

August 15, 2022

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

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

Mayor Schlaffer led the Pledge of Allegiance to the flag and the Clerk called the roll.

APPROVAL OF MINUTES

Upon motion by Mrs. Teets seconded by Mr. Couce and carried, the minutes for the July 18, 2022 Regular meeting were approved as presented.

Upon motion by Mrs. Teets seconded by Mr. Couce and carried, the minutes for the July 18, 2022 Executive session were approved as presented.

OPEN TO THE PUBLIC

At this time, Mayor Schlaffer 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. Please state your name and address for the record."

Mayor Schlaffer opened the meeting to the public in attendance.

Walter Thies, 1 Trinity Street came forward to compliment the pool staff for doing such a great job this season. He stated Barbara and the staff work as a unit and make it seem effortless and he knows it is not. They are an example of civic virtue, and the pool provides good fun which is important.

Margaret Baldini, 10 Barry Lane came forward to ask for further explanation on the resolution on the renovations for the Fire Museum.

With no one else coming forth in person, Mayor Schlaffer opened the meeting up

to those on Zoom.

There being no one else from the public to be heard either in person or on Zoom, Mayor Schlaffer closed the meeting to the public.

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by advising Ms. Baldini the resolution on for the Firehouse covers the costs of HQW architects and HPA engineers for interior renovation plans. We are applying for grants and need to know the magnitude of the project.

The sign for Panera, Starbucks, and Chipotle was installed on Route 206 and is on Google maps. The Taste of Newton will be held on September 12th at 5:30pm, tickets are available. The next Town Council meeting is Wednesday, September 14th. The summer schedule ends on September 2nd.

Councilman Couce – stated at the last Town Council meeting we discussed changes in legislature regarding Board of Education curriculum specifically involving sex education across all the age groups. At the last BOE meeting, Board member Danielle Zito, who is the Town Council liaison, mentioned our discussion, reviewed and gave summary of how we looked at the situation and advised the BOE to reach out to the Town Council if they wanted to discuss the matter further. Since that meeting, he has not heard from anyone. The next Board of Education meeting is tomorrow, and it is a special Executive Session regarding the Superintendent search. The next full meeting will be next week on the 23rd.

Councilman Dickson – on August 2nd he attended the National Night Out, he hopes all enjoyed this. He wanted to thank the Police, Fire, EMS, Newton Football, Kimberly Williams, and Tom Russo. He hopes this event gets even bigger next year. The new planters on Spring Street look great, he had heard one complaint from 225 Spring Street about them blocking access for the Senior Shuttle and Kimberly took care of it right away. New trail signs are up to direct people, he hopes these bring attention to the trail.

Councilwoman Diglio – excused.

Deputy Mayor Teets – also attended the National Night Out event and had a really good time. She looks forward to it growing. She offered congratulations to Rick Straway on his upcoming retirement after 39 years with the Town. He will be missed. She thanked Mr. Theis for his positive comments on the pool, it is always nice to hear good things. A few upcoming events – Taste of Newton, the last Movie in the Park next Friday night, and GNCC 80th Anniversary dinner next week, they are a great asset to the community and

businesses. School is starting soon, and she wished all the parents, students, caregivers, teachers, and administrators all the best. Go Braves!

Mayor Schlaffer – thanked Walter for his comments on the pool, he wholeheartedly agrees. He is looking forward to the addition of the dog park as one of the amenities we have at Memory Park. He thanked Councilman Couce for relaying the summary of the discussion to the BOE. Also, the planters are awesome, they look fabulous, and he is looking forward to hopefully passing an ordinance for the grant work at the Fire Museum as that is something we have been hoping to reopen for a long time.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Schlaffer read aloud the following Ordinance relative to final adoption.

ORDINANCE NO. 2022-17

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 49 OF THE TOWN CODE, ENTITLED “ALCOHOLIC BEVERAGES” AND CHAPTER 234 OF THE TOWN CODE, ENTITLED “SIDEWALK CAFES”

WHEREAS, the Town of Newton wishes to permit BYOB customers to consume their alcohol at outside tables at Town approved sidewalk cafes in the T-6 zone;

NOW, THEREFORE BE IT ORDAINED, that the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey does hereby amend, revise, and supplement Chapter 49 of the Town Code, entitled “Alcoholic Beverages” and Chapter 234 of the Town Code, entitled “Sidewalk Cafes”, as follows:

[Brackets] mean deletions; Underlines mean additions

- (1) Amend, revise, and supplement Article I of Chapter 49 of the Town Code, §49-2, entitled “Consumption prohibited in public places” as follows:

“Consumption of alcoholic beverages of any type on or in any of the public places defined herein is prohibited, except as specifically set forth in Chapter 234 of the Newton Town Code.”

- (2) Amend, revise, and supplement Chapter 234 of the Town Code, notably Section 234-1, entitled “Purpose”, as follows:

“The purpose of the Chapter is to establish a procedure and authorize rules and regulations for sidewalk cafes in conjunction with restaurants which adjoin sidewalks within the [C-2] T-6 Zone.”

- (3) Amend, revise, and supplement Chapter 234 of the Town Code, most notable 234-4, entitled Consumption of alcoholic beverages as follows:

“Consumption of alcohol in open containers by patrons at a sidewalk café duly licensed for alcoholic beverages shall not be considered in violation of local ordinances prohibiting the consumption of such beverages in containers. Outdoor consumption of alcoholic beverages is permitted [only] if the sidewalk area upon which a café has been authorized to operate pursuant to this chapter constitutes a duly licensed premises for the consumption of alcoholic beverages; provided, however, that the related restaurant of which the café is a part is an extension of said license, and provided further that specific

approval has been obtained from the Town of Newton Police Department and/or the New Jersey Board of Alcoholic Beverage Control, as appropriate, for the extension of the alcoholic beverage consumption license to the sidewalk area. In addition to the provision herein, approved sidewalk cafes may permit customers over the age upon which the consumption of alcoholic beverages is allowed, to consume alcoholic beverages while sitting at a permitted outside sidewalk café table which the customer brings to the sidewalk café so long as the alcoholic beverage is beer and/or wine. Said alcoholic beverages shall only be consumed at the outside sidewalk café tables while sitting as a patron /customer there. Otherwise, said consumption shall be in violation of Chapter 49 of the Town Code. [Such approval shall be separate from, and must be obtained in addition to, the permit in order to operate a sidewalk café pursuant to this chapter. Retail food establishments which do not have a license to sell or serve alcohol beverages within their premises shall not be permitted to allow patrons to carry onto or consume alcoholic beverages on any sidewalk.]

BE IT FURTHER ORDAINED that any and all other provisions of the various sections set forth herein which are not addressed in this Ordinance shall remain as currently exist in the Town Code; and

BE IT FURTHER ORDAINED that any portion of the Town Code of the Town of Newton which is inconsistent with this Ordinance shall be repealed as to their inconsistencies only; and,

BE IT FURTHER ORDAINED that this Ordinance shall become effective after introduction of this Ordinance by the Mayor and Town Council, public hearing and second (2nd) reading/hearing and adoption by the Mayor and Town Council and publication in accordance with law.

ATTEST:

TOWN OF NEWTON

Teresa A. Oswin, RMC
Municipal Clerk

Jason J. Schlaffer, Mayor

Mayor Schlaffer opened the meeting to the public.

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

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

| | | | |
|-------------|-----------------|--------------------|-----|
| Mr. Couce | Yes | Mr. Dickson | Yes |
| Mrs. Diglio | Excused | Deputy Mayor Teets | Yes |
| | Mayor Schlaffer | Yes | |

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

Mayor Schlaffer read aloud the following Ordinance relative to final adoption.

ORDINANCE NO. 2022-18

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$894,909 FOR THE ACQUISITION OF A FIRE TRUCK WITH ACCESSORIES IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE

**ISSUANCE OF \$474,909 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 \$894,909.00, such sum includes (a) \$419,668.57 received from the American Rescue Plan and (b) \$331.43 from the capital improvement fund, each source 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").

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 \$474,909.00 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 \$474,909.00 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 acquisition of a fire truck with accessories, 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 Municipal 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 \$474,909.00.

(c) The estimated cost of the Improvement is \$894,909.00 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 Municipal 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 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 \$474,909.00 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000.00 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 \$474,909.00.

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 Schlaffer opened the meeting to the public.

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

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

| | | | |
|-------------|-----------------|--------------------|-----|
| Mr. Couce | Yes | Mr. Dickson | Yes |
| Mrs. Diglio | Excused | Deputy Mayor Teets | Yes |
| | Mayor Schlaffer | Yes | |

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

Mayor Schlaffer read aloud the following Ordinance relative to introduction.

ORDINANCE 2022-19

AN ORDINANCE PROVIDING FUNDING FOR RENOVATION OF FIRE MUSEUM FOR THE TOWN OF NEWTON AND APPROPRIATING \$25,000 FOR SUCH PURPOSE

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

| | | | |
|-------------|-----------------|--------------------|-----|
| Mr. Couce | Yes | Mr. Dickson | Yes |
| Mrs. Diglio | Excused | Deputy Mayor Teets | Yes |
| | Mayor Schlaffer | 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 14, 2022 at 7:00 pm.

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.”*

Mr. Russo then reviewed the consent agenda items.

RESOLUTION #183-2022*

“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 2021 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;

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 #184-2022*

“Affirm the Issuance of a \$2,750,510 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 Ordinances #2022-13 and #2022-14 adopted on May 23, 2022; and

WHEREAS, the Town received seven quotations ranging from 2.16% to 3.03% 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 Lakeland Bank for a Bond Anticipation Note totaling \$2,750,510 at an interest rate of 2.16% which will require a 2023 interest payment of \$59,245.99; and

WHEREAS, the appropriate Town Officials have executed said Note in the amount of \$2,750,510 with an interest rate of 2.16% dated July 19, 2022 and maturing July 18, 2023; and

WHEREAS, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires the Chief Financial Officer 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 \$2,750,510.00 Bond Anticipation Note issued July 19, 2022 and maturing July 18, 2023 bearing an interest rate of 2.16% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

RESOLUTION #185-2022*

“Resolution Authorizing an Emergency Repair of Fire Panel at Newton Water Filtration Plant”

WHEREAS, the Town of Newton became aware the FM-200 panel controlling the fire panel at the Newton Water Filtration Plant has failed, and needs replacing; and

WHEREAS, the Town Manager has determined this condition is an emergency and poses a threat to the health, safety, and welfare to the public in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, this emergency occurred on July 20, 2022; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6, an emergency quote from United Fire Protection Corp, 1 Mark Road, Kenilworth, NJ 07033 has provided for an emergency quote for replacement and installation of the FM-200 panel in the amount of \$31,834.00; and

WHEREAS the Town Manager finds this qualifies as an emergency procurement in accordance with the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-6); and

WHEREAS the Chief Financial Officer certifies funding is available in the amount of \$31,834.00 from:

Water – OE – Equipment Maintenance Account # 6064226

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, based upon these circumstances, that it hereby declares an emergency and approves the need for the emergency purchase and repair of the FM-200 panel controlling the fire panel at the Newton Water Filtration Plant in the amount of \$31,834.00.

RESOLUTION #186-2022

RESOLUTION #186-2022*

“Authorizing Fire Personal Protective Equipment and Accessories Contract Pursuant to New Jersey State Contract – Division of Purchase and Property Number T0790”

WHEREAS, a need exists for the acquisition of firematic personal protective equipment and accessories for the daily operations of the Town of Newton Fire Department; and

WHEREAS, the Town of Newton may, without advertising for bids, purchase such materials through the New Jersey State Purchase and Property State Contracts pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29 et. Seq., and

WHEREAS, under the State Contract award, Firefighter One LLC, (FF1) 26 Gail Ct Ste 1, Sparta NJ 07871, holds New Jersey State Purchase and Property State Contract T0790; and

WHEREAS, the Town of Newton is expected to exceed the bid threshold under the provisions of New Jersey State Cooperative Contract for T0790; and

WHEREAS, the Chief Financial Officer certifies funding in the amount of \$894,909.00 is available from:

ORDINANCE 2022-18 ACQUISITION OF FIRE TRUCK

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

1. The Town of Newton Fire Department is authorized to procure from Firefighter One LLC, (FF1) 26 Gail Ct Ste 1, Sparta NJ 07871, holds New Jersey State Purchase and Property State Contract T0790, for personal protective equipment and accessories in the amount of \$894,909.00.

RESOLUTION #187-2022*

“Resolution Authorizing Award of Contract to Creative Bus Sales Through HGAC National Cooperative Contract #BT01-21 For a 2023 Ford E-450 20-Passenger, 2-Wheelchair Bus”

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139”) and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from a vendor with a National Cooperative Contract is hereby approved for municipalities; and

WHEREAS, the Town of Newton has the need to procure a certain specialized passenger bus equipment in accordance with the Local Public Contract Law N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Town of Newton has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the HGAC National Cooperative through Resolution R#69-2015 on May 11, 2015; and

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

WHEREAS, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and has received no protests in accordance with law and regulation; and

WHEREAS, the equipment and corresponding HGAC National Cooperative contract number is: #BT01-21 for Creative Bus Sales Carlstadt, N.J.; and

WHEREAS, the Town is desirous of purchasing one (1) 2023 Ford E-450 20-passenger, two (2) wheelchair bus and accessories through #BT01-21 from Creative Bus Sales, Carlstadt, N.J, for \$121,967.00; and

WHEREAS, the Chief Financial Officer certifies the funding is available in the amount of \$121,967.00 from:

| | | |
|----------------------|------------|-------------|
| Ordinance 2022-14 | #309220311 | \$95,000.00 |
| Capital Fund Balance | #301800 | \$26,967.00 |

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

1. The Town of Newton Department of Human Resources is hereby authorized to procure one (1) 2023 Ford E-450 20-passenger, two (2) wheelchair bus and accessories through #BT01-21 from Creative Bus Sales, Carlstadt, N.J, for \$121,967.00.

RESOLUTION #188-2022*

“Approval of Cooperative Purchasing Contract, Roofing & Building Envelope Services - BID ESCNJ/AEPA-21D to Weatherproof Technologies (Tremco)”

WHEREAS, there is a need for roofing repair at the Newton Water Treatment Plant; and

WHEREAS, this repair service can be purchased through Educational Services Commission of New Jersey (65MCESCCPS), Cooperative Contract # ESCNJ/AEPA-21D; and

WHEREAS, this service has been listed in accordance with cooperative contract at \$146,913.85 by the awarded vendor, Weatherproof Technologies (Tremco), 3735 Green Road, Beachwood, Ohio 44122; and

WHEREAS, the Town of Newton can procure this through the ESCNJ cooperative contract under the authority of N.J.S.A. 40A:11-11 et. Seq; and

WHEREAS, the Chief Financial Officer certifies funds are available in the 2022 WS Operating Budget’s Capital Section in the amount of \$146,913.85 as follows:

Account # 6089360 WTP ROOF

WHEREAS, the Qualified Purchasing Agent has concurred with the legality of the purchase in accordance with the New Jersey Local Publics Contract Law (N.J.S.A. 40A:11-11 et. Seq.).

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex as follows: the Town Manager is authorized to enter into a contract with Weatherproof Technologies Incorporated, under the authority of Educational Services Commission of New Jersey (65MCESCCPS), Cooperative Contract # ESCNJ/AEPA-21D, in the amount of \$146,913.85 for the overlay and repair of the Newton Water Treatment Plant.

RESOLUTION #189-2022*

“Authorize Tax Collector to Refund a Tax Overpayment for 22 Hamilton Street”

WHEREAS, Block 9.01, Lot 7, also known as 22 Hamilton Street and is owned by Federico Diaz; and

WHEREAS, there was an overpayment of \$1,715.94 made on May 2, 2022 by A Absolute Escrow Settlement Co., LLC for the 2nd quarter, 2022; and

WHEREAS, A Absolute Escrow Settlement Co., LLC who coordinated the settlement has requested a refund;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, New Jersey, that the Tax Collector is hereby authorized to refund the tax overpayment to A Absolute Escrow Settlement Co., LLC, 55 Essex Street, Millburn, NJ 07041 in the amount of \$1,715.94.

RESOLUTION #190-2022*

“Refund of Redemption Monies to Outside Lien Holder for Block 19.04, Lot 12, also Known as 91 Mount View Street”

WHEREAS, at the Municipal Tax Sale held on October 13, 2021 a lien was sold on Block 19.04, Lot 12, also known as 91 Mount View Street, Newton, NJ for 2020 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2021-006 was sold to Fig cust Fig NJ 19, LLC & Sec Pty for a 0% redemption fee and a premium in the amount of \$29,000.00; and

WHEREAS, Pride Funding, LLC, the owner, has affected the redemption of Certificate #2021-006 in the amount of \$14,974.44;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Fig cust Fig NJ 19, LLC & Sec Pty is entitled to a redemption in the amount of \$14,974.44 as well as the return of the premium in the amount of \$29,000.00; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check, in the amount of \$14,974.44 for the redemption and a check in the amount of \$29,000.00 for the return of the premium for Certificate #2021-006 to Fig cust Fig NJ 19, LLC & Sec Pty, PO Box 54226, New Orleans, LA 70154.

RESOLUTION #191-2022*

“Resolution Approving Vacation & Sick Leave Time Payout for Scott King”

WHEREAS, Scott King, Police Lieutenant, with the Newton Police Department, retired effective July 31, 2022 and is entitled to payout for unused and accrued vacation & sick leave time pursuant to applicable law, Town ordinances, Policemen’s Benevolent Association, Local #138 – Superior Officers Association Agreement and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook; and

WHEREAS, the Chief Financial Officer has certified funding in the amount of \$36,445.57 from Account #711201; Reserve for Accumulated Absences;

NOW, THEREFORE BE IT RESOLVED, the Town Council authorizes the following payout for unused and vacation & sick leave time to Scott King as follows:

| <u>EMPLOYEE</u> | <u>RETIREMENT DATE</u> | <u>PAYOUT TOTAL</u> |
|------------------------|-------------------------------|----------------------------|
| Scott King | July 31, 2022 | \$36,445.57 |

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 #192-2022*

“Resolution Approving Vacation & Sick Leave and Accumulated Compensatory Time Payout for Thomas Tosti”

WHEREAS, Thomas Tosti, Police Sergeant, with the Newton Police Department, retired effective July 31, 2022 and is entitled to payout for unused and accrued vacation, sick, and accrued compensatory time pursuant to applicable law, Town ordinances, Policemen’s Benevolent Association, Local #138 – Superior Officers Association Agreement and the Town of Newton Personnel Policy and Procedures Manual and Employee Handbook; and

August 15, 2022

WHEREAS, the Chief Financial Officer has certified funding in the amount of \$19,057.99 from Account #711201; Reserve for Accumulated Absences;

NOW, THEREFORE BE IT RESOLVED, the Town Council authorizes the following payout for unused and vacation, sick, and accumulated compensatory time to Thomas Tosti as follows:

| <u>EMPLOYEE</u> | <u>RETIREMENT DATE</u> | <u>PAYOUT TOTAL</u> |
|-----------------|------------------------|---------------------|
| Thomas Tosti | July 31, 2022 | \$19,057.99 |

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 #193-2022*

“Resolution to Award Bid to ADS Contractors, LLC for ADA Ramps and Signage for Newton High School on Ryerson Avenue”

WHEREAS, the Town of Newton publicly accepted and opened bids for ADA Ramps and Signage for Newton High School on Ryerson Avenue on July 21, 2022, at 11:30A.M. as follows:

| <u>Name and Address of Bidder</u> | <u>Base Bid</u> |
|--|--------------------|
| ADS Contractors, LLC 52 Cooks Cross Road Pittstown, NJ 08867 | \$15,840.64 |
| Tony's Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105 | \$25,578.00 |
| Diamond Construction 35 Beaverson Blvd. Suite 12C Brick, NJ 08723 | \$30,292.00 |

WHEREAS, ADS Contractors, LLC, 52 Cooks Cross Road, Pittstown, NJ 08867, has provided the lowest responsible bid in accordance with N.J.S.A. 40A:11-4; and

WHEREAS, after review of all submitted bids, Harold E. Pellow of Harold E. Pellow and Associates, Inc., the Town Engineer, in his letter dated July 28, 2022 recommends awarding the ADA Ramps and Signage for Newton High School on Ryerson Avenue Project to ADS Contractors, LLC in the amount of \$15,840.64; and

WHEREAS, the Chief Financial Officer has certified funding in the amount not to exceed \$15,840.64 from:

Account # 30922035

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the bid ADS Contractors, LLC is accepted and awarded in the amount of \$15,840.64.

RESOLUTION #194-2022*

“Resolution to Award Bid to ADS Contractors, LLC for Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project”

WHEREAS, the Town of Newton solicited bids for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project; and

WHEREAS, the bids for the Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project were publicly opened and read on July 21, 2022, at 11:00A.M. as follows:

| | |
|---|--|
| <u>Bidder</u> ADS Contractors, LLC 52 Cooks Cross Road Pittstown, NJ 08867 | <u>Bid Amount</u> \$19,262.21 |
|---|--|

| | |
|--|-------------|
| Tony's Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105 | \$24,914.00 |
|--|-------------|

WHEREAS, ADS Contractors, LLC, 52 Cooks Cross Road, Pittstown, NJ 08867, has provided the lowest responsible bid in accordance with N.J.S.A. 40A:11-4; and

WHEREAS, after review of all submitted bids, Harold E. Pellow of Harold E. Pellow and Associates, Inc., the Town Engineer, in his letter dated July 28, 2022 recommends awarding Proposed Improvements to Lawnwood Avenue, Nelson Street, and East Clinton Street Project to ADS Contractors, LLC in the amount of \$19,262.21; and

WHEREAS, the Chief Financial Officer has certified funding in the amount not to exceed \$19,262.21 from:

Account #30922034

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the Bid ADS Contractors, LLC is accepted and awarded in the amount of \$19,262.21.

RESOLUTION #195-2022*

“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 this project; and

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance 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 balance of the General Capital appropriations totaling \$7,776.11 be cancelled:

| <u>Ordinance Number</u> | <u>Date Auth.</u> | <u>Project Description</u> | <u>Amount Cancelled</u> | |
|--------------------------------|--------------------------|-----------------------------------|--------------------------------|------------------------|
| | | | <u>Funded</u> | <u>Unfunded</u> |
| 2021-20 | 8/10/21 | Municipal Building & PD | \$7,776.11 | |

RESOLUTION #196-2022*

“Authorize the Award of a Required Disclosure Contract with Planet Networks for a Public Speaker System to Include, Sound Equipment, Speaker Installation, and Maintenance Services for Spring Street”

WHEREAS, the Town of Newton has a need for public speaker system in the shopping area on Spring Street, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS the Town has received two (2) quotes/non quotes, in accordance with N.J.S.A.40A:11-6.1, with Planet Networks being the most advantageous quote, price, and other factors considered; and

WHEREAS, Planet Networks, 4 Park Pl., Newton, N.J. in the aggregate is expected to be in excess of the play threshold of \$17,500.00; and

WHEREAS, Planet Networks, 4 Park Pl., Newton, N.J. has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Planet Networks, 4 Park Pl., Newton, N.J. 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 Planet Networks, 4 Park Pl., Newton, N.J. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies funds NOT TO EXCEED an aggregate \$43,914.95 are available as follows.

| | | |
|-----------------------|--------|-------------|
| 2022 Account #1112541 | Amount | \$43,914.95 |
|-----------------------|--------|-------------|

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Newton authorizes the Town Manager to enter into a contract with Planet Networks, 4 Park Pl., Newton, N.J. for an amount not to exceed \$43,914.95 for installation of a public speaker system for Spring Street; and

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

RESOLUTION #197-2022*

“Award of Contract for Fencing Services to Challenger Fence Company through the Morris County Cooperative Pricing Council”

WHEREAS, the New Jersey Local Publics Contract Law, N.J.S.A. 40A:11-1 et seq., and specifically, N.J.S.A. 40A:11-11(6), authorizes the Town of Newton by resolution, and without advertising for bids or obtaining quotations, to purchase any goods or services under cooperative contracts; and

WHEREAS, the Governing Body of the Town of Newton adopted Resolution #110-2021 on April 26, 2021 renewing membership in the Morris County Cooperative Pricing Council (“Morris County Co-Op”)(6MOCCP); and

WHEREAS, Challenger Fence Company, 53 Kentucky Avenue, Paterson, New Jersey 07503, was awarded Contract #53, Fencing Installation and Materials, expiring December 31, 2022; and

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

| | | | |
|------------------------------|----------|------------------|-------------|
| Capital Fund – Ord. #2022-16 | Dog Park | Account #3092204 | \$32,256.00 |
|------------------------------|----------|------------------|-------------|

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex and State of New Jersey, that Challenger Fence Company, 53 Kentucky Avenue, Paterson, New Jersey 07503, holder of Contract #53, Fencing Installation and Materials, based on the Morris County Cooperative Pricing Council is authorized to provide service to the Town of Newton above the bid threshold in accordance with the tenets and precepts as found in Morris County Co-op (6MOCCP) Contract #53.

RESOLUTION #198-2022*

“Authorize Credits Due Water and Sewer Utility Accounts”

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 account for amounts billed incorrectly due to the reason(s) stated:

CREDIT FOR MINIMUM USAGE ON STUCK METER:

| <u>Account</u> | <u>Address</u> | <u>Amount</u> |
|----------------|--------------------|---------------|
| 8063 | 86 West End Avenue | \$1,500 |

RESOLUTION #199-2022*

“Resolution Authorizing Disposal of Surplus Property – Public Works Vehicles”

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through Municibid pursuant to NJ State Contract 19-GNSV1-00696 in accordance with the terms and conditions of the State Contract.
- 2) The sale will be conducted online and the address of the auction site is <https://municibid.com>.
- 3) A list of the surplus property to be sold is as follows:
 - a. 2005 Chevrolet 2500
Vin: 1GCHK24U75E281892
Condition: Poor (Parts Only)

Mileage: 70,000
 - b. 2008 Chevrolet 2500 4X4 with Western Plow
Vin: 1GBE4C39X8F403034
Condition: Poor

Mileage: 38,283
 - c. 2012 GMC Sierra K2S
Vin: 1GT22ZCG9CZ247386
Condition: Poor
Mileage: 133,000
- 4) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

The Town of Newton reserves the right to accept or reject any bids submitted.

RESOLUTION #200-2022*

“Approval of the Execution of a Shared Services Agreement with Frankford Township to Provide Animal Control Services through December 31, 2023”

WHEREAS, the Township of Frankford ("Frankford") wishes to obtain animal control services on a limited basis from the Town of Newton ("Newton"); and

WHEREAS, the Town of Newton ("Newton") is willing to enter into a Shared Services Agreement with Frankford to provide the requested animal control services on a limited basis to Frankford; and

WHEREAS, the parties desire to enter into a Shared Services Agreement, a copy of which is attached, which sets forth the terms and conditions of the shared animal control services on a limited basis for the period commencing August 15, 2022 through and including December 31, 2023; and

WHEREAS, these types of shared services are just what the State of New Jersey envisioned when it seeks to encourage same through the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Clerk are hereby authorized, on behalf of the Town of Newton, to execute a Shared Services Agreement with the Township of Frankford to provide animal control services to Frankford for the Period of August 15, 2022 through December 31, 2023.

RESOLUTION #201-2022*

"Resolution Authorizing the Conditional Designation of Caruso Redevelopment Group, LLC as Redeveloper of the Hicks Avenue Redevelopment Area and the Paterson Avenue Redevelopment Area in the Town of Newton"

WHEREAS, the Town of Newton (the "Town") is a political subdivision of the State of New Jersey (the "**State**"), located in the County of Sussex; and

WHEREAS, all Block and Lot references used in this Resolution refer to Block and Lot information appearing of record in the official tax maps of the Town of Newton; and

WHEREAS, by Resolution #225-2007 adopted on December 10, 2007, the Town Council of the Town (the "**Town Council**") designated Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41, and 42 (now known as Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7, and 8) along Sparta Avenue, Hicks Avenue, and Smith Street, as a non-condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"); and

WHEREAS, by the adoption of Ordinance 2008-29 on December 22, 2008, the Town Council duly adopted a redevelopment plan for the Redevelopment Area, entitled, "Hicks Avenue Redevelopment Plan", prepared by A. Nelessen Associates, Inc. and dated December 2008 (as the same may be amended and supplemented from time to time, the "**Initial Hicks Avenue Redevelopment Plan**"); and

WHEREAS, on August 25, 2014, by the adoption of Ordinance 2014-16, the Town Council duly adopted an amended redevelopment plan for the Initial Hicks Avenue Redevelopment Plan, entitled, "Hicks Avenue Redevelopment Plan Amendment", prepared by J Caldwell & Associates, LLC and dated July 2014 (as the same may be amended and supplemented from time to time, the "**Amended Hicks Avenue Redevelopment Plan**"); and

WHEREAS, on December 6, 2007, the Planning Board of the Town of Newton recommended that Block 1201.02, Lots 2 and 2.01 (now known as Block 16.03, Lots 6 and 7), be designated as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on December 10, 2007, by Resolution #224-2007, the Town Council designated Block 1201.02, Lots 2 and 2.01 (now known as Block 16.03, Lots 6 and 7), along with the adjacent public rights-of-way along Paterson Avenue, Stratford Lane, and Jersey Place, as a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on November 10, 2008, by the adoption of Ordinance No. 2008-25, the Town Council duly adopted a redevelopment plan for Block 1201.02, Lots 2 and 2.01 (now known as Block 16.03, Lots 6 and 7), entitled, "Paterson Avenue Redevelopment Plan", prepared by A. Nelessen Associates, Inc. and dated October 2008 (as the same may be amended and supplemented from time to time, the "**Initial Paterson Avenue Redevelopment Plan**"); and

WHEREAS, on August 22, 2011, by the adoption of Ordinance No. 2011-18, the Town Council duly adopted amendments to the Initial Paterson Avenue Redevelopment Plan, entitled, "Paterson Avenue Redevelopment Plan Amendment", prepared by Jessica Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc. and dated August 22, 2011 (as the same may be amended and supplemented from time to time, the "**First Amended Paterson Avenue Redevelopment Plan**"); and

WHEREAS, on January 11, 2016, by the adoption of Ordinance No. 2015-39, the Town Council duly adopted amendments to the First Amended Paterson Avenue Redevelopment Plan, entitled, "Paterson Avenue Redevelopment Plan Amendment", prepared by J Caldwell & Associates, LLC, dated December 28, 2015 (as the same may be amended and supplemented from time to time, the "**Second Amended Paterson Avenue Redevelopment Plan**"); and

WHEREAS, on January 27, 2020, by the adoption of Ordinance No. 2020-2, the Town Council duly adopted amendments to the Second Amended Paterson Avenue Redevelopment Plan, entitled "Paterson Avenue Redevelopment Plan Amendment", prepared by J Caldwell & Associates, LLC, dated December 19, 2019 (as the same may be amended and supplemented from time to time, the "**Third Amended Paterson Avenue Redevelopment Plan**"); and

WHEREAS, the Amended Hicks Avenue Redevelopment Plan and the Third Amended Paterson Avenue Redevelopment Plan are herein collectively referred to as the "**Redevelopment Areas**;" and

WHEREAS, Caruso Redevelopment Group, LLC ("CRG") has provided for the Town's consideration evidence of its ability to acquire, finance, construct, and maintain the Redevelopment Areas; and

WHEREAS, the Town is desirous of conditionally designating CRG as the redeveloper of the Redevelopment Areas, subject to certain conditions;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that CRG, is hereby conditionally designated as redeveloper for the development of Redevelopment Areas conditioned upon the certain conditions ("Conditional Designation");

BE IT FURTHER RESOLVED, that said Conditional Designation is subject to the following conditions:

1. On or before the one year anniversary of this resolution, CRG shall provide sufficient evidence of control of either the Hicks Avenue Redevelopment Area (Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41, and 42 now known as Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7, and 8) or Paterson Avenue Redevelopment Area (Block 1201.02, Lots 2 and 2.01 now known as Block 16.03, Lots 6 and 7) (the "**Properties**") by way of agreement and/or right to

purchase the Properties from the current owner in a form acceptable to the Town (the "Definitive Agreement").

2. Upon presentation of the Definitive Agreement to the Town Council, CRG shall prepare complete concept plans to the Town Council and Planning Board including land uses, densities, bulk standards, amenities, and a list of proposed amendments to the respective redevelopment plans for the areas, if necessary.

3. Upon approval of the Town Council of such concept plans or such amended concept plans CRG may prepare in response to the Town Council's or its professionals' comments, CRG shall make a presentation to the Planning Board in support of the same.

4. Simultaneous with the Adoption of the Redevelopment Plan(s), CRG shall execute a Redeveloper's Agreement with the Town.

5. Within fourteen (14) days of the adoption of this resolution, CRG and the Town shall enter into an escrow agreement, in form attached hereto as **Exhibit A**, for the purposes of funding all of the professional costs associated with the redevelopment of the Redevelopment Areas, and the Redeveloper shall replenish the Escrow Account as required thereunder.

6. This Conditional Designation is for the limited period from the date of adoption of this resolution to the one-year anniversary date of its adoption at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Town or Town professionals' costs under the Escrow Agreement required herein.

7. The Town may, in its sole discretion, extend and re-extend the Conditional Designation, in its sole and exclusive discretion and provided sufficient progress has been demonstrated concerning the Definitive Agreement, the adoption of a Redevelopment Plan, and the negotiation of a Redeveloper's Agreement, and the Town Council hereby authorizes the Town Manager, Thomas S. Russo, Jr., to grant such extensions as needed.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

(EXHIBIT A)

ESCROW AGREEMENT

THIS ESCROW AGREEMENT ("Agreement") is made as of the ___ day of _____, 2022, by and between _____, **LLC**. (the "Entity"), a corporation formed under the laws of the State of New Jersey, with an address of _____; and the **TOWN OF NEWTON**, a municipal corporation of the State of New Jersey (the "Town") and together with the Entity (the "Parties"), with an address at 39 Trinity Street, Newton, NJ 07860.

WITNESSETH:

WHEREAS, the Entity is actively pursuing the potential redevelopment of redevelopment areas in the Town and has requested that the Town consider conditionally designating the Entity a redeveloper for such areas; and

WHEREAS, the Entity has agreed to cover the costs and expenses incurred by the Town in the Town's review, designation, and planning processes, with no assurance of a particular result from the Town; and

WHEREAS, the Entity has demonstrated that it has the skills, qualifications, experience, and financial ability (either directly or through its past funding sources) to redevelop some or all of the areas currently designated as areas in need of redevelopment;

WHEREAS, the Entity has agreed to deposit with the Town the amount of \$25,000.00 to replenish the escrow deposit (the "Escrow Deposit"), to be deposited in an escrow account and disbursed in accordance with the provisions of this Agreement to defray certain costs and expenses incurred by or on behalf of the Town arising out of or in connection with, among other things, consideration of a redevelopment designation and plan at the Property.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **Escrow Deposit.** The Escrow Deposit is separate from and in addition to all other application fees and escrow deposits that may be required by the Town, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., as and to the extent applicable.
2. **Scope of Reimbursable Services. (a)** The Town shall be entitled to be reimbursed for all professional charges incurred in connection with the review process defined above, the preparation and review of all related documents and materials, including but not limited to correspondence, meetings and all communications (including by telephone and email) with the Entity, the Entity's professionals, Town staff or retained professional(s) with respect to the Town's review process (collectively, the "Reimbursable Activities"). **Reimbursement may include charges incurred in connection with Reimbursable Activities prior to the date of this Agreement and is not contingent upon the outcome of any negotiations between the Parties.**
(b) Properly reimbursable professional charges shall be reasonable and necessary and shall relate to Reimbursable Activities performed by outside consultants and professionals. Annexed hereto as **Schedule 1** is a schedule of rates to be charged by outside professionals and consultants retained by the Town as of the date of this Agreement.
3. **Deposit and Administration of Escrow Funds.** The Escrow Deposit and all additions thereto shall be held by the Town in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or deposit approved for such deposits by the State of New Jersey, in a segregated, non-interest-bearing account (the "Escrow Account") referenced to in this Agreement.
4. **Payments from the Escrow Funds.**
(a) The Town shall use such funds to pay reimbursable professional charges.
(b) Professional charges paid out of the Escrow Account shall include professional charges in connection with the Reimbursable Activities. The only costs that shall

be added shall be actual out-of-pocket expenses of such professionals or outside consultants, including normal and typical expenses incurred in connection with such Reimbursable Activities.

(c) Each payment for professional services charged to the Escrow Account shall be pursuant to a voucher from the professional, identifying the personnel performing the Reimbursable Activities, each date the services were performed, the hours spent in not greater than one-tenth hour increments, the hourly rate, and specifically properly reimbursable expenses. All professionals shall submit the required vouchers or statements to the Town on a monthly basis in accordance with the schedule and procedures established by the Town.

5. Accounting and Additional Deposits. As reasonably requested by the Entity, the Town shall prepare and send to the Entity a statement which shall include an accounting of funds listing all deposits, disbursements, and the cumulative balance of the Escrow Account.

6. Close Out Procedures. Upon termination of the Town's review, the Entity may send written notice to the Town, Town Manager and Town's Chief Financial Officer, requesting that the remaining escrow balance of the Escrow Deposit be returned, or otherwise transferred to another escrow account if appropriate. After receipt of such notice, the professional(s) shall render a final bill to the Town within 30 days; and within 30 days of receipt, the Town shall pay all outstanding bills and render a written final accounting to the Entity detailing the uses to which escrow funds were spent. The Entity will not be responsible for any additional professional(s) charges once the final accounting has been rendered by the Town.

7. Disputed Charges. (a) The Entity may dispute the propriety or reasonableness of professional charges paid out of the Escrow Deposit by written notice to the Town. A copy of such notice shall be sent simultaneously to the professional(s) whose charges or estimated costs are the subject of the dispute. Such written notice of a disputed charge shall be given within 45 days from the Entity's receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the Entity with an informational copy of the voucher, then the Entity shall send notice within 60 days from receipt of the first statement of activity against the escrow account containing the disputed charge. Failure to dispute a charge in writing within the prescribed time shall constitute the Entity's acceptance of the charge and a waiver by the Entity of all objections to the charge and to payment thereof out of the escrow account.

(b) During the pendency of a dispute, the Town may continue to pay undisputed charges out of the Escrow Account. If a dispute over a charge is resolved in the Entity's favor after having been paid, the Town shall reimburse the Escrow Account in the amount determined to be properly disputed.

8. Governing Law. This Escrow Agreement shall be governed, construed, and enforced according to the laws of the State of New Jersey, without regard to its conflicts of laws principles. Any action hereunder shall be brought exclusively in a

WHEREAS, Tilcon New York, Inc. was awarded Contract #6, Milling and Paving, in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

WHEREAS, the Town Engineer, Harold E. Pellow, has recommended Tilcon New York, Inc. be retained for the Improvements to Dunn Place in the Town of Newton, based on the Morris County Cooperative Pricing Council contract pricing:

To be awarded to Tilcon New York, Inc. through the Morris County Co-Op \$8,418.00

WHEREAS, the Chief Financial Officer as required by N.J.S.A. 40A:4-5, N.J.A.C. 5:34-5.1 et seq., hereby certifies funds NOT TO EXCEED \$8,418.00 are available from:

Capital Fund – Ord. #2022-14 Road Improvements – Dunn Place - Account #30922032

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex and State of New Jersey, that the contract for the Resurfacing of Dunn Place Project in the Town of Newton is hereby awarded to Tilcon New York, Inc. in the amount of \$8,418.00.

RESOLUTION #203-2022*

“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 2021 and 2022 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

| Check# | Vendor | Check Total |
|--------|--|-------------|
| 6509 | A ABSOLUTE ESCROW SETTLEMENT CO. INC | 1,715.94 |
| 6510 | ACCURATE DOOR, INC. | 1,905.30 |
| 6512 | AIRMATIC COMPRESSOR SYSTEMS, INC. | 17,795.28 |
| 6513 | ALLEGIANCE TRUCKS | 89,607.85 |
| 6514 | AMERICAN FIDELITY ASSURANCE | 562.22 |
| 6515 | AMERICAN FIDELITY ASSURANCE COMPANY | 654.16 |
| 6516 | AppColony Inc. | 194.43 |
| 6517 | ATD HIGHWAY PRODUCTS LLC | 2,435.00 |
| 6518 | ATLANTIC TACTICAL INC. | 3,208.80 |
| 6519 | B & R UNIFORM, INC. | 150.00 |
| 6520 | BADGER METER, INC. | 164.22 |
| 6521 | BARCO PRODUCTS COMPANY | 3,063.39 |
| 6522 | BEN SHAFFER & RECREATION INC. | 584.80 |
| 6523 | BLUE RIDGE LUMBER, INC. | 1,017.90 |
| 6524 | BOONTON TIRE SUPPLY INC. | 2,201.21 |
| 6525 | BUCKMAN'S INC. | 4,117.60 |
| 6526 | C W A LOCAL 1032 | 247.87 |
| 6527 | CAMPBELL'S SMALL ENGINE INC. | 481.22 |
| 6528 | CAPITOL SUPPLY CONST PRODUCTS, INC. | 2,129.56 |
| 6529 | CCP INDUSTRIES, INC. | 209.11 |
| 6530 | CENTURYLINK COMMUNICATIONS, INC. | 251.70 |
| 6531 | CENTURYLINK COMMUNICATIONS, INC. | 93.03 |
| 6532 | CENTURYLINK COMMUNICATIONS, INC. | 3,958.70 |
| 6533 | COLE-PARMER INSTRUMENT COMPANY | 3,948.40 |
| 6534 | CONSTELLATION NEWENERGY -GAS DIV | 11,576.37 |
| 6535 | COUNTY OF SUSSEX | 8,511.33 |
| 6536 | COUNTY OF SUSSEX ELECTIONS | 376.42 |
| 6537 | COYNE CHEMICAL CORP., INC. | 2,250.50 |
| 6538 | CRYSTAL MOUNTAIN SPRINGS | 238.47 |
| 6539 | D & E SERVICE CENTER, INC. | 7,478.92 |
| 6540 | DAIGNEAULT, ROBERT | 500.00 |

| | | |
|------|---|--------------|
| 6541 | DEMPSEY UNIFORM & SUPPLY INC | 2,844.27 |
| 6542 | DRAEGER, INC. | 120.00 |
| 6543 | EARTHPLANTER LLC | 16,878.00 |
| 6544 | FAIRLEIGH DICKINSON UNIVERSITY | 2,037.00 |
| 6545 | FEDERAL EXPRESS | 34.35 |
| 6546 | FIREFIGHTER ONE, LLC. | 9,320.18 |
| 6547 | FREDON ANIMAL HOSPITAL | 536.30 |
| 6548 | GARDEN STATE LABORATORIES INC | 2,898.00 |
| 6549 | GARRIS, JEAN | 170.10 |
| 6550 | GATEHOUSE MEDIA NEW YORK HOLDINGS , INC. | 627.87 |
| 6551 | GENERAL CODE, LLC | 883.79 |
| 6552 | GIBBONS P.C. | 1,075.00 |
| 6553 | GLENN C KIENZ | 700.00 |
| 6554 | GLOBAL HR RESEARCH | 681.00 |
| 6555 | GLOBAL RECYCLING SOLUTIONS LLC | 168.00 |
| 6557 | GOLD TYPE BUSINESS MACHINES | 960.00 |
| 6558 | GOVERNMENT FORMS & SUPPLIES | 330.60 |
| 6559 | GRAVITY DESIGN WORKS, INC. | 454.00 |
| 6560 | HAYDEE BALLESTER | 140.00 |
| 6561 | HAYEK'S MARKET INC. | 271.84 |
| 6562 | HFE SERVICES LLC | 751.00 |
| 6563 | HOLLAND COMPANY, INC. | 6,649.50 |
| 6564 | HOLZHAUER & HOLENSTEIN, LLC | 14,600.00 |
| 6565 | HOME DEPOT, INC. | 187.56 |
| 6566 | HOME DEPOT, INC. | 1,230.39 |
| 6567 | I-CORE SYSTEMS, INC. | 222.40 |
| 6568 | ICC | 126.50 |
| 6569 | IDEMIA IDENTITY & SECURITY | 3,508.64 |
| 6570 | INSTANTCARD | 100.00 |
| 6571 | J. CALDWELL & ASSOCIATES, LLC. | 4,475.00 |
| 6572 | J.J. RICH DEMOLITION | 16,000.00 |
| 6573 | JCP&L | 12,832.12 |
| 6574 | JK HVAC SERVICE, LLC. | 276.00 |
| 6575 | JMC ENVIRONMENTAL CONSULTANTS, INC. | 1,287.80 |
| 6576 | JOE'S PLUMBING & HEATING | 14,500.00 |
| 6577 | JOHNNY ON THE SPOT, LLC. | 541.25 |
| 6578 | JOSEPH D CALABRESE | 175.00 |
| 6579 | JP MONZO MUNIC CONSULTING, LLC | 50.00 |
| 6580 | KIEFFER ELECTRIC, INC. | 5,394.12 |
| 6581 | KKPR MARKETING & PUBLIC RELATIONS, | 1,467.41 |
| 6582 | LADDEY, CLARK & RYAN, LLP | 2,875.00 |
| 6583 | LAW OFFICE OF DANIEL P. AGATINO, LLC. | 1,333.33 |
| 6584 | LOGAN, ERIN | 500.00 |
| 6585 | MAIN POOL & CHEMICAL COMPANY, INC. | 4,010.50 |
| 6586 | MARIN CONSULTING ASSOCIATES | 250.00 |
| 6587 | MCCULLOUGH TREE EXPERTS LLC | 1,450.00 |
| 6588 | MCGUIRE, INC. | 758.91 |
| 6589 | MGL FORMS - SYSTEMS, LLC. | 967.50 |
| 6590 | MID-AMERICAN ELEVATOR CO., INC. | 490.00 |
| 6591 | MINISINK PRESS INC | 415.00 |
| 6592 | MITCHELL AGENCY, INC. | 1,594.00 |
| 6593 | MITCHELL HUMPHREY INC. | 2,590.00 |
| 6594 | MONTAGUE TOOL & SUPPLY, INC. | 1,018.90 |
| 6595 | MOTOROLA SOLUTIONS | 120.00 |
| 6596 | MUNICIPAL RECORD SERVICE | 827.00 |
| 6597 | NATIONAL ASSOCIATION OF TOWN WATCH | 411.90 |
| 6598 | NEW JERSEY WATER ASSOCIATION | 295.00 |
| 6599 | NEWTON BOARD OF EDUCATION | 1,110,506.41 |
| 6600 | NEWTON PATROLMANS ASSOCIATION | 900.00 |
| 6601 | NEWTON SUPERIOR OFFICERS | 420.00 |
| 6602 | NEXGEN POWER EQUIPMENT INC | 493.00 |
| 6603 | NJMEBF | 191,285.00 |
| 6604 | ONE CALL CONCEPTS, INC. | 108.31 |
| 6605 | OPTIMUM | 115.65 |

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| 6606 | PAINT SPOT | 2,213.82 |
| 6607 | PALL CORPORATION | 9,120.00 |
| 6608 | PASSAIC VALLEY SEWERAGE COMM. | 7,938.00 |
| 6609 | PELLOW, HAROLD & ASSO, INC. | 8,425.96 |
| 6610 | PELLOW, HAROLD & ASSO, INC. | 2,977.13 |
| 6611 | PELLOW, HAROLD & ASSO, INC. | 319.90 |
| 6613 | PLANET NETWORKS INC. | 3,179.37 |
| 6614 | PROCESS TECH SALES AND SERVICE | 2,564.71 |
| 6615 | QUADIENT INC. | 486.00 |
| 6616 | QUILL CORPORATION | 135.71 |
| 6617 | QUILL CORPORATION | 68.99 |
| 6618 | R & J CONTROL INC. | 2,434.42 |
| 6619 | R.S. PHILLIPS STEEL LLC | 246.20 |
| 6620 | RACHLES/MICHELE'S OIL COMPANY, INC. | 7,499.79 |
| 6621 | REISINGER OXYGEN SERVICE, INC. | 77.22 |
| 6622 | Reliance Standard Life Insurance | 806.98 |
| 6623 | RICCIARDI BROTHERS, INC. | 700.00 |
| 6624 | RUTGERS LIFELONG LEARNING CENTER | 653.00 |
| 6625 | RUTGERS,OFFICE OF CONTINUING ED | 1,956.00 |
| 6626 | S/NJ EMPLOYER ACCOUNTS | 11,714.14 |
| 6627 | S/NJ TOXICOLOGY LABORATORY | 45.00 |
| 6628 | SASSE GLASS LLC | 360.00 |
| 6629 | SCMUA | 1,475.94 |
| 6630 | SCREEN CREATION PLUS | 1,847.50 |
| 6631 | SEBRING AUTO PARTS, INC. | 781.37 |
| 6632 | SF MOBILE-VISION, INC. | 59,181.00 |
| 6633 | SHERWIN-WILLIAMS, INC. | 702.91 |
| 6634 | SHOP RITE, INC. | 163.55 |
| 6635 | SLOAN, JAMES P | 3,573.83 |
| 6636 | SMALLEY, JOHN H | 1,437.50 |
| 6637 | SPECTROTEL | 605.75 |
| 6638 | STAPLES | 21.48 |
| 6639 | STAPLES | 430.56 |
| 6640 | STAPLES | 59.28 |
| 6641 | STAPLES CREDIT PLAN, INC. | 815.17 |
| 6642 | SUI ACCOUNT | 2,562.45 |
| 6643 | SUNLIGHT GENERAL | 1,884.97 |
| 6644 | SUSSEX CAR WASH INC | 216.00 |
| 6645 | SUSSEX COUNTY CLERK | 1,628.71 |
| 6646 | SUSSEX COUNTY LOCK & SAFE, | 205.08 |
| 6647 | SUSSEX COUNTY MAILING SERVICE | 1,150.29 |
| 6648 | SUSSEX COUNTY P & H, INC. | 436.35 |
| 6649 | SYNCHRONY BANK | 856.85 |
| 6650 | T.A. MOUNTFORD COMPANY, INC. | 5,303.01 |
| 6651 | TAYLOR OIL CO., INC. | 2,326.32 |
| 6652 | TEXAS LIFE INSURANCE COMPANY | 35.45 |
| 6653 | THE CANNING GROUP, LLC. | 541.67 |
| 6654 | THE EQUITABLE | 32,190.00 |
| 6655 | TIMMERMAN COMPANY, INC. | 530.52 |
| 6656 | TIRE KING, INC. | 260.00 |
| 6657 | TRACTOR SUPPLY | 185.98 |
| 6658 | TRANS WORLD ASSURANCE CO. | 400.00 |
| 6659 | TREASURER, STATE OF NEW JERSEY | 105.58 |
| 6660 | TREASURER, STATE OF NEW JERSEY | 720.00 |
| 6661 | TRI-STATE RENTALS, INC. | 13.05 |
| 6662 | TRI-STATE RENTALS/PARTY WORLD INC | 681.50 |
| 6663 | TRIMBOLI & PRUSINOWSKI, LLC. | 187.00 |
| 6664 | TRUST ACCOUNT, TOWN OF NEWTON | 1,000.00 |
| 6665 | UGI ENERGY SERVICES LLC | 433.75 |
| 6666 | UNITED FIRE PROTECTION CORP. | 5,449.50 |
| 6667 | UNITED SITE SERVICES,INC | 11,832.10 |
| 6668 | UNUM LIFE/DISABILITY INSUR | 676.14 |
| 6669 | UPSEU LOCAL 424J | 588.00 |
| 6670 | VISION SERVICE PLAN | 1,183.40 |

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| 6671 | W.B. MASON, INC | 39.50 |
| 6672 | WALMART | 274.44 |
| 6673 | WAYNE T. MCCABE | 750.00 |
| 6674 | WEINER LESNIAK | 1,449.00 |
| 6675 | WIELKOTZ & COMPANY, LLC. | 8,900.00 |
| 6676 | WILDFLOWERS WITH TAMI | 100.00 |
| 6677 | WITMER PUBLIC SAFETY GROUP, INC. | 280.77 |
| 6678 | WOLANSKI, MICHAEL | 32.28 |
| <hr/> | | |
| TOTAL | | 1,843,576.09 |

Mayor Schlaffer asked if any member of the Council would like to pull a Resolution for discussion.

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

| | | | |
|---|-----------------|---|-----|
| Mr. Couce (abstain on #196-2022 and check #6613) | Yes | Mr. Dickson | Yes |
| Mrs. Diglio | Excused | Deputy Mayor Teets (abstain on #191-2022, 192-2022 and checks 6600 & 6601) | Yes |
| | Mayor Schlaffer | Yes | |

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

There being no one from the public to be heard in person, the Mayor opened the meeting up to Zoom attendees.

There being no one from the public to be heard either in person or on Zoom, Mayor Schlaffer closed the meeting to the public.

DISCUSSION – None.

COUNCIL MANAGER COMMENTS

Councilman Couce stated in the public safety realm there is a concept known as mutual aid, where one public safety entity assists another municipality in providing emergency services due to a lack of manpower or increased volume. It is generally thought of in a local approach. What many people might not realize is this past week Newton Fire Department provided mutual aid to the City of Newark for during a massive water main break which pretty much eliminated the water source for Belleville and parts of the City of Newark. The Newton Fire Department sent down our combination engine/large tanker truck to help provide additional water capacity for the City of Newark. It is exceptional to know the volunteers in this Town are not only taking time to service our local community but the State of New Jersey and beyond.

EXECUTIVE SESSION – None.

August 15, 2022

ADJOURMENT

There being no further business to be conducted, upon motion of Mrs. Teets seconded by Mr. Dickson and unanimously carried, the regular meeting was adjourned at 7:20pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk