are hereby authorized to execute and provide to the PVSC the North Jersey Wastewater Cooperative Pricing System Agreement; and

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BE IT FURTHER RESOLVED, that the Governing Body of the Town of Newton authorizes such membership and the Mayor is hereby authorized to execute the attached agreement for such membership.

RESOLUTION #127-2019*

Resolution Authorizing Change Order No. 7 for Firehouse #2

WHEREAS, a contract was entered into for the construction of new Firehouse #2 between the Town of Newton and Zitone Construction & Supply Co., Inc. for an original contract price of \$1,988,600.00 by the adoption of Resolution #59-2018 on February 26, 2018, which included a \$25,000.00 General Construction Allowance; and

WHEREAS, Change Orders No. 1 through No. 6 were approved by the Town Council by Resolution #112-2019 on April 8, 2019 reducing the General Construction Allowance to \$12,445.75; and

WHEREAS, Change Order No. 7 was issued to Install 3M fire barrier Plenum Wrap 5A+ on all 3" PVC venting piping in the mechanical room, in the amount of \$4,308.00; and

WHEREAS, the General Construction Allowance included in the contract has a balance of \$12,445.75 and upon approval of Change Order No. 7, there shall be a remaining General Construction Allowance of \$8,137.75; and

WHEREAS, Thomas Kosten, AIA, FMP, LEED AP of FKA Architects, submitted a Change Order Authorization in support of the change of work, a copy of which is attached hereto;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby authorizes Change Order 7, in the total amount of \$4,308.00 for Firehouse #2 construction, pursuant to N.J.A.C. 5:30-11.3 et seq., which will be charged against the General Construction Allowance leaving a remaining General Construction Allowance of \$8,137.75.

RESOLUTION #128-2019*

Concur with the Town Manager's Appointment of School Crossing Guards

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2018-2019 school year:

Barbara Phillips

Sharon Carlson

RESOLUTION #129-2019*

Resolution Accepting the Improvements to Dam Site No. 2 as Final and Complete

WHEREAS, the Town of Newton awarded a contract for the Improvements to Dam Site No. 2 to T.R. Weniger, Inc. on March 12, 2018 through the adoption of Resolution #75-2018 for a total contract amount of \$85,412.00; and

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WHEREAS, David B. Simmons, Jr. of Harold E. Pellow & Associates, Inc., the Town Engineer, recommends the project be accepted as final and complete, with a one year maintenance bond to be entered into;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby accept the Improvements to Dam Site No. 2 and deem it as complete.

RESOLUTION #130-2019*

Authorize the Award of a Required Disclosure Contract for Shore Systems Group, LLC

WHEREAS, the Town of Newton requires construction services of Helical Pile Installation Activities for a Proposed Bike Path for The Town of Newton 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, Shore Systems Group, LLC, 361 Harper Avenue, Brick, New Jersey 08724, in the aggregate is expected exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, Shore Systems Group, LLC, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Shore Systems Group, 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 Shore Systems Group LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$21,840.00 as follows:

General Capital Fund

Ord. #2010-7 Construction and Improvement of Trails

(\$25,000 Trail Grant)	#30910796	\$5,209.10
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Ord. #2017-9 Construction and Improvement to

Boardwalk to Connect Trail	#30917093	\$16,630.90
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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 Shore Systems Group, LLC, not to exceed \$21,840.00 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 #132-2019*

Appointment of Richard E. Turdo to the Newton Housing Authority

WHEREAS, there currently is a vacancy on the Newton Housing Authority for a Regular Member; and

WHEREAS, Richard E. Turdo has expressed interest in serving as a Regular Member; and

WHEREAS, Paul Rummerfield, Acting Executive Director of the Newton Housing Authority, recommends appointing Mr. Turdo;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Richard E. Turdo is hereby appointed to an unexpired five-year term on the Newton Housing Authority, effective immediately with said term continuing to April 30, 2022.

RESOLUTION #133-2019*

Authorize Redemption of a Town Held Lien for Block 22.09 Lot 7 also known as 27 Orchard Street

WHEREAS, at the Municipal Tax Sale held on October 20, 2017, a lien was struck off to the Town of Newton for Block 22.09, Lot 7, also known as 27 Orchard Street, Newton, New Jersey for delinquent 2016 Taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2017-008, was recorded at the Sussex County Clerk’s Office on November 22, 2017 as Book 9554, Page 640 at 18% interest; and

WHEREAS, Foundation Title, on behalf of the owner, has effected redemption of Certificate #2017-008 in the amount of \$9,758.81;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Tax Sale Certificate #2017-008 has been satisfied in full to the Town of Newton; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to cancel Tax Sale Certificate #2017-008 with the Sussex County Clerk’s Office.

RESOLUTION #134-2019*

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

Check#	Vendor Description Payment	Check Total
41505	AIRGAS EAST	39.00
41506	SYNCHRONY BANK	26.50
41507	ARCHIVESOCIAL INC.	796.00
41508	AUTO BODY CONNECTION, LLC	5,948.90
41509	BOONTON TIRE SUPPLY INC.	449.69
41510	CAMPBELL’S SMALL ENGINE INC.	1,377.50
41511	CAPITAL ACCOUNT	30,000.00
41512	CENTURYLINK COMMUNICATIONS, INC.	125.85
41513	CENTURYLINK COMMUNICATIONS, INC.	2,667.51
41514	CINTAS FIRE PROTECTION CORPORATION	431.25
41515	CIT-NJ CENTER OF EXCELLENCE	320.00
41516	CODE 96 LLC	1,958.35
41517	CONSTELLATION NEWENERGY-GAS DIV	4,701.36
41518	COUNTY OF SUSSEX	56,358.05
41519	COUNTY OF SUSSEX	3,690.11
41520	COUNTY OF SUSSEX	859,806.83

41521	CSS TEST INC.	48.00
41522	CURRENT ACCOUNT	16,000.00
41523	Danielle Rocco	398.00
41524	DEMPSEY UNIFORM & SUPPLY INC	1,941.06
41525	DIAMOND SAND & GRAVEL, INC	508.00
41526	ESS INC.	419.40
41527	FARMSIDE LANDSCAPE & DESIGN INC	3,500.00
41528	ERRAIOLI, CERULLO & CUVA	500.00
41529	FRANKLIN SUSSEX AUTO MALL INC.	14.96
41530	HAMPTON BODY WORKS TOWING, INC.	150.00
41531	HAYEK'S MARKET INC.	32.91
41532	HENDERSON PROMOS, LLC	999.75
41533	HOME DEPOT, INC.	1,878.23
41534	J & D SALES & SERVICE,LLC.	85.00
41535	J. CALDWELL & ASSOCIATES, LLC.	2,637.00
41536	JCP&L	9,856.70
41537	JK HVAC SERVICE, LLC.	603.23
41538	JMC ENVIRONMENTAL CONSULTANTS, INC.	1,017.50
41539	KATHERINE QUINN	5.00
41540	KAYLANI, SHERRI	283.48
41541	KIMBERLY MASON-WILLIAMS	449.00
41542	LAFAYETTE AUTO PARTS	491.93
41543	LOCK & KEY WORLD	1,262.00
41544	LOWE'S , INC.	115.86
41545	MAILFINANCE INC.	529.41
41546	MCGUIRE, INC.	55.00
41547	MUNICIPAL SAFETY SUPPLY	111.42
41548	MUNIDEX, INC.	624.00
41549	NEW JERSEY HERALD, INC.	9.60
41550	NEWTON BOARD OF EDUCATION	1,029,765.00
41551	NJMEBF	168,178.00
41552	NJSACOP	600.00
41553	PELLOW, HAROLD & ASSO, INC.	500.91
41554	PRIME TIME NEWTON SENIORS	3,100.00
41555	QUILL CORPORATION	194.15
41556	RACHLES/MICHELE'S OIL COMPANY, INC.	6,169.31
41557	RAVE WIRELESS, INC.	2,388.33
41558	READY REFRESH BY NESTLE	120.94
41559	REISINGER OXYGEN SERVICE, INC.	86.22
41560	ROUTE 23 PATIO, LLC.	267.20
41561	S K PAPER SHRED	150.00
41562	SCHENCK, PRICE, SMITH, & KING, LLP	5,941.51
41563	SCMUA	2,014.91
41564	SEBRING AUTO PARTS, INC.	112.54
41565	SHOP RITE, INC.	14.99
41566	SPACE FARMS	31.00
41567	SPEAKWRITE	50.28
41568	SPECTROTEL	593.36
41569	STAPLES BUSINESS ADVANTAGE, INC.	320.33
41570	SUBURBAN CONSULTING ENGINEERS, INC.	2,339.94
41571	SUNLIGHT GENERAL	476.70
41572	SUSSEX CAR WASH INC	136.00
41573	SUSSEX COUNTY P & H, INC.	1,187.56
41574	SUSSEX COUNTY TECH SCHOOL	49.50
41575	T.A. MOUNTFORD COMPANY, INC.	90.00
41576	TREASURER, STATE OF NJ	258.00
41577	TREATMENT SPECIALTIES CORP.	733.00
41578	TRI-STATE RENTALS, INC.	178.72
41579	TRIMBOLI & PRUSINOWSKI, LLC.	2,680.00
41580	TROPICANA ATLANTIC CITY CORP	294.00
41581	UNITED TELEPHONE/CENTURYLINK	129.49
41582	VISION SERVICE PLAN	1,585.13
41583	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	2,625.00

41584	WALMART	9.96
TOTAL		2,246,685.32

Checks Previously Disbursed

191029	BNY MELLON 2010 RAB bond interest \$350T Thor	7,875.00
191028	BNY MELLON Series 2010 RAB bond p&i \$4M ThorL	217,320.00
191027	ELAVON, INC. MAY COURT MERCHANT FEE	232.91
191026	PAYROLL ACCOUNT 5/2 Current Pay	194,077.30
191025	PUBLIC EMPLOYEE RETIRE SYSTEM PERS.....	285,631.00
191024	POLICE &FIRE RETIREMENT SYSTEM I	767,146.00
191023	JP MORGAN CHASE BANK	78,562.50
TOTAL	Previous Checks/Voids Current Payments	1,550,844.71

BILLS LIST CURRENT FUND TOTALS	3,797,530.03
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**List of Bills - (110001) CASH
FEDERAL/STATE GRANTS**

Check#	Vendor Description Payment	Check Total
1448	NEWTON PIZZA	250.00
1449	SHRED-IT US JV, INC.	900.00
1450	WALMART	212.53
1451	WEIS MARKETS, INC.	76.17
TOTAL		1,438.70

Checks Previously Disbursed

191110	PAYROLL ACCOUNT	1,013.07
TOTAL	Previous Checks/Voids	1,013.07

BILL LIST TOTAL	2,451.77
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**List of Bills - (300001) CASH - CAPITAL - LAKELAND #450
CAPITAL**

Check#	Vendor Description Payment	Check Total
8792	CURRENT ACCOUNT	15,873.47
8793	EXCEL ENVIRONMENTAL RESOURCES, INC.	1,207.73
8794	GRASS ROOTS, INC.	2,610.00
8795	PELLOW, HAROLD & ASSO, INC.	2,495.38
8796	SUBURBAN CONSULTING ENGINEERS, INC.	8,117.07
8797	SUSSEX COUNTY P & H, INC	1,181.34
TOTAL		31,484.99

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

Check#	Vendor Description Payment	Check Total
17487	ARCHIVESOCIAL INC.	796.00
17488	BOONTON TIRE SUPPLY INC.	253.84
17489	CENTURYLINK COMMUNICATIONS, INC.	1,218.33
17490	CONSTELLATION NEWENERGY -GAS DIV 1.....	396.05
17491	DANIELLE ROCCO	398.00
17492	DEMPSEY UNIFORM & SUPPLY INC	475.21
17493	FERRAIOLI, CERULLO & CUVA	500.00
17494	HAYEK'S MARKET INC.	32.90
17495	HENDERSON PROMOS, LLC	999.75
17496	HOLLAND COMPANY, INC.	7,144.76
17497	HOME DEPOT, INC.	291.52
17498	HYDRO TECHNOLOGY, LLC.	700.00
17499	JACKI SHACKLETON	32.25
17500	JCP&L	23,619.81
17501	KAYLANI, SHERRI	283.48
17502	KKPR MARKETING & PUBLIC RELATIONS,	675.00
17503	MAIN POOL & CHEMICAL COMPANY, INC.	5,566.00
17504	MUSKY TROUT HATCHERIES, LLC.	500.00
17505	NEW JERSEY HERALD, INC.	50.40

17506	ONE CALL CONCEPTS, INC.	126.04
17507	PALL CORPORATION	781.89
17508	PASSAIC VALLEY SEWERAGE COMM.	13,818.00
17509	PELLOW, HAROLD & ASSO, INC.	715.00
17510	PROFESSIONAL CONSULTING INC.	9,177.25
17511	PROFESSIONL GOVT EDUCATORS	180.00
17512	SCMUA	895.85
17513	STAPLES BUSINESS ADVANTAGE, INC.	64.91
17514	SUNLIGHT GENERAL	881.21
17515	SUSSEX COUNTY P & H, INC.	175.19
17516	THE CANNING GROUP, LLC.	625.00
17517	VISION SERVICE PLAN	575.00
TOTAL		72,948.64

Checks Previously Disbursed

196021	PAYROLL ACCOUNT	35,596.14
196020	JP MORGAN CHASE BANK	351,307.61
196019	PUBLIC EMPLOYEE RETIRE SYSTEM	17,500.00
TOTAL	Checks Previously Disbursed	404,403.75

BILLS LIST WATER/SEWER UTILITY TOTALS 477,352.39

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442
WATER/SEWER CAPITAL**

Check#	Vendor Description Payment	Check Total
2487	WATER & SEWER OPERATING ACCT	50,000.00
TOTAL		50,000.00

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

Check#	Vendor Description Payment	Check Total
3844	LADDEY, CLARK & RYAN, LLP	832.00
3845	MUSKY TROUT HATCHERIES, LLC.	1,302.50
3846	PELLOW, HAROLD & ASSO, INC.	1,170.00
3847	STAPLES BUSINESS ADVANTAGE, INC.	119.99
3848	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	285.00
TOTAL		3,709.49

Checks Previously Disbursed

197109	PAYROLL ACCOUNT	4,941.00
BILLS LIST TOTALS - TRUST		8,650.49

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

Check#	Vendor Description Payment	Check Total
1334	PELLOW, HAROLD & ASSO, INC.	2,214.40
1335	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	360.00
TOTAL		2,574.40

**List of Bills - (750001) CASH - HOUSING TRUST FUND (COAH) #0301
HOUSING TRUST FUND (COAH) (Fund 75)**

Check#	Vendor Description Payment	Check Total
176	J. CALDWELL & ASSOCIATES, LLC	250.00
177	MCMANIMON, SCOTLAND & BAUMANN, LLC	357.50
TOTAL		607.50

Mayor Le Frois thanked Mr. Dickson for recommending Resolution #124-2019

naming the Town of Newton Stigma Free. Mayor Le Frois also thanked Mr. Richard Turdo for his appointment to the Newton Housing in Resolution #132-2019. Mr. Turdo comes to us with lots of experience on the Phillipsburg Housing Authority as well as serving on the Board of Education in Phillipsburg. His appointment allows the Newton Housing Authority to meet and due business. A Housing Authority member is required to attend five (5) Saturday classes and it is a large commitment, so Mayor Le Frois offered her thanks to Mr. Turdo.

Deputy Mayor Flynn also wants to thank Mr. Dickson for bringing forth Resolution #124-2019. This is a very important issue and there should be positive PR to promote the Town's stand.

Mayor Le Frois asked the newspapers in attendance to include this in their publication, she asked Mr. Russo to include it on the Town's website and she asked Mr. Schlaffer to alert the business community through the Economic Development Commission.

A motion was made by Deputy Mayor Flynn to approve the revised **COMBINED ACTION RESOLUTIONS** with the removal of Resolution #131-2019 seconded by Mrs. Diglio and roll call resulted as follows:

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

RESOLUTION #131-2019
REQUIRED DISCLOSURE RESOLUTION AND AGREEMENT
FOR PROFESSIONAL SERVICES
SPECIAL COUNSEL FOR TAX APPEAL MATTERS

WHEREAS, there exists a need for conflict counsel to be appointed to represent the Town of Newton with respect to tax appeals for calendar year 2019; and

WHEREAS, Martin Allen, Esq., the law firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer, Flaum, P.C. indicated that all such services will be rendered to the Town of Newton on the basis of a \$200.00 per hour which the Newton Town Council deems fair and equitable for said professional services; and

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

WHEREAS, this contract is being awarded pursuant to a "required disclosure" process in accordance with the tenets of N.J.S.A. 19:44A-20.4 et. Seq.; and

WHEREAS, Martin Allen, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer, Flaum, P.C., 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 Martin Allen, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer, Flaum, P.C., agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer 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; and

WHEREAS, Martin Allen, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer, Flaum, P.C., has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies Martin Allen, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer, Flaum, P.C., 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 Martin Allen, Esq., of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer, Flaum, P.C., from making any reportable contributions through the term of the contract; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to this open-ended contract for said municipal matters, and the funds have been certified as being available by the Chief Financial Officer in the 2019 Current Budget – “Legal Services – Other Expenses;

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

1) The Mayor and Deputy Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as authorization and agreement between the Town of Newton and Martin Allen, Esq., providing for his retention as Special Conflict Counsel for Tax Appeal Matters in and on behalf of the Town of Newton for calendar year 2019.

2) The services to be rendered by Martin Allen, Esq. shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$200.00 per hour **not to exceed \$10,000.00**.

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 Martin Allen, Esq., is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.

4) Political Contribution Disclosure. This contract has been awarded to Martin Allen, Esq., based on the merits and abilities of Martin Allen, Esq., to provide the goods or services as described herein. 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) The maximum dollar value is based on reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.

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

A motion was made by Mrs. Diglio to approve **Resolution #131-2019** seconded by Mr. Schlaffer and roll call resulted as follows:

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

RESOLUTION

RESOLUTION # 135-2019

Authorizing the Town of Newton to Release the Letter of Credit for Grande Villaggio of Newton LLC

WHEREAS, the Town of Newton and Martorana Enterprises, LLC (“Martorana”) entered into a Developer’s Agreement on April 29, 2014 in conjunction with obtaining a preliminary site and subdivision approval for the property located at Block 22.05, Lot 13 in the Town of Newton; and

WHEREAS, within such Developer’s Agreement, it was agreed upon that Martorana shall secure sewer and water allocation and pay any and all connection fees for each Phase of the project; and

WHEREAS, a Phase 2 Letter of Credit - Performance Bond in the amount of \$210,990.00 (LOC #10129) was issued by Sussex Bank on behalf of Grande Villaggio of Newton LLC to the Town of Newton on September 30, 2014; and

WHEREAS, the Phase 2 water fees in the amount of \$210,990.00 were paid by Martorana on March 29, 2019, which \$210,990.00 payment was required prior to the release of the Phase 2 Line of Credit; and

WHEREAS, the \$210,990.00 Letter of Credit (#10129) may be released per a review by the Town Conflict Engineer, Ferriero Engineering, Inc.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Letter of Credit (#10129) in the amount of \$210,990.00 be released.

A motion was made by Mr. Dickson to approve the revised **RESOLUTION #135-2019**, seconded by Mrs. Diglio and roll call resulted as follows:

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

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

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

APPEAL

Mayor Le Frois recused herself at this point and turned the meeting over to Deputy Mayor Flynn. David Romano, CFO of Ronetco Supermarkets Inc., came forth to address the Council. Mr. Romano explained the bills for Account No. 19604 and Account No. 19611 were not delivered by the U.S. Postal Service, resulting in a 10% penalty of \$996.84 and \$7.50. He understands the Council cannot go against the Ordinance where is clearly states "*Bills that are not delivered by the U.S. Postal System shall, nevertheless, remain due and owing.*"

He went on to say when they received the late notice on April 2nd, they immediately paid the bill on April 3rd. He went on to state Ronetco has been a good corporate citizen since 1972 and they have never in all those years been late on payment of a bill. He didn't want the public to think Shoprite didn't pay their bills, it was an oversight. They have made changes in their office advising his staff to keep track of when payments and due, and now they are aware they can go to our website to access their account.

Deputy Mayor Flynn explained the process to the public, stating if a customer would like to appeal a decision by the Utility Advisory Board it comes to the Town Council. Ronetco has been a good neighbor and corporate citizen for many years. Mr. Flynn went on to explain we all have to adhere to our ordinances. It is unfortunate but it makes it fair all around.

Mrs. Diglio thanked Mr. Romano for not asking the Council to go against the ordinance or the decision of the Utility Advisory Board.

Mrs. Leo advised there is nothing further we need to do.

COUNCIL & MANAGER COMMENTS

Mayor Le Frois returned to the meeting.

Mrs. Diglio stated she was at Morris Lake recently and noticed some heaters and found out we were having issues with the heating unit roof and was wondering on the status of the repairs.

May 13, 2019

Mr. Russo stated he will email the Council an update.

Mrs. Diglio also questioned if we were planning on replacing the staff that has left in the Public Works Department. She went on say they are down two people and summer is fast approaching and DPW really needs help. Mr. Russo advised there are no plans to hire any replacements at this time. We are currently carrying Kenny Jaekel and Jimmy Sisco on the books. He went to advise they are looking into hiring summer help for the Public Works Department.

Mayor Le Frois advised the services for Lexi Faye will be Thursday, from 2:00pm to 5:00pm and 6:00pm to 9:00pm at Iliff-Ruggerio Funeral Home and a Catholic burial serviveat St. Joseph's Church at 10:00am on Friday.

EXECUTIVE SESSION - None.

There being no further business to be conducted, upon motion of Mrs. Diglio seconded by Mr. Dickson and unanimously carried, the meeting was adjourned at 8:25pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Deputy Municipal Clerk