

August 5, 2019

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Dickson, Mrs. Diglio, Deputy Mayor Flynn, Mr. Schlaffer, Mayor Le Frois and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present.

Mayor Le Frois 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 4, 2019."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Deputy Municipal Clerk called the roll. Upon motion of Mr. Dickson seconded by Mrs. Diglio and unanimously carried, the minutes for the July 22, 2019 Regular meeting were unanimously approved.

OPEN TO THE PUBLIC

At this time, Mayor Le Frois 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 5 minutes. The Deputy 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."

Tracy Papparella, 56 Halsted Street, thanked the Council for last meeting's discussion on the pool. She hoped in the future there can be an ability to record a meeting in Mr. Russo's absence. She went on to say she did not want to delay the process, but questioned if the two resolutions regarding the pool on tonight's agenda could be pulled from the consent agenda.

John McGuigan, 10 Emmons Avenue, asked if the need for the study was recommended by the engineer, if so when and why? He asked the Council to please consider the impact of this additional study on the goal of the Newton residents to open the pool next year. It appears to him, that goal might be in jeopardy.

Maureen Snellen, Plainfield Avenue, stated she brought up several issues with the pool at the last meeting and she went to the pool the next morning at 9:00am and they were all addressed. She thanked the Council for having them taken care of.

Karen Hardin-Kitchell, resident of Lafayette Twsp., grew up in Newton. She wanted to start off with praise stating the Town-Wide garage sale was amazing. She went on to say at last meeting every Council member stated their desire to reopen the

pool. She asked Mr. Russo if he is willing to do everything possible to reopen the pool.

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

VIII. COUNCIL & MANAGER REPORTS

a. **Mayor Le Frois** – Mayor Le Frois offered her thanks and appreciation to Councilwoman Diglio for recently attending the staff barbeque. It was a beautiful day and she received a lot of great feedback. Later that day, she and Mr. Russo attended a meeting with potential developers for the G & H property. That night she and Councilwoman Diglio attended “Movie Night” at Memory Park. It was well attended and a great night for everyone. Mayor Le Frois offered her thanks to the Recreation and Community Development Departments for the continued summer activities. The next Movie Night will be August 9th.

On July 26th, she attended a forum held at Newton High School on bringing high speed internet service to Sussex County. Great conversations were had; unfortunately, no one from CenturyLink was in attendance. Lack of high speed internet service puts our community and students at a disadvantage. Many spoke of living remote in areas and do not even have cable service. Mayor Le Frois thanked Newton High School, Mr. Hoffmann, Thorlabs and others for making this forum happen.

Lastly, this weekend’s Town-Wide Garage Sale and merchants Sidewalk Sale was a success, she thanked all that participated.

b. **Deputy Mayor Flynn** – No comments at this time.

c. **Councilwoman Diglio** – She thanked Mayor Le Frois for mentioning the staff barbeque and Movie Night. She recently attended a CLEAR meeting. It will be celebrating its third year soon. It is a great program, progress is amazing and she is happy the program is now county-wide.

d. **Councilman Schlaffer** – Mr. Schlaffer read the following statement aloud

“In recent weeks it has been brought to light that religiously discriminatory and sexist content was shared to thousands of local citizens through a twitter account operated by a member of the S.C.C.C. board of trustees. Last year we stood on the County College campus and denounced anti-Semitic attacks and made a resolution that stated:

“The Town of Newton, the County Seat, is proud of Newton’s racial, cultural and ethnic diversity and the fact the Town is home to residents of different ancestry.”

Today we must make that same stand and denounce these actions, as a leader in our community Mr. Scanlan should be capable of better

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judgement and lead with better examples. As a representative of a diverse institute of higher learning, he should have known better. He should have done better. Leaders must unify, not divide, and today I want all our fellow citizens to know that the Newton Council stands for unity. We stand for equality and we stand for morality.

The resolution denouncing hate we made last year stated that we:

"categorically condemn such heinous attacks on any of the Town's ethnic groups as well as those around Sussex County."

Today we must make that same stand, hate has no home here, and we will not let hateful rhetoric divide us.

When one of our community leaders calls for the eradication of any group, and in this case, based on their religion. We cannot allow such conduct to go unnoticed, the council must, once again, move a resolution to condemn hatred and intolerance."

Councilman Dickson – He attended the Board of Education meeting on the 23rd. A flooding situation was quickly detected at Halsted but despite it being detected early, damage still occurred including a smartboard, computer, books, carpet, etc. The source ended up being a clogged drain. An insurance claim will be filed for all the damage. During Dr Greene's report, he gave a brief rundown of students plans post-graduation: 8 entered the military, 87% post-secondary education, with ¾ enrolling in 4 year colleges, and 45 students will be attending county college. The food service contract will be awarded to Sodexo with no rate increase. The West End Ave property and the potential future use were discussed. The four potential uses that are being considered are an athletic practice field, tennis and basketball courts, maintenance building, and bus parking.

The athletic field would be a grass field that could accommodate soccer, lacrosse, field hockey, football, etc. This would reduce the need for off-site practices and costs associated with transportation and trainer availability. The tennis and basketball courts being relocated would allow the existing courts to be re-purposed for student, faculty, visitor, and/or bus parking. A maintenance building would allow for the potential space at the high school be re purposed.

Bus parking is an emerging issue on the HS campus and moving it would solve that problem whether it is to the West End property or Merriam Avenue School off of Gardner.

After discussion, the Board decided it would be best to reach out to the engineering firm that has already been involved in this property, and find out the costs associated to further study it. This is not a project for the coming year.

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On July 21st, he attended the "Purple Party" at Maxwell and Molly's on Spring St. It was in celebration of the stores 12th anniversary, and their 5th consecutive Reader's Choice Gold Award. Rick and Bonnie Bitondo are wonderful people and great business owners that really care about not only their customers but Spring Street and the Town of Newton, so congratulations to them.

e. **Town Manager Russo** – Mr. Russo said he had a few comments and would address the pool later in the meeting when he gives an update from Suburban. He then stated the Town will be applying for a Community Development Block Grant.

Mayor Le Frois stated to approve submittal of this grant application there will be a brief but Special Town Council meeting on Monday, August 26, 2019 at 6:00pm. It will be advertised as well.

Mr. Russo continued, stating offices will be closed for Labor Day. The Taste of Newton being held on September 9th, the next regular Town Council meeting will be on September 11th.

Mr. Russo offered his congratulation to Dawn Babcock on her pending retirement on November 1st. There is a resolution on the agenda for this evening. He stated it has been a pleasure working with Dawn all these years. She has been both an asset to the Town and her chosen field of profession. She will be missed and he wished her well.

Mayor Le Frois on behalf of the entire Town Council offered her congratulations to Dawn, and thanked her for her many years of service. She is always very thorough, knowledgeable, and organized. She is always ready to answer questions and our auditors and other professionals have stated they enjoyed working with you. She wished her luck on her retirement and future endeavors.

ORDINANCES

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

ORDINANCE #2019-7

AN ORDINANCE REVISING ARTICLE I OF CHAPTER 57, ANIMALS AND CHAPTER 320, ZONING OF THE CODE OF THE TOWN OF NEWTON REGARDING ANIMALS

WHEREAS, the Newton Town Council has reviewed the Town Code regarding animals permitted within the Town and has determined that revisions are necessary;

NOW, THEREFORE BE IT ORDAINED, that Article I of Chapter 57, Animals, shall be revised and Section 320-28.J shall be revised to reflect the desired changes.

SECTION 1:

Chapter 57, Article I, Keeping and Housing of Animals and Fowl, shall be deleted and its entirety and shall be replaced as follows:

ARTICLE I. DOMESTIC ANIMALS

§57-1 DEFINITIONS

Animals Running at Large

"At large" shall mean off the premises of the owner or custodian of the animal, and not under the immediate control of the owner or custodian

Domestic Animals

Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter, and not raised for commercial gain; including among others dogs, cats, guinea pigs, reptiles, chickens and fish; and excluding: poisonous and dangerous animals such as lions and bears, livestock such as horses and cows, and other animals weighing more than 100 pounds.

§57-2 DOMESTIC ANIMALS

Domestic animals shall be permitted within all Zones within the Town of Newton.

§57-3 ANIMALS RUNNING AT LARGE

No person shall permit any animal regularly housed on his property or in his possession to run at large, nor shall any animals be permitted upon the streets or other public ways of the Town unless under the immediate control of the owner or his authorized custodian. Such action is declared to be a nuisance and dangerous to the public health and safety.

§57-4 STANDARDS FOR KEEPING CHICKENS

The keeping of chickens in the Town of Newton, other than for farm and agricultural uses permitted per Code Section 320-28.J, shall be subject to the following requirements:

- A. A maximum of five (5) female chickens shall be permitted on any lot.
- B. The keeping of roosters (mature male chickens) and cockerels (young male chickens) is prohibited.
- C. Chickens shall be provided with a fully-enclosed shelter (coop) and a run or fenced enclosure, with the following requirements:
 1. Shelters and runs or fenced enclosures are permitted in the rear yard only;
 2. Shelters and runs or fenced enclosures shall be located a minimum of five (5') feet from a fenced in property line, and ten (10') feet from any non-fenced in property line and a minimum of twenty-five (25') feet from any residential dwelling;
 3. Only one shelter shall be permitted on any lot, with a maximum permitted area of any shelter of 100 SF, and the total area of shelters and attached run shall be a maximum of 150 SF;
 4. Shelters/coops shall not exceed six (6') feet in height; and
- D. The shelter and enclosures shall remain in good repair and in a clean and healthy condition, free from accumulation of waste, free from noxious or offensive odor, and free from any condition which may breed flies or other insects. Slaughtering chickens in public view is prohibited.
- E. Storage of manure, waste and odor or dust producing substances shall be kept in a water-tight container, disposed of in accordance with health code and accepted agricultural practices; and such manure and waste storage shall be located at least ten (10') feet from any lot line and a minimum of twenty-five (25') feet from any residential dwelling.

SECTION 2:

Section 320-28.J(2) shall be deleted in its entirety and replaced as follows:

(2) All animals shall be provided shelter for containment, and premises are to be maintained in such a way as to regularly remove waste and prevent odor and attraction of rodents and insects. No building or structure used for shelter or enclosure of fowl, game, horses, or farm livestock shall be closer to any property line than 200 feet.

SECTION 3:

Section 320-28.J(4) shall be deleted in its entirety and replaced as follows:

(4) One horse for the personal use of the occupants of the residence may be maintained on any lot at least three acres in size.

SECTION 4: SEVERABILITY AND REPEALER

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

SECTION 5: NOTICE

The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6: EFFECTIVE DATE

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

By a motion made by Deputy Mayor Flynn and seconded by Mrs. Diglio, Mayor Le Frois opened the meeting to the public.

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

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

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

The Deputy Clerk will advertise the above Ordinance according to law.

OLD BUSINESS – None.

CONSENT AGENDA

Mayor Le Frois read the following statement:

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

Mr. Russo reviewed the consent agenda items.

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RESOLUTION #169-2019*

“Resolution of Rejection, Longo Electrical-Mechanical Inc., for Equipment Pump Maintenance Services, Bid #6-2019

WHEREAS, the Town of Newton advertised and received bids in a fair and open manner consistent with N.J.S.A. 19:44A-204. et. Seq., on May 21, 2019, 1:30pm for Bid #6-2019 Equipment Pump Maintenance Services; and

WHEREAS, Longo Electrical-Mechanical Inc., responded with a bid of \$103,056.00 for the tenets as contained within Bid #6-2019; and

WHEREAS, the Lowest Responsible Bidder as part of the bid due diligence was mandated to conduct a site visit at their own arrangement, in order to familiarize themselves with the technical complexity of the work; and

WHEREAS, the service involves the potable water supply for citizens of the Town of Newton, and the requirements of a fully vetted and informed bidder affect the public safety, health and welfare; and

WHEREAS, it was discovered Longo Electrical-Mechanical Inc., had not responded based upon the specifications of Bid #6-2019 but an earlier bid which contained far different specifications; and

WHEREAS, it was determined Longo Electrical-Mechanical Inc., had not conducted a mandatory site visit of their own arrangement in order to address any potable water concerns affecting the public safety, health and welfare; and

WHEREAS, the New Jersey Local Publics Contract Law at N.J.S.A. 40A:11-13.2(e) allow for a rejection bids when the purposes or provisions or both of P.L.1971, c.198 (C.40A:11-1 et seq.) are being violated; and

WHEREAS, Longo Electrical-Mechanical Inc., does not fully comply with the New Jersey Local Publics Contract Law at N.J.S.A. 40A:11-27(33) as not meeting the definition of a responsible bidder; and

WHEREAS, Longo Electrical-Mechanical Inc., does not fully comply with the New Jersey Local Publics Contract Law at N.J.S.A. 40A:11-4(a) which demands the lowest bidder deemed responsive and responsible be awarded a bid contract;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the recommendation of Newton’s Qualified Purchasing Agent and Town Engineer is hereby accepted, and the bid response by Longo Mechanical Inc., is hereby rejected under N.J.S.A. 40A:11-13.2(e).

RESOLUTION #170-2019*

Award of Bid #6-2019 Equipment Pump Maintenance Services to Rapid Pump and Meter Service Company Inc.

WHEREAS, the Town of Newton advertised and received quotes in a fair and open manner consistent with N.J.S.A.19:44A-204. et. Seq., on May 21, 2019 at 1:30pm for Bid #6-2019 Equipment Pump Maintenance Services; and

WHEREAS, the lowest bidder deemed responsive and responsible, was Rapid Pump and Meter Service Company Inc., 285 Straight Street, Paterson, NJ 07509, who provided the response of \$113,288.00; and

WHEREAS, the Chief Financial Officer hereby certifies expected payments to Rapid Pump and Meter Service Company may be \$113,288.00, however, approximately \$62,920.00 has been charged or encumbered or expected to be encumbered through September 1, 2019 to the present vendor, so additional funds are hereby certified in the amount not to exceed \$50,368.00 as follows:

2019 Water Sewer Utility Budget – Other Expenses:

Water Treatment contractual maintenance #6064217	\$4,800.00
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Water Distribution mechanical maintenance #6065241	\$7,000.00
Sewer Plant contractual maintenance #6077217	\$31,568.00
Sewer Plant mechanical maintenance #6077241	\$7,000.00

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, that the recommendation of Newton's Qualified Purchasing Agent and Town Engineer are hereby accepted for the bid provided under Bid #6-2019 by Rapid Pump and Meter Service Company Inc., 285 Straight Street, Paterson, NJ 07509, in the amount not to exceed \$113,288.00 and the Town of Newton is hereby authorized to enter into a contract for services as per the specifications and services outlined in Bid #6-2019.

RESOLUTION #171-2019*

Authorize Cancellation of Taxes; Block 8.05, Lot 4 for Payment in Lieu of Taxes Agreement

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P./RPM Development, LLC owns a certain property known as 50 Trinity Street shown on the Tax Map as Block 8.05, Lot 4; and

WHEREAS, a Financial Agreement/PILOT between The Town of Newton and Newton Town Centre Urban Renewal Associates, L.P./RPM Development, LLC was signed on December 16, 2016; and

WHEREAS, the PILOT states that no Land Taxes or other separate taxes on the land shall be levied, assessed or be subject to separate taxation during the term of the agreement upon substantial completion; and

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P./RPM Development completed construction at 50 Trinity Street in 2018, so PILOT payments were to be made, starting the 1st quarter of 2019; and

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P./RPM Development paid full 2019 1st and 2nd quarter taxes, and such tax payments were instead subject to the PILOT payment; and

WHEREAS, the 2019 1st and 2nd quarters taxes previously paid in the amount of \$4,427.13 by the owner are to be cancelled by the Tax Collector and credited towards the PILOT and the 3rd and 4th quarter taxes are to be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges the taxes for Block 8.05, Lot 4 also known as 50 Trinity Street be cancelled in the total amount of \$8,902.02 which includes \$4,427.13 being credited towards the PILOT; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to cancel said taxes in the total amount of \$8,902.02.

RESOLUTION #172-2019*

Authorize Cancellation of Taxes; Block 8.05, Lot 7 for Payment in Lieu of Taxes Agreement

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P./RPM Development, LLC owns a certain property known as 58 Trinity Street and shown on the Tax Map as Block 8.05, Lot 7; and

WHEREAS, a Financial Agreement/PILOT between The Town of Newton and Newton Town Centre Urban Renewal Associates, L.P./RPM Development, LLC was signed on December 16, 2016; and

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WHEREAS, the PILOT states no Land Taxes or other separate taxes on the land shall be levied, assessed or be subject to separate taxation during the term of the agreement upon substantial completion; and

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P./RPM Development completed construction at 58 Trinity Street in 2018, so PILOT payments were to be made, starting the 1st quarter of 2019; and

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P./RPM Development paid the full 2019 1st and 2nd quarter taxes, and such tax payments were instead subject to the PILOT payment; and

WHEREAS, the 2019 1st and 2nd quarters taxes previously paid in the amount of \$6,027.88 by the owner are to be cancelled by the Tax Collector and credited towards the PILOT and the 3rd and 4th quarter taxes in the amount of \$6,092.93 are to be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body acknowledges the taxes for Block 8.05, Lot 7 also known as 58 Trinity Street are to be cancelled in the total amount of \$12,120.81 which includes \$6,027.88 being credited towards the PILOT; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to cancel said taxes in the total amount of \$12,120.81.

RESOLUTION 173-2019*

Authorize the Award of a Required Disclosure Contract for Fire & Safety Services, Ltd

WHEREAS, the Town of Newton has a need to maintain fire apparatus and provide for required maintenance and repairs through Fire & Safety Services Ltd, 200 Ryan Street, South Plainfield, NJ 07080, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

WHEREAS, the anticipated term of this contract is for the 2019 year (s); and

WHEREAS, for Fire & Safety Services Ltd., it is anticipated during the 2019 budget year services will exceed in the aggregate the Pay-to-Play threshold of \$17,500.00; and

WHEREAS, Fire & Safety Services Ltd., has completed and submitted a Business Entity Disclosure Certification and Political Disclosure Contribution form, which certifies that Fire & Safety Services Ltd. 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 Fire & Safety Services Ltd., from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies expected payments to Fire & Safety may be \$30,000, however, approximately \$15,400 has been charged or encumbered against the 2018 Current Budget, Vehicle Maintenance-Fire #1083370A and approximately \$6,255 has been charged or encumbered against the 2019 Current Budget, Vehicle Maintenance- Fire #1083370 so additional funds are hereby certified in the amount NOT TO EXCEED \$8,345.00 as follows:

2019 Current Budget – Vehicle Maintenance – 1083370	\$8,345.00
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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Fire & Safety Services Ltd, 200 Ryan Street, South Plainfield, NJ 07080, not to exceed \$30,000.00 for the 2019 calendar year; and

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

RESOLUTION #174-2019*

Authorizing Acquisition of Mobile Camera and Accessories through New Jersey State Contract Purchasing and Property to SF Mobile Vision Contract T0106 -17FLEET00731

WHEREAS, a need exists for the acquisition of mobile cameras and accessories for the daily operations of the Town of Newton Police Department, through SF Mobile Vision; and

WHEREAS, the Town of Newton may, without advertising for bids, purchase such materials through the New Jersey State Purchase and Property State Contract T0106/17FLEET00731 pursuant to N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.29 et. Seq., and

WHEREAS, under the New Jersey State Contract award, the Vendors contained therein may participate in said purchases under state contract as approved by the Qualified Purchasing Agent; and

WHEREAS, the Chief of Police has obtained a cost quotation under New Jersey State Contract T0106/17FLEET00731, in the amount of \$39,000.00; and

WHEREAS, the Chief Financial Officer hereby certifies funds are available from:

2019 Current Budget – Capital Improvement Fund – Police Equipment/Radio/Various #1095339 - \$39,000.00

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council that it authorizes, without bidding pursuant to N.J.S.A. 40A: 11-10, State Contract T0106/17FLEET00731 and the vendors approved therein for the supply of mobile cameras and accessories for the daily operations of the Town of Newton Police Department as approved by the Qualified Purchasing Agent in accord with the New Jersey Local Publics Contract Law, N.J.S.A.40A:11-1 et. Seq.

RESOLUTION #175-2019*

Refund of Redemption Monies to Outside Lien Holder for Block 15.02, Lot 15, also Known as 16 Hampton Street

WHEREAS, at the Municipal Tax Sale held on October 24, 2018 a lien was sold on Block 15.02, Lot 15, also known as 16 Hampton Street, for 2017 delinquent utilities; and

WHEREAS, this lien, known as Tax Sale Certificate #2018-008 was sold to John-Paul Couce for a 17% redemption fee; and

WHEREAS, Stern, Lavinthal & Frankenberg, LLC on behalf of the owners, Guy and Paula Fragola, has effected the redemption of Certificate #2018-008 in the amount of \$1,424.20;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges John-Paul Couce is entitled to a redemption in the amount of \$1,424.20; 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 \$1,424.20 for the redemption for Certificate #2018-008 to John-Paul Couce, 26 Linmor Avenue, Newton, NJ 07860.

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RESOLUTION #176-2019*

Resolution Approving Retirement of Dawn L. Babcock

WHEREAS, Dawn L. Babcock ("Ms. Babcock), current Chief Financial Officer and Finance Director for the Town of Newton, enrolled in the New Jersey Pension System on February 1, 1982; and

WHEREAS, Ms. Babcock has been employed by the Town of Newton since November 1, 2006; and

WHEREAS, Ms. Babcock has accumulated over 36 years of total pension service credit with the State of New Jersey and as of November 1, 2019, will have accrued 13 years of service with the Town of Newton; and

WHEREAS, at the time Ms. Babcock was hired by the Town, she was subject to Chapter 88 P.L. provisions, which did not require 15 years of service with the Town to be eligible for retirement benefits; and

WHEREAS, after Ms. Babcock's hire, the Town, via Resolution 188-2007, restated the State Health Benefits Plan but added a new requirement that Newton employees acquire 15 years with the Town of Newton in order to be eligible for retirement benefits; and

WHEREAS, Ms. Babcock was hired by the Town prior to the requirement of 15 years of employment with the Town to be eligible for full retirement benefits, so such 15 year requirement does not apply to her;

NOW, THEREFORE BE IT RESOLVED, the Town Council hereby declares Ms. Babcock is now eligible for full retirement benefits from the Town of Newton due to her service with the Town and State that meets all pertinent eligibility requirements.

RESOLUTION #177-2019*

Affirm the Issuance of a \$2,150,000 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 #2017-9 adopted May 8, 2017 and #2018-6 adopted March 12, 2018 and #2019-3 adopted May 13, 2019; and

WHEREAS, the Town received two quotations ranging from 1.6449% to 1.7908% 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 McManimon, Scotland and Baumann, bond counsel for the Town of Newton, accepted the quotation of Jefferies LLC for a Bond Anticipation Note totaling \$2,150,000 at an interest rate of 2.00% which will require a 2020 interest payment of \$42,880.56; and

WHEREAS, the appropriate Town Officials have executed said Note in the amount of \$2,150,000 with an interest rate of 2.00% (NIC 1.6449%) dated July 24, 2019 and maturing July 23, 2020; 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 \$2,150,000.00 Bond Anticipation Note issued July 24, 2019 and maturing July 23, 2020 bearing an interest rate of 2.00% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

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RESOLUTION #178-2019*

Authorize the Award of a Contract for Topology NJ, LLC as Conflict Planner for the Redevelopment of Block 10.01, Lot 4

WHEREAS, there exists a need for a conflict professional planner to be appointed to represent the Town of Newton through a contract pursuant to the provisions of N.J.S.A. 40A 11-5 for the Redevelopment Plan for Block 10.01, Lot 4; and

WHEREAS, the anticipated term of this contract is to the completion of the project; and

WHEREAS, Phil Abramson of Topology NJ, LLC., has submitted a proposal outlining the services to be provided and a rate schedule, which the Town Council deems fair and equitable for said professional services, which is attached to and made part of this resolution; and

WHEREAS, Topology NJ, LLC., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, the Chief Financial Officer hereby certifies funds are available from:

General Capital Ord#2018-17 Preliminary Planning/Redevelopment account #3091817 in an amount not to exceed \$17,500.00.

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

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

NOW, THEREFORE, BE IT RESOLVED, the Town Manager and Municipal Clerk are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Topology NJ, LLC., providing for the retention Topology NJ, LLC., as conflict Planner for the Redevelopment for Block 10.01, Lot 4.

RESOLUTION #179-2019*

Authorize the Award of a Professional Services Agreement for Additional Geotechnical Engineering Services by SESI Consulting Engineers for the Newton Pool Evaluation

WHEREAS, SESI Consulting Engineers (SESI), of Pine Brook, New Jersey was awarded a contract through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for engineering services for the Newton Pool by the adoption of Resolution #100-2019 on March 25, 2019 for a contract amount not to exceed \$9,000.00; and

WHEREAS, an additional SESI invoice in the amount of \$1,306.25 for correspondence and meeting costs has been encumbered against Current C/F – Geotechnical Pool Study \$1,000.00 and \$306.25 against Capital –reappropriate for Pool #3091813; and

WHEREAS, after several discussions with the Town Council, Town Manager, the Project Engineer and SESI, an additional \$13,000.00 of work by SESI is required to further evaluate the pool; and

WHEREAS, SESI's total cost for services will not exceed \$23,306.25; and

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WHEREAS, the Chief Financial Officer hereby certifies the additional \$13,000.00 funds required are available in:

2018 Appropriation Reserve Current Budget – Swimming Pool, Other Expenses #1090232A \$13,000.00.

(Note: PO#53919 encumbered 12/19/18 to All State Technology for pool plaster repair estimated at \$13,000.00 is being cancelled, since the engineering study to SESI is necessary to determine the viability of pool plaster repairs.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton authorizes the Town Manager to enter into an agreement for geotechnical engineering services of the Newton Pool evaluation, for an additional \$13,000.00.

RESOLUTION #180-2019*

Authorize the Award of a Professional Services Agreement for Additional Engineering Services by Suburban Consulting Engineers, Inc., for the Newton Pool Evaluation

WHEREAS, Suburban Consulting Engineers, Inc., (“Suburban”) was awarded a contract through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for engineering services for the Newton Pool by the adoption of Resolution #73-2019 on February 25, 2019 for a contract amount not to exceed \$20,000; and

WHEREAS, after several discussions with the Town Council, Town Manager, the Project Engineer and Suburban, additional work by Suburban is required to further evaluate the pool; and

WHEREAS, Suburban’s contract will increase an additional \$6,800.00 to an amount not to exceed \$26,800; and

WHEREAS, the Chief Financial Officer hereby certifies, funds not to exceed \$26,800.00 are available in:

General Capital Ord #2018-13 reappropriate for Pool #3091813 \$6,800.00

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton authorizes the Town Manager to enter into an agreement with Suburban Consulting Engineers, Inc., for additional engineering services for the Newton Pool evaluation, for an additional \$6,800.00.

RESOLUTION #181-2019*

Authorize the Award of a Required Disclosure Contract for JK HVAC Services LLC.

WHEREAS, the Town of Newton has a need to procure HVAC maintenance and repair services for its facilities for the Town of Newton through JK HVAC Services LLC, 14 Jones Lane, Hardwick, NJ 07825, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is for the 2019 year (s); and

WHEREAS, JK HVAC Services LLC, is anticipated during the 2019 budget year to provide services, which will exceed in the aggregate the pay to play threshold of \$17,500.00; and

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

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WHEREAS, the Chief Financial Officer hereby certifies expected payments to JK HVAC Services LLC may be \$33,000.00; however, approximately \$29,000 has been charged or encumbered or expected to be encumbered, so additional funds are hereby certified in the amount not to exceed \$4,000.00 as follows:

2018 Water Sewer Utility Budget – Other Expenses or CIF	\$2,000.00
2019 Current – Bldg & Grnds, OE Repairs #1061255	\$2,000.00

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with JK HVAC Services LLC, 14 Janes Lane, Hardwick, NJ 07825, not to exceed \$33,000.00 for the 2019 budget year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification, Political Contribution Disclosure and the Determination of Value be placed on file with the Municipal Clerk.

RESOLUTION #182-2019*

Award Bid for Proposed Construction of ADA Ramps on Plainfield Avenue Project

WHEREAS, the Town of Newton publicly accepted and opened bids for the Proposed Construction of ADA Ramps on Plainfield Avenue Project on Wednesday, July 31, 2019 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Base Bid</u>
Tony’s Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$19,765.00
Diamond Construction 35 Beaverson Blvd. Suite 12C Brick, NJ 08723	\$24,208.00

WHEREAS, based on review of the bid documents, the Town Engineer, Harold E. Pellow of Harold E. Pellow & Associates, Inc., recommends awarding Proposed Construction of ADA Ramps on Plainfield Avenue Project in his letter of recommendation dated July 31, 2019, to Tony’s Concrete Construction Co., Inc., in the amount of \$19,765.00; and

WHEREAS, the Chief Financial Officer, has certified funds are available as follows:
Capital Fund –Ord. #2019-3 Road Improvements – Plainfield Ave. a/c #30919031

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the contract for the Proposed Construction of ADA Ramps on Plainfield Avenue Project here is awarded to Tony’s Concrete Construction Co., Inc., Newark, NJ in the amount of \$19,765.00. A copy of this resolution and the proposed Contract is to be forwarded to Tony’s Concrete Construction Co., Inc., for execution.

RESOLUTION #183-2019*

A Resolution of the Town of Newton, in the County of Sussex, New Jersey Authorizing Emergency Repairs at Sussex St. Retention Basin

WHEREAS, an emergency has arisen at the Town of Newton Sussex Street Retention Basin, where the facility suffered damage due to a lightning strike in storms of July 23, 2019, threatening continued use of supply of potable water supply; and

WHEREAS, N.J.S.A. 40A:11-6, and N.J.A.C. 5:34-6.1 provides for the appropriate actions to be undertaken by the Town under these circumstances to procure a company that may remedy; and

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WHEREAS, emergency repairs and emergency rental of pumps will be performed by Pumping Services Inc. for an estimated amount of \$45,000; and electrical repairs and supplies will be performed by Kieffer Electric for an estimated amount not to exceed \$15,000; and

WHEREAS, the Chief Financial Officer hereby certifies funds are available as follows:

Other Trust Fund – Reserve for Snow Removal/Storm Recovery #711202

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to authorize the emergency purchase with Pumping Services Inc. and Kieffer Electric, Inc. not to exceed \$60,000.00.

RESOLUTON #184-2019*

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 2018 and 2019 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 - (100001) CASH - CURRENT - LAKELAND #434
CURRENT FUND**

Check#	Vendor Description Payment	Check Total
41905	SYNCHRONY BANK	261.65
41906	AMBASSADOR MEDICAL SERVICE	60.00
41907	ANY EXCUSE FOR A PARTY, INC.	895.00
41908	AUTOZONE	62.65
41909	B & R UNIFORM, INC.	328.90
41910	BOONTON TIRE SUPPLY INC.	1,402.61
41911	CAMPBELL'S SMALL ENGINE INC.	94.54
41912	CAPITAL ACCOUNT	196,503.00
41913	CENTURYLINK COMMUNICATIONS, INC.	125.85
41914	CENTURYLINK COMMUNICATIONS, INC.	2,693.80
41915	COUNTY OF SUSSEX	937.95
41916	CSS TEST INC.	48.00
41917	DANIELLE GYLES-ZITO	21.25
41918	ESTREMER, MICHELLE	53.25
41919	FEDERAL EXPRESS	89.85
41920	FERRAIOLI, CERULLO & CUVA	8,275.00
41921	FINKLE, DANIEL	72.00
41922	FIRE & SAFETY SERVICES, LTD., INC.	10,424.50
41923	FOOD FOR THE SOUL TRAIN	400.00
41924	FRANKLY FOODS GROUP	200.00
41925	GALLS, LLC	109.96
41926	GRUBER COLABELLA LIUZZA & THOMPSON	110.58
41927	HAPPY WOK	54.05
41928	HAYEK'S MARKET INC.	237.77
41929	HOME DEPOT, INC.	1,064.41
41930	HOME DEPOT, INC.	941.93
41931	JCP&L	11,999.91
41932	JK HVAC SERVICE, LLC.	397.56
41933	LADDEY, CLARK & RYAN, LLP	2,583.33
41934	LADDEY, CLARK & RYAN, LLP	32.00
41935	LADDEY, CLARK & RYAN, LLP	3,856.00
41936	LAKELAND BUS LINES, INC.	1,700.00
41937	LANG, DIANE	750.00
41938	LASSO, NIKLAS	53.25
41939	LOWE'S, INC.	364.17
41940	MAILFINANCE INC.	529.41
41941	MARTZ GROUP	798.00

41942	MGL FORMS - SYSTEMS, LLC.	214.00
41943	MITCHELL HUMPHREY INC.	2,590.00
41944	NEWTON BOARD OF EDUCATION	1,029,765.00
41945	NEWTON UNITED SOCCER PROGRAM	65.00
41946	NJMEBF	174,510.00
41947	PEGGY PAK	150.00
41948	PELLOW, HAROLD & ASSO, INC.	803.03
41949	PENTELEDATA	769.70
41950	PIONEER PRODUCTS, INC.	396.87
41951	PRIME LUBE, INC.	155.50
41952	QUILL CORPORATION	251.45
41953	RACHLES/MICHELE'S OIL COMPANY, INC.	3,624.08
41954	READY REFRESH BY NESTLE	9.95
41955	RICCIARDI BROTHERS, INC.	590.00
41956	ROUTE 23 PATIO, LLC.	267.20
41957	Schlosser, Theresa	60.06
41958	SCMUA	584.64
41959	SF MOBILE-VISION, INC.	210.00
41960	SLOAN, JAMES P.	3,278.50
41961	SPECTROTEL	573.33
41962	STANLEY J. DUTKUS JR	129.84
41963	STAPLES BUSINESS ADVANTAGE, INC.	422.14
41964	STATEWIDE INSURANCE	61,163.14
41965	SUBURBAN CONSULTING ENGINEERS, INC.	96.06
41966	SUMMIT SOUNDZ ENTERTAINMENT	700.00
41967	SUSSEX COUNTY CLERK	765.35
41968	SUSSEX COUNTY LOCK & SAFE,	31.00
41969	T.A. MOUNTFORD COMPANY, INC	950.00
41970	TAYLOR OIL CO., INC.	1,836.45
41971	THE CANNING GROUP, LLC.	625.00
41972	TIRE KING, INC.	40.00
41973	TREASURER, STATE OF NEW JERSEY	400.00
41974	TREASURER, STATE OF NJ -BURIAL	10.00
41975	TRUST ACCOUNT, TOWN OF NEWTON	127,000.00
41976	UNITED TELEPHONE/CENTURY LINK	134.24
41977	VERIZON WIRELESS, INC.	1,463.94
41978	W.B. MASON, INC.	540.62
41979	WALMART	11.31
41980	ZIP'S AW DIRECT	69.97
TOTAL	.....	1,663,789.50

Checks Previously Disbursed

191042	Amboy Bank BAN INTREST	39,352.88
191041	PAYROLL ACCOUNT CASH	191,306.21
TOTALS	Previous Checks/Voids Current Payments.....	230,659.09

BILLS LIST CURRENT FUND TOTALS 1,894,448.59

**List of Bills - (30001) CASH - CAPITAL - LAKELAND #450
CAPITAL**

Check#	Vendor Description Payment	Check Total
8826	HARTER EQUIPMENT INC.	74,642.05
8827	HOME DEPOT, INC.	500.30
8828	J. CALDWELL & ASSOCIATES, LLC.	625.00
8829	PELLOW, HAROLD & ASSO, INC.	4,315.50
8830	SUBURBAN CONSULTING ENGINEERS, INC.	2,755.83
TOTAL	.....	82,838.68

Checks Previously Disbursed

183001	Amboy Bank BAN Principal 2.05%	1,925,000.00
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BILLS LIST TOTALS 2,007,838.68

**List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426
WATER/SEWER UTILITY**

Check#	Vendor Description Payment	Check Total
17644	CENTURYLINK COMMUNICATIONS, INC.	41.11
17645	CENTURYLINK COMMUNICATIONS, INC.	1,233.41
17646	GARDEN STATE LABORATORIES INC	5,609.00
17647	HOLLAND COMPANY, INC.	7,253.40
17648	HOME DEPOT, INC.	389.03
17649	JCP&L	14,815.00
17650	KKPR MARKETING & PUBLIC RELATIONS,	1,025.00
17651	LADDEY, CLARK & RYAN, LLP	816.00
17652	LANG, DIANE	1,500.00
17653	MINISINK PRESS INC	54.00
17654	PELLOW, HAROLD & ASSO, INC.	3,143.50
17655	PENTELEDATA	399.85
17656	PROCESS TECH SALES AND SERVICE	6,152.00
17657	PROFESSIONAL CONSULTING INC.	5,846.50
17658	PUMPING SERVICES, INC.	1,470.00
17659	RUSSELL REID WASTE & DISPOSAL, INC.	7,304.50
17660	SCHMIDT'S WHOLESALE, INC	6,746.90
17661	SCMUA	450.80
17662	SMALLEY, JOHN H	1,471.79
17663	STATEWIDE INSURANCE FUND	55,319.11
17664	SUMMIT SOUNDZ ENTERTAINMENT LLC	700.00
17665	SUSSEX COUNTY P & H, INC.	40.84
17666	TREASURER, STATE OF NEW	720.00
17667	TRUST ACCOUNT, TOWN OF NEWTON	20,000.00
17668	VERIZON WIRELESS, INC	225.35
TOTAL	142,727.09

Checks Previously Disbursed

196031	Payroll Account.....	<u>37,512.83</u>
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BILLS LIST TOTALS 180,239.92

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442
WATER/SEWER CAPITAL**

Check#	Vendor Description Payment	Check Total
2489	PROFESSIONAL CONSULTING INC.	<u>318.50</u>
TOTAL	.....	318.50

BILLS LIST TOTALS..... 318.50

**List of Bills - (710001) CASH - TRUST - LAKELAND #469
TRUST**

Check#	Vendor Description Payment	Check Total
3879	GRUBER COLABELLA LIUZZA & THOMPSON	1,125.00
3880	MEDIEVAL TIMES USA, INC.	878.00
3881	Treasurer, Town of Newton	<u>50.00</u>
TOTAL	.....	2,053.00

Checks Previously Disbursed

197115	PAYROLL ACCOUNT	160.00
197115	PAYROLL ACCOUNT	<u>850.00</u>
TOTAL	Previous Checks/Voids Payments	1,010.00

BILLS LIST TOTALS..... 3,063.00

**List of Bills - (730001) CASH - SUI - LAKELAND #027
SUI (Fund 73)**

Check#	Vendor Description Payment	Check Total
1122	S/NJ EMPLOYER ACCOUNTS	<u>1,369.63</u>
TOTAL	.....	1,369.63

**List of Bills - (750001) CASH - HOUSING TRUST FUND (COAH) #0301
HOUSING TRUST FUND (COAH) (Fund 75)**

Check#	Vendor Description Payment	Check Total
179	J. CALDWELL & ASSOCIATES, LLC.	937.50
180	MCMANIMON, SCOTLAND & BAUMANN, LLC	<u>1,982.50</u>
TOTAL	.....	2,920.00

The Deputy Clerk presented an application for a Special Permit for Social Affair from Newton Memorial Post 5360 Veterans of Foreign Wars to be held on September 7, 2019 from 4:00pm-7:00pm @ 85 Mill Street, Newton.

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

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Flynn	Yes	Mr. Schlaffer	Yes
	Mayor Le Frois	Yes	

DISCUSSION – None.

OPEN TO THE PUBLIC

Mayor Le Frois opened the meeting to the public.

Karen Hardin-Kitchell, stated the pool is a special place and so many people are willing to do so much to keep the pool open. Kids in this Town need something to do and pool is that something. Again, she asked Mr. Russo if he is willing to do anything to save the pool.

Tracy Papparella, stated she hoped the Council would address our questions about the pool before the second chance at the microphone. The pool sat empty until the week of July 10th, why was the pool cleaned and then filled. She found an explanation on Facebook from Deb Danielson where she stated they are still doing all the testing, it's ongoing. They didn't have permission to fill the pool because the engineers were still doing testing inside and around the pool. They are doing a very thorough job to ensure the results are accurate. Ms. Papparella understood Ms. Danielson's explanation as meaning the Town was waiting for the engineers to give permission to fill the pool, and when we started to fill the pool we had permission from the engineers.

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Megan Hessel, Sparta resident came forth with her three children, Barron, Liesel, and an unnamed child to state they have learned so much on the Newton Swim Team and how much they love the Newton Pool. It's a family favorite.

Jessica Brennan, 124 Elm Avenue, Andover Twsp., stated she relied on public pools growing up in Newark, NJ to stay off the streets. She married a country boy and moved to the area. Her husband grew up in Newton and spent his summers at the Newton pool. The Swim Team is now a big part of their lives. The pool is a gem that brings surrounding towns together. She asked if the Council could share more information on what they know.

Tammie Westra, 3 Grand Avenue, Newton stated she grew up at the pool, she learned how to swim there. Her kids learned how to swim there and then taught kids how to swim being lifeguards. She was president of the Swim Team, her daughter worked at the pool all through college. As a business owner in Town she feels we need to offer more to our kids. The pool was so important to her family. She just wants to know the Town Council is listening and that you hear us.

Meredith Walling, 100 Ryerson Avenue. Ms. Walling said her daughter is a swimmer. It will fail this Town if the pool isn't reopened. She doesn't want to see her property values go down. She has a backyard pool but still used the Newton Pool. She doesn't know what the draw would be to stay in Newton if the pool is not reopened.

Michael Malone, 59 Trinity Street. Mr. Malone stated lots of questions were asked tonight and he would like to know when we will get answers. The pool condition is not new; it has been going on for years, why did it take so long to do something about it. We are entitled to answers. Mr. Malone asked Mr. Russo why he waited so long to do something.

Andrea Carlson, 4 Elm Street. Ms. Carlson is a coach for the Swim Team; she is a former lifeguard at the Newton Pool. Being a lifeguard meant she got to see everyone that came to the pool and not everyone was from Newton. The pool means a lot to many people not just those in this Town. Issues have been going on for several years so why weren't they addressed then?

Evelyn McCord, 70 High Street. Her four children learned to swim at the pool. They went on to become lifeguards to make money to pay for college. Her husband was vice-president for the Swim Team for six years. He swam at the pool long after her

kids grew up. There have been problems there for years and repairs were needed. Why did the Town spend money on making things look nice for people to come but didn't focus on the pool? None of you have given answers to the questions asked.

Mary Rapuano, 18 Hillside Avenue. Her kids used the pool to learn how to swim, she hosted Fresh Air Kids and they learned to swim at the pool. She taught at Vo-Tech and they let their repairs go until the pool had to be closed. It would be a disgrace for the pool to close.

Angelo DePalma, 18 Hillside Avenue. Mr. DePalma stated he cannot think of one other community service on the same level as the pool.

Sara Holbod, 21 Sussex Street. Ms. Holbod stated she recently moved here. She has a small child she hoped to have taken swim lessons at the pool next year. She questioned if anyone has asked the businesses in Town to help.

Courtney Pipher, 98 Ryerson Avenue. She is a third generation Newton resident. She wants her daughter to want grow up and live here but there doesn't seem to be anything here in Newton for her. She also stated she thinks there should have been more of a discussion on the resolutions.

There being no one else from the public to be heard, Mayor Le Frois thanked everyone for coming out and their heartfelt stories and then closed the meeting to the public.

COUNCIL & MANAGER COMMENTS

Mayor Le Frois directed Mr. Russo to give a synopsis of the progress on the pool.

Mr. Russo stated he appreciates the comments and passion of everyone and recognizes the intrinsic value of the pool. When he raised the concerns with the pool with the Council at budget time his concern was the "patchwork quilt" approach and "Band-Aids" we have in the past were not sustainable for the long term. We could have continued to do that, it would be the easy thing, but it wouldn't be the right thing. The right thing to do is raise the concerns with the Council, bring in experts, to analyze, to discuss, and then ultimately for the five people on the Council to make the decision. His job as the Manager is to provide facts, data, information, and analysis. Ultimately, he serves at the pleasure of the Council, so ultimately they will determine the future of the pool, not staff, not the public, not the Town Manager. The decision is made by the five members elected to serve. Your comments have been duly noted.

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He went on to say we hired Suburban Engineers and SESI to analyze the pool. He will read into record an update from Suburban. The process will not be delayed with the two resolutions on tonight's agenda. The process is on track with a presentation scheduled for the September 11th at 7:00pm. Mr. Russo urged everyone to mark their calendars. The presentation will include more detail than what he will read tonight, it will include pictures and most importantly two or three options for the Council to weigh in on that evening and give direction that evening. This will allow him to move forward to write bid specs and put things together so the pool can open in 2020. That has always been the goal. This will not be a cheap or easy fix. Mr. Russo stated his commitment is to follow the direction of the Council. They make the decision; he and his staff then work to make it happen. He takes spending tax dollars very seriously; it is not always easy to manage an 18 million dollar budget with a third of the properties exempt. The pool is an asset and amenity and most likely will require a pretty significant financial investment.

Mr. Russo read the following email into the record dated Friday, August 2nd, 2:06pm from John Chayko, of Suburban Consulting.

Hi Tom & Terri,

As a follow up to our recently submitted proposal regarding additional structural analysis (concrete coring), the following is a brief synopsis of SCE's activities to date concerning our assessment of the Community Pool:

- February 28, 2019: SCE's contract to assess the condition of the pool is executed with the Town. This assessment is to be conducted while the pool was officially closed to the public for the 2019 summer season.
- SCE's initial investigation process included available data collection. The 2005 renovation plans of the pool were obtained from the Town. Original construction plans of the pool were not available, however it is our understanding that the pool was built in the late 1950's (60 + yrs. old). In addition, we were informed that the current plastering of the pool was performed in 2014 with subsequent periodic maintenance repairs performed.
- March 2019: Initial site walkthrough requests pool dewatering from DPW to perform survey and inspection tasks. Extensive cracking and delamination at pool bottom visible upon dewatering. SCE recommends subsurface geotechnical testing and analysis to support assessment inspection, which the Town then contracts directly with SESI Consulting Engineers.
- April 3, 2019: LiDAR scan field survey of the pool performed by SCE in advance of inspection task efforts.
- April 15, 2019: Formal site inspection performed by Atlantic Aquatic Engineering, Inc. (SCE's subconsultant).
- May 31, 2019: Coordination with Town DPW & SESI to obtain access and perform geotechnical efforts. Soil borings (3) and groundwater inspection port were performed by SESI. Laboratory analysis of boring samples performed upon completion.
- June/July 2019: Review of geotechnical report and inspection findings both support additional testing measures of the concrete shell to confirm structural integrity. This testing and analysis was not initially included as part of SCE or SESI's

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original scope of work efforts in attempts to minimize level of investigative costs if determined unnecessary. It has since been recommended that additional testing be taken to help determine if structural deficiencies in the concrete are the direct cause of current cracking/delamination issues. Proposals from SESI and SCE have been coordinated and submitted to the Town identifying the minimal level of effort necessary to perform this structural analysis.

- August 2019: Upon Town resolution award of additional services, SESI to perform concrete coring (4 min.) and lab analysis testing to determine compressive strength and adherence capabilities. Ground penetrating radar services (GPR) will be performed as part of this task in preparation of the coring to coordinate locations that minimize impacts to any steel rebar reinforcement. SCE to review structural analysis findings and coordinate with final pool assessment recommendations.
- September 2019: SCE to include concrete structural analysis in final assessment report and present these findings and recommendations to the Town Council.

Mr. Russo, concluded the meeting will take place on Wednesday, September 11th. He went on further to state back in July he and the Deputy Mayor attended a meeting with Suburban to discuss their findings. It was at that meeting Suburban strongly suggested if we were going to possibly replaster the whole facility, which could cost \$200,000 to \$500,000 then we should really test the concrete to make sure the structural integrity is there for the concrete to handle the new plaster. Deputy Mayor and I along with staff thought that made sense. They submitted an initial proposal, but the cost was too high. He negotiated with them to get better pricing and for Suburban to lower their fees to try and minimize the costs. There is no delay on the process; the goal is give the Council enough information so they can make a reasoned and informed decision on September 11th.

Mayor Le Frois thanked Mr. Russo for the update. She went on to say the Council appreciates everyone's comments. The Council takes diligent notes, read the minutes, and watch the video recordings. We care very much and take your comments seriously. Some asked why wasn't this address in September when the pool closed. She didn't want to go into a lengthy discussion on municipal finance however repairs could not be done under the 2018 appropriation budget. Municipal budget have rules and guidelines. She is hopeful there will be a full house at the September 11th meeting so everyone gets first-hand information.

Mr. Flynn stated there is no doubt how important the pool is to the residents. He wanted to reiterate there is no intention to close the pool, but to provide the greatest product possible and get the greatest use of tax dollars to make that happen. The purpose of the public comment is meant to hear you; it never works to go back and forth. We wait for everyone to speak and then address your comments at that time.

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We are all approachable and are here to serve. It is very important to test the integrity to come to a solution. He understands it is a community asset. He looks forward to seeing everyone on the 11th.

Councilwoman Diglio stated she had no further comment, Mayor Le Frois and Deputy Mayor Flynn spoke very well.

Councilman Schlaffer stated the pool has not been in pristine condition in years. We are cautiously addressing this issue unlike any Council has before. Before we can have fundraisers we need to know what exactly we are raising funds for. We must all exercise patience. No one up here wants to lose the last standing community pool in this county, but there is a reason all other community pools have closed or sold to private entities. We are doing everything within our power to ensure the Newton Town Pool reopens and stays a Town amenity. Many members of the Council have young children we would like to see utilize the pool.

Councilman Dickson stated his fellow Councilmembers summed up everything well and thanked everyone for their comments.

EXECUTIVE SESSION

Upon motion of Deputy Mayor Flynn, seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 8:24 pm.

Upon motion of Mr. Dickson seconded by Mrs. Diglio and unanimously carried, Council left Executive Session at 9:12 pm.

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Mr. Dickson and unanimously carried, the meeting was adjourned at 9:13 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Deputy Municipal Clerk