

July 8, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:10 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mayor Le Frois, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present. Mr. Schlaffer was excused.

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

Mayor Le Frois led the Pledge of Allegiance to the flag and the Municipal Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Deputy Mayor Flynn and unanimously carried, the minutes for the June 24, 2019 Regular meeting were unanimously approved.

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."

Tracy Paparella, 56 Halsted Street, requested an update on the Newton pool and was advised there has been no engineer's report submitted to date. Mayor Le Frois also advised a presentation is scheduled for the September 11th Council meeting. Mrs. Paparella also asked if the Town could publicize the transportation to Hackettstown Pool.

Teresa Marquina, 7 Liberty Street, suggested the Town send flyers, regarding the Hackettstown pool transportation, to the schools who currently have programs going on now.

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

VI. CEREMONY

Prior to the swearing-in ceremony, Mayor Le Frois congratulated Police Chief Michael Richards on receiving recognition for "Law Enforcement Award".

Chief Michael Richards read a from a prepared statement:

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"Tom Tosti is a lifelong resident of Stillwater Township N.J. He is a graduate of Kittatinny Regional High School in 1989. Tom attended Sussex County Community College and then transferred to East Stroudsburg University where he received a Bachelor of Science Degree in Sociology and Criminal Justice.

After college, he was hired by the Sussex County Juvenile Detention Center where he was employed for six months before being hired by the Stillwater Township Police Department in 1997 where he worked until February 2003, when he transferred to Newton PD.

Once at Newton PD, Officer Tosti performed well and he earned assignment to the Detective Bureau in 2005. While a Detective, Tom completed training to be a School Resource Officer and a D.A.R.E. Officer.

For the last 14 years, Officer Tosti has been the department's D.A.R.E. and later, the L.E.A.D Officer, and has taught this to the many students who have passed through the fifth grade at either the Halsted or Merriam Avenue schools. His work in the schools has helped him to form and maintain many valuable relationships for the Police Department.

Officer Tosti is also the department's Community Relations/Crime Prevention Officer. Tom has been invaluable in all of our community engagement activities and I know that he honestly believes that the connections we make in our community helps us to be more effective in our law enforcement duties. In addition to our schools, he has worked closely with such agencies as the Center for Prevention and Counseling, Project Self Sufficiency and the Division of Youth and Family Services.

While serving as a Detective, Tom Tosti was always reliable and genuinely caring, and saw every case through to the end, leaving no stone left unturned. He was the lead Detective in numerous sexual assault investigations and worked all kinds of major crimes, from kidnapping to homicide and aggravated assaults.

Throughout it all, one of Tom's most outstanding qualities is his often-self-deprecating sense of humor. I've many times found that a quick stop back in the Detective Bureau when Tom was working would serve as a good little pick me up in the late afternoon as you'd always leave laughing or maybe at least just smiling and shaking your head. Humor is important in this line of work.

For the last couple of months, he has been tasked with being a coach to our newest Patrol Officer, Steve Kneidl, who is undergoing Field Training.

It is for all of these reasons that I recommend without hesitation that Tom Tosti's promotion to Sergeant and I look forward to his continued leadership and supervision of a Patrol squad for many years to come."

At this time, Mayor LeFrois invited Tom Tosti to come forward and sworn him in as Sergeant Tosti, while his son held the bible.

Sgt. Tosti thanked Chief Richards, Mayor, and Town Council and all in attendance and looks forwards to his responsibilities as Sergeant.

BREAK: Brief break for photos with the Town Council, family, and friends.

PRESENTATION-

a. Sussex County Health Department – Tick Safety

Kayla Shelly made a Power-Point Presentation and provided information on Tick Safety. The following documents were provided:



How to Remove a Tick

The best time to get a tick off your body is before it bites. If you have been around wooded or grassy areas, look closely all over your body to see if any ticks are moving around. Check your entire body—and your children—for ticks after being outside and use a mirror to view hard-to-see areas. Showering within two hours after being outside (ideally, as soon as possible) can also help find and wash off unattached ticks.

What to Do if You Find a Tick

- If the tick is not attached (if it has not bitten you), grab it with a tissue.
- If the tick has bitten you, remove it as soon as possible.
 - Use fine-tipped tweezers to grab the tick close to the skin. Do not twist or jerk the tick—this may cause the mouth parts to break off and remain in the skin. If this happens, remove the mouth parts with tweezers if possible. If not, leave them alone and let your skin heal.
 - With a steady motion, gently pull straight up until all parts of the tick are removed.
 - Do not** use petroleum jelly, hot matches, nail polish remover or other products to remove a tick.
- After removing the tick, clean your skin with soap and warm water.
- Contact a healthcare provider if you develop a fever and/or rash within a few weeks and tell the provider about the tick bite.

How to Safely Get Rid of a Live Tick

- Submerge the tick in rubbing alcohol.
- Place the tick in a sealed bag or container, or
- Wrap the tick tightly in tape.
- Never** crush a tick with your fingers.

Adapted from the Centers for Disease Control and Prevention. 2/18

Tick-Borne DISEASES

Checking for Ticks
Reduce your chances of getting a tick-borne disease by checking your body for ticks after being outdoors. Use a hand-held or full-length mirror to view all parts of your body.

Be sure to check these parts of your body:

- Under the arms
- In/around the hair
- In/around the ears
- Between the legs
- Inside baby button
- Around the waist
- Back of the knees
- On the scalp

What to Do if You Find a Tick

- Using fine-tipped tweezers, grab the tick close to the skin. Do not twist or jerk the tick, as this may cause the mouthparts to break off and remain in the skin.
- With a steady motion, gently pull straight up until all parts of the tick are removed.
- After removing the tick, clean your skin with soap and warm water.
- Contact a healthcare provider if you develop symptoms of tick-borne disease.

Do not use petroleum jelly, hot matches, nail polish remover, or other products to remove a tick.

Where Can I Find More Information?
New Jersey Department of Health
Communicable Disease Service: Vector-Borne Illness
www.nj.gov/health/cd/topics/vectorborna.shtml

Centers for Disease Control and Prevention: Tick-Borne Diseases
www.cdc.gov/ticks/diseases

Centers for Disease Control and Prevention: Stop Ticks
www.cdc.gov/features/stopsticks

New Jersey Department of Health
Communicable Disease Service
PO Box 369
Trenton, NJ 08625
(609) 826-4872

Aug 2017

TICK-BORNE DISEASES

What are tick-borne diseases?
Tick-borne diseases are illnesses that can be spread to humans by the bite of an infected tick. The most common tick-borne diseases in New Jersey are:

- ◆ Anaplasmosis
- ◆ Babesiosis
- ◆ Ehrlichiosis
- ◆ Lyme disease
- ◆ Rocky Mountain spotted fever

How do tick-borne diseases spread?
Ticks become infected when feeding on small infected mammals such as white-footed mice and voles. An infected tick can then infect a person through a tick bite. It is possible to be infected with more than one tick-borne disease at the same time.

Disease-causing ticks in NJ
These are common ticks in New Jersey that may spread disease to humans:

- ◆ Black-legged "deer" tick (*Ixodes scapularis*) can transmit Lyme disease, anaplasmosis, babesiosis and Powassan disease
- ◆ American dog tick (*Dermacentor variabilis*) can transmit Rocky Mountain spotted fever and tularemia
- ◆ Lone star tick (*Amblyomma americanum*) can transmit ehrlichiosis and tularemia



What are the symptoms of tick-borne diseases?
Early signs of tick-borne diseases can include:

- ◆ Skin rash
- ◆ Tiredness
- ◆ Fever/chills
- ◆ Headache
- ◆ Stiff neck
- ◆ Muscle aches
- ◆ Joint pain
- ◆ Dizziness

How soon after a tick bite do symptoms occur?

Lyme disease	3-30 days
Ehrlichiosis	7-14 days
Anaplasmosis	7-14 days
Rocky Mt. spotted fever	2-14 days
Babesiosis	7-63+ days

What is the treatment for tick-borne diseases?
Most tick-borne diseases (Lyme disease, ehrlichiosis, anaplasmosis, and Rocky Mountain spotted fever) are caused by bacteria and can be treated with antibiotics. Babesiosis is caused by a parasite similar to malaria, and a healthcare provider may prescribe medication. It is important to check for symptoms and talk to a healthcare provider if you've been bitten by a tick. Early treatment can be very effective.



Who gets tick-borne diseases?
Anyone who is bitten by an infected tick may get a tick-borne disease. People who spend a lot of time outdoors, especially from April to September, have a greater risk of becoming infected.

How are tick-borne diseases diagnosed?
Most tick-borne diseases are diagnosed through blood tests and by discussing symptoms with a healthcare provider.

How to Prevent Tick-Borne Diseases

- ✓ DEET
- ✓ Showers
- ✓ Tick Checks

- ◆ Know where ticks are: ticks live in or near wooded or grassy areas. Always walk in the center of trails to avoid contact with ticks.
- ◆ Keep your yard clean: mow lawns, clear brush and remove leaf litter.
- ◆ Apply insecticides: use EPA-registered repellent with DEET on skin and permethrin on clothing, boots and camping gear.
- ◆ Cover up: wear long sleeves and pants tucked into socks to prevent ticks from getting under clothes.
- ◆ Shower: showering can help find and wash off unattached ticks.
- ◆ Inspect: check your body for ticks.

How to Avoid Tick Bites

Ticks can become infected with diseases when feeding on white-footed mice and other small mammals. An infected tick can then spread disease to a person through a tick bite. You can reduce the risk of getting diseases from ticks by taking steps to avoid tick bites.



Know where ticks are: ticks live in or near wooded or grassy areas. Always walk in the center of trails to avoid contact with ticks.



Cover up: wear long sleeves and pants tucked into socks to prevent ticks from getting under clothes.



Keep your yard clean: mow lawns, clear brush and remove leaf litter.



Shower: showering within two hours after being outside (ideally, as soon as possible) can help find and wash off unattached ticks.



Repel ticks: use EPA-registered repellent with DEET, picaridin, IR3535, Oil of Lemon Eucalyptus (OLE), or 2-undecanone on skin and permethrin on clothing, boots and gear. Most repellents can be used on children older than 2 months. Products containing OLE should not be used on children under 3 years. Always follow product label instructions.



Protect pets: keep pets safe by checking for ticks daily and using tick control products as recommended by your veterinarian.



Inspect: check your entire body—and your children's—for ticks after being outside and use a mirror to view hard-to-see areas. Remove attached ticks with tweezers.

Be sure to check these parts of your body and use a hand-held or full-length mirror to view all parts of your body:

- ◆ Inside belly button
- ◆ In/around the hair
- ◆ In/around the ears
- ◆ Back of the knees
- ◆ Between the legs
- ◆ On the scalp
- ◆ Under the arms
- ◆ Around the waist

Adapted from the Centers for Disease Control and Prevention. 2/18

Members of the public addressed questions which were addressed by Ms. Shelly.

Several members of Tick Squad were also present and addressed questions of the public.

VIII. COUNCIL & MANAGER REPORTS

a. **Mayor Le Frois** – again congratulated Police Chief Richards on receiving the “Law Enforcement Award”. She also congratulated Ursula Leo on becoming the President of the Sussex County Bar Association. The Town-wide Garage Sale will be held on August 2, 3 & 4 and applications can be obtained at the Town Clerk’s office. Mayor Le Frois also announced the upcoming “Town of Newton Flags of Honor” event. In honor of Veterans Day, the Town will sponsor the **Flags of Honor**, a display of flags on the front lawn of the Newton Municipal Building, 39 Trinity Street. The American Flags will recognize and show honor to the Veterans who have dedicated themselves to the protection of our freedom. You may adopt a flag to dedicate in honor or in memory of your Special Veteran for \$30.00. All proceeds will go to Community Hope’s-Hope for

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Veterans Program. Mayor Le Frois also reminded the public of the daily transportation to Hackettstown Pool and sign-ups are available online.

- b. **Deputy Mayor Flynn** – no comments.
- c. **Councilwoman Diglio** – on June 27, 2019, Kimberly Williams and myself attended the 15th Annual Awards Luncheon sponsored by the Sussex County Economic Development Partnership, Inc. While the Town was nominated for the Municipal Award, we unfortunately did not receive it. But I am proud to announce that CWF, Inc. owned by John Kweselait did receive the Business Investment Award, Alex Cable, President of ThorLabs received the DISTINCTIVE Leadership Award, and SCCC received the Training and Workforce Development Award. My thanks to all three for their contributions to our Town.
- d. **Councilman Schlaffer** – excused.
- e. **Councilman Dickson** – no comments.
- f. **Town Manager Russo** – the Town is promoting on social media a contest: “Give us the Top 10 Reasons why someone should visit the Town of Newton, NJ”. He noted all submissions must be submitted by noon on 7-7-2019. Mr. Russo outlined the various events happening this summer under Recreation. All can be found on the Town website. He also mentioned the concert series to be held at SCCC on July 13th and August 24th. Free to the Community from 6-9 pm. Mr. Russo congratulated John Kweselait for the recognition received from Congressman Josh Gottheimer for “Hometown Hero” Award. Mr. Kweselait is doing beautification and revitalization in the Town of Newton and thanked him for all his continued work in Newton. He also mentioned the upcoming movies at Memory Park; July 26th, “A Dog’s Way Home” and Aug. 9th, “How to Train Your Dragon: The Hidden World”. Movies are free. The upcoming Town-wide Garage Sale and Sidewalk Sales for the businesses on Spring Street will take place on Aug. 2-4, 2019. Mr. Russo also reiterated the “**Flags of Honor**” event taking place the month of November but your donation must be received by October 31st. A ceremony will take place on November 9th @ 10am. Mr. Russo advised Council of a new program he will be promoting in the fall; social media influence’s from students in High School and College. He feels this is an untapped resource and feels they can assist with social media. Mr. Russo addressed Ms. Paparella’s comments

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regarding engineer reports and noted the final reports will be presented to the Governing Body at the September 11, 2019 Council meeting.

ORDINANCES -

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

ORDINANCE #2019-7

AN ORDINANCE REVISING ARTICLE I OF CHAPTER 57, ANIMALS AND CHAPTER 320, ZONING, OF THE CODE OF THE TOWN OF NEWTON REGARDING ANIMALS

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	Excused
	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, August 5, 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.”*

Mr. Russo reviewed the consent agenda items.

RESOLUTION #156-2019*

RESOLUTION APPROVING VACATION & SICK LEAVE TIME PAYOUT FOR STEVEN BENSON

WHEREAS, Steven Benson, Police Officer with the Town of Newton, retired effective June 30, 2019 and is entitled to payout for unused and accrued vacation & sick leave time pursuant to applicable law, Town ordinances, Policemen’s Benevolent Association, Local #138 – Superior Officers Association Agreement and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook.

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

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Steven Benson	June 30, 2019	\$9,519.72

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

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RESOLUTION #157-2019*

**TO CANCEL CAPITAL APPROPRIATION BALANCE AND TRAIL GRANT RECEIVABLE BALANCE
IN THE GENERAL CAPITAL FUND**

WHEREAS, the Town of Newton applied for a \$25,000.00 Recreational Trails Grant;
and

WHEREAS, the Town of Newton received a Recreational Trails Grant Award
ID#09-1915-1 from the New Jersey Department of Environmental Protection Green
Acres Program in 2009 for the Sussex Branch Trail Rehabilitation in the amount of
\$24,000.00; and

WHEREAS, there is a grant receivable balance of \$1,000.00 *Due from State of
New Jersey Department of Environmental Protection* for Trail Grant on the General
Capital balance sheet; and

WHEREAS, there is an unexpended balance of \$1,000.00 in General Capital
Improvement Authorization - Ordinance 2010-7 for Trail Grant; and

WHEREAS, the Town Engineer has submitted a formal request for reimbursement
for the State’s share of this project on May 31, 2019 and the Town received a check in
the amount of \$24,000.00 from the State of New Jersey; and

WHEREAS, it is necessary to formally cancel the receivable balance and the
unexpended improvement authorization balance;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the
Town Council of the Town of Newton, that we hereby cancel the following grant
receivable and the balance of the General Capital appropriation:

General Capital Fund

Trail Grant Receivable – (Ord #2010-7) #300138	\$1,000.00
Improvement Authorization Ord #2010-7 Trail Grant #30910796	\$1,000.00

RESOLUTION #158-2019*

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HALSTED STREET & MADISON
STREET – SECTION II PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Newton Town Council of the Town of
Newton, County of Sussex, State of New Jersey, formally approves the grant application
for the above stated project; and

BE IT FURTHER RESOLVED that the Town Manager and/or Mayor and Municipal
Clerk are hereby authorized to submit an electronic grant application identified as MA-
2020-Halsted St. & Madison St. – Sec. II-00059 to the New Jersey Department of
Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED that the Town Manager and/or Mayor and Municipal
Clerk are hereby authorized to sign the grant agreement on behalf of the Town of
Newton and that their signatures constitute acceptance of the terms and conditions of
the grant agreement and approve the execution of the grant agreement.

*My signature and Municipal Clerk’s seal serve to acknowledge the above resolution
and constitute acceptance of the terms and conditions of the grant agreement and
approve the execution of the grant agreement as authorized by the resolution above.*

ATTEST AND AFFIX SEAL

Lorraine A. Read, RMC
Municipal Clerk

Helen R. Le Frois
Mayor

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RESOLUTION #159-2019*

AUTHORIZE TAX COLLECTOR TO HOLD AN ELECTRONIC TAX SALE FOR THE YEAR 2019

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors and RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Town of Newton wishes to participate in an electronic tax sale;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

RESOLUTION #160-2019*

AUTHORIZE ELECTRONIC TAX SALE NOTICE FEES TO BE CHARGED

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee not to exceed \$25.00 per notice for the creation, printing, and mailing of said notice; and

WHEREAS, the Town of Newton wishes to balance the effect of fees upon the property owner, which may be experiencing financial hardship, with the other residents which should not have to bear any additional costs. The Town hereby sets a one-time fee of \$25.00 for the two (2) required notices;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that a one-time fee of \$25.00 is hereby authorized and is to be charged to each property owner appearing on the 2019 electronic tax sale list.

RESOLUTION #161-2019*

AUTHORIZING PUBLIC RIGHT-OF-WAY USE BY PLANET NETWORKS, INC. FOR FIBER OPTIC CABLING

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the Town of Newton for consent to use the public rights-of-way to place its telecommunication facilities, consisting of fiber optic cabling, aurally on existing and new utility poles and/or in underground conduit; and

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WHEREAS, the Federal Communications Commission has held that “an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service. . . not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that “the consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place;” and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that “the board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality . . . shall consent thereto;” and

WHEREAS, N.J.S.A. 46:17-8 provides that “any telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same.”; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the Town of Newton and its citizens to grant consent to Planet Networks for its expanding fiber optic network;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of New, County of Sussex, State of New Jersey that Planet Networks, Inc. is granted non-exclusive use of the public right-of-ways for the purposes of allowing it to install fiber optic cables and pole-mounted cabinets on existing utility poles within the public right-of-way in the Town of Newton and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public rights-of-way;
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) All new utility poles located in the public right-of-way shall be subject to Town Engineer approval prior to construction and shall be similar in appearance, composition, size and height as the closest existing utility poles located on either side of the proposed utility pole and shall, to the extent practical, be located at the property line between two properties;
- d) Planet Networks shall indemnify, defend and hold harmless the Town of Newton, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network’s use of the public right-of-way, except to the extent such loss, injury or

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property damage is proven to have resulted from the acts or omissions of the Town of Newton;

- e) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence, and provide a current copy for the Town, and shall include the Town of Newton as an additional insured on said insurance policy;
- f) Planet Networks shall provide an escrow of \$750.00 and reimburse the Town of Newton for the actual cost of any services rendered by the Town or its professionals in connection with the granting of this consent and use of the public rights-of-way;
- g) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities; and
- h) Notwithstanding any provision contained herein, neither the Town of Newton nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and the Town Clerk to attest documents necessary to effectuate the terms of this Resolution.

RESOLUTON #162-2019*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

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

TOWN BILLS

41796	ATLANTIC TACTICAL INC	69.65
41797	ATLANTIC TRAINING CENTER	250.00
41798	CAMPBELL'S SMALL ENGINE INC.	1,241.60
41799	CONDOR CREATIONS	350.00
41800	DEMPSEY UNIFORM & SUPPLY INC	1,665.38
41801	ENCORE PERFORMING ARTS INC	900.00
41802	ENFORSYS POLICE SYSTEM, INC.	12,000.00
41803	GOLD TYPE BUSINESS MACHINES	2,100.00
41804	GRAVITY DESIGN WORKS, INC.	219.00
41805	GRUBER COLABELLA LIUZZA & THOMPSON	1,235.58
41806	HARTER EQUIPMENT INC.	1,706.65
41807	J&D SALES & SERVICE, LLC.	84.00
41808	JCP&L	5,793.18
41809	JESCO INC.	275.18
41810	LADDEY, CLARK, & RYAN, LLP	2,583.33
41811	LADDEY, CLARK, & RYAN, LLP	4,784.00
41812	MCGUIRE, INC.	1,894.15
41813	MORRIS ASPHALT SUPPLY, LLC	2,131.76
41814	NEC FINANCIAL SERVICES, LLC.	4,943.40
41815	NEWTON BOARD OF EDUCATION	1,468,059.00
41816	NIELSEN FORD INC.	106.40
41817	PELLOW, HAROLD & ASSO, INC.	1,574.75

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41818	QUILL CORPORATION	754.92
41819	RACHLES/MICHELE'S OIL COMPANY, INC.	5,560.71
41820	RAVE WIRELESS, INC.	1,500.00
41821	S K PAPER SHRED	120.00
41822	SCMUA	1,251.43
41823	SF MOBILE-VISION, INC.	430.00
41824	SLOAN, JAMES P.	3,278.50
41825	SPECTROTEL	603.81
41826	STAPLES BUSINESS ADVANTAGE, INC.	877.46
41827	SUBURBAN CONSULTING ENGINEERS, INC.	658.76
41828	SUSSEX BIKE & SPORT	151.89
41829	T.A. MOUNTFORD COMPANY, INC.	125.00
41830	TAYLOR OIL CO., INC.	2,473.55
41831	TRI-STATE RENTALS, INC.	87.93
41832	UNITED TELEPHONE/CENTURY LINK	126.91
41833	WALMART	12.83
41834	WEIS MARKETS, INC.	14.90
41835	WILFRED MACDONALD, INC.	325.23
41795	CINTAS FIRE PROTECTION CORP.	2,034.47
191035	PAYROLL ACCOUNT	194,541.41
41658	VOID	2,034.47

CAPITAL

8817	LADDEY, CLARK & RYAN	48.00
8818	PELLOW, HAROLD & ASSO, INC.	15,120.22
8819	SCMUA	164.45
8820	SUBURBAN CONSULTING ENGINEERS, INC.	724.62

Total TOWN BILLS \$ 1,744,954.01

WATER AND SEWER ACCOUNT

17604	COYNE CHEMICAL CORP., INC.	1,484.18
17605	DEMPSEY UNIFORM & SUPPLY INC.	325.93
17606	HOME DEPOT, INC.	233.60
17607	JCP&L	14,991.61
17608	KKPR MARKETING & PUBLIC RELATIONS	675.00
17609	LADDEY, CLARK & RYAN, LLP	368.00
17610	MAIN POOL & CHEMICAL COMPANY, INC.	2,680.00
17611	PELLOW, HAROLD & ASSO, INC.	2,628.88
17612	SCHMIDT'S WHOLESALE, INC	1,053.32
17613	SCMUA	968.24
17614	SMALLEY, JOHN H	1,416.66
17615	STAPLES BUSINESS ADVANTAGE, INC.	56.79
17616	SUSSEX COUNTY P & H, INC.	320.04
17617	T.A. MOUNTFORD COMPANY, INC.	255.00
17618	THE CANNING GROUP, LLC.	625.00
196029	ELAVON – ON LINE FEES	481.15
17603	CINTAS FIRE PROTECTION CORP.	936.43
196028	PAYROLL ACCOUNT	38,086.60
17546	VOID	936.43

Total WATER & SEWER Bills \$67,586.43

TRUST ACCOUNT

3868	LADDEY, CLARK & RYAN, LLP	240.00
3869	LAKELAND BUS LINES, INC.	875.00
3870	PELLOW, HAROLD & ASSO, INC.	1,230.25
3871	TREASURER, TOWN OF NEWTON	100.00
3867	HACKETTSTOWN POOL	100.00
197113	PAYROLL ACCOUNT	3,485.00

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Total TRUST ACCOUNT Bills \$ 6,030.25

FEDERAL/STATE GRANTS

1465	AG CHOICE, LLC.	588.00
1466	ATLANTIC TACTICAL INC.	1,923.40
1467	HOME DEPOT, INC.	214.61
1468	SCMUA	1,023.00
191114	PAYROLL ACCOUNT	906.97

Total FEDERAL/STATE GRANTS Bills \$ 4,655.98

DEVELOPERS ESCROW (FUND 72)

1345	PELLOW, HAROLD & ASSO, INC.	2,554.95
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Total HOUSING TRUST FUND ACCOUNT Bills \$ 2,554.95

SUI (FUND 73)

1121	S/NJ DEPT OF LABOR & WORKFORCE DEV	217.50
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Total SUI (FUND 73) ACCOUNT Bills \$ 2,554.95

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

Mr. Dickson (recused ch#41797)	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlawfer	Excused
Mayor Le Frois		Yes	

The Clerk presented an application for a Special Permit for Social Affair from Greater Newton Chamber of Commerce, 145 Spring Street, Newton, to be held on Monday, September 9, 2019 from 6:30-9:30pm. (Rain Date: 9-10-2019).

Upon motion of Mr. Dickson, seconded by Deputy Mayor Flynn, to approve a Special Permit for Social Affair and roll call resulted as follows:

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

DISCUSSION – None.

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

Robert Boyle, Owner and Operator of Planet Networks, 4 Park Place, thanked the Town Council for approving Resolution #161-2019 for his business.

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

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meeting to the public.

COUNCIL & MANAGER COMMENTS

Mayor Le Frois again congratulated Sgt. Tom Tosti on his promotion this evening. She also congratulated John Kweselait on being recognized by Congressman Gottheimer as "Hometown Hero" Award.

Mr. Russo reminded Council of the upcoming applicants coming before the Newton Planning Board on July 17th.

Mr. Russo asked Council to cancel the July 22nd Council meeting, as he will be absent that day. After a brief discussion, the majority of the Town Council agreed to hold the Council meeting, on July 22nd, despite the Town Manager's absence.

EXECUTIVE SESSION -

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Flynn and unanimously carried, Council entered Executive Session at 8:25 pm.

Upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio and unanimously carried, Council left Executive Session at 9:22 pm.

There being no further business to be conducted, upon motion of Mr. Dickson, seconded by Deputy Mayor Flynn and unanimously carried, the meeting was adjourned at 9:23 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk