

January 6, 2022

The Reorganization meeting of the Town Council of the Town of Newton was held on the above date at Noon. Present were Mr. Couce, Mr. Dickson, Mrs. Diglio, Mr. Schlaffer, Mrs. Teets, Municipal Clerk Teresa A. Oswin, and Town Manager Mr. Thomas S. Russo, Jr.

Mrs. Oswin made the following declaration that "in accordance with the Open Public Meetings Act, notice of this special meeting was given to the two newspapers of record and posted on the official bulletin board on January 3, 2022."

DESIGNATION OF TEMPORARY MAYOR

Mrs. Oswin requested nomination for Temporary Mayor. Mr. Schlaffer made a motion to nominate Mr. Dickson as Temporary Mayor, it was seconded by Mrs. Teets. All in favor. Mr. Dickson was designated as Temporary Mayor.

NOMINATION AND SELECTION OF MAYOR

Mr. Dickson, designated as Temporary Mayor, entertained a motion for nomination of Mayor for the year 2022. Mrs. Diglio then nominated Jason Schlaffer and the nomination was seconded by Mr. Couce. All in favor.

At this time, Teresa A. Oswin, Municipal Clerk, proceeded to swear-in Jason J. Schlaffer, as Mayor, while Councilwoman Teets, held the Bible.

NOMINATION AND SELECTION OF DEPUTY MAYOR

Mayor Schlaffer entertained a motion for nomination of Deputy Mayor for the year 2022. Mr. Dickson then nominated Michelle J. Teets and the nomination was seconded by Mrs. Diglio. All in favor.

Hon. James P. Sloan, JMC, proceeded to swear-in Deputy Mayor Michelle J. Teets, while her nephew, Robert, and her husband Ken, held the Bible.

COMMENTS BY TOWN MANAGER, COUNCIL, DEPUTY MAYOR, AND MAYOR

Mr. Russo read from a prepared statement:

"Thank you Mayor Schlaffer.

ON behalf of all Newton employees, professionals, and volunteers, I want to wish Mayor Schlaffer and Deputy Mayor Teets the very best of success in their leadership roles, and I look forward to working with them, and all Council members, in continuing the great progress we have made towards making Newton a better place to live, work, and visit. I also thank Matt Dickson for his steadfast leadership as mayor in 2021.

As the County Seat and economic engine of Sussex County, the work we perform in Newton on a daily basis is critical to the long-term success and vitality of the entire region. This is a responsibility we take very seriously, and we look forward to carrying out the ambitious goals, policies, and objectives of the Governing Body for 2022 and beyond.

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I wish all of you the best of health, happiness, and success, and to the people of the Town of Newton, I pray for your prosperity, and a safe, enjoyable, and most of all, healthy New Year.

Thank you for the privilege of serving as Town Manager and May God continue to bless the Town of Newton."

Mr. Dickson read the following prepared statement:

"Looking forward to another year of serving the residents of Newton. Excited for the positive direction for the town with plenty to look forward to this year. However, there is still hard work to be done and I look forward to working with Mayor Schlaffer, Deputy Mayor Teets, and my fellow council members as we continue to make Newton a great place to live, work, and play. Thank you."

Mrs. Diglio thanked Mr. Dickson for a great year as Mayor. She wished Jason and Michelle success this year. She wished everyone a Happy New Year. Lastly, she thanked the municipal employees for all their hard work.

Mr. Couce thanked Matt for helping to make his first year on the Council enjoyable. He also thanked the employees for making Newton a very stable place to live. For all the work they do behind the scenes, they make the Council look good and he appreciates that. Keep up the strong work and he is looking forward to continuing success in new leadership with Mayor Schlaffer and Deputy Mayor Teets. Thank you.

Deputy Mayor Teets thanked Mayor Dickson for his leadership this past year. Last year was her first year on the Council and he was kind, knowledgeable, and very helpful. She thanked all the Council for their help this past year. She thanked Mr. Russo for his leadership and guidance. She thanked all the employees, as stated before she said they do all the work behind the scenes and make us look good. And to the residents of Newton, she said thank you for the opportunity. She is looking forward to a great year ahead. Lots of great things are coming to Newton, we will continue to work hard and to work on your behalf.

Thank you, Happy New Year, stay well, and God Bless.

Mayor Schlaffer read from a prepared statement:

"Thank you to Councilman Dickson for his leadership over the past year and thank you Town Manager, Tom Russo for yet another year exceeding performance expectations in service to Newton.

This would not be possible without the voters giving me a chance to serve – thank you all.

And to the Council for the elevation to the Office of Mayor.

With my experience manage businesses from local to international I am confidently prepared for the year ahead. And as with all Mayors of Newton I do not

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embark on this alone and thankfully move forward alongside a strong, competent Town Manager and Council.

Town Manager Russo who has and continues to show unparalleled expertise in his field.

Councilwoman Diglio with her wealth of Town specific experience and information.

Councilman Dickson with his careful considerations and analytical skills.

Councilman Couce with his innovative and compassionate approach to governance.

Deputy Mayor Teets with her unmatched passion and dedication to the Town.

All with servants' hearts and with minds honed to the task we are prepared for any challenge our community may face.

We will continue to oversee and hold accountable the municipal staff while safeguarding and furthering the positive momentum our beloved Town has seen.

Despite the on-going pandemic, Newton will continue to prosper and grow.

Thank you all for your support."

CONSENT AGENDA

Mayor Schlaffer 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."*

RESOLUTION #1-2022*

DESIGNATE BANKS AS DEPOSITORIES FOR CALENDAR YEAR 2022

BE IT RESOLVED, by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2022:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank
JP Morgan Chase Bank
New Jersey Cash Management Fund
Provident Bank
Lakeland Bank
First Hope Bank
Santander Bank, N.A.
TD Bank
Valley National Bank

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Wells Fargo Bank, N.A.

Beginning with the filing of September 30, 2010 a list of banks that participate in the Governmental Unit Deposit Protection Act (GUDPA) and the type of certificate of eligibility is available quarterly from the State of New Jersey, Department of Banking and Insurance website:

https://www.state.nj.us/dobi/division_banking/depositories/gudpa.htm

The Chief Financial Officer/Finance Director will review this site and provide the Town Auditor with a copy of this list.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year. This may also be satisfied electronically.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include:

(a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

(b) government money market mutual funds;

(c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors;

(d) Bonds or other obligations of the local unit or school districts of which the local unit is a part;

(e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments;

(f) local government investment pools;

(g) New Jersey State Cash Management Fund; and

(h) repurchase agreements of fully collateralized securities.

5) The Municipality is authorized to deposit funds, including certificates of deposits, in accounts subject to the following conditions pursuant to N.J.S.A.40A:5-14, amended by P.L.2018,c.40:

(a) the funds are initially invested through a public depository as defined in section 1 of P.L.1970,c.236(C.17:9-41) designated by the local unit;

(b) the designated public depository arranges for the deposit of funds in certificates of deposit in one or more federally insured banks or savings and loan

associations, for the account of the local unit;

(c) 100 percent of the principal and accrued interest of each certificate of deposit is insured by the Federal Deposit Insurance Corporation;

(d) the designated public depository acts as custodian for the local unit with respect to the certificates of deposit issued for the local unit's account; and

(e) at the same time that the local unit's funds are deposited and the certificates of deposit are issued, the designated public depository receives an amount of deposits from customers of other banks and savings and loan associations, wherever located, equal to the amount of funds invested by the local unit through the designated public depository.

6) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

7) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

8) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

9) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

10) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

RESOLUTION #2-2022*

APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON FOR CALENDAR YEAR 2022

WHEREAS, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

WHEREAS, Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the calendar year 2022.

RESOLUTION #3-2022*

DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2022

BE IT RESOLVED by the Town Council of the Town of Newton that the newspapers listed below be designated as the official newspapers for the Town of Newton for legal advertising during the 2022 calendar year:

New Jersey Herald

New Jersey Sunday Herald

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RESOLUTION #4-2022*

DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ OPEN PUBLIC MEETINGS ACT FOR 2022

WHEREAS, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed or hand delivered;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

RESOLUTION #5-2022*

ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2022

WHEREAS, Section 13 of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to post and maintain posted throughout the year a schedule of the meetings of said public body;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, New Jersey that the following schedule for 2022 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey, unless otherwise noticed; and

Council Meetings

7:00pm

January	10	and	24	July	18
February	14	and	28	August	15
March	14	and	28	September	14* and 26
April	11	and	25	October	12* and 24
May	9	and	23	November	14 and 28
June	13	and	27	December	12

*Held Wednesday

Reorganizational Meeting

Thursday, January 5, 2023

Noon

BE IT FURTHER RESOLVED, that, for the purposes of the Act, the official bulletin board for posting notices shall be the bulletin board in the first floor lobby of the Municipal Building at 39 Trinity Street, Newton, New Jersey, with said board being just outside the door of the Municipal Clerk's Office; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to The Alternative Press (TAPintoNewton), New Jersey Herald, and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

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RESOLUTION #6-2022*

ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date; and

BE IT FURTHER RESOLVED, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 31st of each calendar year; and

BE IT FURTHER RESOLVED, that the ten (10) day grace period for quarterly tax payments shall remain in effect, any payment of taxes not made on or before the due date in accordance with this Resolution shall be charged interest from the due date as set forth by law, and this Resolution shall take effect immediately.

RESOLUTION #7-2022*

DESIGNATE OFFICIALS TO SIGN CHECKS

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer, and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2022.

RESOLUTION #8-2022*

DESIGNATE CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES FOR CALENDAR YEAR 2022

WHEREAS, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

WHEREAS, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

- 1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.
- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price

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obtained, and the name of the purchaser.

3) This Resolution shall take effect immediately upon its adoption.

RESOLUTION #9-2022*

AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON THE BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2022 WITH REGARD TO TAX APPEALS

BE IT RESOLVED, by the Town Council of the Town of Newton that the Municipal Tax Assessor and the Town Attorney are hereby authorized to defend all contest appeals before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey; and

BE IT FURTHER RESOLVED, that the Municipal Tax Assessor and the Town Attorney are also hereby authorized to initiate municipal appeals to correct the Town of Newton tax listing including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as may be necessary to correct the assessments for the Town of Newton; and

BE IT FURTHER RESOLVED, that the Municipal Tax Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the purpose of signing settlements of the foregoing matters by stipulation for the 2022 Calendar Year.

RESOLUTION #10-2022*

APPOINTMENT OF MAYOR AS A CLASS I MEMBER OF THE NEWTON PLANNING BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Mayor Jason J. Schlaffer be and is hereby appointed to the Newton Planning Board as a Class I member for the calendar year 2022.

RESOLUTION #11-2022*

APPOINTMENT OF TOWN COUNCIL REPRESENTATIVE AS A CLASS III MEMBER OF THE NEWTON PLANNING BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Deputy Mayor Michelle J. Teets, be and is hereby appointed to the Newton Planning Board as a Class III member for calendar year 2022.

RESOLUTION #12-2022*

CANCELLATION OF SMALL BALANCES

WHEREAS, N.J.S.A. 40A: 5-17.1 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than ten (\$10.00) dollars; and

WHEREAS, the Town Council of the Town of Newton may authorize the Tax Collector to process, without any further action on the part of the Governing Body, any cancellation of property tax refunds or delinquencies of less than ten (\$10.00) dollars;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton in the County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized to process the cancellation of any property tax refunds or delinquencies of less than ten (\$10.00) dollars.

RESOLUTION #13-2022*

GRANTING AUTHORITY FOR APPROVAL OF CERTAIN PURCHASES THROUGH NEW JERSEY STATE CONTRACTS AND/OR PURCHASING COOPERATIVES

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and P.L. 2011, c.139, the Governing Body may delegate the power to award purchases, contracts, and/or agreements through New Jersey State Contracts and/or Purchasing Cooperatives to which the Town of Newton is a member; and

WHEREAS, in the interest of streamlining Town operations and improving efficiency, it is the desire of the Mayor and Council to authorize the Purchasing Officer/Qualified Purchasing Agent (QPA) to approve purchases, contracts, and agreements through New Jersey State Contracts and/or Purchasing Cooperatives, subject to provisions and requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and P.L.2011, c.139 below the \$44,000.00 threshold in individual purchases and the aggregate as defined by N.J.S.A. 40A:11-2(19);

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Newton that the Purchasing Officer/Qualified Purchasing Agent (QPA) upon receipt of an identified need and direction from the Town is hereby authorized to approve purchases, contracts, and/or agreements through New Jersey State Contracts and/or Purchasing Cooperatives to which the Town of Newton is a member without further action from Council, provided funds are available to cover the expenditure; and

BE IT FURTHER RESOLVED, purchase approvals made by the Purchasing Officer/Qualified Purchasing Agent (QPA) by virtue of the adoption of this Resolution shall be subject to the provisions and requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and that no amount of any contract shall be in excess of the bid threshold in a single purchase or the aggregate without express individual resolutions authorizing such cooperative purchases by contract number.

RESOLUTION #14-2022*

RESOLUTION RECOGNIZING TOWN EVENTS AND TOWN ENDORSED EVENTS

WHEREAS, the Town of Newton sponsors certain events throughout the year and endorses other privately held events for which it lends specified assistance; and

WHEREAS, the Town Council of the Town of Newton has adopted a policy whereby it will recognize Town and Town endorsed events by Resolution to be considered on an annual basis;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, there shall be two categories of events run or endorsed by the Town:

- Town Events – Events that are run by the Town.
- Town Endorsed Events – Privately held events the Town will provide specified assistance to (some of which will be free, other which will include escrow or other fee payment).

BE IT FURTHER RESOLVED that the list of possible Town events and Town endorsed events for the calendar year 2022 shall be as follows:

Town Events	Town Endorsed Events
Easter Egg Hunt	Memorial Day Parade
Events at Newton Town Pool/Pavilion	Newton Day/Fireworks
Halloween Parade	Taste of Newton
Ladies' Night Out	Holiday Parade/Post-Parade Events
Movie Nights @ Memory Park	
Fall Festival	
Miss Newton Contest	

Flags of Honor	
Town-wide Garage Sale	
Neighbors Helping Neighbors	
Christmas Tree Lighting/Operation Santa	
Summer Music Concert Series	
Newton Recreation Department Events	
Newton Recreation Commission Events	
Newton Community Development Events	

BE IT FURTHER RESOLVED that Town Endorsed Events must meet the following criteria:

1. The event must be sponsored by a nonprofit organization with a physical office location within the Town of Newton or County of Sussex.
2. The event must be open to all Town residents, whether free or by fee.
3. Each organization shall be limited to no more than two events per calendar year.
4. The Greater Newton Chamber of Commerce (GNCC), due to its historic importance and special working relationship with the Town of Newton for decades, shall be limited to no more than six (6) outdoor events per calendar year.
5. Organizations utilizing Town-owned facilities, parks or roadways must be in compliance with all applicable resolutions and ordinances of the Town of Newton, including, but not limited to, Chapter 307 regarding parking and traffic and Chapter 115 concerning fire prevention; and the event shall not interfere with or obstruct contiguous traffic, access to residences or businesses, or the movement of firefighting, first aid or other safety vehicles.
6. Each organization is required to inform the Newton Town Manager's Office in writing the date of an event at least sixty (60) calendar days prior to the event. The written notice must also include any formal request for paid services to be rendered by the Newton DPW and/or the Newton Police Department.
7. The Newton Town Manager shall review all DPW and/or Police requests and determine the amount of escrow funds necessary to be provided by the sponsoring organization to the Town of Newton. Escrow funds must be provided by the sponsoring nonprofit organization to the Town of Newton twenty-one (21) calendar days prior to the date of the scheduled event. Any funds not utilized for the event shall be returned after the event within thirty (30) days by the Town of Newton Finance Department to the sponsoring nonprofit organization.
8. Each organization shall be responsible for providing honest and thorough answers on the "Town of Newton Event Checklist Application" which will be available at the Community Development Office in the Town of Newton. The Community Development Director and Town Manager shall both be required to be signatories on a final event checklist application which must be completed no later than seven (7) calendar days prior to the event. The Town will not charge a fee for any staff or professional review of said Event Checklist Application.
9. Town Endorsed Events may include but not be limited to the following: shows, carnivals, circuses, festivals, fairs, flea markets, outdoor plays, dances, concerts, theatrical events, parades, or sporting events not sponsored by the Town of Newton or Town of Newton recognized league; any event requiring temporary or permanent closure of any Town streets, sidewalks, park areas, or impacting the public health, safety and welfare of the Town or its residents; excludes weddings, funerals, memorials, graduations, or Town-sponsored functions.

RESOLUTION #15-2022*

RESOLUTION AUTHORIZING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the Governing Body of each municipality and county to certify their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the Newton Town Council members have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto;

NOW, THEREFORE BE IT RESOLVED, that the Town of Newton hereby states it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RESOLUTION #16-2022*

APPOINTMENT OF KATHRYN WALKER AS ACTION ALLIANCE COORDINATOR FOR THE TOWN OF NEWTON FOR 2022

BE IT RESOLVED, by the Town Council of the Town of Newton that Kathryn Alcock be and is hereby appointed as the Action Alliance Coordinator for the Town of Newton during calendar year 2022.

RESOLUTION #17-2022*

APPOINTMENT OF ADAM VOUGH AS MUNICIPAL RECYCLING COORDINATOR FOR CALENDAR YEAR 2022

BE IT RESOLVED, by the Town Council of the Town of Newton that Adam Vough, be and is hereby appointed as the Town of Newton's Municipal Recycling Coordinator for calendar year 2022.

RESOLUTION #18-2022*

TO CONFIRM/ESTABLISH PETTY CASH AND CHANGE FUNDS FOR CALENDAR YEAR 2022

WHEREAS, the Town of Newton maintains the following petty cash funds, as approved and recorded with the Division of Local Government Services:

Finance	\$250.00	Treasurer (Max reimbursement \$25 Excludes tax)
Water & Sewer	\$50.00	Treasurer

WHEREAS, The Town of Newton maintains the following change funds:

Tax	\$200.00	Tax Collector
Water & Sewer	\$200.00	Water Sewer Utility Collector
Clerk	\$100.00	Municipal Clerk
Court	\$100.00	Court Administrator
Court	\$100.00	Deputy Court Administrator
Police	\$10.00	Records Clerk
Recreation	\$150.00	Recreation Supervisor

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the aforementioned petty cash and change funds are established and confirmed.

RESOLUTION #19-2022*

APPOINTMENT OF MEMBERS OF THE TOWN OF NEWTON AD HOC REDEVELOPMENT TEAM

WHEREAS, the Town of Newton acknowledges there are potential benefits to the Town of Newton to be gained through the process of redevelopment; and

WHEREAS, opportunities for beneficial redevelopment should be thoroughly, expeditiously and efficiently evaluated and pursued;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby appoints individuals in the positions listed below to an ad hoc Redevelopment Team to evaluate and pursue redevelopment opportunities in the Town of Newton for a one-year period from January 1, 2022 through December 31, 2022; and

BE IT FURTHER RESOLVED, that individuals representing the following positions shall be members of the Redevelopment Team, with said meetings to be called by the Town Manager as needed:

Mayor; Deputy Mayor; Town Manager; Town Attorney; Town Planner; Town Engineer; Planning Board Chairperson; Redevelopment Counsel; and other professionals and/or staff as deemed necessary by the Town Manager; and

BE IT FURTHER RESOLVED, said Redevelopment Team is a purely advisory group working only in an analytical and advisory capacity and is: (a) not empowered to make any decisions; (b) has no effective authority; (c) is not empowered to act by vote; (d) is not governed by the Open Public Meetings Act; and (e) is not a "Redevelopment Agency" pursuant to N.J.S.A. 40A:12A-11.

RESOLUTION #20-2022*

APPOINT LOCAL EMERGENCY PLANNING COMMITTEE FOR CALENDAR YEAR 2022

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 2022 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 E. Couce, Director | Newton Vol. First Aid and Rescue Squad |
| Kenneth Jaekel | Newton Public Works Supervisor |
| Adam Vough | Assistant Newton Public Works Supervisor |
| Joseph Carr | Licensed Sewer Operator |
| Jonathan Kazer | Licensed Water Operator |

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Teresa Oswin
Kimberly Williams
Joseph Butto
Dr. Kennedy Greene

Newton Municipal Clerk/Deputy Town Manager
Community Development Director
Newton/Hardyston Construction Official
Newton School Superintendent

BE IT FURTHER RESOLVED, if any positions become held by different individuals in the 2022 calendar year then said individuals will assume the aforementioned titled responsibilities on Newton Local Emergency Planning Committee.

RESOLUTION #21-2022*

DESIGNATION OF THERESA SCHLOSSER AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2022

WHEREAS, N.J.S.A. 54:5-11 provides that each municipality within the State of New Jersey shall designate a person to act as the Tax Search Officer for the municipality; and

WHEREAS, Theresa Schlosser, as Certified Tax Collector for the Town of Newton, is qualified to make examinations of the municipalities records as to unpaid municipal liens and to certify the results of that examination;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby designates Theresa Schlosser as the Tax Search Officer for the Town of Newton for calendar year 2022.

RESOLUTION #22-2022*

APPOINTMENT OF JOHN-PAUL E. COUCE AS TOWN COUNCIL LIAISON TO THE NEWTON BOARD OF EDUCATION

BE IT RESOLVED by the Town Council of the Town of Newton that Councilman John-Paul E. Couce be and is hereby appointed as the Town of Newton liaison to the Newton Board of Education for calendar year 2022.

RESOLUTION #23-2022*

APPOINTMENT OF MATTHEW DICKSON AS TOWN COUNCIL LIAISON TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Councilman Matthew S. Dickson be and is hereby appointed to the Economic Development Advisory Commission as the Town Council liaison member for calendar year 2022.

RESOLUTION #24-2022*

APPOINTMENT OF SANDRA LEE DIGLIO AS TOWN COUNCIL LIAISON TO THE HISTORIC PRESERVATION ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Mayor Sandra Lee Diglio be and is hereby appointed to the Historic Preservation Advisory Commission as the Town Council liaison member for calendar year 2022.

RESOLUTION #25-2022*

RESOLUTION AFFIRMING THE CURRENT FUND BALANCE POLICY

WHEREAS, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014 and amended it by the adoption of Resolution 50-2019 on January 28, 2019; and

WHEREAS, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended it is an appropriate Policy;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby resolves and agrees to affirm the Current Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 12%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.

This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

RESOLUTION #26-2022*

RESOLUTION AFFIRMING THE WATER SEWER UTILITY FUND BALANCE POLICY

WHEREAS, The Town of Newton adopted Resolution 101-2014 establishing a Fund Balance Policy on June 9, 2014 and renewed and amended it by the adoption of Resolution 49-2019 on January 28, 2019; and

WHEREAS, the Fund Balance Policy has been reviewed by the Town Manager and Town Auditor of the Town of Newton and it is recommended it is an appropriate Policy;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby resolves and agrees to affirm the Water Sewer Utility Fund Balance Policy with the following guidelines:

1. The Town of Newton shall establish or maintain fund balance, whereby the percentage of fund balance anticipated to the total budget will not exceed 12%.
2. The Town of Newton hereby establishes the policy of maintaining an end of the calendar year fund balance, which is between 3%-10% of the prior year tax levy.
3. The Governing Body will not anticipate more fund balance than the statutory excess of fund balance of the prior year (amount collected). If the fund balance anticipated will exceed the statutory excess of the prior year, a reason must be stated at an open budget meeting. A plan shall be developed to restore fund balance within a three-year period.
4. Amounts appropriated in the ensuing budget, which reduce the fund balance below the policy guidelines for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.

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5. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target policy level within a five-year period.
6. This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

RESOLUTION #27-2022*

APPOINTMENT OF VIRGINIA RAFTERY AS CLEAN COMMUNITIES COORDINATOR FOR THE TOWN OF NEWTON FOR 2022

BE IT RESOLVED, by the Town Council of the Town of Newton that Virginia Raftery be and is hereby appointed as the Clean Communities Coordinator for the Town of Newton during calendar year 2022.

RESOLUTION #29-2022*

APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2022

WHEREAS, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is for calendar year 2022; and

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

WHEREAS, Wielkotz & Company, LLC has submitted a proposal dated December 1, 2021 indicating they will provide the 2022 auditing services for \$30,200.00; additional services, should they be required, would be billed at amounts set forth in the contract with hourly rates not to exceed \$200.00 per hour; and

WHEREAS, Wielkotz & Company, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Wielkotz & Company, LLC 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 the Wielkotz & Company, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified, subject to the availability and appropriation of sufficient funds in the 2022 budgets, funds will be provided in the 2022 Municipal Current Budget – Audit Services #1054300 \$15,100.00 and in the 2022 Water Sewer Utility Budget – Audit Services #6051205 \$15,100.00 to support an agreement with Wielkotz & Company, LLC in the total amount of \$30,200.00;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Wielkotz & Company, LLC as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #30-2022*

AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR LOSAP WITH WIELKOTZ & COMPANY, LLC

January 6, 2022

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2021; and

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

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Wielkottz & Company, LLC, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

WHEREAS, Wielkottz & Company, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2022; and

WHEREAS, the Chief Financial Officer has certified that funds will be provided in the 2022 Municipal Current Budget – Audit Services #1054300 to support this agreement with Wielkottz & Company, LLC in the amount not to exceed \$1,500.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that notice of this award be published in accordance with the Local Public Contracts Law.

RESOLUTION #31-2022*

AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW IN 2022

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2021 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in 2022.

RESOLUTION #32-2022*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR DAVID B. SIMMONS, JR., OF HAROLD E. PELLOW & ASSOCIATES, INC., AS WATER ENGINEER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2022

WHEREAS, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

WHEREAS, the anticipated term of this contract is for the 2022 calendar year(s); and

WHEREAS, David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, David B. Simmons, Jr., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2022 Temporary and Permanent budgets, funds NOT TO EXCEED \$35,000.00 will be encumbered as follows:

2022 Water Sewer Utility Budget – Engineer Contractual #6051217

“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, the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., not to exceed \$35,000 for the 2022 calendar year; and

BE IT FURTHER RESOLVED, the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION #33-2022*

ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2022

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2022; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the total of the appropriations made for all purposes in the budget for the preceding year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2022 Temporary Operating Budget and the 2022 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2022 Annual Municipal Budget and the 2022 Water and Sewer Utility Budget.

2022 TEMPORARY CURRENT BUDGET CALCULATION

<p>\$ 13,528,273 2,226,700 -0- <u>238,610</u> \$11,062,963</p> <p style="margin-left: 40px;">x .2625 \$ 2,904,028</p>	<p>Total 2021 Budget Less: Debt (principal & interest) Less: Public Assistance Less: Capital Improvements Amount on which % is applied</p> <p>Percentage increase allowed by state Allowable 2022 Temporary Budget</p>
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APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE

Capital Improvements	OE	1095200	100,000
Debt Service	OE	1096200	600,000

2022 TEMPORARY WATER AND SEWER BUDGET

	<u>2021 BUDGET</u>	<u>2022 TEMPORARY BUDGET</u>
Salaries and Wages	\$ 1,051,251	\$ 275,953
Other Expenses	2,234,870	586,653
DCRP	1,400	368
PE R S	19,500	5,119
Unemployment	4,300	1,129
Social Security System	<u>77,700</u>	<u>20,396</u>
	3,389,021	889,618
	<u>x.2625</u>	
	\$ 889,618	
TOTAL 2022 TEMPORARY WATER & SEWER BUDGET		\$ 889,618
TOTAL 2022 TEMPORARY W&S CAPITAL IMPR BUDGET		\$ 450,000
TOTAL 2022 TEMPORARY W&S DEBT SERVICE BUDGET		\$ 200,000

RESOLUTION #34-2022*

APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2022

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2022, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Eric M. Bernstein, Esq., of Eric M. Bernstein & Associates, LLC	Municipal Attorney
Jonathan E. McMeen, Esq., of Laddey, Clark & Ryan, LLC	Municipal Prosecutor
Robert B. McBriar, Esq., of Schenck, Price, Smith & King, LLP	Tax Appeal & Municipal Conflict Attorney
James T. Prusinowski, Esq., of Trimboli & Prusinowski, LLC	Labor Relations Attorney

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Daniel P. Agatino, J.D., PhD
Gruber, Colabella, Liuzza & Thompson

Municipal Public Defender

Martin Allen, Esq. of
DiFrancesco, Bateman, Kunzman, Davis,
Lehrer & Flaum, P.C.

Tax Appeal Conflict
Attorney

BE IT FURTHER RESOLVED, a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

RESOLUTION #35-2022*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR J. CALDWELL & ASSOCIATES, LLC AS PLANNER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2022

WHEREAS, the Town of Newton requires the services of a qualified Planner for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

WHEREAS, the anticipated term of this contract is for the 2022 calendar year (s); and

WHEREAS, J. Caldwell & Associates, LLC, in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, J. Caldwell & Associates, LLC has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies J. Caldwell & Associates, LLC has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2022 Temporary and Permanent budgets, funds NOT TO EXCEED \$80,000.00 will be encumbered as follows:

2022 Current Budget – Community Devel. #1064216 & Planning Board #1062216

2022 Water Sewer Utility Budget – Consultant #6051216

Trust Escrow Accounts as applicable

General Capital – Redevelopment

"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, the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with J. Caldwell & Associates LLC, not to exceed \$80,000 for the 2022 calendar year; and

BE IT FURTHER RESOLVED, the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

January 6, 2022

RESOLUTION #36-2022*

APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT FOR CALENDAR YEAR 2022

WHEREAS, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

WHEREAS, said insurance services will be needed during calendar year 2022;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860, be named as agent of record effective January 1, 2022 for the following insurance policies:

- a) Package SIF2022-07860
- b) Workers' Compensation WC2022-07860
- c) Umbrella Policy SIF2022-07860
- d) Fire Accident Insurance VFP-4231-3258E-6
- e) Fire Life AD&D Insurance GL163635

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #37-2022*

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the following appointments be made:

<u>Board/Commission</u>	<u>Name</u>	<u>Term</u>	<u>Expiration Date</u>
Advisory Board of Health	Beatriz Bueno	5 Years	December 31, 2026
Economic Development Advisory Commission	Xavier Izquierdo	3 Years	December 31, 2024
Historic Preservation Advisory Commission	Karen Schulte	4 Years	December 31, 2025
Planning Board	Greg Le Frois	4 Years	December 31, 2025
Planning Board	Gary Marion	4 Years	December 31, 2025
Planning Board	George Wink	4 Years	December 31, 2025
Planning Board	Helen Le Frois (Alternate)	2 Years	December 31, 2023
Planning Board	John Ragsdale (Alternate)	2 Years	December 31, 2023
Recreation Commission	Rufus Coward	5 Years	December 31, 2026

RESOLUTION #38-2022*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR FREDERICK J. MARGRON, P.E., REM, CEA, OF THE FIRM PROFESSIONAL CONSULTING, INC., AS SEWER ENGINEER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2022

January 6, 2022

WHEREAS, the Town of Newton requires the services of a qualified Sewer Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

WHEREAS, the anticipated term of this contract is for the 2022 calendar year(s); and

WHEREAS, Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, Frederick J. Margron, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, as required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2022 Temporary and Permanent budgets, funds NOT TO EXCEED \$75,000.00 will be encumbered as follows:

2022 Water Sewer Utility Budget - Engineer Contractual #6051218 - \$60,000.00

2022 Water Sewer Utility Budget - Consulting Service #6051216 - \$15,000.00

"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, the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., not to exceed \$75,000.00 for the 2022 calendar year; and

BE IT FURTHER RESOLVED, the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION #39-2022*

AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEAR 2022

WHEREAS, the Town of Newton anticipates the need for a professional appraiser and consultant in connection with emerging and ongoing tax appeal litigation within the Town of Newton; and

WHEREAS, Michael E. Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

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

WHEREAS, the anticipated term of this contract is one (1) year, January 1, 2022 through December 31, 2022; and

January 6, 2022

WHEREAS, the Chief Financial Officer hereby certifies subject to the Governing Body appropriating sufficient funds in the 2022 Temporary and Permanent budgets, funds NOT TO EXCEED \$17,500.00 will be encumbered as follows:

105218 TAX ASSESS - OE - CONSULTANT SERVICES

"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, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated November 30, 2021; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Holzhauer & Holenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

RESOLUTION #40-2022*

APPOINTMENT OF ALAN ABRAMSON AS VOLUNTEER SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2022

BE IT RESOLVED, by the Town Council of the Town of Newton, that Alan Abramson be and is hereby appointed as the volunteer Senior Citizen Coordinator for the Town of Newton during calendar year 2022.

RESOLUTION #41-2022*

AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO AN AGREEMENT WITH EXCEL ENVIRONMENTAL RESOURCES, INC., FOR ENVIRONMENTAL ENGINEERING SERVICES FOR CALENDAR YEAR 2022

WHEREAS, the Town of Newton is in need of environmental engineering services for calendar year 2022; and

WHEREAS, EXCEL Environmental Resources, Inc., can provide environmental engineering services, in accordance with N.J.S.A. 40A:11-9; and

WHEREAS, environmental engineering services are exempt from bidding requirements per N.J.S.A. 40A:11-3, et. seq.; and

WHEREAS, the Town of Newton desires to enter into an agreement with EXCEL Environmental Resources, Inc., for environmental engineering services, effective January 1, 2022 through December 31, 2022, based on the proposal submitted dated November 29, 2021;

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

1. This resolution hereby serves as an Agreement between the Town of Newton and EXCEL Environmental Resources, Inc., for environmental engineering services for calendar year 2022; and
2. A copy of this resolution and EXCEL Environmental Resources, Inc., proposal dated November 29, 2021 be place on file in the Municipal Clerk's Office.

RESOLUTION #42-2022*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR DECOTIIS, FITZPATRICK, COLE AND GIBLIN, LLC FOR REDEVELOPMENT COUNSEL FOR 2022

January 6, 2022

WHEREAS, there exists a need for specialized legal services for the Town of Newton, in the County of Sussex, New Jersey in connection with the redevelopment program in the Town; and

WHEREAS, such special legal services can be provided best by a recognized Redevelopment Counsel firm, and the law firm of DeCotiis, FitzPatrick, Cole and Giblin, LLC, Paramus, New Jersey is so recognized by the financial community; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2022 Budgets the Chief Financial Officer will certify funds pursuant to NJAC 5:30-5.5 (b2) open-end contract:

Amounts, not to exceed \$75,000, will be encumbered when services are ordered directly against the applicable General Capital ordinances, Legal accounts, Water Sewer Capital ordinances, Trust escrow accounts, or the 2022 Current Budget – Community Development #1064216.

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AS FOLLOWS:

1. The law firm of DeCotiis, FitzPatrick, Cole and Giblin, LLC, Paramus, New Jersey is hereby retained to provide the specialized legal services necessary in connection with redevelopment in accordance with an Agreement based on the proposal dated as of November 22, 2021 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. The services to be rendered by DeCotiis, FitzPatrick, Cole and Giblin, LLC, shall on an "as needed" requirement, as sought by the Town of Newton in an amount **not to exceed \$75,000.00.**
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town and notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #43-2022*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR GIBBONS P.C. FOR BOND COUNSEL FOR 2022

WHEREAS, there exists a need for specialized legal services for the Town of Newton, in the County of Sussex, New Jersey in connection with the authorization and/or issuance of bonds in the Town; and

WHEREAS, such special legal services can be provided best by a recognized Bond Counsel firm, and the law firm of Gibbons P.C., Newark, New Jersey is so recognized by the financial community; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2022 Budgets the Chief Financial Officer will certify funds pursuant to NJAC 5:30-5.5 (b2) open-end contract:

Amounts, not to exceed \$25,000, will be encumbered when services are ordered directly against the applicable General Capital ordinances, Legal accounts, Water Sewer Capital ordinances, Trust escrow accounts, or the 2022 Current Budget – Community Development #1064217.

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AS FOLLOWS:

1. The law firm of Gibbons P.C., Newark, New Jersey is hereby retained to provide the specialized legal services necessary in connection with bond counsel in accordance with an Agreement submitted to the Town on November 22, 2021 (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. The services to be rendered by Gibbons P.C., shall on an "as needed" requirement, as sought by the Town of Newton in an amount **not to exceed \$25,000.00.**
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town and notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #44-2022*

AUTHORIZE PAYMENT OF RECURRING BILLS

WHEREAS, all claims of payment by the Town of Newton, County of Sussex, State of New Jersey, are required to be first submitted to the Mayor and Town Council for consideration before payment is made; and

WHEREAS, due to the nature of certain claims and timing of the particular meetings involved, certain claims should be paid when presented which are statutory and regular in nature, rather than held for the next meeting of the Mayor and Town Council due to the nature of said bills;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton that we hereby approve the payment between meetings of the following enumerated claims for payment, when the same are presented to the Mayor and Town Council and Chief Finance Officer of the Town of Newton.

- a. Town of Newton, net payroll, and payroll deduction accounts
- b. Town of Newton, Board of Education
- c. County Treasurer (County taxes only)
- d. Banks for investment Purposes/Inter-fund transfers/Debt Service payments Bond/Note payments
- e. Statewide Insurance Fund, NJ Municipal Employee Benefits Fund, Vision Service Plan, and all other insurances
- f. Repair of emergency, police, and rescue vehicles; parts needed for said vehicles; and critical equipment related to the operations of the DPW/Police or emergency services
- g. Bond Releases
- h. All Utility Payments
- i. Employee Reimbursements
- j. Petty Cash Reimbursements
- k. Lien Redemptions
- l. Premium Redemptions

RESOLUTION #45-2022*

PROCEDURE FOR CLAIMANT CERTIFICATION

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing the claimant certification requirement set forth in N.J.S.A. 40A:5-16(a); and

January 6, 2022

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer, Monica B. Miebach of the Town of Newton, recommends a claimant signature only be required for the following:

- Transactions above the dollar threshold of \$6,600
- Reimbursement to Town Employees
- Sole Proprietors
- Deposits in advance of work and travel

WHEREAS, the Chief Financial Officer and Town Manager recommend the adoption of this Claimant Signature policy;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Newton that, effective immediately, Claimant Certification be waived on the Town Purchase Orders with the exceptions noted above.

RESOLUTION #46-2022*

AWARD OF AN INSURANCE BROKER OF RECORD CONTRACT FOR EMPLOYEE BENEFITS

WHEREAS, the Town of Newton (the "Town") requires the services of an insurance broker of record in order to oversee the Town's employee benefits program including medical, prescription, dental, vision, and Cobra administration as determined by the Town; and

WHEREAS, the Town is presently a member of the North Jersey Municipal Employee Benefits Fund ("NJMEBF"); and

WHEREAS, Health Insurance Broker and/or the Town's program administrator/representative to the NJMEBF is exempt from public bidding and may be awarded via resolution pursuant to N.J.S.A. 40A:11-5(m), in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, Vozza Agency ("Broker") is qualified to provide the above referenced services; and

WHEREAS, the Town is hereby authorized and directed to execute a Broker of Record authorization and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5.

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. This agreement is hereby authorized and approved.
3. Vozza Agency is hereby appointed to represent the Town as Broker of Record for employee benefits including medical, prescription, dental, vision, and Cobra administration.
4. Vozza Agency is here appointed and designated as the Program Administrator/Town representative to NJMEBF.
5. The Town is hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
6. This resolution shall be effective immediately.

January 6, 2022

RESOLUTION 47-2022*

APPOINTMENT OF TOMMY TERANTINO TO THE UTILITY ADVISORY BOARD

WHEREAS, there currently is a vacancy on the Town of Newton Utility Advisory Board (UAB); and

WHEREAS, Tommy Terantino has expressed interest in serving as a member of the UAB;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Tommy Terantino is hereby appointed to an unexpired five (5) year term on the Town of Newton Utility Advisory Board, effective immediately with said term continuing to December 31, 2026.

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

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

RESOLUTIONS

RESOLUTION #28-2022

CONCUR WITH THE TOWN MANAGER’S APPOINTMENT OF SPECIAL POLICE OFFICERS

WHEREAS, within Chapter Thirty, Police Department, of the Code of Town of Newton, NJ, it indicates the Town Manager may appoint Special Police Officers for a term not to exceed 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 Special Police Officers for calendar year 2022:

Class II

Raul Couce

Stephen Moran

A motion was made by Mr. Dickson to approve **RESOLUTION #28-2022**, seconded by Mrs. Diglio and roll call resulted as follows:

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

APPOINTMENT

At this time, Mayor Schlaffer made the Mayor's Appointment to the Planning Board by appointing the Town Manager, Thomas S. Russo, Jr., as a Class II Representative to the Newton Planning Board.

January 6, 2022

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

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

There being no further business to be heard, upon motion of Mrs. Diglio, seconded by Mr. Dickson and carried, the meeting was unanimously adjourned at 12:16 p.m.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk