

March 9, 2020

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:06 pm. Present were Deputy Mayor Flynn, Mr. Schlaffer, Mrs. Le Frois, Mayor Diglio, and Thomas S. Russo, Jr, Town Manager. Ursula Leo, Esq., Town Attorney was also present. Mr. Dickson was excused.

Mayor Diglio then 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 2, 2020."

Mayor Diglio led the Pledge of Allegiance to the flag and the Municipal Clerk called the roll. Upon motion of Deputy Mayor Flynn, seconded by Mrs. Le Frois and unanimously carried, the minutes for the February 24, 2020 Special and February 24, 2020 Regular meeting minutes were approved.

### **OPEN TO THE PUBLIC**

At this time, Mayor Diglio read the following statement:

*"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 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. Council may choose to comment after the entire public portion has concluded."*

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

### **COUNCIL & MANAGER REPORTS**

**Mayor Diglio** – Mayor read a prepared statement regarding the 2020 Census:

"Getting a complete and accurate census count is critically important. That's why your response is required by law. If you do not respond, the U.S. Census Bureau will follow up in person to collect your response.

Why is the census so important? The results are used to determine how much funding local communities receive for key public services and how many seats each state gets in Congress. State and local officials also use census counts to draw boundaries for congressional, state legislative, and school districts.

And while you are required by law to participate, the Census Bureau is also required by law to protect your answers. Your responses are used only to produce statistics. The Census Bureau does not disclose any personal information."

Mayor Diglio read from a prepared statement:

"February 26<sup>th</sup> and March 3<sup>rd</sup> – Attended the St. Patrick's Day Parade meetings. The firemen have done a great job securing sponsors for the parade, arranging for advertising, and getting participants. I want to thank the Fire Dept. for taking on this responsibility and for all their efforts so that this parade may continue to be celebrated.

March 9, 2020

February 27<sup>th</sup> - Both Councilman Dickson and I along with Lorraine Read attended the FFA (Future Farmers of America) luncheon and meeting. As in the past, I am impressed by the quality of the members of this organization. The students are well organized and very respectful. It is a pleasure speaking with them and being allowed to attend their meeting.

February 28<sup>th</sup> - I attended the pre-construction meeting for the pool. There were several concerns brought up by the contractor. Hopefully these concerns have been addressed and Tom can report on the final decisions.

March 7<sup>th</sup> - I attended the ribbon cutting for Shana Bridal Shop. After so many years it is a pleasure to see a bridal/dress shop on Spring Street and I wish Lisa the best of luck."

**Deputy Mayor Flynn** - Nothing at this time.

**Councilman Dickson** - Excused.

**Councilman Schlaffer** - Nothing at this time.

**Councilwoman Le Frois** - Reminded all the Newton Seniors of the upcoming luncheon and musical (Matilda) on Sunday, March 22, 2020 at Newton High School @ Noon. She also noted the posted summer jobs currently available at Newton pool. Mrs. Le Frois also congratulated Shana Bridal Shop on Spring Street and wished them the best of success.

**Town Manager Russo** - Mr. Russo indicated his office will be disseminating the COVID-19 information on the Town website provided by several County and State offices. He updated the status of the municipal pool and will continue to keep Council updated.

**ORDINANCES** -

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

**ORDINANCE 2020-3**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND, AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWN OF NEWTON, NEW JERSEY, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM AND REVISING CHAPTER A326, CABLE TELEVISION FRANCHISE, OF THE TOWN OF NEWTON CODE**

**WHEREAS**, Service Electric Cable T.V. of New Jersey, Inc. ("SECTV") was granted a non-exclusive consent for the issuance of a franchise by the Town of Newton and the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways and public areas within the Town of Newton for the maintenance and operation in the Town of Newton of a cable television system for ten (10) years, after a public hearing before the Newton Town Council on September 28, 2009, via Town of Newton Ordinance No. 2009-34; and

**WHEREAS**, SECTV filed an application for renewal of its municipal consent to own, operate, extend to maintain a cable television and cable communications system in the Town of Newton; and

**WHEREAS**, the Town of Newton authorized the adoption of the Cable Franchise Ascertainment Report of SECTV, dated February 11, 2019, via Resolution No. 68-2019, after the Town of Newton conducted ascertainment proceedings; and

**WHEREAS**, the Town of Newton held a public hearing on SECTV's Cable T.V. Franchise application on December 9, 2019; SECTV appeared and the public was heard, and the Town Attorney was directed to prepare an ordinance, granting municipal consent to SECTV.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Chapter A326, Cable Television Franchise, shall be deleted in its entirety and replaced as follows:

## **Chapter A326          Cable Television Franchise**

### **A326-1.**          Introductory Provisions/Purpose of the Ordinance.

The Town of Newton (the "Municipality") hereby grants to Service Electric Cable T.V. of New Jersey, Inc. (the "Company") its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

### **A326-2.**          Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their deviations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (FCC) Rules and Regulations, 47 C.F.R. subsection 76.1, et seq., and the Cable Communications Policy Act, 47 U.S.C. section 521 et seq., as amended and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Municipality" or "Town" is the Town of Newton, County of Sussex, State of New Jersey.
- (b) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc. ("SECTV")
- (c) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, N.J.S.A. 48:5A-1 et seq.

### **A326-3.**          Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on December 9, 2019, pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

### **A326-4.**          Grant of Municipal Consent.

The Town hereby grants to the Company consent to the issuance of a non-exclusive franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Town of Newton, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Town of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, sidewalks,

public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

**A326-5.**      Duration of Franchise.

The consent herein granted shall expire ten (10) years from the date of expiration of the previous Certificate of Approval, as issued by the Board of Public Utilities (BPU).

**A326-6.**      Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two (2%) percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

**A326-7.**      Rates

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider. The Town acknowledges that under the Act, municipalities do not have the authority to regulate the rates the Company charges subscribers for its services.

**A326-8.**      Town Remedies

In the event that either the Company and/or the Town breaches its responsibilities herein, both parties reserve the right to seek redress and/or to present a defense, administratively through the Board of Public Utilities, or at law in a court of competent jurisdiction.

**A326-8.**      Territory

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

**A326-9.**      Extension of Service

The Company shall be required to proffer service to any persons, residents or business in conformance with its Tariff on file with the Office of Cable Television, including any policies for line extension and/or non-standard installations.

**A326-10.**      Construction Requirements

- A.    Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.
- B.    Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley, or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay, and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

- C.    Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and

overhanging streets, alleys, sidewalks, and public places of the Municipality, so as to prevent the branches of such trees from coming into contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

**A326-11.**      Local Office

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday, except on holidays.

**A326-12.**      Municipal Complaint Officer

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5A-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.1, et seq.

**A326-13.**      Performance Bond

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

**A326-14.**      Local Programming and Public Educational and Governmental Access

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

**A326-15.**      Discounted Services to Municipality

The Company shall provide services in accordance with its Tariff for Cable Television Service approved by the Board of Public Utilities.

In addition, the Company shall provide the following services to the Town, free of charge:

- a. Three (3) cable connections for the Newton Police Department;
- b. Eight (8) cable connections for the existing Newton Fire Department and buildings;
- c. Twenty-four (24) classroom cable connections for Halstead Middle School;
- d. Thirty (30) classroom cable connections for Merriam Avenue School;
- e. Five (5) cable connections for Newton High School;
- f. Two (2) cable connections for Dennis Library;
- g. Three (3) cable connections for Newton Town Hall;
- h. Four (4) cable connections for the Newton Department of Public Works;
- i. Two (2) cable connections for the Newton Water Department;
- j. Two (2) cable connections for the Newton Sewer Department;
- k. Two (2) cable connections for the Newton Fire Museum; and
- l. Two (2) cable connection for the Newton First Aid Squad.

The complimentary services provided herein are for expanded basic cable service only. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any installation of service and with each digital box and/or other equipment that the subscriber maintains, which fees are determined by the Company in accordance with the type of digital box(es) and/or other equipment that the subscriber maintains.

**A326-16.**      Programming

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Town with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

**A326-17.**     Liability Insurance

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00).

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Town Clerk prior to commencing the work.

**A326-18.**     Filing with Town Engineer

The Company shall cause all construction plans relating to work on any extension of its plant, or work which could have significant impact on public works within the Town, to be filed with the Town Engineer's Office.

**A326-19.**     Activities Prohibited

The Company shall not allow its cable or other operations to interfere with television reception or personal not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Town.

**A326-20.**     Public Meetings

SECTV agrees that public meetings shall be held upon Town request, up to a maximum of one (1) public meeting per year, to review the services provided by SECTV and any concerns raised by the Town and/or its residents. SECTV agrees to attend and participate in such public meetings.

**A326-21.**     Incorporation of the Application

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

**A326-22.**     Severability

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

**A326-23.**     Consistency with Future Federal & State Statutes, Regulations, Rules & Orders

Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such

modification(s) places(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, SECTION 22, shall apply.

**A326-24.**     Effective Date of Consent

This Ordinance shall take effect upon its final passage and publication according to law.

Mayor Diglio 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. Le Frois and unanimously carried, the hearing was closed.

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

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

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

The Clerk will advertise the above Ordinance according to law.

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

**ORDINANCE 2020-4**

**AN ORDINANCE TO EXCEED THE 2020 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

**WHEREAS**, the Newton Town Council hereby determines that a 1% increase in the budget for said year, amounting to \$96,468.24 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall

be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1%, amounting to \$96,468.24, and that the CY 2020 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**RECORDED VOTE: (On March 9, 2020- Adoption)**

AYES:	( Flynn	NAYES:	(
	( Schlaffer		(
	( Le Frois		(
	( Diglio		(
ABSTAIN:	(		
ABSENT:	( Dickson		

Mayor Diglio opened the meeting to the public.

Michael Malone, 59 Trinity Street, questioned why this Ordinance is requested every year and was addressed by Monica Miebach, Chief Financial Officer.

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

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

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

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

The Clerk will advertise the above Ordinance according to law.

March 9, 2020

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

**ORDINANCE 2020-5**

**AN ORDINANCE VACATING A PORTION OF SPRING STREET IN THE TOWN OF NEWTON**

**WHEREAS**, a 1,330 square foot portion of Spring Street is not needed for public purposes and is better suited to be vacated to Natural Selection, LLC, a New Jersey limited liability company, in the best interests of the Town of Newton; and

**WHEREAS**, Thorlabs, Inc., with the consent of the land owner – Natural Selection, LLC, has previously obtained approvals for a development and public improvements, located in part at Block 18.02, Lot 3, adjacent to the portion of Spring Street to be vacated;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Town of Newton, Sussex County, New Jersey, as follows:

**SECTION 1.** The following portion of Spring Street, located in the Town of Newton as hereinafter described is hereby vacated, extinguished, and conveyed to adjacent Block 18.02, Lot 3, subject to existing utilities and exceptions set forth in Sections 2 and 3 below:

Portions of Spring Street which are described in the attached Schedule A and shown on a map attached as Schedule B.

BUTTED, BOUNDED, AND DESCRIBED AS FOLLOWS:

**SEE ATTACHED SCHEDULE A**

**SECTION 2.** The Town shall expressly reserve and except from vacation all rights and privileges possessed by the Town of Newton for storm drainage and water lines, and all rights and privileges possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972. C/186, (C:48:5A-1 et seq.) to maintain, repair, and replace their existing facilities in, adjacent to, over or under a portion of Spring Street to be vacated, pursuant to N.J.S.A. 40:67-1.

**SECTION 3.** The Town shall expressly reserve and except from vacation all rights and privileges possessed by existing utilities serving existing homes in the Town of Newton, in, adjacent to, over or under a portion of Spring Street to be vacated, as of the date of adoption of this Ordinance.

**SECTION 4. SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 5. REPEALER**

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect upon adoption and publication in accordance with law.

Mayor Diglio opened the meeting to the public.

Michael Malone, 59 Trinity Street, questioned what portion of Spring Street will be vacated and was addressed by Mrs. Leo, Esq.

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

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

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

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

**OLD BUSINESS** –

**a. Resolution #73-2020**

Mr. Tom Kosten, Architect and Cory Stoner, Town Engineer addressed the Change Orders which were questioned at the last Council meeting.

Mr. Kosten addressed Change Order #14 for the vehicle exhaust system support and Mr. Stoner addressed Change Order #22 for the extra sidewalk & curb completed at the Firehouse.

After a lengthy discussion, upon motion of Mrs. Le Frois, seconded by Deputy Mayor Flynn and carried **RESOLUTION #73-2020** was **APPROVED** and roll call resulted as follows:

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

**RESOLUTION #73-2020**

**RESOLUTION AUTHORIZING CHANGE ORDERS NO. 14 AND 22 FOR FIREHOUSE #2**

**WHEREAS**, a contract was entered into for the construction of a new Firehouse #2 between the Town of Newton and Zitone Construction & Supply Co., Inc. (“Zitone”) 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**, Resolution #112-2019, adopted on April 8, 2019, authorized Change Order Nos. 1 through 6 for Firehouse #2, totaling \$12,554.25, which was within the General Construction Allowance of \$25,000.00; and

**WHEREAS**, Resolution #127-2019, adopted on May 13, 2019, authorized Change Order No. 7 for Firehouse #2, totaling \$4,308.00, which was within the General Construction Allowance of \$25,000.00; and

March 9, 2020

**WHEREAS**, Resolution #147-2019, adopted on June 10, 2019, authorized Change Order Nos. 8-12 for Firehouse #2, totaling \$5,432.40 which were within the General Construction Allowance of \$25,000.00; and

**WHEREAS**, Resolution #58-2020 adopted on January 27, 2020, authorized Change Order #20 totaling \$2,712.00, which exceeded the General Construction Allowance by \$6.65; and

**WHEREAS**, Zitone has submitted Change Order #14 for additional costs to hang the vehicle exhaust system, in the amount of \$4,733.28; and

**WHEREAS**, Zitone has submitted Change Order #22 for additional costs related to extra concrete sidewalk & curb, in the amount of \$2,099.95; and

**WHEREAS**, Thomas Kosten, AIA, FMP, LEED AP of FKA Architects, has submitted a memo outlining all the Change Orders and Authorizations in support of the change of work, a copy of which is attached hereto; and

**WHEREAS**, the Chief Financial Officer, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., has certified funds are available to support the increase in the amount of \$6,833.23 as follows:

<u>Amount</u>	<u>Account No.</u>	<u>Ordinance No.</u>
\$2,014.98	30917098	Ordinance 2017-9
\$2,718.30	3091806	Ordinance 2018-6
\$2,099.95	3091806	Ordinance 2018-6

**WHEREAS**, a General Allowance of \$25,000.00 was set aside for the contract, and upon approval of previous Change Orders and the enclosed Change Orders, all Change Orders total \$31,839.80, exceeding the General Allowance by \$6,839.88 for a new overall contract total of \$1,995,439.88;

**NOW, THEREFORE BE IT RESOLVED that** the Town Council of the Town of Newton authorizes Change Order Nos. 14 and 22 in the total amount of \$6,833.23 for Firehouse #2 construction, pursuant to N.J.A.C. 5:30-11.3 et seq., and increasing the overall contract cost to \$1,995,439.88.

**CONSENT AGENDA**

Mayor Diglio read the following statement:

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

Mr. Russo reviewed the consent agenda items.

**RESOLUTION 80-2020\***

**APPOINTMENT OF JARROD C. COFRANCESCO, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2020**

**WHEREAS**, Jonathan E. McMeen, Esq., currently serving as the Town of Newton's Municipal Prosecutor, has indicated an Alternate Municipal Prosecutor may be needed occasionally by the Town of Newton during calendar year 2020; and

**WHEREAS**, it is agreed that any municipal prosecutor appointed by a municipality in the County can provide prosecutor services to the Town of Newton in the event that an alternate is needed to prosecute in the an absence of Jonathan E. McMeen, Esq. or in the case of an attorney conflict; and

**WHEREAS**, Jarrod C. Cofrancesco, Esq., has expressed an interest in serving as Newton’s Alternate Municipal Prosecutor; and

**WHEREAS**, compensation of said services and supervision will be the sole responsibility of Jonathan E. McMeen, Esq. when an alternate prosecutor is utilized in his absence; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that we hereby appoint Jarrod C. Cofrancesco, Esq., as the Town of Newton’s Alternate Municipal Prosecutor for the calendar year 2020; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to Jarrod C. Cofrancesco, Esq., Jonathan E. McMeen, Esq., Frances Koch, Sussex County Prosecutor, and the Town of Newton Municipal Judge, the Hon. James P. Sloan.

**RESOLUTION #81-2020\***

**INTRODUCTION OF THE 2020 MUNICIPAL AND WATER AND SEWER UTILITY BUDGETS**

**BE IT RESOLVED**, that the Local Municipal Budget and the Water and Sewer Utility Budget of the Town of Newton, County of Sussex, New Jersey for the calendar year 2020 be approved by the Mayor and Council of the Town of Newton; and

**BE IT FURTHER RESOLVED**, that the Municipal Budget shall authorize total general appropriations of \$13,298,264 and the anticipated revenues of \$4,404,864 leaving an amount to be raised by taxes for municipal purposes of \$8,893,400; and

**BE IT FURTHER RESOLVED**, that the 2020 Water and Sewer Utility Budget consists of appropriations of \$4,947,522, and anticipated revenues of \$4,947,522; and

**BE IT FURTHER RESOLVED**, that the Clerk is hereby instructed to advertise notice of the approved budgets in the New Jersey Herald on March 27, 2020, and that a final public hearing before passage will be held on April 13, 2020, at 7:00 P.M. in the Council Chambers.

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Daniel G. Flynn	X			
Helen R. Le Frois	X			
Matthew Dickson				X
Jason Schlaffer	X			
Sandra Lee Diglio, Mayor	X			

**RESOLUTION #82-2020\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS AND REVISED BILLS ISSUED**

**WHEREAS**, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated; and

**WHEREAS**, meters were installed in the fourth quarter of 2019 which had resolution issues between the meter and the billing software; and

**WHEREAS**, the following accounts were issued credits for the first quarter and revised first quarter bills were sent.

<u>Account</u>	<u>Address</u>	<u>Amount</u>
2382	19 Union Place	\$2,764.44
2738	32 Townsend Street	\$1,201.95

March 9, 2020

6161	125 High Street	\$1,682.41
8240	15 Ridgeview Road	\$215.11
17011	56 Orchard Street	\$1,222.25
19442	70 Mt. View Street	\$1,051.22
24717	2 Stratford Lane	\$453.56
385	173 Spring Street	\$1,054.64

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned accounts for amounts billed incorrectly due to the reason(s) stated.

**RESOLUTION #83-2020\***

**AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS**

**WHEREAS**, the Water and Sewer Collector has determined the following Water and Sewer Utility Accounts are due credits for the reasons stated:

**CREDIT FOR AN ACCOUNT THAT SHOULD HAVE BEEN INACTIVE:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
4855	29 Park Avenue	\$75.00

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

<u>Account</u>	<u>Address</u>	<u>Amount</u>
16681	69 Sussex Street	\$834.40
21850	High & Spring Street	\$10,593.00

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the aforementioned accounts for amounts billed incorrectly due to the reason(s) stated.

**RESOLUTION #84-2020\***

**AUTHORIZE REFUND DUE A WATER AND SEWER UTILITY ACCOUNT**

**WHEREAS**, on December 9, 2019 Block 8.04, Lot 9, also known as 173 Spring Street, transferred ownership from Jean I. Pierson to Emerger Group, LLC.; and

**WHEREAS**, on November 5, 2019, the water meter for Block 80.4, Lot 9, also known as 173 Spring Street was replaced; and

**WHEREAS**, a final water reading for the transfer of ownership was done on December 9, 2019; and

**WHEREAS**, due to a resolution error between the meter and software the calculated bill was ten times more than the actual usage charged; and

**WHEREAS**, Jean I. Pierson, the seller, is due a refund of \$4,771.30 due to the inaccurate reading on the usage prior to the change in ownership;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to issue a refund to Jean I. Pierson, 78 Van Horn Road, Newton, New Jersey in the amount of \$4,771.30.

**RESOLUTION #85-2020\***

**REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 17.01, LOT 42, ALSO KNOWN AS 45 MASON AVENUE**

**WHEREAS**, at the Municipal Tax Sale held on October 23, 2019 a lien was sold on Block 17.01, Lot 42, also known as 45 Mason Avenue, for 2018 delinquent utilities; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2019-008, was sold to FIG Cust FIGNJ19, LLC & SEC PTY for a 0% redemption fee; and

March 9, 2020

**WHEREAS**, HTC REO, LLC has effected the redemption of Certificate #2019-008 in the amount of \$4,971.33;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges FIG Cust FIGNJ19, LLC & SEC PTY is entitled to a redemption in the amount of \$4,971.33; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check, in the amount of \$4,971.33, for the redemption for Certificate #2019-008 to FIG Cust FIGNJ19, LLC & SEC PTY, PO Box 54226, New Orleans, LA 70154.

**RESOLUTION # 86-2020\***

**APPROVE BILLS AND VOUCHERS FOR PAYMENT**

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2019 and 2020 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

**TOWN BILLS**

- 1327 3773 - **A&S HYDRAULICS** PO 56733 SNOW PLOW/ Rod Seal 145.00 **145.00**
- 1328 84 - **ABCODE SECURITY INC.** PO 56721 FIRE #2 HOOKED UP PHONE LINES & TESTED 200.00 **200.00**
- 1329 3371 - **AED** PO 56596 AED BATTERY CUST #437624 368.10 **368.10**
- 1330 2141 - **AIRMATIC COMPRESSOR SYSTEMS, INC.** PO 56269 FILTER ASSEMBLY'S WTP ACCT #AC040822 1,900.00 **1,900.00**
- 1331 32 - **B & R UNIFORM, INC.** PO 56674 RETIRED AND NEW HIRE BADGES 1,673.80 **1,673.80**
- 1332 1132 - **BOONTON TIRE SUPPLY INC.** PO 56388 B: PD VEHICLE REPAIR 1,199.75 **1,199.75**
- 1333 192 - **CAMPBELL'S SMALL ENGINE INC.** PO 56539 Equip/ Oil RPR 59.42 **59.42**
- 1334 4190 - **CCI FOUNDATION, INC.** PO 55150 Group Hsg Madison Ave R#248-2018 Do 60,000.00 **60,000.00**
- 1335 163 - **CENTURYLINK COMMUNICATIONS, INC.** PO 56309 B: ALARM CIRCUITS 121.70 **121.70**
- 1336 2843 - **CHELBUS CLEANING CO., INC.** PO 56314 B: CLEANING TOWN BLDG'S 1,653.75 **1,653.75**
- 1337 3770 - **CINTAS CORPORATION NO. 2** PO 56573 B: FIRST AID SUPPLIES 111.93  
PO 56573 B: FIRST AID SUPPLIES 51.13 **163.06**
- 1338 2765 - **CODE 96 LLC** PO 56594 MAINT AGMT 2/1-2/29/20 1,200.00 **1,200.00**
- 1339 1632 - **COOPER ELECTRIC SUPPLY CO.** PO 56730 TH LIGHTS ACCT #25723 233.98 **233.98**
- 1340 4180 - **DIFRANCESCO BATEMAN,PC** PO 56718 CONFLICT TAX ATTORNEY -JAN #891037 2,017.64 **2,017.64**
- 1341 4263 - **EMBROIDERY AUTHORITY** PO 56678 1/4 zip fleece outerwear (4) for OEM sta 401.96 **401.96**
- 1342 3124 - **EXTRA TECH DATA SERVICES, LLC.** PO 56358 B: IT SERRVICES -1st qtr 740.00  
PO 56364 ONLINE BACK-UPS 130.00  
PO 56364 ONLINE BACK-UPS 130.00  
PO 56365 G-SUITE ACCT 88.00  
PO 56365 G-SUITE ACCT 88.00 **1,176.00**
- 1343 3233 - **FASTENAL COMPANY, INC.** PO 56707 Morris :Lake Water treatment Plant 16.92 **16.92**
- 1344 225 - **FEDERAL EXPRESS** PO 56312 B: EXPRESS MAIL A/C #1344-0 96.52 **96.52**
- 1345 2744 - **FKA ARCHITECTS INC.** PO 56763 ARCHITECT FIREHOUSE #2 EXPENSES 172.30 **172.30**
- 1346 373 - **GALLS, LLC** PO 56657 MEDICAL SUPPLIES ACCT #4794479 286.84 **286.84**
- 1347 200 - **GARDEN STATE LABORATORIES INC** PO 56688 WASTE & DRINKING WATER ANALYSIS Nov/Dec/ 6,752.00 **6,752.00**
- 1348 1608 - **GOLD TYPE BUSINESS MACHINES** PO 56442 HARD DRIVE REPAIR 747.67 **747.67**

March 9, 2020

1349 2313 - **GRAVITY DESIGN WORKS, INC.** PO 56679 INITIAL CONCEPT AND DESIGN FOR CODE ENFO 375.00 **375.00**

1350 4064 - **HARD ROCK HOTEL & CASINO ATLANTIC C** PO 56745 Clerk's Conference 4/27-4/30 GROUP: GMCA 357.00 **357.00**

1351 2392 - **HARRAH'S ATLANTIC CITY** PO 56710 Lodging for 2020 NJ Emergency Preparedness 1,320.00 **1,320.00**

1352 230 - **HAYEK'S MARKET INC.** PO 56734 FOOD FOR BUDGET HEARING 2/8 114.20 **114.20**

1353 3876 - **HOLLAND COMPANY, INC.** PO 56396 B: EPIC 2400 (\$85,800 7,260.00 **7,260.00**

1354 1712 - **HOLZHAUER & HOLENSTEIN, LLC** PO 56672 TAX APPEAL 5,750.00 **5,750.00**

1355 4268 - **IMMERSO, MALIKA** PO 56738 REFUND OF TAXES 846.90 **846.90**

1356 3235 - **J. CALDWELL & ASSOCIATES, LLC.** PO 56723 THORLABS-JAN ESCROW 195.00 **195.00**

1357 113 - **JCP&L** PO 56697 TWN BLDG'S ELECTRIC -JAN 3,587.94  
PO 56716 HOLIDAY LIGHTING 40 UNITS 64 DAYS @ \$2.1 5,529.60  
PO 56740 MORAN ST/FIRE #2 FEB 420.31 **9,537.85**

1358 2618 - **JMC ENVIRONMENTAL CONSULTANTS, INC.** PO 56729 UST REMEDIATION NJDEP Filing Fees 500.00 **500.00**

1359 3211 - **JULIE RICHARD, LLC.** PO 56758 REFUND ESCROW BALANCE 7.50 **7.50**

1360 3711 - **KKPR MARKETING & PUBLIC RELATIONS,** PO 56409 B: MARKETING/PUBLIC RELATIONS 1,675.00 **1,675.00**

1361 2532 - **LADDEY, CLARK & RYAN, LLP** PO 56715 LEGAL -JAN 1,768.00  
PO 56715 LEGAL -JAN 1,003.00  
PO 56724 THORLABS - JAN ESCROW 119.00 **2,890.00**

1362 266 - **LAFAYETTE AUTO PARTS** PO 56617 Snow Plow/ Hose CUST #NJSPA0642 25.44 **25.44**

1363 206 - **LOCK & KEY WORLD** PO 56681 Rpr Door Knobs/Locks Clerks Office 665.00 **665.00**

1364 352 - **LUBRICATION ENGINEERS INC** PO 56689 OIL/LUBE cust #c0530901 001 371.65 **371.65**

1365 2166 - **MATTHEW BENDER & CO, INC.** PO 56743 CIVIAL SVC 4A UPDATES ACCT #0099214221 78.00 **78.00**

1366 263 - **MCMANIMON, SCOTLAND & BAUMANN, LLC** PO 56751 GENERAL REDEVELOPMENT -JAN 688.00 **688.00**

1367 4274 - **Metro Solar** PO 56229 Window frosting and tinting for Manager' 500.00 **500.00**

1368 496 - **MICROSYSTEMS-NJ COM, LLC.** PO 56717 2020 TAX BOOKS 200.00 **200.00**

1369 409 - **MINISINK PRESS INC** PO 56591 Business Cards 48.00 **48.00**

1370 65 - **MUNICIPAL SOFTWARE, INC.** PO 56315 2020 ANNUAL SUPPORT & MAINT 6,068.00  
PO 56315 2020 ANNUAL SUPPORT & MAINT 408.00  
PO 56315 2020 ANNUAL SUPPORT & MAINT 6,474.00 **12,950.00**

1371 4266 - **NEW JERSEY CRIME SCENE INVESTIGATORS ASS** PO 56685 DETECTIVES COURSE 75.00 **75.00**

1372 3997 - **NEW JERSEY EMERGENCY MANAGEMENT ASS** PO 56049 NJ Emergency Mgmt Assn Annual Membership 75.00 **75.00**

1373 116 - **NEW JERSEY HERALD, INC.** PO 56741 ANNUAL SUBSCRIPTION ACCT #10040014 215.80 **215.80**

1374 170 - **NEWTON BOARD OF EDUCATION** PO 56417 SCHOOL TAX (JAN-JUNE) 2020 1,029,765.00 **1,029,765.00**

1375 336 - **NEWTON TROPHY** PO 56700 Name Plate 10.00 **10.00**

1376 3532 - **NJEPA** PO 56583 2020 NJ Emergency Preparedness Conference 435.00 **435.00**

1377 2607 - **NORTHERN RAIN** PO 56683 2020 LAWN SPRINKLER RENEWAL 195.70 **195.70**

1378 4257 - **OYSTER POINT HOTEL** PO 56587 hotel room charge - 2020 NJMMA conference 102.06  
PO 56587 hotel room charge - 2020 NJMMA conference 102.06 **204.12**

1379 2216 - **PALL CORPORATION** PO 56624 Rpr Strainer/ Clean Racks/ Morris Lake 2,240.00 **2,240.00**

1380 3954 - **PAR TROY SOUND OF NEWTON, INC.** PO 56652 Wiring kit/Radio Rpr 220.00 **220.00**

1381 64 - **PELLOW, HAROLD & ASSO, INC.** PO 56737 ENGINEERING -JAN 181.88  
PO 56737 ENGINEERING -JAN 1,445.63  
PO 56737 ENGINEERING -JAN 603.13  
PO 56744 SCCC MCGUIRE CAMPUS -JAN 195.00 **2,425.64**

March 9, 2020

1382 4204 - **PLANET NETWORKS INC.** PO 55915 EXCHANGE SERVER REPLACEMENT 6,204.00  
PO 55970 WEB HOSTING - 15.00  
PO 56354 FIBER INTERNET TH/POLICE 319.90 **6,538.90**  
1383 2121 - **POSTER COMPLIANCE CENTER** PO 56760 NJ HR Forms for New Hires 24.95  
**24.95**  
1384 4126 - **PROFESSIONAL CONSULTING INC.** PO 54238 ENG DESIGN CONST ADMIN GRIT  
COLLECTOR - 810.00  
PO 54538 ENGINEERING -SPARTA AVE PUMP STATION - 3,185.00  
PO 56448 B: 2020 SEWER ENGINEER 4,335.00  
PO 56725 THORLABS-DEC. 2019-JAN 2020 ESCROW 387.50 **8,717.50**  
1385 4273 - **QUADIENT INC.** PO 56742 INK CART POSTAGE MACH #2850 168.80 **168.80**  
1386 2478 - **RACHLES/MICHELE'S OIL COMPANY, INC.** PO 54562 B: GAS - 1,114.23  
PO 56304 B: GAS (JAN-MAR) 3,233.44 **4,347.67**  
1387 4203 - **RAPID PUMP** PO 56755 Replaced Non Working Pump With New Insto 711.25  
PO 56757 Check Valves Morris Lake WTP 1,214.09 **1,925.34**  
1388 3731 - **READY REFRESH BY NESTLE** PO 56390 B: WATER DELV 53.37 **53.37**  
1389 1936 - **ROGO FASTENER CO., INC.** PO 56712 Machine Repair/Maintenace Spl  
ACCT #107 2,335.21 **2,335.21**  
1390 3391 - **ROUTE 23 PATIO, LLC.** PO 56686 Storm Basin Rpr / cubes cust #644 494.40  
PO 56753 Storm Basin Rpr / cubes cust #644 530.10 **1,024.50**  
1391 126 - **SCMUA** PO 56727 TRASH REMOVAL THRU 2/21 891.99  
PO 56727 TRASH REMOVAL THRU 2/21 397.89 **1,289.88**  
1392 2145 - **SEELY BROTHERS, INC.** PO 56719 Rpr top/ PD Pole 139.80 **139.80**  
1393 3117 - **SOME'S WORLD WIDE UNIFORMS, INC.** PO 56684 MOLLY CARRIER CUST  
#10706 135.00 **135.00**  
1394 4024 - **SPECTROTEL** PO 56310 B: LOCAL/LONG DISTANCE PHONE (ACCT #37 528.25  
**528.25**  
1395 4275 - **SPRING PLAZA LLC** PO 56759 REFUND ESCROW BALANCE 87.50 **87.50**  
1396 2257 - **STAPLES** PO 56391 B: OFFICE SUPPLIES 57.56  
PO 56703 DESK CHAIR- REC. G.R. 99.00 **156.56**  
1397 3822 - **STRYKER SALES CORP.** PO 56581 AED PADS ACCT #1502519 264.60 **264.60**  
1398 418 - **SUSSEX COUNTY DETECTIVES ASSOC.** PO 56599 2020 DETECTIVE MEMBERSHIP  
125.00 **125.00**  
1399 1453 - **SUSSEX COUNTY LOCK & SAFE,** PO 56682 Rpr Door Knobs/Locks Police Dept  
135.00 **135.00**  
1400 130 - **SUSSEX COUNTY P & H, INC.** PO 56356 B: PLUMBING SUPPLIES 186.03 **186.03**  
1401 3897 - **SYNCHRONY BANK** PO 56701 Overfloor cable protector & replacement  
34.68 **34.68**  
1402 371 - **T.A. MOUNTFORD COMPANY, INC.** PO 56580 POLICE COPIER SVC CONTRACT  
2020 700.00  
PO 56627 PATROL ROOM COPIER REPAIR 267.00  
PO 56764 ANNUAL SVC CONTRACT UPSTAIRS COPIER #262 875.00 **1,842.00**  
1403 2479 - **TAYLOR OIL CO., INC.** PO 56305 B: DIESEL (JAN-MAR) 2,511.96 **2,511.96**  
1404 4148 - **TCTANJ SPRING CONFERENCE** PO 56746 T SCHLOSSER SPRING CONFERENCE  
395.00 **395.00**  
1405 2675 - **TIRE KING, INC.** PO 56680 Truck Tire Rpr Trk#1 25.00 **25.00**  
1406 1151 - **TREASURER, STATE OF NEW JERSEY** PO 56754 ENVIRONMENTAL LAB  
CERTIFICATION PROG #19 835.00 **835.00**  
1407 2781 - **TRIMBOLI & PRUSINOWSKI, LLC.** PO 56374 B: LABOR ATTORNEY 204.00 **204.00**  
1408 4018 - **USA HOIST CO., INC.** PO 56590 Elevator-TH/ EmgRepair 1,162.75 **1,162.75**  
1409 4174 - **VELUMCORE, LLC.** PO 56699 TAC MED CARE TRAINING 1/31/20 200.00 **200.00**  
1410 1158 - **VISION SERVICE PLAN** PO 56692 VISION - JANUARY / FEBRUARY 2020 2,265.80  
**2,265.80**  
1411 1819 - **VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,** PO 56722 THORLABS-JAN ESCROW  
465.00 **465.00**  
1412 2635 - **W.B. MASON, INC.** PO 56185 DESK -PLANNING/ZONING CUST #C1329496  
1,886.42 **1,886.42**  
1413 3893 - **W.CAMPBELL SUPPLY OF SUSSEX CTY LLC** PO 56726 ENG #803 ENG LIGHT  
ACUTATOR BINDING 100.00  
PO 56732 TRUCK 4 REPAIR/ Caps/ Lamps CUST #27674 45.78 **145.78**  
1414 1500 - **WALMART** PO 56731 Office Supplies 181.32  
PO 56752 power strip for courtroom; note pads for 7.49  
PO 56761 PAINT TREASURERS OFFICE 51.88 **240.69**  
1415 633 - **WEIS MARKETS, INC.** PO 56735 2/8 BUDGET HEARING FOOD 22.51 **22.51**

March 9, 2020

1416 3080 - **WINGLE SUPPLY COMPANY INC.** PO 56687 Storm Basin Pipe/ Lower Spring  
154.50 **154.50**  
1417 4243 - **ZERO9 SOLUTIONS LTD** PO 56211 BODY CAMERA CASES 886.25 **886.25**

**CAPITAL**

**301299** Due to Clearing 0.00 1,437.18  
**3091516** ORD 2015-16 VARIOUS \$970T 195.00  
**3091709** ORD 2017-9 VARIOUS \$1,405 372.30  
**3091807** ORD 2018-7 VAR-2Veh/StSign/Rd-Chrch \$220 49.88  
**3091817** ORD 2018-17 Prelim Plan/Redev \$50T fully 688.00  
**3091903** ORD 2019-3 Var-B&Groof/skidSteer/Plainfl 132.00

**TOTALS FOR CAPITAL 1,437.18 0.00 0.00 1,437.18**

**TOTAL TOWN BILLS \$1,100,582.16**

**101235** TAX OVERPAYMENTS 846.90  
**101265** DUE NEWTON BOE - SCHOOL TAX PAYABLE 1,029,765.00  
**101299** Due to Clearing 0.00 1,099,144.98  
**1050200** TOWN MANAGER'S OFFICE - OTHER EXPENSES 3,024.02  
**1050200A** (2019) TOWN MANAGER'S OFFICE - OTHER EXP 500.00  
**1051200** TOWN CLERK'S OFFICE - OTHER EXPENSES 838.12  
**1052200** TOWN COUNCIL - OTHER EXPENSES 146.71  
**1053200** HUMAN RESOURCE - OTHER EXPENSES 102.95  
**1054200** FINANCE ADMINISTRATION - OTHER EXPENSES 2,121.00  
**1055200** ASSESSMENT OF TAXES - OTHER EXPENSES 1,075.00  
**1055200A** (2019) ASSESSMENT OF TAXES - OTHER EXPEN 2,415.00  
**1056200** COLLECTION OF TAXES - OTHER EXPENSES 2,054.00  
**1058200** LEGAL SERVICES - OTHER EXPENSES 3,989.64  
**1060200** ENGINEERING - OTHER EXPENSES 1,070.63  
**1061200** BUILDINGS & GROUNDS - OTHER EXPENSES 5,488.17  
**1062200** PLANNING BOARD - OTHER EXPENSES 3.52  
**1062200A** (2019) PLANNING BOARD - OTHER EXPENSES 2,965.80  
**1066200** EMPLOYEE GROUP INSURANCE - OTHER EXPENSE 2,265.80  
**1070200** FIRE DEPARTMENT - OTHER EXPENSES 440.00  
**1074200** POLICE DEPARTMENT - OTHER EXPENSES 4,248.57  
**1074200A** (2019) POLICE DEPARTMENT - OTHER EXPENSE 886.25  
**1074300** COMMUNICATIONS CENTER - OTHER EXPENSES 1,900.00  
**1074300A** (2019) COMMUNICATIONS CENTER - OTHER EXP 15.00  
**1077500** CODE ENFORCEMENT - OTHER EXPENSES 375.00  
**1078200** EMERGENCY MANAGEMENT - OTHER EXPENSES 1,716.96  
**1078200A** (2019) EMERGENCY MANAGEMENT - OTHER EXPE 75.00  
**1080200** ROAD REPAIR & MAINT - OTHER EXPENSES 3,579.71  
**1081200** SNOW REMOVAL - OTHER EXPENSES 229.86  
**1082200A** (2019) STORMWATER/FLOOD CONTROL - OTHER 32.50  
**1083200** RECYCLING/SANITATION - OTHER EXPENSES 385.83  
**1083300** VEHICLE MAINTENANCE - OTHER EXPENSES 1,370.53  
**1089200** UTILITY EXP/BULK PURCH - OTHER EXPENSES 10,723.50  
**1089200A** (2019) UTILITY EXP/BULK PURCH - OTHER EX 6,643.83  
**1094550** RECYCLING TAX (PL2007 c.311)O/S CAP 12.06  
**1095200** CAPITAL IMPROVEMENTS - OTHER EXPENSES 253.50  
**1095200A** (2019) CAPITAL IMPROVEMENTS - OTHER EXPE 7,584.62

**TOTALS FOR CURRENT FUND 47,415.08 21,118.00 1,030,611.90 1,099,144.98**

**WATER & SEWER BILLS**

**601299** DUE TO CLEARING 0.00 38,016.75  
**6051200** W&S OPERATING - TOTAL OTHER EXPENSES 30,734.75  
**6051200A** (2019) W&S OPERATING - TOTAL OTHER EXPE 7,282.00

**TOTALS FOR WATER/SEWER UTILITY 30,734.75 7,282.00 0.00 38,016.75**

**CAPITAL**

611299 DUE TO CLEARING 0.00 3,995.00  
611303 RES FOR WWTP GRIT COLL. 810.00  
6191708 ORD 2017-8 SPARTA AVE PUMP STATION (SWR) 3,185.00

**TOTALS FOR WATER/SEWER CAPITAL 3,185.00 0.00 810.00 3,995.00**

**TOTAL WATER & SEWER BILLS \$42,011.75**

**DOG RESERVE ACCOUNT**

211200 RESERVE FOR ANIMAL CONTROL 408.00  
211299 DUE TO CLEARING 0.00 408.00

**TOTALS FOR DOG RESERVE \$408.00**

**DEVELOPERS ESCROW BILLS**

721299 DUE TO CLEARING 0.00 1,047.50  
721311 THORLABS - PL BD ESCROW (5/10) 1,047.50

**TOTALS FOR DEVELOPERS ESCROW (Fund 72) 0.00 0.00 1,047.50 1,047.50**

**TOTAL DEVELOPERS ESCROW BILLS \$1,047.50**

**TRUST ACCOUNT BILLS**

711299 DUE TO CLEARING 0.00 214.00  
711440 ENGINEER REVIEW FEES 214.00

**TOTALS FOR TRUST 0.00 0.00 214.00 214.00**

**TOTAL TRUST ACCOUNT BILLS \$214.00**

**HOUSING TRUST ACCOUNT BILLS**

751220 RESERVES FOR COMMERCIAL DEVELOPMENT 60,000.00  
751299 DUE TO CLEARING 0.00 60,000.00

**TOTALS FOR HOUSING TRUST FUND (COAH) (Fund 75) 0.00 0.00 60,000.00 60,000.00**

**TOTAL HOUSING TRUST ACCOUNT BILLS \$60,000.00**

Total to be paid from Fund 10 CURRENT FUND 1,099,144.98  
Total to be paid from Fund 21 DOG RESERVE 408.00  
Total to be paid from Fund 30 CAPITAL 1,437.18  
Total to be paid from Fund 60 WATER/SEWER UTILITY 38,016.75  
Total to be paid from Fund 61 WATER/SEWER CAPITAL 3,995.00  
Total to be paid from Fund 71 TRUST 214.00  
Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72) 1,047.50  
Total to be paid from Fund 75 HOUSING TRUST FUND (COAH) (Fund 75) 60,000.00

1,204,263.41

206017 ELAVON - ON LINE FEES CASH - W/S OPERATING-LAKELAND #426 202.83  
3/05/2020  
201020 PAYROLL ACCOUNT 3/5 Current Pay 186,781.77 3/05/2020  
201107 PAYROLL ACCOUNT 3/5 Grant Payroll 484.55 3/05/2020  
206016 PAYROLL ACCOUNT 3/5 W/S Payroll 38,918.68 3/05/2020  
207107 PAYROLL ACCOUNT 3/5 Trust Pay 9,617.00 3/05/2020  
207107 PAYROLL ACCOUNT 3/5 Trust Pay 9,617.00 3/05/2020  
1141 ALLIED METER SERVICE INC. PO# 56416 B: METER TESTING 6.00 2/03/2020  
201018 ELAVON, INC. MAR COURT MERCHANT FEE 265.55 3/03/2020

March 9, 2020

206015 CURRENT ACCOUNT A Vough reallocate 1st 3 pays 2020 1,347.93 3/02/2020  
 206014 CURRENT ACCOUNT K Jaekel reallocate 1st 3 pays 2020 5,708.64 3/02/2020  
 42682 GREATER NEWTON CHMBR OF COMM. Reissue ck #42682 11/13/19 84 Wrea  
 6,900.00 3/02/2020  
 42318 GREATER NEWTON CHMBR OF COMM. Lost check dated 11/13/19 reissue -  
 6,900.00 3/02/2020 \*MANUAL VOID\*  
 42681 HAYEK'S MARKET INC. REPLACE VOID CK #41928 8/5/19 237.77 3/02/2020  
 41928 HAYEK'S MARKET INC. Void Lost check 41928 8/5/19 reis -237.77 3/02/2020  
 \*MANUAL VOID\*  
 201019 BANK OF NEW YORK MELLON PO# 56714 MCIA 2009 BOND INT \$4285T 30,075.00  
 2/27/2020  
 207106 CURRENT ACCOUNT PO# 56711 Pay M Richards partial retirement 12,000.00  
 2/26/2020  
 201016 JP MORGAN CHASE BANK PO# 56613 2016 GO BONDS \$4979T INTEREST 46,523.75  
 2/25/2020  
 17957 SPARTA POSTMASTER PO# 56690 W/S BILLS POSTAGE 1st qtr 954.50 2/24/2020  
 42680 TREASURER, STATE OF NEW JERSEY PO# 56651 SITE REMEDIATION LSRP ANNUAL FEE  
 3,260.00 2/24/2020  
 42679 CENTURYLINK COMMUNICATIONS, INC. PO# 56311 B: LONG DISTANCE 72.67  
 17956 ONE CALL CONCEPTS, INC. PO# 56288 B: ONE CALL MESSAGES 90.46 2/24/2020  
 17955 CENTURYLINK COMMUNICATIONS, INC. PO# 56344 B: WOODSIDE AVE PS 40.66  
 2/24/2020  
 17954 AIRGAS EAST PO# 56349 B: CARON DIOXIDE 9.90 2/24/2020

353,114.66  
 -7,137.77 \*VOIDED

345,976.89  
 Fund 10 CURRENT FUND 266,978.74 1,099,144.98 **1,366,123.72**  
 Fund 11 FEDERAL/STATE GRANTS 484.55 **484.55**  
 Fund 21 DOG RESERVE 408.00 **408.00**  
 Fund 30 CAPITAL 1,437.18 **1,437.18**  
 Fund 60 WATER/SEWER UTILITY 47,279.60 38,016.75 **85,296.35**  
 Fund 61 WATER/SEWER CAPITAL 3,995.00 **3,995.00**  
 Fund 71 TRUST 31,234.00 214.00 **31,448.00**  
 Fund 72 DEVELOPERS ESCROW (Fund 72) 1,047.50 **1,047.50**  
 Fund 75 HOUSING TRUST FUND (COAH) (Fund 75) 60,000.00 **60,000.00**

BILLS LIST TOTALS 345,976.89 1,204,263.41 **1,550,240.30**

The Clerk presented an application for an extension of premise for Newton Sports Bar & Grill LLC, 173 Spring Street, Newton to be held on Saturday, March 21, 2020 from 9am to 2am at 173 Spring Street, Newton, New Jersey.

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

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

**DISCUSSION**

There was no further discussion.

**OPEN TO THE PUBLIC**

Mayor Diglio opened the meeting to the public.

March 9, 2020

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

**COUNCIL & MANAGER COMMENTS**

Councilwoman Le Frois commended Mr. Russo and his team for the Annual Report recently disseminated to the residents of Newton.

Mr. Russo noted the Municipal Budget hearing will take place on Monday, April 13, 2020. Dr. Greene, Superintendent of Newton Public Schools, will also be in attendance to present the Newton Public Schools budget.

**EXECUTIVE SESSION** – None.

There being no further business to be conducted, upon motion of Deputy Mayor Flynn, seconded by Mrs. Le Frois and unanimously carried, the regular meeting was adjourned at 7:41 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read".

Lorraine A. Read, RMC  
Municipal Clerk