

August 9, 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, Mayor Dickson, and Thomas S. Russo, Jr., Town Manager. Eric Bernstein, Esq., Town Attorney, was also present. Deputy Mayor Schlaffer attended via telephone.

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. Upon motion of Mrs. Diglio, seconded by Mrs. Teets and unanimously carried, the minutes for July 12, 2021 Regular meeting were approved.

### **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** – Mr. Russo congratulated Terri Oswin on her new position as Municipal Clerk. Stating his loss is the Town's gain. He then introduced Kerry Brown, the new Planning & Zoning Administrator. Kerry stood and introduced herself and gave a brief overview on her experience. She has been working in the public sector for twenty-four years, the last fourteen in Chester Borough where she did Planning, Zoning, Construction, and Property Maintenance. Mr. Russo stated Kerry comes with a lot of experience. Today they toured the Town and interviewed a candidate to serve as Kerry's Administrative Assistant.

Mr. Russo noted we are not video recording the meeting tonight. We are looking to go wireless and upgrade our equipment to a hybrid in-person/remote model allowing the Town to livestream the meetings in the future.

**Councilwoman Teets** – Offered congratulations to Terri on her promotion, and a welcome to Kerry.

She then read the following statement: "Congratulations to LG Deli and Grill that opened at 131 Spring Street and also Main Squeeze Smoothie and Juice Bar that opened up at 207 Spring Street. I wish both of these new businesses much success and ask the community to support these local businesses.

I attended the Jim Breuer Comedy Show last night at the Newton Theater. There was a great crowd and it was the second show of the evening. It was nice to be out locally at a great venue and having some laughs.

August 9, 2021

I attended the movie, "Onward" at the park on July 30<sup>th</sup>. There was a decent turnout. The night did get very brisk but some families were well prepared with blankets, pillows and pajamas.

The Town Wide Garage Sales appeared to be well attended this past weekend. I think the weather was good to us and I hope all of the residents who participated were successful.

Some of the Upcoming Events to remind everyone about:

Concert under the Stars on August 14<sup>th</sup>, Luke and the Troublemakers from 7 – 9pm and then fireworks so be sure to bring the family and maybe some blankets as the night gets later.

The next Outdoor Movie Night on August 27<sup>th</sup> at 8:00 PM featuring Disney's Raya, The Last Dragon.

Taste of Newton on Monday September 13<sup>th</sup> at 5:30 in the Central Plaza Lot, Lot #4. There will be live music and a cash bar. I hope to see everyone there

Fall Festival and Car Show on October 10, 2021."

**Councilwoman Diglio** – Offered congratulations to Terri on her promotion, and welcomed Kerry. On July 21<sup>st</sup> she attended the reorganization meeting of the Prime Time Seniors. She is happy to report they now have a slate of officers and she helped setup several committees. They meet the first and third Wednesday of each month. They are looking to increase membership. She hopes more Seniors will get involved.

On July 28<sup>th</sup> she attended Lorraine Read's retirement party. It was a very nicely done affair, and she thanks Tom and those who helped to organize it.

On August 4<sup>th</sup> the Prime Time Seniors met again and she help set up the remaining committees. At this point they are looking to increase the number and type of events they will host.

She said she participated in the Town Wide Garage Sale. It was a great event. She enjoyed meeting and talking to new people. She is glad Newton is providing events for people to get out of the house.

Lastly, she is looking forward to the Fireworks.

**Councilman Couce** – Offered congratulations to Terri on her promotion, and a welcome to Kerry. He stated he attended the recent Board of Education meeting where the issue of the mascot and logo was discussed. A great discussion on both sides, no decision has been made so far.

The Board provided an updated return to school plan, however Gov. Murphy has issued some changes so the plan may have to be updated even further with the new mask mandate. The next meeting is August 27<sup>th</sup>.

**Deputy Mayor Schlaffer** – nothing to report at this time.

**Mayor Dickson** – Mayor Dickson read from a prepared statement:

"The Sussex County Division of Health stopped daily COVID-19 reports in the beginning of July and now reports on a weekly basis. There has been a rise of cases from that first weekly report of 23 cases to last weeks report which was as follows

From July 30, 2021 to August 06, 2021 the Sussex County Division of Health reported 137 additional cases of COVID-19 among County residents, for a total number of 14,909 confirmed cases. Of the 14,909 cases, 14,331 cases have been classified as recovered. 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.

Last Thursday I participated in a Mayor's conference call with Congressman Gottheimer. The Congressman provided updates to the legislation concerning both the bipartisan infrastructure bill and the bill to repeal the SALT deduction cap.

On Saturday I participated in the 6th Annual Changing the Face of Addiction Walk. This was my 4th time participating in this event. Over \$80,000 was raised for The Center for Prevention & Counseling to help them in the important work they do not only here in Newton but throughout the county.

We have two new businesses that opened this past month. Main Squeeze Smoothie and Juice Bar, located at 207 Spring St. I stopped by and had the main squeeze smoothie and it was delicious. Stop in and support this veteran owned local business. LG Deli and Grill, located at 131 Spring St opened last week, I stopped in and had lunch and I look forward to going back for breakfast. Please support these and all our wonderful local businesses.

With Summer ending and Fall being upon us, keep in mind that we will have exciting events like the return of the Taste of Newton and our annual Fall Festival. The Taste of Newton event will take place on Monday, September 13<sup>th</sup> at 5:30pm (Rain date September 20<sup>th</sup>). There is a new location this year; Central Plaza Parking Lot #4 (Trinity St across from Town Hall). 2021's theme is, "From The Garden" featuring locally-grown produce! Tickets are on sale now and a link can be found on the Chamber's website [greaternewtoncc.com](http://greaternewtoncc.com)"

**UNFINISHED BUSINESS** – None.

**ORDINANCES** –

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

**ORDINANCE NO. 2021-15**

**AN ORDINANCE PROVIDING FUNDING FOR VARIOUS WATER AND SEWER UTILITY IMPROVEMENTS FOR THE TOWN OF NEWTON AND APPROPRIATING \$485,000 FOR SUCH PURPOSE**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Town of Newton, in the County of Sussex, New Jersey, authorizes various water and sewer utility improvements to be undertaken, including but not limited to chemical mitigation testing of a chlorine dioxide system at the Water Treatment Plant, Pump Station Improvement Program Study for Sussex Street, Merriam Avenue, Woodside Avenue, Memory Park and Sparta Avenue pump stations, Electrical Plant Power Study at Wastewater Treatment Plant, and Phase I of Sewer Line Renovations for the Town of Newton to be funded from the sources specified in Section 2 of the Ordinance.

**Section 2.** The amount of \$485,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Reserve for LFRF (Local Fiscal Recovery Fund) - APR (American Recovery Plan) 2021 in the amount of \$419,668.57 and Water/Sewer Capital Improvement Fund in the amount of \$65,331.43.

**Section 3.** In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Town determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Town of Newton may lawfully make as a general improvement.

**Section 4.** All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon due passage and publication according to law.

Mayor Dickson opened the meeting to the public.

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

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

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

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

Mr. Russo stated for the record the outline of the \$485,000. \$100,000 is for the TTHM/HAA5 mitigation, \$30,000 is for the pump station improvement program, \$70,000 is the plant power study at the sewer plant, \$285,000 for sewer line repairs, first phase, \$419,668.57 comes out of Federal funds and \$65,331.43 comes out of the W/S Capital Improvement Fund.

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

**ORDINANCE # 2021-16**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,803,300 FOR THE CONSTRUCTION OF SPARTA AVENUE PUMP STATION IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,243,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$3,803,300, such sum includes \$560,300 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey

Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$3,243,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$3,243,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the construction of Sparta Avenue Pump Station, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Town Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$3,243,000.

(c) The estimated cost of the Improvement is \$3,803,300 which amount represents the initial appropriation made by the Town.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Town Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Town Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$3,243,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with

respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$3,243,000.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Dickson opened the meeting to the public.

There being no one from the public to be heard, upon motion of Mrs Diglio, seconded by Mrs. Teets 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
	Mayor Dickson	Yes	

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

Mr. Russo noted for the record estimated constructions costs are \$3,243,000, design and permitting costs are \$236,000, construction administration \$324,300 totaling \$3,803,300. Issuing debt in the amount of \$3,243,000 with a balance of \$560,300 is fully funded from, the W/S Capital Improvement Fund and we are pursuing USDA funding for the project.

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

**ORDINANCE 2021-17**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 100 OF THE NEWTON TOWN CODE, ENTITLED "FEES AND COSTS" TO ADD A NEW SECTION, SECTION 100-25, ENTITLED "RECREATIONAL CANNABIS TAX" AND TAXING THE CULTIVATION, PROCESSING, DISTRIBUTION, AND RETAIL SALE OF LEGAL CANNABIS WITHIN THE TOWN OF NEWTON**

**WHEREAS**, the Town Council of the Town of Newton introduced Ordinance 2021-12 to regulate legal cannabis as to the processing, sales, and distribution within the Town of Newton as per P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act") at its meeting on June 14, 2021; and

**WHEREAS**, the Town Council of the Town of Newton at its meeting on June 28, 2021 adopted Ordinance 2021-12 permitting the growing, manufacturing, wholesaling,

distribution, retail sales, and delivery of recreational cannabis as conditional uses in the Town of Newton; and

**WHEREAS**, the enabling legislation enacted by the Legislature of the State of New Jersey, included the enactment of N.J.S.A. 40:48I-1, which permits the Town of Newton to adopt transfer and user taxes for the growing, manufacturing, wholesale, distribution, retail sale, and/or delivery of recreational cannabis;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Chapter 100 of the Town of Newton Code is hereby amended, revised, and supplemented by the addition of a new Section 100-25, entitled "Recreational Cannabis Tax" as follows:

**SECTION 1**

**§100-25 – RECREATIONAL CANNABIS TAX**

A. As used in this section:

1. "Cannabis" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
2. "Cannabis cultivator" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
3. "Cannabis establishment" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
4. "Cannabis items" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
5. "Cannabis manufacturer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
6. "Cannabis retailer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
7. "Cannabis wholesaler" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
8. "Consumer" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).
9. "Premises" means the same as that term is defined in section 3 of P.L.2021, c. 16 (N.J.S.A. 24:6I-33).

B. A transfer tax on the sale of recreational cannabis and cannabis items is hereby established on the following transactions.

1. Sale of cannabis by a cannabis cultivator to another cannabis cultivator.
2. Sale of cannabis items from one cannabis establishment to another cannabis establishment.
3. Retail sales of cannabis items by a cannabis retailer to retail consumers who are twenty-one (21) years of age or older; and/or,
4. Any combination thereof.

- C. The following transfer tax rates shall apply to all sales of recreational cannabis and cannabis items:
1. Two percent (2%) of the receipts from each sale by a cannabis cultivator;
  2. Two percent (2%) of the receipts from each sale by a cannabis manufacturer;
  3. One percent (1%) of the receipts from each sale by a cannabis wholesaler;
  4. Two percent (2%) of the receipts from each sale by a cannabis retailer.
- D. A user tax on any concurrent license holder operating more than one (1) cannabis establishment is imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph B above of this Ordinance, from the license holder's establishment that is located in the Town of Newton to any of the other license holder's establishments, whether located in this Town of Newton or another municipality.
- E. The following user tax rates shall apply to all transfers by a concurrent license holder of cannabis items to any of the other license holder's establishments:
1. Two percent (2%) on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (C) above of this Ordinance by a cannabis cultivator;
  2. Two percent (2%) on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (C) above of this Ordinance by a cannabis manufacturer;
  3. One percent (1%) on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (C) above of this Ordinance by a cannabis wholesaler;
  4. Two percent (2%) on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (C) above of this Ordinance by a cannabis retailer.
- F. This Ordinance shall be interpreted and administered in accordance with N.J.S.A. 40:48I-1, as the same may be amended, revised, and/or supplemented from time to time.

## **SECTION 2**

### **SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

## **SECTION 3**

### **NOTICE**

The Town Clerk is hereby directed to give notice of the second (2<sup>nd</sup>) reading of this Ordinance pursuant to law. Upon adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of

this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 4**

**EFFECTIVE DATE**

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

Mayor Dickson opened the meeting to the public.

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

Mr. Couce asked Mr. Bernstein if this was the maximum cap permitted by law. Mr. Bernstein advised it is, at this time.

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
	Mayor Dickson	Yes	

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

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

**TOWN OF NEWTON**

**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"**

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

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

**BE IT RESOLVED** by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on the same to be held on Wednesday, September 15, 2021.

**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 #155-2021\***

**“Renewal of Plenary Retail Consumption Licenses”**

**WHEREAS**, on July 13, 2021, the Town of Newton received a special ruling from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Alcoholic Beverage Control, permitting the renewal of an inactive license, pursuant to N.J.S.A. 33:1-12.39 for the 2021-2022 and 2022-2023 License terms for License No. 1915-33-009-005 for License Name: The Spring Street Pub & Grill: Docket No. 07-21-531; Job No. 459155; and

**NOW, THEREFOR BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License is renewed for licensing year 2021-2022:

**No. 1915-33-009-005** be issued to The Spring Street Pub & Grill LLC, t/a The Spring Street Pub & Grill LLC, 144 Spring Street, Newton, New Jersey.

**RESOLUTION #156-2021\***

**“Authorize the Award of a Required Disclosure Contract for KKPR Marketing and Public Relations”**

**WHEREAS**, the Town of Newton has a need to maintain an informative website, promote its marketing events through social media and other venues, and ensure the public is well informed regarding events sponsored by the Town of Newton, by KKPR Marketing and Public Relations, through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Sean Canning, Q.P.A., Newton's Qualified Purchasing Agent, has determined and certified in writing the value of this contract will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is for the 2021 calendar year (s); and

**WHEREAS**, the services of KKPR Marketing and Public Relations in the aggregate is expected to be in excess of the pay to play threshold of \$17,500.00; and

**WHEREAS**, KKPR Marketing and Public Relations has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies KKPR Marketing and Public Relations has not made any reportable contributions to a political or candidate committee in the Town of Newton in the

previous one year, and the contract will prohibit KKPR Marketing and Public Relations, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer hereby certifies funds NOT TO EXCEED \$20,000.00, are available as follows:

**2021 Current Budget**

#1050244    \$8,000.00    #6051244    \$8,000.00    #1090201    \$3,750.00

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with KKPR Marketing and Public Relations not to exceed \$20,000.00 for the 2021 calendar year; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file in the Municipal Clerk's Office.

**RESOLUTION #157-2021\***

**“Resolution Authorizing the Endorsement of the NJDEP Treatment Works Approval (“TWA”) Permit Application for the Project at 121 Water Street, Newton, New Jersey”**

**WHEREAS**, Water Street Holdings, LLC has submitted Plans for the project at 121 Water Street, Newton, New Jersey and is proposing to construct two buildings for three restaurants and three buildings for apartment buildings housing one-hundred (100) units; and

**WHEREAS**, the project involves installation of approximately seven hundred eighty-eight (788) feet of new (six) 6" PVC sanitary lateral connected to the existing sewer main; and

**WHEREAS**, the NJDEP requires a Treatment Works Approval (TWA) Application be submitted to them due to the volume of discharge expected from the project; and

**WHEREAS**, the TWA requires the Town of Newton verify the project is in conformance with all Ordinances, the Town Council of the Town of Newton approves of the project, and the Town's Sewer System has adequate capacity, pursuant to N.J.A.C. 7:14A-22.8; and

**WHEREAS**, for the said proposal, Water Street Holdings, LLC has submitted a Treatment Works Approval (“TWA”) application to the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, the Municipal Sewer Engineer, Frederick J. Margron, P.E., REM, CEA of Professional Consulting, Inc., states the project is in conformance with the relevant Ordinances of the Town of Newton, the Town's Sewer System has adequate capacity to accommodate the flow from the Water Street Holdings, LLC project, and the project as presented in the NJDEP application and correspondence will not adversely affect the Town of Newton's Sewer System;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Town Manager and Deputy Town Clerk are authorized to execute the TWA application form on behalf of the Town of Newton for the said Water Street Holdings, LLC project at 121 Water Street, Newton, New Jersey.

**STATEMENT OF PURPOSE**

The purpose of this Resolution is to approve the submission of the Treatment Works Approval Application to the NJDEP for the Water Street Holdings, LLC project at 121 Water Street, Newton, New Jersey.

**RESOLUTION #158-2021\***

**“A Resolution of the Town Council of the Town of Newton Authorizing the Adoption of the 2021 Sussex County, New Jersey Hazard Mitigation Plan Update”**

**WHEREAS**, all jurisdictions within Sussex County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

**WHEREAS**, a coalition of Sussex County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Sussex County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby:

- 1) Adopts in its entirety, the 2021 Sussex County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

**RESOLUTION #159-2021\***

**“Town of Newton Certification of Annual Audit”**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

**WHEREAS**, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, the Chief Financial Officer has prepared, distributed, and filed the Corrective Action Plan in accordance with Federal and State Guidelines; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it hereby states it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION #160-2021\***

**"Authorize a Credit Due a Water and Sewer Utility Account"**

**WHEREAS**, the Water and Sewer Collector has determined the following Water and Sewer Utility Account is due a credit for the reason 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:

**UTILITY BOARD RECOMMENDS CREDIT FOR EXCESS USAGE:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
5922	87 High Street	\$47.30

**RESOLUTION #161-2021\***

**"Resolution Approving Vacation & Sick Leave Time Payout for Lorraine A. Read"**

**WHEREAS**, Lorraine A. Read, Municipal Clerk and Registrar of the Town of Newton, retires effective August 31, 2021 and is entitled to payout for unused and accrued vacation & sick leave time pursuant to applicable law, Town ordinances, and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook;

**NOW, THEREFORE BE IT RESOLVED**, the Town Council of the Town of Newton authorizes the following payout for unused and accrued vacation & sick leave to Lorraine A. Read as follows:

<u>EMPLOYEE</u>	<u>RETIREMENT DATE</u>	<u>PAYOUT TOTAL</u>
Lorraine A. Read	August 31, 2021	\$15,470.26

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

**RESOLUTION #162-2021\***

**“Resolution Authorizing an Application to the NJDCA Neighborhood Preservation Program (NPP) FY2022 Grant”**

**WHEREAS**, the Town of Newton desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (NJDCA) Neighborhood Preservation Program (NPP) for \$125,000; and

**WHEREAS**, the purpose of this application is to bolster economic development by improving commercial facades and exteriors in Newton, which is a neighborhood that qualifies for assistance; and

**WHEREAS**, the Town of Newton will need to enter into a grant agreement to accept this grant upon award; and

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

1. The Town of Newton does hereby authorize the application to the NJ DCA NPP for the FY 2022;
2. The Town of Newton recognizes and accepts the Department may offer a lesser amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Town of Newton and the New Jersey Department of Community Affairs.
3. The Town certifies the \$25,000 matching funds are available if the grant is awarded.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and they or their successors in said titles are authorized to sign the agreement, and any other documents in connection therewith:

_____ Matthew S. Dickson  <i>Mayor</i>	_____ Thomas S. Russo, Jr.  <i>Town Manager</i>	_____ Teresa A. Oswin  <i>Deputy Municipal Clerk</i>
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**RESOLUTION #163-2021\***

**“Approve Fireworks Display at Memory Park”**

**WHEREAS**, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

**WHEREAS**, Firework Extravaganza of Paramus, NJ has submitted a proposal to the Sussex County Fire Marshal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram, and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park, Moran Street, Newton, New Jersey on Saturday, August 14, 2021 as part of the “Concert Under the Stars” event with a rain date of August 16, 2021; and

**WHEREAS**, the Sussex County Fire Marshal, Virgil R. Rome, Jr., has advised the application for said fireworks display is complete and in order;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that permission is granted for a fireworks display during the “Concert Under the Stars” event to take place on August 14, 2021 with a rain date of August 16, 2021 and that said fireworks display will be provided by Fireworks Extravaganza of Paramus, NJ; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Sussex County Fire Marshal, Virgil R. Rome, Jr.

**RESOLUTION #164-2021\***

**“Authorize Change Order No. 1 for the Proposed Crosswalk at Route U.S. 206 & Church Street Intersection Project and Accept as Final and Complete”**

**WHEREAS**, on April 26, 2021, the Newton Town Council adopted Resolution #112-2021, awarding the Proposed Crosswalk at Route U.S. 206 & Church Street Intersection Project to Tony's Concrete Construction, Co. Inc., in the amount of \$26,876.00; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated July 1, 2021, approving Change Order No. 1, for the above referenced Project for a decrease in the amount of \$3,962.00 for a new contract total of \$22,914.00; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated July 22, 2021, accepting the project as final and complete so the final paper work can be prepared;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer’s recommendation and accepts Change Order No. 1 for the Proposed Crosswalk at Route U.S. 206 & Church Street Intersection Project and accepts the project as final and complete; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1, and Mr. Pellow’s memos be attached to and made part of this Resolution.

**RESOLUTION #165-2021\***

**“To Cancel a NJ DOT Grant Receivable Balance and Improvement Authority Balance in the General Capital Fund”**

**WHEREAS**, the Town of Newton received an award in 2020 in the amount of \$175,000.00 from the State of New Jersey Department of Transportation for Halsted Street and Madison Street; and

**WHEREAS**, there is an unexpended balance of \$52,549.43 in General Capital Improvement Authorization - Ordinance 2020-8 for Improvements to Halsted Street and Madison Street; and

**WHEREAS**, the Town Engineer had stated in a Final Paperwork memorandum to the Town Manager in October 2020 the project has been completed and accepted by the Town officials and the Town Engineer and there are no additional costs for this project; and

**WHEREAS**, there is a grant receivable balance of \$609.82 *Due from State of New Jersey Department of Transportation* for Halsted Street and Madison Street on the General Capital balance sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balance against the Unexpended Improvement Authorization, and also the Unexpended Improvement Authorization balance of \$50,000.00 (debt was not authorized for the \$50,000.00).

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

**General Capital Fund**

NJ DOT Grant Receivable (Ord #2020-8)	#3001528 Halsted and Madison Streets	\$609.82
Improvement Authorization (Ord #2020-8)	#3091914 Halsted and Madison Streets	\$50,000.00

**RESOLUTION #166-2021\***

**“To Cancel Capital Appropriation Balances in the General Capital Fund”**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, the Town Manager and other Town Officials have reviewed and determined there are no additional costs for these projects; and

**WHEREAS**, it is necessary to formally cancel said balances so the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be cancelled;

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton that the following unexpended and dedicated balances of the General Capital appropriations totaling \$207,000.00 be cancelled:

<b><u>Ordinance Number</u></b>	<b><u>Date Auth.</u></b>	<b><u>Project Description</u></b>	<b><u>Amount Funded</u></b>	<b><u>Cancelled Unfunded</u></b>
2018-6	3-12-2018	Fire House #2		\$167,000.00
2019-3	5-13-2019	Plainfield Avenue		\$40,000.00

**RESOLUTION #167-2021\***

**“Affirm the Issuance of a \$2,484,000.00 Bond Anticipation Note”**

**WHEREAS**, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes (BAN's) to provide temporary financing for the Town; and

**WHEREAS**, the Town of Newton needed to finance the debt authorized by Ordinance #2021-7 adopted on May 24, 2021; and

**WHEREAS**, the Town received six quotations ranging from .3171 to .75% Net Interest Cost (NIC) as listed on the attached Note Sale Bid Results; and

**WHEREAS**, the Chief Financial Officer, with advice of Phoenix Advisors, financial advisors and Gibbons P.C., bond counsel for the Town of Newton, accepted the quotation from Piper Sandler & Co. for a Bond Anticipation Note totaling \$2,484,000.00 at an interest rate of 1% which will require a 2022 interest payment of \$24,771.00; and

**WHEREAS**, the appropriate Town Officials have executed said Note in the amount of \$2,484,000.00 with an interest rate of 1.00% (NIC .3171%) dated July 21, 2021 and maturing July 20, 2022; and

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires the Chief Financial Officer to report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby affirm the issuance of a \$2,484,000.00 Bond Anticipation Note issued July 21, 2021 and maturing July 20, 2022 bearing an interest rate of 1% (NIC .3171%) by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

**RESOLUTION #168-2021\***

**Award Bid for Proposed Construction of ADA Ramps on Elm Street, Hampton Street, and Upper Union Place Project”**

**WHEREAS**, the Town of Newton publicly accepted and opened bids for the Proposed Construction of ADA Ramps on Elm Street, Hampton Street, and Upper Union Place on Wednesday, August 4, 2021 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Base Bid</u>
<b>ADS Contracts, LLC, 52 Cooks Cross Road Pittstown, NJ 08867</b>	<b>\$26,804.12</b>
AA Berms, LLC P.O. Box 180 Belleville, NJ 07109	\$26,806.50
Tony's Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$29,043.50
Cifelli & Son General 81 Franklin Avenue Nutley, NJ 07110	\$31,405.00

**WHEREAS**, based on review of the bid documents, the Town Engineer, Harold E. Pellow of Harold E. Pellow & Associates, Inc., recommends awarding Proposed Construction of ADA Ramps on Elm Street, Hampton Street, and Upper Union Place in his letter of recommendation dated August 4, 2021, to ADS Contracts, LLC, in the amount of \$26,804.12; 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., certifies funds are available as follows:

**Capital Fund Ordinance #2021-7**

**Account # 30921012**

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the contract for the Proposed Construction of ADA Ramps on Elm Street, Hampton Street, and Upper Union Place is hereby awarded to ADS Contracts, LLC, in the amount of \$26,804.12. A copy of this resolution and the proposed Contract is to be forwarded to ADS Contracts, LLC, for execution.

**RESOLUTION #169-2021\***

**“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: 08/09/2021 For bills from 07/13/2021 to 08/06/2021

Check#	Vendor Description Payment	Check Total
4172	AFLAC .....	4,091.76
4173	AG CHOICE, LLC. ....	368.00
4174	AIRGAS USA, LLC .....	29.70
4175	ALEXA DODD .....	1,000.00
4176	AMERICAN FIDELITY ASSURANCE .....	1,319.12
4177	AMERICAN FIDELITY ASSURANCE COMPANY .....	819.99
4178	ANDERSON ENTERPRISES LLC .....	3,706.79
4179	ATD HIGHWAY PRODUCTS LLC .....	1,278.60
4180	ATLANTIC HEALTH SYSTEM .....	110.00
4181	ATLANTIC TACTICAL INC .....	369.45
4182	ATLANTIC URGENT CARE .....	LLC 50.00
4183	AUTOZONE INC. ....	143.73
4184	BADGER METER, .....	1,550.94
4185	BLUE DIAMOND DISPOSAL INC. ....	294.25
4186	BOONTON TIRE SUPPLY INC. ....	1,263.69
4187	BUCKMAN'S INC. ....	1,545.16
4188	C W A LOCAL 1032 .....	496.28
4189	CAMPBELL'S SMALL ENGINE INC. ....	2,104.34
4190	CAPITOL SUPPLY CONST PRODUCTS, INC.....	283.20
4191	CCP INDUSTRIES, INC. ....	165.00
4192	CENTURYLINK COMMUNICATIONS, INC. ....	125.85
4193	CENTURYLINK COMMUNICATIONS, INC. ....	496.13
4194	CENTURYLINK COMMUNICATIONS, INC. ....	42.25
4195	CENTURYLINK COMMUNICATIONS, INC. ....	3,924.73
4196	CINTAS .....	156.67
4197	CINTAS FIRE PROTECTION CORP. #636525 .....	263.70
4198	CLIFFHANGER PRODUCTIONS, INC. ....	5,000.00
4199	CONVERGINT TECHNOLOGIES, LLC. ....	13,632.60

4200	COPS .....	498.00
4201	COUNTY OF SUSSEX .....	3,873.67
4202	COUNTY OF SUSSEX .....	941,169.53
4203	COUNTY OF SUSSEX .....	67,568.16
4204	COUNTY OF SUSSEX .....	8,509.00
4205	COUNTY OF SUSSEX ELECTIONS .....	1,172.55
4206	COYNE CHEMICAL CORP., INC .....	2,250.50
4207	CREST ULTRASONICS CORP .....	329.76
4208	CSS INC. ....	48.00
4209	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP .....	7,048.45
4210	DEMPSEY UNIFORM & SUPPLY INC .....	1,549.63
4211	DIFRANCESCO BATEMAN,PC .....	180.00
4212	DOMINICK'S PIZZA LLC .....	1,105.69
4213	ELIZABETHTOWN GAS .....	1,302.02
4214	EMERGENCY REPORTING, INC .....	1,658.00
4215	ERIC M. BERNSTEIN & ASSOCIATES, LLC. ....	2,795.00
4216	FEDERAL EXPRESS .....	172.65
4217	FIRE FIGHTERS EQUIPMENT CO. INC. ....	171.00
4218	FMS PHOTO CORP .....	67.95
4219	GALLS, LLC .....	187.02
4220	GARDEN STATE LABORATORIES INC .....	2,710.00
4221	GLOBAL RECYCLING SOLUTIONS LLC .....	311.30
4222	GYLES-ZITO DANIELLE .....	54.98
4223	HAMBURG PLUMBING SUPPLY CO INC .....	554.30
4224	HAYDEE BALLESTER .....	140.00
4225	HAYEK'S MARKET INC .....	63.23
4226	HOLLAND COMPANY, INC. ....	7,296.30
4227	HOLZHAUER, SCOTT .....	87.50
4228	HOME DEPOT, INC. ....	20.01
4229	IDEMIA IDENTITY & SECURITY .....	3,508.64
4230	INSTANT VERIFICATION CHILD .....	474.30
4231	J & D SALES & SERVICE,LLC. ....	675.00
4232	J. CALDWELL & ASSOCIATES, LLC. ....	3,760.00
4233	JCP&L .....	14,989.36
4234	JK HVAC SERVICE, LLC. ....	1,095.00
4235	JMC ENVIRONMENTAL CONSULTANTS, INC. ....	270.00
4236	JOSEPH D CALABRESE .....	175.00
4237	KAYLANI, SHERRI .....	97.81
4238	KERRY BARRETT CONSULTING .....	700.00
4239	KIMBALL MIDWEST .....	243.00
4240	KIMBERLY MASON-WILLIAMS .....	96.00
4241	KKPR MARKETING & PUBLIC RELATIONS, .....	1,070.00
4242	LADDEY, CLARK & RYAN, LLP .....	2,874.99
4243	LAFAYETTE AUTO PARTS .....	279.27
4244	LAW OFFICE OF DANIEL P. AGATINO, LLC. ....	1,333.33
4245	LIVE TO BE WELL LLC .....	200.00
4246	MAIN POOL & CHEMICAL COMPANY, INC. ....	10,035.00
4247	MCGUIRE, INC .....	452.45
4248	MCMANIMON, SCOTLAND & BAUMANN, LLC .....	6,377.00
4249	MID-AMERICAN ELEVATOR CO., INC. ....	480.00
4250	MINISINK PRESS INC .....	1,336.00
4251	MITCHELL HUMPHREY INC. ....	2,590.00
4252	MONTAGUE TOOL & SUPPLY, INC. ....	904.95
4253	MORRIS ASPHALT SUPPLY, LLC .....	1,099.02
4254	MOTOROLA SOLUTIONS .....	168.80
4255	New Jersey Herald .....	138.30
4256	NEWTON BOARD OF EDUCATION .....	1,110,506.41
4257	NEWTON FIRST AID SQUAD .....	300.00
4258	NEWTON PATROLMANS .....	1,440.00
4259	NEWTON SUPERIOR OFFICERS .....	840.00
4260	NJLM .....	720.00
4261	NJMEBF 167,.....	193.00

4262	NJMMA 100.00	
4263	NW FINANCIAL GROUP LLC .....	881.25
4264	OPTIMUM .....	121.35
4265	PASSAIC VALLEY SEWERAGE COMM. 1 .....	1,142.60
4266	PELLOW, HAROLD & ASSO, INC. ....	22,629.57
4267	PELLOW, HAROLD & ASSO, INC. ....	10,770.97
4268	PENTELEDATA .....	319.90
4269	PLANET NETWORKS INC .....	2,469.47
4270	PROCESS TECH SALES AND SERVICE .....	1,530.93
4271	PROFESSIONAL CONSULTING INC. ....	32,956.25
4272	QUADIENT INC. ....	529.41
4273	QUALITY FACILITY SOLUTIONS CORP .....	4,511.94
4274	QUILL CORPORATION .....	828.24
4275	R & J CONTROL INC. ....	2,150.00
4276	RACHLES/MICHELE'S OIL COMPANY, INC .....	5,417.02
4277	READY REFRESH BY NESTLE .....	12.96
4278	REISINGER OXYGEN SERVICE, INC. ....	39.92
4279	Reliance Standard Life Insurance Co .....	410.51
4280	RR DONNELLEY .....	31.50
4281	S K OFFICE SUPPLY INC. ....	180.00
4282	S/NJ TOXICOLOGY LABORATORY .....	225.00
4283	SCHENCK, PRICE, SMITH, & KING, LLP .....	1,725.68
4284	SCMUA .....	3,366.67
4285	SCREEN CREATION PLUS .....	216.00
4286	SEBRING AUTO PARTS, INC. ....	255.56
4287	SF MOBILE-VISION, INC. ....	3,390.00
4288	SHOP RITE, INC. ....	71.02
4289	SIERRAZULU LLC aka SZ LLC .....	1,032.00
4290	SLOAN, JAMES P. ....	3,511.92
4291	SMALLEY, JOHN H .....	1,437.50
4292	SPARTA TOWNSHIP .....	691.00
4293	SPECTROTEL .....	598.19
4294	STAPLES .....	419.55
4295	STAPLES .....	390.36
4296	STORR TRACTOR COMPANY .....	150.10
4297	SUBURBAN CONSULTING ENGINEERS, INC. ....	4,483.63
4298	SUMMIT SOUNDZ ENTERTAINMENT LLC .....	1,250.00
4299	SUSSEX COUNTY CLERK .....	1,516.15
4300	SUSSEX COUNTY LOCK & SAFE, .....	410.00
4301	SUSSEX COUNTY P & H, INC. ....	170.63
4302	SYNCHRONY BANK .....	1,011.92
4303	T.A. MOUNTFORD COMPANY, INC. ....	1,265.00
4304	TAP INTO, LLC .....	1,950.00
4305	TAYLOR OIL CO., INC. ....	2,842.64
4306	TERESA ANN OSWIN .....	44.80
4307	TEXAS LIFE INSURANCE COMPANY .....	70.90
4308	THE CANNING GROUP, LLC. ....	541.67
4309	THE EQUITABLE .....	56,595.00
4310	TIMMERMAN COMPANY, INC. ....	67.86
4311	TODD HARRIS CO., INC. ....	7,850.00
4312	TONY'S CONCRETE CONSTR CO, INC .....	22,455.72
4313	TOPOLOGY NJ, LLC. ....	323.75
4314	TRACTOR SUPPLY .....	310.96
4315	TRANS WORLD ASSURANCE CO. ....	1,886.00
4316	TREASURER, STATE OF NEW JERSEY .....	450.00
4317	TREASURER, STATE OF NEW JERSEY .....	720.00
4318	TREASURER, STATE OF NJ .....	50.00
4319	TRI-STATE RENTALS, INC .....	4,330.60
4320	UGI ENERGY SERVICES .....	LLC 418.53
4321	UNUM LIFE/DISABILITY INSUR .....	1,002.38
4322	UPSEU LOCAL 424J .....	1,344.00
4323	VERIZON WIRELESS, INC. ....	1,462.84

4324	VERIZON WIRELESS, INC. ....	265.91
4325	VISION SERVICE PLAN .....	2,334.72
4326	VOGEL,CHAIT,COLLINS,SCHNEIDER, PC, .....	1,287.00
4327	W.B. MASON, INC. ....	36.08
4328	WALMART .....	75.02
4329	WANTAGE TOWNSHIP .....	1,487.54
4330	WEIS MARKETS, INC. ....	32.46
4331	WIELKOTZ & COMPANY, LLC. ....	1,500.00
4332	WILDFLOWERS WITH TAMI .....	75.00
TOTAL	.....	2,670,381.81

**CHECKS PREVIOUSLY DISBURSED**

217130	PAYROLL ACCOUNT 8/5 PAY .....	1,327.50	8/05/2021
216039	PAYROLL ACCOUNT Water Sewer Cash .....	39,082.25	8/05/2021
211128	PAYROLL ACCOUNT Grant Cash .....	890.92	8/05/2021
211068	PAYROLL ACCOUNT Gross Payroll .....	207,171.26	8/05/ 021
211067	ELAVON, INC. July's Court CC Fees .....	84.58	8/02/2021
42733	BRANCH FURNITURE - OFFICE CHAIR - T. Russo .....	299.00	7/30/2021
216038	CURRENT ACCOUNT DCRP -Budgeted move to Curr .....	1,400.00	7/27/2021
211066	FEDERAL & STATE GRANT SAFE & SECURE MONIES TO GRANT .....	4,288.62	7/23/2021
211064	BANK OF NEW YORK MELLON BAN Interest due .....	2,326.08	7/22/2021
213014	BANK OF NEW YORK MELLON BAN Payment .....	88,500.00	7/22/2021
213013	TD BANK, N.A. BAN Payment .....	2,490,000.00	7/22/2021
211065	TD BANK, N.A. BAN Interest Paid 1 .....	5,936.00	7/22/2021
4171	KRAVE CAFE Multiple: .....	40.00	7/21/2021
211063	ADP, LLC PO# 59637 Payroll Processing - 6/20/21 & 7/4 .....	1,247.84	7/21/2021
211062	PAYROLL ACCOUNT Gross Payroll .....	201,705.26	7/22/2021
211127	PAYROLL ACCOUNT Grant Cash .....	890.92	7/22/2021
217129	PAYROLL ACCOUNT Trust Cash .....	531.00	7/22/2021
216037	PAYROLL ACCOUNT Water Sewer Cash .....	44,726.23	7/22/2021
211061	CAPITAL ACCOUNT PRINCIPAL BGTD PAYDOWN NOT PAYM .....	264,500.00	7/21/2021
211060	US BANK OPER.CTR/TRUST MGMT MCIA 2011A - not refunded P&I and .....	303,524.91	7/15/2021
211059	US BANK OPER.CTR/TRUST MGMT MCIA 2011 Refund of 02, last inter .....	178,937.50	7/15/2021
42732	NAME BADGES, INC. Name badges - Pool Managers .....	31.47	7/14/2021
42731	NAME BADGES, INC. Name badges - Pool Managers .....	62.94	7/14/2021
42731	NAME BADGES, INC. incorrect amount <b>*VOID*</b> .....	-62.94	7/14/2021
4170	SLOAN, JAMES P. JUDGE \$37,143/12=\$3,095.2 .....	3,511.90	7/13/2021
4169	QUALITY FACILITY SOLUTIONS CORP Season Bathhouse/Rest .....	583.48	7/13/2021
4168	NEWTON PIZZA Multiple: .....	72.00	7/13/2021
4167	KRAVE CAFE Multiple: .....	62.00	7/13/2021
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Total checks previously disbursed .....		3,851,733.66	
		-62.94	*VOIDED

The Deputy Clerk presented three applications for consideration:

A Junior Firefighter application for Jason Teets, 23 Sparta Avenue, Newton, NJ into the Newton Fire Department.

A membership application for Anthony Negggers, 24 Hillside Terrace, Newton, NJ into the Newton Fire Department.

A membership application for Charles W. Weber, Jr., 3 Gabriella Way, Newton, NJ into the Newton Fire Department.

It was noted the application was in order and signed by the Fire Chief.

A motion was made by Mrs. Diglio to approve the **COMBINED ACTION**

**RESOLUTIONS**, seconded by Mr. Couce and roll call resulted as follows:

August 9, 2021

Mr. Couce	Yes	Mrs. Diglio	Yes
Mrs. Teets	Yes (abstain from Teets Application)	Deputy Mayor Schlaffer	Yes
Mayor Dickson	Yes (abstain from Checks 4180 and 4256)		

**RESOLUTION**

**RESOLUTION #170-2021**

**“Acceptance and Execution of a Grant by the State of New Jersey, Department of Law and Public Safety, Office of Attorney General for the Purchase of Body Worn Cameras and Related Expenses”**

**WHEREAS**, the Town of Newton submitted an application for the SFY21 Body-Worn Camera Grant administered by the State of New Jersey, Department of Law and Public Safety, implemented by the Office of the Attorney General; and

**WHEREAS**, the purpose of this grant is to provide funding for the purchase of body-worn cameras and related expenses; and

**WHEREAS**, the Town of Newton received notice in a letter dated July 7, 2021 from the Office of Attorney General that our application, Award Number 21-BWC-306, has been accepted and the Town of Newton Police Department has a total approved award amount of \$61,140.00 with no in-kind match requirement for the period between January 1, 2021 and December 31, 2025; and

**WHEREAS**, the Town of Newton is authorized to accept and does accept Award Number 21-BWC-306 on behalf of the Newton Police Department to be used for the purchase of body-worn cameras, ancillary equipment, and storage costs as described in the approved grant application;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Town Manager to execute any and all documents necessary and related to the acceptance and execution of said grant.

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Thomas S. Russo, Jr., MPA, CPM  
Town Manager

**RESOLUTION #171-2021**

**“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 has been awarded a grant in the amount of \$61,140.00 from the New Jersey Department of Law and Public Safety, Office of the Attorney General for the purchase of Body-Worn Cameras;

**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 which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey Body-Worn Camera Grant.....\$61,140.00

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

State of New Jersey Body-Worn Camera Grant.....\$61,140.00

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

A motion was made by Mrs. Diglio to approve the **RESOLUTION #171-2021**, seconded by Mr. Schlaffer and roll call resulted as follows:

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

**RESOLUTION 172-2021**

**"Resolution of Rejection, KS State Bank for Bid #8-2021 Police Vehicle Lease/ Finance Bid"**

**WHEREAS**, the Town of Newton advertised and received bids in a fair and open manner consistent with N.J.S.A.19:44A-20.4 et. Seq., on August 5, 2021, at 9:00A.M. for Bid #8-2021 Police Vehicle Lease/Finance Bid; and

**WHEREAS** KS State Bank, responded with one (1) bid response; and

**WHEREAS** the New Jersey Local Public Contracts Law at N.J.S.A. 40A:11-13.2(d) allows for a contracting unit to reject all bids to substantially revise the specifications for the goods or services; and

**WHEREAS**, it is the desire of the Town of Newton Police Department to substantially revise the bid specifications for an anticipated re-bid;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, New Jersey that the bid by KS State Bank is hereby rejected under N.J.S.A. 40A:11-13.2(d).

A motion was made by Mrs. Diglio to approve **RESOLUTIONs #170-2021, #171-2021**, and **#172-2021** seconded by Mr. Schlaffer and roll call resulted as follows:

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

**DISCUSSION** – None.

August 9, 2021

**OPEN TO THE PUBLIC**

Mayor Dickson opened the meeting to the public.

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

**COUNCIL & MANAGER COMMENTS**

Mrs. Oswin stated the rain date for the Concert in the Park with Fireworks is Monday, August 16<sup>th</sup>.

**EXECUTIVE SESSION – None.**

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Mrs. Teets and unanimously carried, the regular meeting was adjourned at 7:36 pm.

Respectfully submitted,



Teresa A. Oswin, RMC  
Deputy Municipal Clerk