

September 15, 2021

The regular meeting of the Town Council of the Town of Newton was held in person on the above date at 7:00 pm. Present were Mr. Couce, Mrs. Diglio, Mrs. Teets, Deputy Mayor Schlaffer, Mayor Dickson, Deputy Municipal Clerk Teresa A. Oswin, and Thomas S. Russo, Jr., Town Manager. Eric Bernstein, Esq., Town Attorney, was also present.

Mayor Dickson 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".

Mayor Dickson led the Pledge of Allegiance to the flag and the Deputy Municipal Clerk called the roll.

**PRESENTATIONS**

**a. Lorraine A. Read – Retirement Plaque**

At this time, Mayor Dickson presented Mrs. Read with a plaque which was inscribed:

**TOWN OF NEWTON**  
1988-2021  
MUNICIPAL CLERK & MUNICIPAL REGISTRAR  
"FOR YOUR LOYALTY, DEVOTION & DEDICATION  
TO THE TOWN OF NEWTON  
IN APPRECIATION OF YOUR OUTSTANDING SERVICE TO  
THE COMMUNITY"

Mr. Russo stated it has been a pleasure working with Lorraine; she has been the rock of the building, stability, and kindness. She never had an ill word for anyone and she performed her statutory duties, going above and beyond to help those in need and always with a smile on her face. He congratulated Lorraine on her retirement and wished her, her husband Lou, and son Brendan much happiness in the future.

**b. Teresa A. Oswin – Municipal Clerk – Oath of Office**

Mayor Dickson swore in Teresa A. Oswin as Municipal Clerk, as her husband Bill and family held the bible.

**c. Janien N. Roberts – Registrar – Oath of Office**

Mayor Dickson swore in Janien N. Roberts as Municipal Registrar as her husband Shannon held the bible.

Mr. Russo stated it is always a blessing to be able to promote the staff from within. Janien and Terri are no exceptions. He stated he is very proud of Janien and wishes her the best with her new endeavors and he knows she will do very well. He went on to say he has mixed emotions with promoting Terri and letting her move on from his office after almost 14 years working together. His loss is the Town's gain. Terri will do a great job as Municipal Clerk. She is following in a long line of tradition and family that has served the community well. He wished both Terri and Janien the best of luck.

### **APPROVAL OF MINUTES**

Upon motion of Mrs. Diglio, seconded by Deputy Mayor Schlaffer and unanimously carried, the minutes for the August 9, 2021 Regular and the August 26, 2021 Special (with one correction noted) meetings were approved. Mr. Couce and Mrs. Teets abstained from the August 26, 2021 Special meeting minutes.

### **OPEN TO THE PUBLIC**

At this time, Mayor Dickson 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 3 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 the public to be heard, Mayor Dickson closed the meeting to the public.

### **COUNCIL & MANAGER REPORTS**

**Town Manager Russo** – started off by recognizing the Yom Kippur holiday and hopes every one of the Jewish faith has a good, easy, and meaningful fast. He offered congratulations to Kimberly and the Greater Newton Chamber of Commerce on the very successful Taste of Newton. He thanked Kimberly, Michelle, and the volunteers, Public Works, and the Police Department for all their efforts. Our next meeting will be in-person on September 27<sup>th</sup> at 7pm. At the meeting we will be promoting Tom Mueller to Lieutenant and Kenneth Teets to Sergeant.

**Councilwoman Teets** – stated she wished to echo Mr. Russo's comments on the Taste of Newton. It was great to see so many people at the event. The food was great, the weather cooperated, until it was time for cleanup, sorry to Kimberly and the DPW crew that got caught in the thunderstorms. I would personally like to thank Ms. Kimberly Williams for all the time and effort she put into making the event a success as well as the DPW crew that worked at the event, ensuring every detail was taken care of. She recommends every one attend next year.

She attended the Economic Development Council meeting last night, it was exciting to hear the Farm Store will be opening soon, (they have a cow) as well as the Weis gas station. She knows there are several other businesses and restaurants that will be opening up and we are thankful they chose the Town of Newton as their location. We all look forward to supporting our new businesses as well as the existing ones.

Some upcoming events to take note of include:

The Fall Festival on October 10<sup>th</sup>

Trunk or Treat on October 30<sup>th</sup>

The Holiday Parade on November 27<sup>th</sup>

The Tree Lighting on December 3<sup>rd</sup>

She attended the 9/11 Memorial Ceremony at the College. It was a beautiful ceremony on a nice day, just like the weather was 20 years ago. The College and the PBA Local 138, specifically Officer Mickey Kaylani, did a fantastic job and the keynote speaker was Mr. Jay Christy. Kudos to everyone who helped make it happen.

It's good to see that school is back in session and more normalcies are returning. She is also happy fall sports are underway in both the school system and the rec leagues. The Newton High School Varsity football team beat Sparta in week one to set the tone for this season.

Congratulations again to Lorraine on her retirement and to Terri and Janien as they take on their new roles and responsibilities. Good luck to all of you!

Congratulations to the Newton Pool for a successful season. Sherri, Barbara and the intern James, along with Adam and the DPW crew put a lot of time and effort into making it a success. She would also like to thank the lifeguards, because if it wasn't for them, we would not have a pool season and we appreciate their time and commitment

**Councilwoman Diglio** – she also attended the Taste of Newton and volunteered at the event. She thanked Kimberly Williams for all her hard work putting this affair together as well as Michelle who is the Director of the GNCC, the committees, DPW, and Police. It was a great night with dining and music. She attended the Prime Time Seniors meeting today. She encourages all seniors to attend. They are held the first and third Wednesdays of every month. It is a great opportunity for the seniors to socialize, play games, and to attend different events. She was unable to attend Lt. Monaco's final walkout. She has known Michael since he was a boy and wants to wish him the best of luck in his retirement and full recovery. Finally, she wants to congratulate Lorraine on her retirement, Terri on her promotion to Municipal Clerk, and Janien on her promotion to Registrar.

**Councilman Couce** – in addition to the Taste of Newton, 9/11 Memorial Ceremony, and the movie nights, he did attend Lt. Monaco's walkout. He has worked with Mike since he joined the Newton First Aid Squad about 15 years ago; he was always his favorite officer. As Mrs. Diglio alluded to, Mike is battling pancreatic cancer. Anyone wishing to show support for his cause, they are selling wrist bands in dispatch. He did attend the BOE meeting last evening, however is ended after about 15 minutes on an issue about the mask mandates. The meeting has been rescheduled to be held virtually on September 21<sup>st</sup>. The only item to report is the Board and the teacher's union is still in the middle of contract negotiations and there really hasn't been much movement in that area.

**Deputy Mayor Schlaffer** – nothing to report.

**Mayor Dickson** – read the following statement: “With the rise in COVID cases, the County has gone back to daily reporting. As of September 15<sup>th</sup> the Sussex County Division of Health reports 49 additional cases of COVID-19 among County residents, for a total number of 16,017 confirmed cases. Of the 16,017 cases, 15,245 cases have been classified as recovered. The current total of deaths within the county is 317. For information on vaccine or COVID testing locations you can visit [Sussex.nj.us](https://Sussex.nj.us) and click on the COVID-19 link.

On September 7<sup>th</sup> I participated in the County health monthly conference call. The week ending 9/3, there were a total of 229 cases, 20% younger than 18, but only 6% were 70 and older. June and July only saw 2 COVID related hospitalizations each month. In August there were 31 hospitalizations and the first week of September had 4. The County announced that there will be 8 clinics this fall, throughout the County offering flu vaccines by appointment and walk-in COVID vaccines. More information can be found at [Sussex.nj.us](https://Sussex.nj.us)

On September 8<sup>th</sup> I attended the retirement walkout for Lt. Monaco. Congratulations to Lt. Monaco and thank you for your 31 years of dedicated service. Your knowledge and devotion to serving the Town of Newton will be missed.

On Sept. 11th I attended the 9/11 Remembrance Ceremony at SCCC. It was a moving and poignant ceremony that reminded us that day began as just any other day, and to cherish those little moments and those you love. Thank you to SCCC, PBA Local 138, the Newton Police Department, the Newton Fire Department, the Newton First Aid Squad, Newton VFW Post 5360, and our local Boy and Girl Scout troops for being part of the ceremony.

On Monday I attended the GNCC's Annual Taste of Newton. It was a wonderful return of the event. There was fantastic food and great music from the band “Captains of Leisure”. Thank you to Kimberly Williams, the GNCC, and all the restaurants for making the event such a success, and all the sponsors for making the event possible.”

**UNFINISHED BUSINESS** – None.

**ORDINANCES** –

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

**ORDINANCE 2021-18**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 266 OF THE TOWN CODE OF TOWN OF NEWTON, ENTITLED “STREETS AND SIDEWALKS”, MOST NOTABLY ARTICLE I, “SNOW AND ICE REMOVAL” BY ADDING A NEW SECTION 266-5, ENTITLED “VIOLATIONS AND PENALTIES”**

Mayor Dickson opened the meeting to the public.

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

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

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

September 15, 2021

Mayor Dickson      Yes

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

The Clerk will advertise the above Ordinance according to law.

**CONSENT AGENDA**

Mayor Dickson read the following statement:

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

Mr. Russo reviewed the consent agenda items.

**RESOLUTION #177-2021\***

**“Resolution Appointing Janien N. Roberts as Local Registrar Effective September 1, 2021”**

**WHEREAS**, Lorraine A. Read, the Local Registrar for the Town of Newton, retired effective August 30, 2021; and

**WHEREAS**, Janien N. Roberts, has completed the requisite courses and testing and has achieved the title of “Certified Municipal Registrar” by the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Janien N. Roberts, CMR is hereby appointed as the Local Registrar for the Town of Newton for a three (3) year term effective September 1, 2021 to August 31, 2024.

**RESOLUTION #178-2021\***

**“Resolution Appointing Teresa A. Oswin as Municipal Clerk Effective September 1, 2021”**

**WHEREAS**, N.J.S.A. 40A:9-133 provides “in every municipality there shall be a Municipal Clerk appointed for a three (3) year term by the governing body of the municipality” and also provides “no person shall be appointed or reappointed as a Municipal Clerk unless that person holds a Registered Municipal Clerk certificate issued pursuant to section 3 or section 4 of P.L.1985”; and

**WHEREAS**, N.J.S.A. 40A:9-133 provides “the term of a Municipal Clerk shall be deemed to have begun as of the actual date upon which a person serving as Municipal Clerk is appointed”; and

**WHEREAS**, there will be a vacancy in the office of Municipal Clerk of the Town of Newton effective August 31, 2021; and

**WHEREAS**, the Town Council desires to appoint Teresa A. Oswin, a Registered Municipal Clerk, as Municipal Clerk to commence on September 1, 2021 for a three (3) year term;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Teresa A. Oswin is hereby appointed Municipal Clerk of the Town of Newton for a three (3) year term effective September 1, 2021, in accordance with the provisions of N.J.S.A. 40A:9-133.

**RESOLUTION #179-2021\***

**“Authorize Cancellation and Refund of Taxes; Block 22.10, Lot 9, for a 100% Disabled Veteran Exemption”**

**WHEREAS**, Lawrence Pittenger owns Block 22.10, Lot 9, also known as 49 Sussex Street, Newton, New Jersey; and

**WHEREAS**, the Municipal Tax Assessor has granted a 100% Disabled Veteran Tax Exemption on April 7, 2021 for the property owned by Lawrence Pittenger; and

**WHEREAS**, a portion of the 2<sup>nd</sup> quarter taxes need to be refunded and a portion of the 2<sup>nd</sup> quarter and the entire portion of the 3<sup>rd</sup>, and 4<sup>th</sup> quarter property taxes need to be cancelled; and

**WHEREAS**, the Tax Collector has determined the portion of the 2<sup>nd</sup> quarter taxes to be refunded is \$1,030.41 and the portion of the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter taxes to be cancelled is \$5,815.75;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body acknowledges that a portion of the 2<sup>nd</sup> quarter taxes need be refunded and 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter taxes need be cancelled; and

**BE IT FURTHER RESOLVED**, that the Collector be authorized to cancel the taxes in the total amount of \$5,815.75 and that the Treasurer be authorized to issue a check in the total amount of \$1,030.41 to Lawrence Pittenger, 49 Sussex Street, Newton, NJ 07860.

**RESOLUTION #180-2021\***

**“Authorize Cancellation of Taxes; Block 4.05, Lot 7, for a 100% Disabled Veteran Exemption”**

**WHEREAS**, Glenn Zanetti owns Block 4.05, Lot 7, also known as 36 Hillside Avenue, Newton, New Jersey; and

**WHEREAS**, the Municipal Tax Assessor has granted a 100% Disabled Veteran Tax Exemption on March 3, 2021 for the property owned by Glenn Zanetti; and

**WHEREAS**, the 3<sup>rd</sup> and 4<sup>th</sup> quarter property taxes for Block 4.05, Lot 7 need to be cancelled; and

**WHEREAS**, the Tax Collector has determined that the amount of the 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes to be cancelled is \$3,710.37;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body acknowledges that the 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes need be cancelled; and

**BE IT FURTHER RESOLVED**, that the Collector be authorized to cancel the taxes in the total amount of \$3,710.37.

**RESOLUTION #181-2021\***

**“Authorize Refund of Taxes; Block 14.03, Lot 11.01, for Property Exemption”**

**WHEREAS**, Block 14.03, Lot 11.01, also known as 30 Madison Street, Newton, NJ is owned by CCI Foundation, Inc.; and

**WHEREAS**, CCI Foundation, Inc. filed an appeal to the County of Sussex; and

**WHEREAS**, based on a Memorandum of Judgment from the County of Sussex, full exemption was approved for 2021; and

**WHEREAS**, CCI Foundation, Inc. had paid the 1<sup>st</sup> quarter taxes for 2021 in full; and

**WHEREAS**, a refund is due to CCI Foundation, Inc. in the amount of \$2,282.27 for 1<sup>st</sup> quarter taxes and the remaining year taxes are to be cancelled in the amount of \$6,989.22;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to CCI Foundation, Inc in the amount of \$2,282.27 and the remaining taxes have to be cancelled; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be directed and authorized to refund the tax overpayment in the amount of \$2,282.27 to CCI Foundation, Inc. 182 Rt. 185 Stanhope Rd., Stanhope, NJ 07874 and cancel the remaining taxes.

**RESOLUTION #182-2021\***

**“To Cancel Grant Receivable and Appropriated Reserve for Unrealized Municipal Alliance Grant 2019/2020”**

**WHEREAS**, the Town of Newton received an award in the amount of \$18,409.00 from the State of New Jersey Governor's Council on Alcoholism and Drug Abuse through the County of Sussex which was appropriated in the 2019 Municipal Budget for a Municipal Alliance Grant; and

**WHEREAS**, the total amount of the award was not utilized because of the Coronavirus. The costs of expended and approved total \$8,670.83; and

**WHEREAS**, there is a grant receivable balance of \$9,738.17 due from the County of Sussex, State of New Jersey for Municipal Alliance on the Federal and State Grant Balance Sheet and an appropriation reserve of the same amount; and

**WHEREAS**, it is necessary to formally cancel the receivable and appropriation balances;

**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 receivable and appropriated reserve balance:

**Federal & State Grant Fund**

Grant Receivable – Municipal Alliance	\$ 9,738.17
Appropriated Reserves – Municipal Alliance Grant	\$ 9,738.17

**RESOLUTION #183-2021\***

**“Accept and Approve Corrective Action Plan for 2020 Audit”**

**WHEREAS**, a Corrective Action Plan for the Audit Report Year of 2020 has been prepared and filed by Chief Financial Officer, Monica Miebach; and

**WHEREAS**, said Plan has been reviewed by the Mayor and Council of the Town of Newton;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Newton that the Corrective Action Plan for the Audit Report Year of 2020 is accepted and approved for filing in the Municipal Clerk's Office.

**RESOLUTION #184-2021\***

**“Authorization to Provide for the Purchase of Road Salt and Snow Grit for the Department of Public Works for the Town of Newton”**

**WHEREAS**, the Town of Newton may by resolution, and without advertising for bids or obtaining quotations, purchase any goods or services under the Sussex County Cooperative; and

**WHEREAS**, the Town of Newton Department of Public Works, has the need on a timely basis to purchase goods and services utilizing Sussex County Cooperative Contracts, duly authorized under law to extend contract pricing to local units, per N.J.A.C. 5:34-7 et. Seq.; and

**WHEREAS**, in accord with N.J.S.A. 40A:11-11, the County of Sussex Cooperative Purchasing has extended pricing authorized under the cooperative for the following companies and pricing units:

<u>Rock Salt</u>	<u>Price Per Ton</u>
American Rock Salt Company, LLC PO Box 190 Mt. Morris, NY 14510	\$58.99
<u>Snow Grit</u>	
Eastern Concrete Materials, Inc. 250 Pehle Avenue, Plaza One, Suite 503 Saddle Brook, NJ 07663	\$14.50
North Church Gravel, Inc. PO Box 235 Oak Ridge, NJ 07438	\$9.50
Stavola Construction Materials 175 Drift Road Tinton Falls, NJ 07724	\$16.50

**WHEREAS**, subject to the approval of future budgets, the Chief Financial Officer has certified funds are available in the 2021 Town of Newton operating budget to award these contracts for the 2021-2022 portion of the contracts not to exceed \$30,000.

2021 Current Fund - Line item 1081239	\$30,000.00
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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton, authorizes the Town Manager and/ or his designee, to enter into a contract with approved Sussex County Cooperative Contracts extended to municipal units, pursuant to all conditions of the individual county cooperative contracts to wit: American Rock Salt Company, LLC, Eastern Concrete Materials Inc., North Church Gravel Inc. and Stavola Construction Materials at the bid prices and conditions as awarded.

**RESOLUTION #185-2021\***

**“Award the Contract for the Proposed Improvements to Elm Street, Hampton Street, and Upper Union Place to Schifano Construction, Denville Line Painting, and Campbell Foundry, through the Morris County Cooperative Pricing Council”**

**WHEREAS**, the Governing Board of the Town of Newton adopted Resolution #85-2016

on June 13, 2016 in an effort to save budgeted monies and improve services for itself by renewing membership in the Morris County Cooperative Pricing Council; and

**WHEREAS**, Schifano Construction Corporation, 1 Smalley Avenue Middlesex, New Jersey was awarded Contract #6, Road Surfacing in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

**WHEREAS**, Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey was awarded Contract #36, Traffic Striping on Roadways in the Morris County Co-op; and

**WHEREAS**, Campbell Foundry Company, 800 Bergen Street Harrison, New Jersey was awarded Contract #14, Catch Basins + Manhole Castings in the Morris County Co-op; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, has recommended Schifano Construction, Denville Line Painting, Inc., and Campbell Foundry Company, be retained for the Improvements to Elm Street, Hampton Street, and Upper Union Place in the Town of Newton, based on the Morris County Cooperative Pricing Council contract pricing:

To be awarded to Schifano Construction through the Morris County Co-op	\$67,877.25
To be awarded to Denville Line Painting through the Morris County Co-op	\$2,017.02
To be awarded to Campbell Foundry Co. through the Morris County Co-op	<u>\$1,312.00</u>
<b>Total Cost through Morris County Co-Op for the Project</b>	<b>\$71,206.27</b>

**WHEREAS**, the Chief Financial Officer as required by N.J.S.A. 40A:4-5, N.J.A.C. 5:34-5.1 et seq., hereby certifies funds are available from:

Capital Fund – Ord. #2021-7 Road Improvements – Elm Street, Hampton Street, and Upper Union Place Account #30921011

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the contract for the Improvements Elm Street, Hampton Street, and Upper Union Place in the Town of Newton is hereby awarded to Schifano Construction Corporation in the amount of \$67,877.25, Denville Line Painting, in the amount of \$2,017.02 and Campbell Foundry, in the amount of \$1,312.00 based on the Morris County Cooperative Pricing Council bid results in the total amount of \$71,206.27.

**RESOLUTION #186-2021\***

**“Authorizing the Town of Newton to Enter into an Agreement with CGP&H LLC for Administrative Agent Services Related to Affordable Housing”**

**WHEREAS**, the Town of Newton is in need for administrative agent services, which involves certain knowledge and experience in the field to administer the Town's affordable housing program; and

**WHEREAS**, the services provided by CGP&H, LLC are professional services which do not require public bidding; and

**WHEREAS**, the Town of Newton and CGP&H, LLC have determined it would be mutually beneficial to enter into an Agreement, whereby CGP&H will respond to general affordable housing inquiries, advising the Town on affordable housing requirements for new developments and also answering questions from developers about affordable housing requirements for proposed developments; and

**WHEREAS**, the Town of Newton and CGP&H, LLC desire to enter into an Agreement effective July 1, 2021 and through June 30, 2022, for an amount not to exceed \$4,000.00 per contract year; and

**WHEREAS**, the Chief Financial Officer as require by N.J.S.A. 40A:4-5, N.J.A.C. 5:34-5.1 et seq., hereby certifies funds are available from:

Reserve for Community Development (COAH) #751251 for an amount not to exceed \$4,000.00.

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

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

1. The Mayor is hereby authorized to execute this Agreement between the Town of Newton and CGP&H, LLC.
2. This Resolution shall take effect immediately.

**AND BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to CGP&H, LLC's office and New Jersey Council on Affordable Housing.

**RESOLUTION #187-2021\***

**"Insertion of Special Items of Revenue in the 2021 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948)"**

**WHEREAS**, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue and also approve the insertion of an item of appropriation of equal amount in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, the Town of Newton is the lead agency, (also including Green Township, Andover Township, and Andover Borough) for a grant in the amount of \$6,037.00 from the State of New Jersey Governor's Council on Alcoholism and Drug Abuse through the County of Sussex for Municipal Alliance Grant; and

**WHEREAS**, the grant period runs from July 1, 2021 through June 30, 2022; and

**WHEREAS**, the Town of Newton authorized the submission of the 2022 Action Alliance Grant per Resolution #96-2021 adopted April 12, 2021;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2021 Budget of the Town of Newton:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

NJ Municipal Alliance Grant .....\$6,037.00

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Program Off-Set by Revenues:

NJ Municipal Alliance Grant .....\$6,037.00

Local Match – Source:

Current:

Match Funds-Muni. Alliance: Andover Twp. & Boro., Green, Newton. \$1,509.25

**BE IT FURTHER RESOLVED** that an electronic version of this Resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION #188-2021\***

**“Authorizing the Award of a Proprietary Contract to Pall Water”**

**WHEREAS**, it has been determined the software and technology systems in place for the existing system installed by Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 at the Morris Lake Water Treatment Facility needs upgrades and repair; and

**WHEREAS**, the majority of the filtration software and components operate on a proprietary platform that was installed by Pall Water, 839 NYS Rte. 13 Cortland, NY 13045, and any upgrades must be compatible with this system; and

**WHEREAS** N.J.S.A. 40A:11--5(dd) provides goods or services may be purchased by an authorizing resolution of the Governing Body without public bidding if such goods or services are for the purchase, support, or maintenance of proprietary software; and

**WHEREAS**, Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 has provided a proposal to the Morris Lake Water Treatment Facility to furnish, install, maintain, upgrade, and support the same in the amount of \$28,313.00; and

**WHEREAS**, The Qualified Purchasing Agent has certified that the amount is in excess of the Pay to Play threshold, (N.J.S.A 19:44A-20.5 et. Seq.); and

**WHEREAS**, Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 has provided the business entity disclosure and political contribution disclosure form in accord with statute; and

**WHEREAS** the Chief Financial Officer hereby certifies sufficient funds in the 2021 budget, will be encumbered of \$28,313.00 as follows:

**Account name and number:**

<b>WS Capital Outlay</b>	<b>6089293</b>	<b>\$17,000.00</b>
<b>W Contract Maintenance</b>	<b>6044217</b>	<b>\$11,313.00</b>

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton does hereby authorize an agreement with Pall Water, 839 NYS Rte. 13 Cortland, NY 13045 for the maintenance and software upgrade contract of existing system components at the Morris Lake Water Treatment Facility in the amount of \$28,313.00;

**BE IT FURTHER RESOLVED**, the Business Entity Disclosure and Political Contribution Disclosure forms are on file and available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION #189-2021\***

**“Refund of Monies for Taxes, Due to a State Tax Court Judgment for Block 5.01, Lot 11, also known as 20 Water Street”**

**WHEREAS**, Thomas Olson, Esq., the attorney representing New Jersey Herald, the former owner of Block 5.01, Lot 11, also known as 20 Water Street, Newton, New Jersey filed a State Tax Court Appeal to lower the 2019 assessment on said block and lot; and

**WHEREAS**, the Tax Office received, on July 15, 2021, a judgment which has been issued by the State Tax Court ordering a reduction in assessment for the tax year 2019. This order has resulted in a refund of monies in the total amount of \$28,317.61;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that this judgement entered by the Tax Court of New Jersey and New Jersey Herald is entitled to a refund in the amount of \$28,317.61; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to issue a check in the amount of \$28,317.61 to McKirdy, Riskin, Olson & DellaPelle, P.C. Attorney Trust Account, Attn: Thomas Olson, Esq., 201 Littleton Rd., Suite 135, Morris Plains, NJ 07950.te Town Officials.

**RESOLUTION #190-2021\***

**“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;

**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 following accounts for amounts billed incorrectly due to the reason(s) stated:

**CREDIT FOR ACCOUNTS THAT SHOULD BE IN FINAL STATUS:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10979	164 Main Street	\$75.00
16096	82 Merriam Avenue	\$75.00

**RESOLUTION #191-2021\***

**“APPROVE BILLS AND VOUCHERS FOR PAYMENT”**

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2020 and 2021 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

**List of Bills - CLEARING/CLAIMS**

Meeting Date: 09/15/2021 For bills from 08/27/2021 to 09/08/2021

<b>Check#</b>	<b>Vendor Description Payment</b>	<b>Check Total</b>
4409	AA FENCE CO., INC. ....	6,900.00
4410	ALLIED 100 LLC .....	550.00
4411	BADGER METER, INC. ....	162.90
4412	BOONTON TIRE SUPPLY INC. ....	1,731.42
4413	BUCKMAN'S INC. ....	2,539.15
4414	CARR, JOSEPH .....	200.00
4415	CENTURYLINK COMMUNICATIONS, INC. ....	125.85
4416	CONDOR CREATIONS .....	360.00
4417	COUNTY OF SUSSEX .....	780.00
4418	COUNTY OF SUSSEX .....	8,509.00
4419	DECOTIIS, FITZPATRICK, COLE& GIBLIN, .....	271.50
4420	DEMPSEY UNIFORM & SUPPLY INC .....	1,412.44
4421	DOMINICK'S PIZZA LLC .....	201.48
4422	ERIC M. BERNSTEIN & ASSOCIATES, LLC. ....	169.00
4423	FARMSIDE LANDSCAPE & DESIGN INC .....	580.00
4424	GALLS, LLC .....	278.98
4425	GRAVITY DESIGN WORKS, INC.....	2,900.00
4426	HAMBURG PLUMBING SUPPLY CO INC .....	166.55

4427	HAYEK'S MARKET INC. ....	786.25
4428	HFE SERVICES LLC .....	2,066.00
4429	HOLLAND COMPANY, INC. ....	6,626.40
4430	INST FOR FORENSIC PSYCHOLOGY, INC. ....	1,200.00
4431	J & D SALES & SERVICE,LLC. ....	190.00
4432	J. CALDWELL & ASSOCIATES, LLC. ....	1,812.50
4433	JAFFE COMMUNICATIONS .....	1,000.00
4434	JCP&L .....	18,417.15
4435	JOHNNY ON THE SPOT, LLC. ....	541.25
4436	KATIE'S HOUSE, INC. ....	109.25
4437	KERRY BARRETT CONSULTING LLC .....	1,400.00
4438	KIEFFER ELECTRIC, INC. ....	1,590.53
4439	KKPR MARKETING & PUBLIC RELATIONS, .....	685.00
4440	KOWAL GREG .....	925.00
4441	MACKENZIE AUTOMATIC DOORS .....	1,442.30
4442	MAIN POOL & CHEMICAL COMPANY, INC. ....	7,844.70
4443	MGL FORMS - SYSTEMS, LLC. ....	1,129.35
4444	MID-AMERICAN ELEVATOR CO., INC. ....	480.00
4445	MONTAGUE TOOL & SUPPLY, INC. ....	748.76
4446	NJLM .....	260.00
4447	ONE CALL CONCEPTS, INC. ....	115.82
4448	OPTIMUM .....	121.35
4449	PASSAIC VALLEY SEWERAGE COMM. ....	8,235.00
4450	PELLOW, HAROLD & ASSO, INC. ....	6,413.24
4451	PELLOW, HAROLD & ASSO, INC. ....	4,901.78
4452	PLANET NETWORKS INC. ....	2,129.57
4453	PROFESSIONAL CONSULTING INC. ....	495.00
4454	QUILL CORPORATION .....	288.93
4455	RACHLES/MICHELE'S OIL COMPANY, INC.....	5,967.45
4456	READY REFRESH BY NESTLE .....	285.25
4457	RICCIARDI BROTHERS, INC. ....	900.00
4458	S K OFFICE SUPPLY INC. ....	210.00
4459	SF MOBILE-VISION, INC. ....	7,796.25
4460	SHOP RITE, INC. ....	41.66
4461	SMITH LAURA .....	105.00
4462	SOME'S WORLD WIDE UNIFORMS, INC. ....	95.00
4463	SPECTROTEL .....	590.26
4464	STAPLES .....	417.44
4465	SUBURBAN CONSULTING ENGINEERS, INC. ....	1,875.00
4466	T.A. MOUNTFORD COMPANY, INC. ....	250.00
4467	TAYLOR OIL CO., INC. ....	2,118.63
4468	TIRE KING, INC .....	6,174.02
4469	TONY'S CONCRETE CONSTR CO, INC .....	458.28
4470	TOPOLOGY NJ, LLC. ....	1,850.00
4471	UNITED SITE SERVICES,INC .....	15,980.75
4472	VERIZON WIRELESS, INC. ....	209.17
4473	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC, .....	1,440.00
4474	WALMART .....	235.05
4475	WEIS MARKETS, INC. ....	7.00
4476	WITMER PUBLIC SAFETY GROUP, iINC. ....	355.00

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TOTAL ..... 147,154.61

**CHECKS PREVIOUSLY DISBURSED**

4408	OFFICE BUSINESS SYSTEMS INC .....	2,613.00	9/08/2021
211077	PAYROLL ACCOUNT .....	225,717.22	9/02/2021
211132	PAYROLL ACCOUNT .....	890.92	9/02/2021
216044	PAYROLL ACCOUNT .....	41,782.64	9/02/2021
217134	PAYROLL ACCOUNT .....	8,982.75	9/02/2021
217135	ELAVON - ON LINE FEES ELAVON ONLINE FEES .....	225.18	9/02/2021
211078	ELAVON, INC. ....	66.84	9/02/2021
4407	GNCC .....	920.00	9/01/2021

211076	BANK OF NEW YORK MELLON MCIA .....	427,375.00	9/01/2021
2291	TRYSTONE CAPITAL ASSETS LLC REDEEM TSC#2019-014 .....	4,414.73	8/31/2021
313	TRYSTONE CAPITAL ASSETS LLC REDEEM TSC#2019-014 .....	1,200.00	8/31/2021
1574	WELLS FARGO LEGAL DEPT check returned stale dated - .....	612.50	8/27/2021 MANUAL VOID*
1663	DEBROUX, BRIAN .....	70.00	8/27/2021 MANUAL VOID*
1363	WOODMONT PROPERTIES REFUND ESCROW BAL void .....	-340.24	8/27/2021 MANUAL VOID*
1369	WOODMONT PROPERTIES .....	340.24	8/27/2021
4404	CUFF MAUREEN PO# 58394 REIMB FINGER PRINTING .....	23.25	8/27/2021
4405	DEBROUX, BRIAN .....	70.00	8/27/2021
4406	WELLS FARGO LEGAL DEPT .....	612.50	8/27/2021
17985	SPARTA POSTMASTER .....	925.06	8/26/2021
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Subtotal	.....	716,159.33	
		-1,022.74	*VOIDED
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Total Previously Disbursed	.....	715,136.59	

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

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

**RESOLUTION**

**RESOLUTION #175-2021**

**“Amending Local Emergency Planning Committee for Calendar Year 2021”**

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

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

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

Kenneth A. Teets	Emergency Management Coordinator
Daniel Finkle	Deputy Emergency Management Coordinator
Jason Miller	Deputy Emergency Management Coordinator
Acting Chief Steven VanNieuwland	Newton Police Department
Thomas S. Russo, Jr.	Newton Town Manager
Mike Razzano, Chief	Newton Fire Department
John-Paul Couce, Captain	Newton Vol. First Aid and Rescue Squad
Kenneth Jaekel	Newton Public Works Supervisor
Adam Vough	Assistant Newton Public Works Supervisor
Joseph Carr	Licensed Water and Sewer Operator
Teresa Oswin	Deputy Town Manager/Municipal Clerk

September 15, 2021

Kimberly Williams  
Joseph Butto  
Dr. Kennedy Greene

Community Development Director  
Newton/Hardyston Construction Official  
Newton School Superintendent

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

A motion was made by Mrs. Diglio to approve **RESOLUTION #175-2021** and seconded by Deputy Mayor Schlaffer and roll call resulted as follows:

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

**RESOLUTION #176-2021**

**“Concur with the Town Manager’s Appointment of School Crossing Guards for 2021-2022 School Year”**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2021-2022 school year:

- Cindy Bailey
- Carol Blanchard
- Peter Cannarozzi
- Carolyn Dipple
- Edward Kampka
- Harry Kaplan
- Pete Kays
- Dale MaBee
- Sue Mihail
- Barbara Phillips
- Charles Reynolds Jr.
- George Seyfarth
- Louis Slamer
- Ruth Stang
- Steve Stoll
- Robert Teets

September 15, 2021

A motion was made by Mrs. Diglio to approve **RESOLUTION #176-2021** and seconded by Deputy Mayor Schlaffer and roll call resulted as follows:

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

**DISCUSSION** – None.

**OPEN TO THE PUBLIC**

Mayor Dickson opened the meeting to the public.

Margaret Baldini, 10 Barry Lane asked Mr. Russo to review the promotions in the Police Department.

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

**COUNCIL & MANAGER COMMENTS**

Mr. Russo explained Tom Muller is being promoted from Sergeant to Lieutenant and Ken Teets is being promoted from Patrolman to Sergeant. Those are the two promotions for the September 27<sup>th</sup> meeting. Tomorrow's livestream guest is Dr. Greene, it takes place at 10:30 am on Facebook Live. Next week's guest is Deputy Mayor Jason Schlaffer. Just a reminder, Fall Fest is Sunday, October 10<sup>th</sup> from 11 am to 4 pm. That morning at 10 am there will be the ribbon cutting on the Rail-Trail project. He will give the exact location.

**EXECUTIVE SESSION** – None.

There being no further business to be conducted, upon motion of Mrs. Teets seconded by Mr. Couce and unanimously carried, the regular meeting was adjourned at 7:26 pm.

Respectfully submitted,

Teresa A. Oswin, RMC  
Municipal Clerk