

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. Dickson, Mrs. Diglio, Deputy Mayor Teets, Mayor Schlaffer, Teresa A. Oswin, Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Monica B. Miebach, CFO, and Eric Bernstein, Esq., Town Attorney were also present. Mr. Couce attended via ZOOM.

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

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."

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.

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 else from the public to be heard either in person or on Zoom, Mayor Schlaffer closed the meeting to the public.

POLICE DEPARTMENT PROMOTIONAL CEREMONY

a. Promotion of Ptl. John Flanagan to Sergeant– Oath of Office

Mr. Russo read the following statement: *"John was born and raised in Newton, graduating from Newton High School. In January, 2002, John became a Public Safety Telecommunicator at the Newton Police Department where he remained until June of 2006 when Chief John Tomasula hired him as a police officer. John continued to work as a patrol officer and had several achievements during his time, which includes the Newton Police Department Life Saving Award and was the recipient of the Mothers Against Drunk Driving Award 2 years in a row. John is one of the department's Firearm Instructors and is also a Certified Field Training Officer for the department. John is also responsible for the investigations for Taxicab and Limousine Licenses, as well as Solicitor's permits and Junk Dealers Licenses for the Town.*

John has also volunteered within the community. John is a life member of the Newton Fire Department, where he served for 21 years. John also volunteered with the Newton First Aid Squad as a First Responder/Driver. John has coached for the Newton Youth Soccer League and also the Newton Youth Football League. John continues to live in town with his wife and two sons."

Mayor Schlaffer administered the oath of office to Sgt. Flanagan as his wife Joanna and two sons stood by his side. His wife then pinned on his badge.

Sgt. Flanagan thanked the Town Council, Town Manager, Chief, his fellow officers, and the Fire Department for all their support. He thanked his family and he is looking forward to continuing to serve the community.

b. Promotion of Ptl. Jared Zappa to Sergeant– Oath of Office

Mr. Russo read the following statement: *“Jared is 34 years old and was born and raised in the Town of Newton. He currently lives in the Town of Newton with his wife Katherine. He graduated from Rutgers University in 2011 with a degree in Sports Management. He pursued a career in the sports industry, but soon realized his heart was in law enforcement and that he wanted to follow in the footsteps of his father. In 2015, he graduated the Morris County Police Academy via the Alternate Route Program and was hired by the Morris Township Police Department, where he spent the first 2 years of his law enforcement career. In 2017, after taking the civil service exam, Jared transferred to the Newton Police Department. In June of 2021, he was assigned to the Detective Bureau, where he has been assigned to until learning that he was being promoted to the position of Sergeant.”*

Mayor Schlaffer administered the oath of office to Sgt. Zappa as his wife Katherine and mother Richelle held the bible, and his father Mark stood by his side. His father then pinned on his badge.

Sgt. Zappa thanked Mr. Russo, the Town Council, the Chief, and Lieutenants. He went on to thank everyone that came out tonight, he knows some traveled quite a distance. He thanked his wife and family for their support. He stated there is not a better group to work with than his fellow officers.

Chief VanNieuwland stated it has been an exciting year for the Department. They hired 3 new officers, had 2 retirements, and 3 promotions. For a Department of 22 officers, that is quite a feat. He thanked the Town Council and the Town Manager for their continued support. He knows John and Jared will do well in their new positions.

BREAK – 5 minutes for photos and congratulations.

COUNCIL & MANAGER REPORTS

Town Manager Russo – thanked the Chamber, DPW, and Kimberly Williams for a successful Holiday Parade. Everything went well and the weather was great this past Saturday. December 2nd is the last day the DPW will be picking up leaves and brush. He reminded everyone the annual tree lighting will take place this Friday, December 2nd at 5pm in front of Town Hall. There will be music, Santa, and free Starbucks refreshments.

Councilman Couce – he stated he live streamed the parade, gave thanks to Kimberly Williams, GNCC, and Sandi for another great event in Town. It was cool to see the red, white, and blue alpaca.

Councilman Dickson – he also watched the parade via live stream. It was a great job by the GNCC, DPW, and Sandi. He offered congratulations to Sgts. Flanagan and Zappa.

Councilwoman Diglio – thanked Kimberly, Michelle, and Sally for all the help with the parade. She gave a special thanks to the DPW, Police, and Fire Department who came out at 6:30am to help get things done for the parade. She also offered congratulations to Sgts. Flanagan and Zappa.

Deputy Mayor Teets - had nothing to add that hadn't already been mentioned.

Mayor Schlaffer – None.

UNFINISHED BUSINESS – None.

ORDINANCES

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

ORDINANCE 2022-24

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 213 OF THE TOWN CODE, ENTITLED “PROPERTY MAINTENANCE” TO ADD ARTICLE IV, “LEAD-BASED PAINT TESTING”

WHEREAS, the Town maintains Town Code Chapter 213, entitled Property Maintenance, and specifically the enforcement of the Property Maintenance and related codes; and

WHEREAS, pursuant to P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), all municipalities are required to inspect every single-family, two (2) family, and multiple rental dwelling built prior to 1978, located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the Department of Community Affairs has proposed regulations to implement P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), which are anticipated to be effective in October 2022; and

WHEREAS, it is in the best interests of the residents of the Town of Newton to amend the Town Code at this time to require inspections for lead-based paint in residential rental dwellings to conform to this new State law;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey, that it does hereby amend, revise, and supplement Chapter 213 of the Town Code, entitled “Property Maintenance”, to add a new Article IV, entitled “Lead-Based Paint Testing,” as follows:

[Brackets] mean deletions; Underlines mean additions

Section 1. Chapter 213 of the Town Code is hereby amended as follows by the addition of a new Article IV, entitled “Lead-Based Paint Inspections”.

ARTICLE IV LEAD-BASED PAINT INSPECTIONS

§ 213-15 Inspections For Lead-Based Paint.

A. Definitions. The following shall have the meaning as used in and in accordance with *N.J.S.A. 52:27D-437.6* and *N.J.A.C. 5:28A-1.1, et seq.*

“Dust wipe sampling” means a sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (HUD) and as conducted pursuant to *N.J.A.C. 5:28A-2.3*.

“Dwelling” means a building containing a room or rooms, or suite, apartment, unit, or space that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

"Dwelling unit" means a unit within a building that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

"Multiple dwelling" means any building or structure and any land appurtenant thereto, and any portion thereof, in which three (3) or more dwelling units are occupied or intended to be occupied by three (3) or more persons living independently of each other. "Multiple dwelling" also means any group of ten (10) or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two (2) dwelling units are occupied, or intended to be occupied, by two (2) persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple dwelling" does not include those buildings and structures that are excluded pursuant to *N.J.S.A. 55:13A-3(k)*.

"Periodic lead-based paint inspection" means the initial inspection of all applicable dwelling units at the earlier of two years from the effective date of *P.L. 2021, c. 182, (July 22, 2022) [N.J.S.A. 52:27D-437.6]*, or tenant turnover and, thereafter, the earlier of three (3) years or upon tenant turnover, consistent with *N.J.A.C. 5:28A-2.1*, for the purposes of identifying lead-based paint hazards in dwellings subject to this Article.

"Property Maintenance Code Official" means the Town of Newton Property Maintenance Code Official, any enforcement officer appointed by the Town of Newton, pursuant to *N.J.S.A. 40:48-2.3 et seq.*, or any other statutory authorization to perform inspections of any Building or other code, any enforcement officer authorized to enforce the Town of Newton Property Maintenance Code or Health Code, or their designee.

"Remediation" means interim controls or lead abatement work undertaken in conformance with this Article to address lead-based paint hazards.

"Tenant turnover" means the time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit or the time at which a new tenant enters a vacant dwelling unit.

- B. Inspections Authorized. In accordance with *N.J.S.A. 52:27D-437.6* and *N.J.S.C. 5:28A-1.1 et. seq.*, the Town shall designate an outside agency, retained by the Town pursuant to law, and the Town empowers said outside agency to conduct the lead-based paint inspections for all applicable multiple dwelling units offered for rent to determine the presence of lead based paint pursuant to this Chapter of the Town Code and/or the provisions of *N.J.S.A 52:27D-437.6* and *N.J.S.C. 5:28A-1.1 et. seq.*
- C. Lead-Based Paint Inspection. Inspections for lead-based paint in multiple dwelling units shall be governed by the standards set forth in *N.J.S.A. 52:27D-437.1 et seq.*, and *N.J.S.A. 55:13A-1 et seq.* A dwelling unit in a single-family, two (2) family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
1. has been certified to be free of lead-based paint;
 2. was constructed during or after 1978;
 3. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," *P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.)*;
 4. is a single-family or two (2) family seasonal rental dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or

5. has a valid lead-safe certification. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

§ 213-16 Owner Required to Obtain Inspection.

The owner, landlord, and/or agent of every single-family, two (2) family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards as required in this Article, or at tenant turnover, whichever is earlier. If a landlord, owner, and/or agent so chooses, a dwelling unit owner or landlord may directly hire a licensed lead evaluation contractor to conduct the periodic lead-based paint inspections for lead-based paint. Inspections shall be performed as per the timetable set forth below.

§ 213-17 When Lead-Based Paint Inspections Are Required.

- A. The initial inspection for all single-family, two (2) family, and multiple dwellings subject to this Article shall be upon tenant turnover or within two (2) years of the effective date of P.L. 2021, c. 182 (July 22, 2022), whichever is sooner.
- B. Thereafter, all such dwelling units shall be inspected for lead-based paint hazards every three (3) years or upon tenant turnover, whichever is earlier, except that an inspection shall not be required at tenant turnover if the dwelling unit owner has a valid lead-safe certification for the dwelling unit.
- C. The next periodic lead-based paint inspection shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification.

§ 213-18 Lead-Based Paint Inspections by Dust Wiping Method.

A licensed lead evaluation contractor shall collect samples by dust wiping surfaces, including floors, interior windowsills, and other similar surfaces, and tested, in accordance with methods approved by the State of New Jersey and/or the United States Department of Housing and Urban Development. A visual assessment may also be undertaken during the course of the dust wipe sampling.

§ 213-19 Notice of Inspection to be Given.

Whenever any multiple dwelling unit is scheduled for a tenant turnover, the then-current landlord, owner, and/or agent shall provide written notice to the Municipal Clerk that an inspection is needed at least twenty (20) calendar days prior to the scheduled date of the tenant turnover.

§ 213-20 Time for Inspections.

All inspections and reinspections shall take place within fifteen (15) calendar days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the Municipal Clerk, unless the completed application and required fees have been received by the Town at least twenty-four (24) hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the landlord, tenant, owner, or agent has failed to provide access for inspection shall be deemed a failed inspection.

§ 213-21 Identification of Lead-Based Paint Hazard.

If a lead-based paint hazard is identified in an inspection of one of the dwelling units in a building consisting of two (2) or more dwelling units, then the lead contractor shall inspect the remainder of the building's dwelling units, with the exception of those dwelling units that have been certified to be free of lead-based paint or which have a valid lead-safe certification.

§ 213-22 Inspection Certification to be Supplied.

The licensed lead evaluation contractor shall supply a copy of the lead safe certification to the landlord, owner, and/or agent of the dwelling. A copy shall also be provided to the Municipal Clerk at the time it is issued. If a lead evaluation contractor or permanent local agency finds that a lead-based paint hazard exists in a dwelling unit, they shall notify the New Jersey State Department of Community Affairs, Division of Local Government Services for review of the findings, in accordance with the Lead Hazard Control Assistance Act.

§ 213-23 Responsibility for Remediation of Lead-Based Paint.

The owner of the dwelling unit shall be responsible for remediation of the lead-based paint hazard. Remediation must be conducted consistent with the requirements at N.J.A.C. 5:28A-2.5 and such remediation shall be documented to the Municipal Clerk.

§ 213-24 Fees for inspections.

1. a. There shall be a fee of Seven Hundred Fifty (\$750.00) Dollars for an initial unit inspected at a multiple family dwelling unit during a single mobilization. For each and every additional unit inspected at a multiple family dwelling unit during a single mobilization, the fee shall be Six Hundred (\$600.00) Dollars per unit. If during a single mobilization, if the inspector is not granted access to one (1) or more dwelling units at the time of the appointment, an additional charge of Four Hundred (\$400.00) Dollars shall be charged to each and every unit where access is not granted.

b. As to re-inspection there shall be a Six Hundred (\$600.00) Dollar fee for an initial unit re-inspection at a multiple family dwelling unit for a single mobilization each and every time a re-inspection occurs. There shall be a Four Hundred Fifty (\$450.00) Dollar fee for every additional unit re-inspected at a multiple family dwelling unit during a single mobilization each and every time a re-inspection occurs. If during a single mobilization, if the inspector is not granted access for re-inspection for one (1) or more dwelling units at the time of the appointment, an additional charge of Four Hundred (\$400.00) Dollars shall be charged to each and every unit where access is not granted each and every time a re-inspection occurs.
2. An additional Twenty (\$20.00) Dollar fee shall be assessed in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-2.2, to be deposited into the Lead Hazard Control Assistance Act Fund under the administration of the New Jersey State Department of Community Affairs.
3. All fees shall be nonrefundable if the applicant fails to cancel the requested inspection at least forty-eight (48) hours prior to a scheduled inspection. This is separate and apart from the non-access fee set forth above. Said fee shall be dedicated to meeting the costs of implementing and enforcing this Article for lead-based paint inspections and shall not be used for any other purpose.
4. A dwelling landlord, owner, and/or agent may directly hire a certified lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of this Article and the requirements of N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1, *et seq.*, in which case no additional lead-based paint inspection fee shall be paid; provided, however, that the additional Twenty (\$20.00) Dollar fee shall still be assessed in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-2.2, payable to the Town, to be deposited into the Lead Hazard Control Assistance Act Fund under the administration of the New Jersey State Department of Community Affairs.

§ 213-25 Owner Responsibility for Record-Keeping.

The landlord, owner, and/or agent of a dwelling that is subject to this Article shall provide to the tenant and to the Town evidence of a valid lead-safe certification obtained pursuant to this Article at the time of tenant turnover. The owner shall also affix a copy of any such certification as an exhibit to the tenant's lease.

1. The owner of a multiple dwelling that is subject to this Article shall provide evidence of a valid lead-safe certification obtained pursuant to this Article, as well as evidence of the most recent tenant turnover, at the time of any cyclical inspection performed pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 *et seq.*
2. The owner of a dwelling that is subject to this Article shall maintain a record of the lead-safe certification, which shall include the name or names of a unit's tenants, if the inspection was conducted during a period of tenancy.
3. The owner of any dwelling subject to this Article shall inform the Town of all tenant turnover activity to ensure any required inspection may be scheduled.
4. The owner of a dwelling shall provide a copy of this Article, and any lead-safe certifications issued pursuant thereto, along with the accompanying guidance document, Lead-Based Paint in 23 Rental Dwellings, to any prospective owners of the dwelling during a real estate transaction, settlement, or closing.

§ 213-26 Municipal Enforcement Powers to be Exercised by All Authorized Persons.

Pursuant to N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-4.1, the Municipal Clerk is authorized to conduct investigations and issue penalties in order to enforce a multiple dwelling landlord's, owner's, and/or agent's failure to comply with this Article.

1. The owner of the dwelling shall first be given a period of thirty (30) calendar days to cure any violation by conducting the required inspection or initiating any required remediation efforts.
2. If the owner of the dwelling has not cured the violation within that time period, they shall be subject to a penalty, not to exceed One Thousand (\$1,000) Dollars per week, until the required inspection has been conducted or the remediation efforts have been initiated.
3. Remediation efforts shall be considered to be initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

Section 2. The Town Manager, and any and all other Town officials, are hereby directed and authorized to perform all acts necessary to effectuate the purposes of this Ordinance.

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

Section 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. This Ordinance will take effect after passage and publication according to 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 Mrs. Diglio, who moved its adoption, seconded by Mrs. Teets and roll call resulted as follows:

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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 #2022-25

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE TOWN CODE OF THE TOWN OF NEWTON, CHAPTER 228, ENTITLED "SEWER AND WATER", ARTICLE IV "WATER AND SEWER RATES

WHEREAS, the Town of Newton ("Town") periodically reviews various provisions of the Town Code, including issues as to the billing and collecting of sewer and water charges in the Town and the Town now wishes to amend the process for billing and collecting of said services in these circumstances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise, and supplement Chapter 228 of the Town Code of the Town of Newton, most notably paragraph A of Section 228-19, entitled "Billing and collecting" as follows:

"§228-19 Billing and collecting.

The Water and Sewer Department of the Town of Newton will prepare bills setting forth water, sewer and other Department charges and send them to its customers through the U.S. Postal System. Bills that are not delivered by the U.S. Postal System shall, nevertheless, remain due and owing. The amount of such nondelivered bills shall, upon request, be made available to customers either in person, in writing or by telephone.

A. All accounts will be billed quarterly on the [25]15th day of February, May, August, and November. Bills must be paid on or before the 15th day of March, June, September, and December. All bills not paid within thirty (30) calendar days after the billed date, March [25] 15, June [25] 15, September [25] 15, and December [25] 15 are subject to a ten (10%) percent penalty, which shall be added to the amount of the bill and collected as other charges. Should the due date fall on a weekend or legal holiday observed by the Town of Newton, the due date will be extended to the next business day."

[Brackets] mean deletions; Underlines mean additions

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- (1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.
- (2) This Ordinance shall take effect immediately upon due passage and publication in accordance with 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 Mrs. Teets and roll call resulted as follows:

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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 2022-26

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2023

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to determine salaries, wages, or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees and officers;

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

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2023 as shown in Schedules "A" and "B" attached hereto in accordance with §25-12 of the Code of the Town of Newton.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager at his discretion.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Those employees at wage Level 9 serving in the position of Deputy Municipal Court Administrator may be compensated with a stipend of \$55.00 in lieu of 2 hours compensatory time for each court related call-out with written certification.

Section 5. Those officers and employees at wage Level 17 shall be paid their annual salary in equal quarterly payments during the last pay period of each quarter.

Section 6. All ordinances or parts of ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval, and publication after adoption by the Town Council and shall be effective January 1, 2023.

**ORDINANCE 2022-26
SCHEDULE "A"**

<u>LEVEL</u>	<u>HOURLY</u>		<u>35 HRS / WK</u>		<u>40 HRS / WK</u>		<u>IRREGULAR HOURS ANNUALIZED</u>
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	
1	\$15.00	\$22.00	\$27,300	\$40,040	\$24,960	\$39,520	
2	\$15.50	\$23.00	\$28,210	\$41,860	\$26,000	\$41,600	
3	\$16.00	\$28.00	\$29,120	\$50,960	\$27,040	\$52,000	
4	\$16.50	\$31.00	\$30,030	\$56,420	\$28,080	\$58,240	
5	\$17.00	\$36.00	\$30,940	\$65,520	\$29,120	\$74,880	
6	\$17.50	\$38.00	\$31,850	\$69,160	\$30,160	\$79,040	
7	\$18.00	\$39.00	\$32,760	\$70,980	\$31,200	\$81,120	
8	\$18.50	\$41.00	\$33,670	\$74,620	\$32,240	\$85,280	
9	\$19.00	\$50.00	\$34,580	\$91,000	\$33,280	\$104,000	
10	\$20.00	\$55.00	\$36,400	\$100,100	\$35,360	\$114,400	
11			\$38,000	\$105,000	\$37,500	\$145,000	
12			\$45,000	\$110,000	\$55,000	\$160,000	
13			\$50,000	\$115,000	\$60,000	\$175,000	
14			\$65,000	\$135,000	\$75,000	\$180,000	
15			\$70,000	\$165,000	\$80,000	\$195,000	
16							\$500 - \$9,000
17							\$2,500 - \$10,000
18							\$3,000 - \$45,000
19							\$10,000 - \$75,000

**TOWN OF NEWTON
ORDINANCE 2022-26**

SCHEDULE "B"

LEVEL 1 Intern Recreation Assistant	Road Repairer Sewer Repairer Sewer Repairer 1/Water Repairer 1 Truck Driver Water Repairer
LEVEL 2 Lifeguard Swim Instructor	
LEVEL 3 Clerk Typist Custodian Keyboarding Clerk I School Traffic Guard Secretary	LEVEL 7 Code Enforcement Officer Park Caretaker Parking Meter Enforcer Payroll Clerk Senior Public Safety Telecommunicator Senior Sewer Repairer Senior Water Repairer Sewer Repairer 2 Sewer Repairer 2/Water Repairer 2 Special Police Officer Water Repairer 2
LEVEL 4 Assistant Pool Manager Code Enforcement Officer Trainee Keyboarding Clerk II Public Safety Telecommunicator Trainee Recreation Leader Senior Clerk Typist	LEVEL 8 Administrative Assistant Court Attendant Road Foreman Sewer Foreman Sewer Repairer Supervisor/Water Repairer Supervisor Street Foreman Supervising Public Safety Telecommunicator Violations Clerk Water Foreman
LEVEL 5 Assessing Clerk Building Grounds Maintenance Worker Fire Prevention Inspector Laborer Police Clerk Pool Manager Records Support Technician Recreation Enforcement Officer Sewer Laborer Water Laborer Water Meter Reader Water/Sewer Collector	LEVEL 9 Assistant Director of Public Works Assistant Public Works Supervisor Assistant Water/Sewer Supervisor Certified Tax Collector/Tax Search Officer Deputy Municipal Court Administrator Planning/Zoning Administrator Sewer Plant Operator Sewer Plant Operator/Water Plant Operator Water Plant Operator
LEVEL 6 Account Supervisor/Treasurer Equipment Operator Omnibus Operator Public Safety Telecommunicator Public Works Repairer Recycling Foreman	LEVEL 10 Code Enforcement Director Director of Public Works

Finance Director
 Municipal Clerk
 Municipal Court Administrator
 Municipal Department Head
 Public Works Supervisor
 Water/Sewer Supervisor

LEVEL 11
 Police Patrolman

LEVEL 12
 Police Sergeant

LEVEL 13
 Police Lieutenant
 Water/Sewer Superintendent

LEVEL 14
 Chief Financial Officer

LEVEL 15
 Police Chief
 Town Manager

LEVEL 16
 Assistant Right-to-Know Coordinator
 Deputy Municipal Clerk
 Deputy Registrar
 Deputy Right-to-Know Coordinator
 Right-to-Know Coordinator

LEVEL 17
 Council Member
 Deputy Mayor
 Mayor

LEVEL 18
 Building Subcode Official/Inspector
 Deputy Code Enforcement Officer
 Deputy Emergency Management Coordinator
 Electrical Subcode Official/Inspector
 Emergency Management Coordinator
 Fire Subcode Official
 Plumbing Subcode Official/Inspector
 Recreation Coordinator
 Registrar of Vital Statistics
 Zoning Officer

LEVEL 19
 Community Development Director
 Deputy Town Manager
 Human Resources Director
 Municipal Department Head
 Recreation Supervisor
 Tax Assessor

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. Diglio, who moved its adoption, seconded by Mr. Dickson and roll call resulted as follows:

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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 2022-27

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 100 OF THE TOWN CODE OF THE TOWN OF NEWTON, ENTITLED “FEES AND COSTS”, MOST NOTABLY SECTION 100-2 “PEDDLING AND SOLICITING”; SECTION 100-5 “SPECIAL SALES”; SECTION 100-10 “CLOTHING BINS”; SECTION 100-13 “ANIMALS”; SECTION 100-14 “TAXICABS AND LIMOUSINES”; AND SECTION 100-24 “MISCELLANEOUS FEES AND CHARGES”; AND OTHER RELATED TOWN CODE PROVISIONS

WHEREAS, the Mayor and Town Council have reviewed various fees charged by the Town to the various persons/businesses doing business with the Town and wish to amend, revise, and supplement various provisions of Chapter 100 of the Town Code, entitled “Fees and Costs”, most notably Section 100-2 “Peddling and soliciting”; Section 100-5 “Special sales”; Section 100-10 “Clothing bins”; Section 100-13 “Animals”; Section 100-14 “Taxicabs and limousines”; and Section 100-24 “Miscellaneous fees and charges”; and other related Town Code provisions;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town Code of the Town of Newton, County of Sussex, State of New Jersey, most notably Chapter 100 of the Town Code, entitled "Fees and Costs" and other related Town Code provisions, is hereby amended, revised, and supplemented as to the Sections of Chapter 100 (and related Town Code provisions) set forth below as follows:

- A. §100-2 Peddling and Soliciting (Chapter 206)
 - A. Peddlers, hawkers, and vendors (§206-3)
 - (1) Daily rate:
 - (a) License fee (traveling): [~~\$70~~] \$50
 - (b) License fee (stationary): [~~\$300~~] \$200
 - (2) Annual rate:
 - (a) License fee (traveling food vendor): [~~\$350~~] \$200 plus food handler's permit.
 - C. Annual food truck permit fee. [Starting January 1, 2022] The fee shall be [~~\$100~~] \$200 per year with no limit on the number of said permits that may be issued.
- B. §100-5 Special Sales (Chapter 222)
 - B. Garage sale (§222-13B) [~~\$15~~] \$20
- C. §100-10 Clothing Bins (Chapter 82):
Charitable bins (§82-3):
 - A. Initial permit: [~~\$25~~] \$50
 - B. Renewal permit: [~~\$25~~] \$30
- D. §100-13 Animals (Chapter 57)
 - A. License and registration (§57-10)
 - (1) Neutered dog: [~~\$15~~] \$16 per dog
 - (2) Non-neutered dog [~~\$18~~] \$20 per dog
 - (3) Cat license (neutered or non-neutered): [~~\$12~~] \$15 per cat
 - (4) Replacement dog/cat tag: [~~\$2~~] \$5 each
 - C. Impounding and destruction of certain dogs and cats: (§57-14)
 - [(1) Destruction of any unclaimed dog or cat at the request of the owner: \$3]
 - (1) Destruction or surrender of any dog or cat at the request of the owner: \$300.
 - (2) Expenses incurred by reason of any dog's or cat's detention, including maintenance: not to exceed [~~\$4~~] \$100 for the first (1st) day and [~~\$1~~] \$50 per day for each additional day, and [~~\$2~~] \$50 for picking up each dog or cat.
- D. Additional fees and/or charges:
 - (1) Microchipping: \$25
 - (2) Trap rental: \$15 per week
 - (3) Adoption fees:
 - (a) Kittens (under 12 months of age): \$125
 - (b) Cats (over 12 months of age): \$150
 - (c) Dogs: \$300
- E. §100-14 Taxicabs and Limousines (Chapter 283):
 - A. Taxicab owner's license (§283-4G):
 - (1) Initial application: [~~\$550~~] \$600

- (2) Renewal application: [\$300] \$325
- (3) Each vehicle: [\$50] \$100
- B. Taxicab driver's license (§283-5A (11)):
 - (1) Initial application: [\$50] \$100
 - (2) Renewal application [\$30] \$50
- F. §100-24 Miscellaneous fees and charges:
 - A. Swimming pool:
 - (3) Swim lessons:
 - (a) Residents: [\$125] \$175 for eight (8) thirty (30) minute lessons.
 - (b) Nonresidents: [\$150] \$200 for eight (8) thirty (30) minute lessons.
 - (4) Birthday parties: [\$300] \$350 for the first (1st) ten (10) guests; [\$5] \$10 for each additional guest. Pizza, soda, and ice cream are included.
 - (5) Water fitness class: Ten (\$10) drop-in-fee or Thirty-Five (\$35) for four (4) classes.
 - D. Certified copies of licenses and certificates issued by the Bureau of Vital Statistics:
 - (1) Marriage certificate: [\$15] \$20 first (1st) copy, \$5 each additional copy.
 - (2) Birth certificate: [\$15] \$20 first (1st) copy, \$5 each additional copy.
 - (3) Death certificate: [\$15] \$20 first copy, \$5 each additional copy.
 - (4) Correction to birth certificates, marriage certificates, or death certificates [\$25] \$30
 - (5) Domestic partnership, per copy: [\$15] \$20
 - (6) Civil union: [\$15] \$20 first (1st) copy, \$5 each additional copy.
 - P. Cannabis application and license review fee. Any person applying to be permitted to operate a cannabis business under the laws of the State of New Jersey and Town Code of the Town of Newton in the Town of Newton, County of Sussex, State of New Jersey, shall pay an annual fee of [\$2,500] \$5,000 to have the Town and its professionals review said application and license annually in order to operate a cannabis business in the Town of Newton. Said annual fee shall apply to all six (6) marketplace classes of licenses, including cultivation, manufacturer, wholesaler, distributor, retailer, and delivery. This fee is payable annually and shall not be prorated.

BE IT FURTHER ORDAINED, any provision of Chapter 100 and its Sections of the Newton Town Code which are not enumerated herein shall remain in their current form.

BE IT FURTHER ORDAINED, should any part or portions of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereto other than the part held invalid. All ordinances or parts of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

This Ordinance shall take effect on January 1, 2023.

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 Mrs. Diglio and roll call resulted as follows:

Mr. Couce	Yes	Mr. Dickson	Yes
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and specifications therefor on file in the Office of Engineering.

TOTAL ALL PURPOSES	\$97,150	\$92,150
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(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 \$92,150.

(c) The estimated cost of the Improvement is \$97,150 which amount represents the initial appropriation made by the Town.

SECTION 4:

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

SECTION 5:

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

SECTION 6:

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

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

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 7.79 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Town Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$92,150 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

The Chief Financial Officer of the Township 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 Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township 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 Township 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 Township fails to comply with its undertaking, the Township 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 \$92,150.

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 Mrs. Teets and roll call resulted as follows:

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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 2022-29

BOND ORDINANCE REAPPROPRIATING \$90,421 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES FOR IMPROVEMENTS FOR VARIOUS OTHER CAPITAL ITEMS BY THE TOWN OF NEWTON, NEW JERSEY

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:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$90,421 of the bond proceeds of obligations originally made available pursuant to the following ordinance of the Town of Newton, County of Sussex, New Jersey is no longer necessary for the purposes for which the obligations previously were authorized. Each amount is listed under the column, "Balance to be Reappropriated," and is further described by reference to the number of the bond ordinance pursuant to which such amounts have been made available, the original appropriation made by the bond ordinance, and the description of the improvement for which such amounts originally were appropriated.

The total amount of \$90,421, consisting of \$87,104 of bond proceeds and \$3,317 of capital moneys to be reappropriated are made available as follows:

<u>Ordinance Number</u>	<u>Appropriation</u>	<u>Original Description of Improvement</u>	<u>Balance to be Reappropriated</u>
2022-14	\$10,000	Improvements to Dunn Place, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$1,257.00
2022-14	\$20,000	Demolition Barrett Avenue (house), including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$2,060.00
2022-14	\$39,450.50	Acquisition of Police Sport Utility Vehicle, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$604.00

SECTION 2:

<u>Ordinance Number</u>	<u>Appropriation</u>	<u>Original Description of Improvement</u>	<u>Balance to be Reappropriated</u>
2022-14	\$100,000	Road improvements to Smith Street and Grand Avenue, including sidewalk, curbing, milling, paving, drainage, sewer, and other miscellaneous improvements and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$37,000.00
2022-14	\$240,000	Road improvements to E. Clinton Street, Lawnwood Avenue and Nelson Street, including sidewalk, curbing, milling, paving, drainage, sewer, and other miscellaneous improvements and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.	\$49,500.00

The total amount of \$90,421 referred to in Section 1 above is hereby reappropriated as follows:

Acquisition of a portion of the cost of a Dodge RAM Truck and the Acquisition of an Additional Dodge RAM Truck	\$63,900.00
Renovations of the Department of Public Works Building	\$26,521.00

SECTION 3:

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 4:

The useful life of the improvements described in Section 2 above is 7.93 years.

SECTION 5:

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 Mrs. Teets, who moved its adoption, seconded by Mr. Dickson and roll call resulted as follows:

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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 2022-30

AN ORDINANCE AMENDING, REVISING, AND SUPPLEMENTING CHAPTER 213 OF THE TOWN CODE OF THE TOWN OF NEWTON, ENTITLED "PROPERTY MAINTENANCE", MORE SPECIFICALLY ADDING A NEW ARTICLE V, ENTITLED "BUSINESS AND RESIDENTIAL RENTAL UNIT REGISTRATION AND LIABILITY INSURANCE"

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

Mr. Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	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 a hearing on the same to be held on Monday, December 12, 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.

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

RESOLUTION #258-2022*

"To Cancel Trust Police Outside Service Escrow Balances"

WHEREAS, there is a balance in the Trust–Police Escrow for Outside Services as of October 31, 2022, in the following account:

#7112250	O/S Police – Misc. One Time	\$94.50
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WHEREAS, the Town has not received a request for refund and attempts to contact the depositing company by phone or email have been unsuccessful; and

WHEREAS, it is desirous to cancel the balance since it has had no activity since 2020;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the above listed balance totaling \$94.50 in the Trust Police Outside Service Fund be canceled to Current Operations.

RESOLUTION #259-2022*

“Accept as Final and Complete the Proposed Resurfacing of Dunn Place Project and Authorize Final Paperwork Be Prepared”

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Resurfacing of Dunn Place through the Morris County Co-op by the adoption of Resolution #202-2022 on August 15, 2022:

Tilcon New York, Inc. \$8,418.00

WHEREAS, the Town Council approved Change Order No. 1 for Tilcon New York, Inc., for a decrease in the amount of \$1,203.06 for a new contract total of \$7,214.94 by the adoption of Resolution #253-2022 on November 14, 2022; and

WHEREAS, the Town Engineer, Harold E. Pellow, of Harold E. Pellow & Associates, Inc., recommends in his memo dated October 31, 2022, accepting the project as final and complete so the final paperwork can be prepared;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts as final and complete the Proposed Resurfacing of Dunn Place Project; and

BE IT FURTHER RESOLVED, that a copy of Mr. Pellow's memo be attached to and made part of this Resolution.

RESOLUTION #260-2022*

“Resolution Rejecting All Bids for Chemical Supply Bid Newton Water/Sewer Utilities Bid #16-2022”

WHEREAS, the Town of Newton received bids on November 10, 2022, at 10:00A.M. in response to Bid #16-2022 for Chemical Supply Bid for the Newton Water & Sewer utilities; and

WHEREAS, the Town received four (4) bids to wit:

NAME OF BIDDER	Holland Company Inc	Miracle Chemical Company	USALCO LLC	PVS Minibulk Inc.	JCI Jones Chemicals Inc
Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15%	NO BID	NO BID	NO BID	NO BID	NO BID
Bid Item 2 - Bid Item 2 - Epic WWW 2400 24,000 – 26,000 GALLONS YEARLY	\$5.71/Gallon - \$137,040- \$148,450.00 - 1-3 days	NO BID	NO BID	NO BID	NO BID
Bid Item 3 - Liquid gas sulfur dioxide, as called for in the Specifications 10,950 pounds	NO BID	NO BID	NO BID	NO BID	\$1.5333/ gallon, \$16,789.64 - no days indicated
Bid Item 4 - Liquid hydrofl /Gas, as called for in Specifications 10,950 ponds	NO BID	NO BID	NO BID	NO BID	NO BID

Bid Item 5 - Liquid Sodium Hydroxide, as called for in Specifications 5,500 gallons 25%	NO BID	NO BID	NO BID	\$4.85/ Gallon, \$26,455.00 - 3-5 days	NO BID
Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons	NO BID	NO BID	NO BID	NO BID	NO BID
Bid Item 7 - Liquid Sodium Hypochlorite, as called for in Specifications 7,500 gallons	NO BID	\$6.999/ gallon, \$52,492.50 - 7 days	NO BID	\$4.31/ Gallon, \$32,325.00 - 3-5 days	NO BID

And

WHEREAS, the Town of Newton Water and Sewer Utility desires to substantially revise the term scope of the project affecting price; and

WHEREAS, the New Jersey Local Publics Contract Law at N.J.S.A. 40A:11-13.2(d) allows for rejection of bids by a contracting unit in such instances, to wit:

40A:11-13.2. Rejection of bids; reasons

A contracting unit may reject all bids for any of the following reasons:

d. The contracting unit wants to substantially revise the specifications for the goods or services.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that any and all bids received for Bid #16-2022 Chemical Supply Bid are hereby rejected in accordance with the authority granted within N.J.S.A. 40A:11-13.2(d).

RESOLUTION #261-2022*

“Authorize Credits Due Water and Sewer Utility Accounts”

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

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

CREDIT FOR ACCOUNTS THAT HAVE BEEN OVERESTIMATED:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
97804	Barry Lane	\$71.07
1184550	Halsted Street	\$57.46
1820910	Smith Street	\$80.96
2324870	Glen Road	\$180.01
26496128	Water Street	\$308.56
195872	North Park Drive	\$1,755.62
25936	54A-15 Mill Street	\$1,053.60

RESOLUTION #262-2022*

“Insertion of Special Items of Revenue in the 2022 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948)”

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

WHEREAS, the Town of Newton has received a payment in the amount of \$9,900.00 from the State of New Jersey, Department of Law & Public Safety, Division of Highway Traffic Safety, Drunk Driving Enforcement Fund (DDEF);

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following items in the 2022 Budget of the Town of Newton which is now available as revenue from:

- Miscellaneous Revenues:
 - Section F: Special Items of Revenue
 - Public and Private Revenues Off-set with Appropriations:
 - Drunk Driving Enforcement Fund..... \$9,900.00

- General Appropriations:
 - (A) Operations - Excluded from CAPS
 - Public and Private Programs Off-Set by Revenues:
 - Drunk Driving Enforcement Fund..... \$9,900.00

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

RESOLUTION #263-2022*

“Approval of a Renewal Application for Taxicab Owner’s License for Doragail Spicer t/a DADS Taxi & Limo”

WHEREAS, the Code of the Town of Newton requires under **§283.2, License Required**, “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police”; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Owner's License application is complete and accurate; and

WHEREAS, in accordance with **§283.6, Inspection of Vehicles**, “Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law”;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 81 Skytop Road, Newton, NJ 07860, t/a D.A.D.S. Taxi & Limo, which shall expire November 28, 2023; and

BE IT FURTHER RESOLVED, the applicant must remain in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

RESOLUTION #264-2022*

“Approval of a Renewal Application for Taxicab Driver’s License for Doragail Spicer”

WHEREAS, the Code of the Town of Newton requires under **283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver's license application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by

Doragail Spicer, 81 Skytop Road, Newton, NJ 07860 and represents D.A.D.S. Taxi & Limo, which will expire on November 28, 2023.

RESOLUTION #265-2022*

“Approval of a Renewal Application for Taxicab Driver’s License for Glenn T. Spicer”

WHEREAS, the Code of the Town of Newton requires under **§283.2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising the renewal Taxicab Driver’s license application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Glenn T. Spicer, 81 Skytop Road, Newton, NJ 07860 and represents D.A.D.S. Taxi & Limo, which will expire on November 28, 2023.

RESOLUTION #266-2022*

“Resolution Authorizing Award of Bid 11R-2022, Camera and Panic Button Installation Bid to Commercial Technology Contractors Inc.”

WHEREAS, a need exists for the re bid for the project known as “Camera and Panic Button Installation Bid,” Bid# 11R-2022; and

WHEREAS, the Town advertised and received bids in a fair and open manner consistent with N.J.S.A. 19:44A-20.5 and N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Town received two (2) bids for “Camera and Panic Button Installation Bid”, Bid# 11R-2022, on October 27, 2022, at 10:00A.M. to wit:

NAME OF BIDDER	Wojchik Electric Inc.	Commercial Technology Contractors Inc.
LUMP SUM	\$133,317.31	\$68,622.78

WHEREAS, the lowest apparent bidder was determined to be Commercial Technology Contractors Inc., 152 Huron Avenue, Clifton, New Jersey, 07013, with a bid of \$68,622.78; and

WHEREAS, the Chief of Police and Qualified Purchasing Agent have determined that Commercial Technology Contractors Inc., 152 Huron Avenue, Clifton, New Jersey, 07013, to be the lowest responsible bidder, consistent with N.J.S.A.40A:11-4.1.; and

WHEREAS, the Chief Financial Officer certifies funding in the amount of \$68,622.78 is available from: Ordinance # 2022-28 after adoption and estoppel period has been completed.

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 Council of the Town of Newton hereby awards “Camera and Panic Button Installation Bid,” Bid# 11R-2022 to Commercial Technology Contractors Inc., 152 Huron Avenue, Clifton, New Jersey, 07013, in the amount of \$68,622.78.
2. The Mayor, Town Manager, and Municipal Clerk are authorized to execute contracts with Commercial Technology Contractors Inc. consistent with all the tenets as contained within “Camera and Panic Button Installation Bid,” Bid# 11R-2022.

RESOLUTION #269-2022*

“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
7191	AFLAC	3,708.92
7192	AG CHOICE, LLC.	455.00
7193	AIRMATIC COMPRESSOR SYSTEMS, INC.	1,645.00
7194	ALL ACCESS STAGING & PRODUCTIONS, INC.	250.00
7195	AMERICAN FIDELITY ASSURANCE	1,124.44
7196	AMERICAN FIDELITY ASSURANCE COMPANY	1,308.32
7197	ARMSTRONG, KENNETH W.	1,020.60
7198	ATLANTIC COMFORT SYSTEMS	2,375.00
7199	B & R UNIFORM, INC.	519.80
7200	BABCOCK, DAWN	1,020.60
7201	BADGER METER, INC.	164.76
7202	BECHTEL, LISA	120.00
7203	BESHADA, LEO	2,857.20
7204	BOND, CHRISTOPHER	1,020.60
7205	BOONTON TIRE SUPPLY INC.	1,527.79
7206	BRIGHTSPEED	71.55
7207	BRIGHTSPEED	3,647.09
7208	BRIGHTSPEED	41.31
7209	BROWN KERRY	108.75
7210	C W A LOCAL 1032	506.03
7211	CASAMASSINA, LISA	120.00
7212	CCP INDUSTRIES, INC.	1,710.47
7213	CENTER FOR PREVENTION & COUNSELING, INC	800.00
7214	CLOUSE RONALD	1,891.20
7215	CONDOR CREATIONS	98.50
7216	COOPER	2,041.20
7217	COUNTY OF SUSSEX	8,399.50
7218	COYNE CHEMICAL CORP., INC.	2,025.25
7219	CRYSTAL MOUNTAIN SPRINGS	1,020.60
7221	CURRENT ACCOUNT	94.50
7222	DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	1,488.00
7223	DOMINICK'S PIZZA LLC	145.80
7224	ELIZABETHTOWN GAS	3,581.11
7225	FEDERAL EXPRESS	58.74
7226	FORD MOTOR CREDIT COMPANY INC	16,698.89
7227	FORD MOTOR CREDIT COMPANY INC	14,973.59
7228	FOVEONICS DOCUMENT SOLUTIONS	5,544.78
7229	FREDON ANIMAL HOSPITAL	306.35
7230	FRISBIE, ARTHUR & RITA	2,041.20
7231	FURGIUELE, CAMILLE	1,503.00
7232	GALLS, LLC	763.53
7233	GARRIS, JEAN	1,020.60
7234	GATEHOUSE MEDIA NEW YORK HOLDINGS, INC.	423.63
7235	GEDEON, JAMES F.	375.00
7236	GNCC	42.00
7237	GRELLO NIKO	144.95
7238	GRENNILLE, WILLIAM	2,041.20
7239	GRIFONE, MIKE	90.00
7240	HAVENS DEBORAH	1,020.60
7241	HAYDEE BALLESTER	140.00

7242	HAYEK'S MARKET INC.	1,498.75
7243	HFE SERVICES LLC	3,984.96
7244	HOLLAND COMPANY, INC.	6,636.30
7245	HOME DEPOT, INC.	60.31
7246	HOME DEPOT, INC.	911.82
7247	HOUGH THERESA	90.00
7248	ILIFF, JOHN AND TERRY	2,041.20
7249	CALDWELL & ASSOCIATES, LLC	390.00
7250	JCP&L	6,735.54
7251	JORRITSMAN, BRUCE	3,006.00
7252	JP MONZO MUNIC CONSULTING, LLC	50.00
7253	KAYS, PETER J.	1,020.60
7254	KILDUFF JAMES	978.60
7255	KITHCART, EILEEN	2,233.80
7256	LASSO, ERVIN	1,020.60
7257	LENOVO	576.01
7258	LEXIPOL	4,698.96
7259	LICATA, MARY	90.00
7260	MAIN POOL & CHEMICAL COMPANY, INC.	973.50
7261	MASON-WILLIAMS, KIMBERLY	217.99
7262	MILLS STEVE	1,020.60
7263	MONTAGUE TOOL & SUPPLY, INC.	81.65
7264	MORRIS, THOMAS & BULAH	2,041.20
7265	NEWTON HIGH SCHOOL	75.00
7266	NEWTON PATROLMANS ASSOCIATION	1,920.00
7267	NEWTON SUPERIOR OFFICERS	600.00
7268	NJMEBF	195,553.00
7269	NJSACOP	225.00
7270	OSWIN TERESA ANN	248.96
7271	PANDISCIA MICHAEL	2,041.20
7272	PELLOW, HAROLD & ASSO, INC.	25,380.90
7273	PENTELEDATA	319.90
7274	Peter Bond	300.00
7275	PHOENIX ADVISORS, LLC.	1,700.00
7276	PLANET NETWORKS INC.....	809.85
7277	QUILL CORPORATION	1,223.33
7278	RANSNORTH, NANCY	1,020.60
7279	RAPID PUMP	2,131.65
7280	READ, LORRAINE	1,020.60
7281	Reliance Standard Life Insurance Co	401.41
7282	RICHARDS, JEAN	1,020.60
7283	RIMAGE CORPORATION	242.82
7284	ROMYNS, LARRY E.	1,993.20
7285	ROSELLEN ANN M	1,020.60
7286	Schlosser, Theresa	150.00
7287	SEELY BROTHERS, INC.	36.00
7288	SHACKLETON, JACKI	150.00
7289	SHOP RITE, INC.	186.02
7290	SMALLEY, JOHN H	2,041.20
7291	SMITH, WILLIAM F	2,041.20
7292	STAPLES	3,245.00
7293	STORR TRACTOR COMPANY	338.80
7294	SUBURBAN CONSULTING ENGINEERS, INC.	1,077.50
7295	SUBURBAN PROPANE, LP.	1,270.97
7296	SUSSEX CO.ASSOC.-CHIEFS-POLICE	700.00
7297	SUSSEX COUNTY COMMUNITY COLLEGE	228.00
7298	SUSSEX COUNTY ECONOMIC	360.00
7299	SUSSEX COUNTY LOCK & SAFE,	340.00
7300	SYNCHRONY BANK	1,463.40
7301	SYNCHRONY BANK	2,071.08
7302	SYNCHRONY BANK	114.95
7303	TASHJIAN	90.00
7304	TEXAS LIFE INSURANCE	70.90
7305	THE ADAPTIVE WAY LLC	394.20

7306	THE EQUITABLE	5,270.00
7307	TIRE KING, INC.	3,860.00
7308	TOPOLOGY NJ, LLC.	2,397.94
7309	TRANS WORLD ASSURANCE CO.	800.00
7310	UGI ENERGY SERVICES LLC	2,509.93
7311	UNUM LIFE/DISABILITY INSUR	1,352.28
7312	UPSEU LOCAL 424J	1,512.00
7313	VAN METER & ASSOC'S INC	320.00
7314	VAN NIEUWLAND STEVE	190.00
7315	VERIZON WIRELESS, INC.	1,800.95
7316	VIRGA,	1,020.60
7317	VISION SERVICE PLAN	2,483.62
7318	WAGNER, WILLIAM	2,041.20
7319	WALMART	39.54
7320	WEINER LESNIAK	27.00
7321	WEIS MARKETS, INC.	151.27
7322	WITMER PUBLIC SAFETY GROUP, iINC.	63.28
7323	ZENES, NANCY	1,020.60
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TOTAL		417,056.38

RESOLUTION #271-2022*

“Authorizing Negotiations for Department of Public Works Vehicle Bids”

WHEREAS the Town publicly advertised and sought receipt of public bids on October 28, 2022, and November 23, 2022, at 10:00am, for a total of two (2) public bids for the project known as “Department of Public Works Vehicle Bid”; and

WHEREAS, the Town has duly advertised for bids on both occasions, wherein the initial bid was rejected, and no bids were received for the re-bid; and

WHEREAS, the New Jersey State Local Publics Contract Law, N.J.S.A. 40A:11-5(3) allows for negotiations subsequent to two (2) rejected or non-received bids; and

WHEREAS it is the desire of the Town to authorize the Town Manager and/or his designee to conduct the negotiations process; and

WHEREAS it remains the desire of Town of Newton to secure a contract with a local and economically efficient and qualified provider of the tenets as found within bid for 17-2022 and 17R-2022; and

WHEREAS relief is available through the New Jersey Local Public Contract Law N.J.S.A.40A:11-5(3) and the Town desires to avail itself of this remedy through negotiations.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the Town Manager and/or his designee are hereby authorized to enter into negotiations with contractors under the provisions of N.J.S.A. 40A:11-5(3) which correspond to available funding for the project known as Department of Public Works Vehicle Bid.

This Resolution shall take effect immediately.

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

Mr. Couce (abstain on check 7276,)	Yes	Mr. Dickson	Yes
Mrs. Diglio	Yes	Deputy Mayor Teets (abstain on Resolution #258-2022)	Yes
	Mayor Schlaffer	Yes	

DISCUSSION

OPEN TO THE PUBLIC

Mayor Schlaffer opened the meeting to the public.

Joan Faye, 14 Woodridge Court came forward and started off by saying it is always a good thing to see an empty meeting room, this means the Town is running very well and there is no controversy. She came for the promotions of the two officers. It is good to see the confidence the Town Council has in our officers, it gives her a level of comfort. She then thanked the Council for all their support when she lost her daughter three and a half years ago. It has been a very challenging time for her family. She knows there are a couple of new members on the Council and a couple who are no longer serving, but she feels it is important to thank the Town Council, Town Manager, and the Police Department for their support to her family during such a difficult time. The Fireworks in Lexi's honor were very appreciated, and she had many friends and family members come to see them. Lastly, she stated she is co-leader for a local Girl Scout troop, and they are working on their Bronze award and would like to assist with the Dog Park. The girls have raised money to donate a bench and provide a dog waste receptacle. The attempts by the other leader to contact the Recreation Department have been difficult, so if anyone could provide guidance, she would appreciate it.

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 else from the public to be heard either in person or on Zoom, Mayor Schlaffer closed the meeting to the public.

COUNCIL MANAGER COMMENTS

Mr. Russo asked Mrs. Faye for her contact information so he can have someone reach out to her regarding the Dog Park. Phase I is complete, but there is still more work to be done.

EXECUTIVE SESSION

Mayor Schlaffer read the following statement: "in accordance with the Open Public Meetings Act, notice of this Special Closed Session meeting was given to the two newspapers of record and posted on the official bulletin board on November 27, 2022."

Mr. Bernstein stated the item to be discussed in the Executive Session is Personnel – Town Manager's Annual Review, Official action may or may not be taken once the meeting is concluded back in public session.

Upon motion of Mrs. Diglio seconded by Mrs. Teets and unanimously carried, Council entered Executive Session at 7:37pm.

Upon motion of Mrs. Diglio seconded by Mayor Schlaffer and unanimously carried, Council left Executive Session at 9:32 pm.

Mr. Bernstein stated all members of the Council present at the commencement of

November 28, 2022

the Executive Session are present at the re-commencement of the open session 9:32 pm as well as the Municipal Clerk Teresa A. Oswin, and Town Attorney Eric Bernstein. No formal action needs to be taken at this time.

ADJOURMENT

There being no further business to be conducted, upon motion of Mrs. Diglio seconded by Mayor Schlaffer and unanimously carried, the regular meeting was adjourned at 9:34pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Teresa A. Oswin".

Teresa A. Oswin, RMC
Municipal Clerk