

June 26, 2023

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, Deputy Mayor Couce, Mayor Teets, 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. Mrs. Le Frois attended via Zoom and Mrs. Diglio was excused.

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

Mayor Teets 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 6, 2023."

APPROVAL OF MINUTES

Upon motion by Mr. Dickson, seconded by Mr. Couce and all those present voting yes, the minutes for the June 12, 2023, regular meeting were approved as presented. Mrs. Le Frois abstained.

OPEN TO THE PUBLIC

At this time, Mayor Teets 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 identify yourself and spell your last name."

Mayor Teets opened the meeting to the public.

Elmsworth Bensley, Jr., came forth to say he is looking to purchase on Smith Street. The road was paved about a year ago. The property is not currently hooked up to the sewers, and he would like to know if that would be allowed.

Mayor Teets advised Mr. Russo will address all questions at the end of the public portion.

Blake Panio, 128 Main Street asked about the sewer lines on Main Street and if there were any updates. He attended the last Planning Board meeting and wants to know what the difference is between a major and minor site plan. It seems to him to be up to whoever submits the application. It affects whether or not local residents are notified of upcoming plans before the Board. What are the criteria. He is also wondering if the Town is aware of any grants for the houses in the Historic District, particularly those on Main Street? He understands money is available every year, he wants to know how it is spent. The house next to him, 122-124 Main Street, is building new apartments. They were approved to do exterior work and their plans have completely changed. There are new Historic Standards, and they were approved for four (4) and five (5) apartments. It went to the Planning Board last week for four (4) more additional apartments. Real estate listings have it as 16 apartments, if they are asking for four (4) more apartments that would be a total of twenty (20) apartments. He is asking for clarification is it thirteen (13) apartments in total or twenty (20) apartments.

June 26, 2023

Nancy Rella, 225 Spring Street, Newton Town Centre came forward and said there is a big problem in Town resulting from no curfew and wants to know what can be done to impose one. It is very much needed. We have a group of twelve (12) and thirteen (13) year olds constantly roaming the streets, not just Spring Street. They are getting into her building causing havoc. They are wise to the Police, and there are plenty of records of the police being called. School is only out a week; we are in deep trouble if we don't do something. These kids are out at three (3), four (4), and five (5), o'clock in the morning.

Migdalia Carpena, she is a new resident at Newton Town Centre. She had an experience recently in which she had to go down to her car in the morning at about 4:45am. She saw some kids with masks in the parking lot. They were wearing masks and it made her very nervous. She saw two (2) of them pulling two (2) others from the garage area to the other side. She turned on her car and it spooked the kids and they left. It was a really scary experience for her. There have been other incidents that have been reported to the police. The kids need a curfew. They need a community center or something. She has been confronted once or twice by these kids when they pass through her building. She tells them they are probably very smart, but what they are doing is very stupid. She is just a concerned grandmother.

Walter Theis, 1 Trinity Street stated there have been youNG people entering their building for the past four (4) months. Last night automobiles were damaged in their parking lot. Rocks were thrown. He believes the Police have had encounters with these young people. He had an encounter himself. He thought a word to these young girls would dissuade them, but they have persisted, and the misbehavior has escalated. It is the talk of the building. He did not see the damage to the cars himself, but he believes the Police are aware. He doesn't think it is a widespread problem, but more specific to a small group (2 girls) that are misbehaving. He would advise not to make broad assumption that the children of Newton have run wild. The children of Newton are just fine. These 2 girls, and if there are others, need to be stopped.

Mayor Teets asked if anyone on Zoom would like to speak, they should use the raised hand feature.

Dr. Ludmilla Mecaj, 9 Madison Street echoed what the three people before her said. Just 30 mins ago she called the Police and shared with them her Ring recordings showing these two girls throwing a saw in her yard. Luckily her Mustang was not there, but her other car was. The saw landed right in front of the camera in front of her house. The two (2) girls knew there was a camera because they tried to through a stone at the camera. She is urgently urging the Governing Body to assign a curfew. It is a must, and there need to be other rules. She has witnessed kids playing soccer and riding their bikes in the middle of the road. It is dangerous. If the adults can't keep the kids safe it is up to the Town.

Helen Heckman started off first by thanking the Town Council for putting forth a resolution in support of the Dennis Library renovations. Everyone working on this is very appreciative. Second, she would like to know if Mr. Russo has heard anything from the County about the library? Third, she thanked Mr. Couce, she looked into the possibility of grant money to convert the library to a heating and cooling station as he suggested.

There are grants available. Of course, the application would have to come from the County. They plan to start a *Friends of the Dennis Library Group* down the road, and they could apply for grants too.

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

COUNCIL & MANAGER REPORTS

Town Manager Russo – started by saying Mr. Bensley needs to submit a letter for his request, and he will have our engineer look into the matter and get a price cost. He went on to say to Mr. Panio, he will relay his 3 issues to our Town Planner, Jessica Caldwell, and get back to him. He will revisit the curfew matter with Chief VanNieuwland. Currently he does not have an update on the County library. On the agenda it states Shade Tree Annual Report, which is not entirely accurate. At this time, he called Kent Hardmeyer and Dr. John Craddock forward.

Mr. Russo read the following:

"Kent Hardmeyer and John Craddock are two of the original Advisory Shade Tree Commission members. The Advisory Shade Tree Commission was introduced at the March 23, 1998, meeting and certified on June 29, 1998.

The job of the S.T.C. was to be responsible to recommend to the Town Council of the Town of Newton on the adoption of ordinances that pertain to the regulation and control of the shade and ornamental trees. The creation and composition of the commission is to consist of 5 town residents, who are appointed via the Town Council.

John Craddock has been a resident of the town for 42 years. He and his wife Nancy (also a S.T.C. member) have two daughters, Allison and Hillary. John is a dentist here in town and currently serves as a member on the Board of Health.

Kent Hardmeyer has been a resident of the Town for 50 years. He and his wife Shirley have 3 children; a daughter, Jill as well as two sons, Kory and Erin. He retired from his position with the USDA, in the field of Natural Resource Conservation Services, where he worked in soil conservation. His expertise in this field has brought many benefits and insights to the Commission as well as his contributions to the Town's Planning and Zoning Boards. His experiences extend passed the Town of Newton, as he also served as a Highlands Planning Specialist.

Both of the gentlemen enjoy sharing their vast knowledge of trees as well as contributing to the Town through the many events and special tree plantings. Both men have been instrumental in obtaining tree planting grants during the early days of the Commission formation. The first grant found the group planting trees on Linwood Ave, Elm Street, and Liberty Street. The second grant added to the scenery of Trinity Street.

Over the years, the men have worked with Paul Cowie, also an original member, who now serves as a consultant to the advisory group, assisting in the preservation and long-term management of shade trees.

John and Kent have actively participated in the disbursement of tree seedlings, participated in tree inventories, and public education, in addition to representing the Commission at this year's Newton Day, as well as lending their expertise to the Community Forestry Management Plan. These men, as well as current S.T.C. members are very proud of the designation they have received as a TREE CITY USA Community for more than 20 years.

The Town is honored and grateful for their dedication and support."

June 26, 2023

Mayor Teets presented each gentleman with a plaque inscribed with the following:

"In recognition of your 25 years of exemplary voluntary commitment and dedication to the Town of Newton. In further appreciation of your leadership and tireless enthusiasm towards municipal forestry conservation and stewardship. Presented by the Town of Newton and Advisory Shade Tree Commission. June 26, 2023"

Both Mr. Hardmeyer and Dr. Craddock thanked everyone.

The Mayor stated we would be taking a five-minute break to take some pictures.

Councilman Dickson – thanked everyone for coming out and voicing their comments. It is sometimes hard to know everything that is going on in Town so he appreciates all the comments and stated we will take them under advisement and talk with our professionals.

Councilwoman Diglio – excused.

Councilwoman Le Frois – stated she attended Newton Day, including the Little Miss & Mr. Newton and Miss Newton contest. It was a beautiful event. She suggested since we set our calendar early in the year, we should send out our calendar to other municipalities, maybe that will cut down on the other conflicts with our Town celebrations. She offered congratulations to all the graduates and their families. The June Historic meeting was cancelled. The Pool opened for the season on June 23rd. She is very proud of the facility. On Saturday there will be an Independence Day celebration from 11am to 2pm sponsored by the Fire Department. The Sussex County Mayor's Wellness Campaign was supposed to be held via zoom recently, but they ran into some technical difficulties. Our first Concert in the Park is Saturday, July 8th. The Town-Wide Garage Sale will be held July 21st through July 23rd. Lastly, she offered condolences to Sgt. Flanagan on the passing of his father, and to the Frisbie family on the passing on Art Frisbie. Mr. Frisbie was a long-time member of the Town Council where he served as Mayor several times.

Deputy Mayor Couce – started by thanking Mrs. Heckman for her continued support of the library renovations project and keeping the Council informed. Yesterday he presented a proclamation on behalf of the Town Council to Matthew C. Guzewicz. It was a nice ceremony. On the issue of the youth in Town as a volunteer with NFAS he has encountered them at night and recognizes it's a problem. The police have to follow the Sussex County Prosecutor and Attorney General's directives on how it is dealt with. The State does provide a curfew from 10pm to 7am, pending any further discussion, he is in favor of a curfew.

Mayor Teets – echoed Mr. Dickson's in thanking everyone for their comments. There are processes involved and she reminded everyone if you see something, then say something. Call the police.

UNFINISHED BUSINESS – None.

ORDINANCES

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

ORDINANCE #2023-16

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 307 OF THE CODE OF THE TOWN OF NEWTON ENTITLED "VEHICLES AND TRAFFIC" AND CHAPTER 100 OF THE CODE OF THE TOWN OF NEWTON ENTITLED "FEES AND COSTS" TO ESTABLISH REGULATIONS FOR PUBLIC PARKING SPACES FOR ELECTRIC VEHICLES

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

Chapter 307 entitled "Vehicles and Traffic" of the Code of the Town of Newton is hereby supplemented with a new subsection as follows:

§ 307-38.1 Public Parking Spaces for Charging of Electric Vehicles

A. Definitions. For purposes of this Chapter, the following phrases and words shall have the meanings indicated:

Charging Station shall mean a location fitted with electric vehicle charging station equipment.

Charging Station Equipment shall mean the conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging status, or apparatus installed specifically for the purpose of delivering electrical energy from the Charging Station to the electric vehicle.

Charging Station Space shall mean a dedicated, marked parking space fitted with charging station equipment and exclusively used for the charging of electric vehicles.

Electric Scooter and/or Electric Motorcycle shall mean a 2-wheel or 3-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.

Electric Vehicle shall mean any vehicle licensed and registered for operation on public and private highways, roads, and streets and operates, either partially or exclusively, on electrical energy from a Charging Station or other electrical energy source stored in the vehicle's battery for propulsion purposes. Electric vehicle includes: a battery electric vehicle; a plug-in hybrid electrical vehicle; a neighborhood electric vehicle; and electric scooters or electric motorcycles.

Neighborhood Electric Vehicle shall mean an electric vehicle that is a low-speed vehicle, built to have a top speed of twenty-five miles per hour and have a maximum loaded weight of 3,000 lb.

Non-Electric Vehicle shall mean a vehicle that does not meet the definition of "electric vehicle" as provided herein.

Plug-In Hybrid Electric Vehicle or PHEV shall mean an electric vehicle that: contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; may additionally be able to sustain a battery charge using an on-board internal-combustion-driven generator; and has the ability to be propelled through the use of electricity.

B. Public parking spaces for charging of electric vehicles.

The Town may designate public parking spaces for use as electric vehicle charging stations. Use of said charging station spaces shall be limited and restricted as follows:

- (1) Public parking spaces with charging stations for electric vehicles are available on a first come, first served basis.
- (2) Pavement markings painted on the surface of a public parking space and signage identifying public parking spaces as charging stations are provided to identify such spaces.

- (3) It shall be unlawful for any person to park or leave standing a vehicle in a stall or space designated as a charging station unless the vehicle is an electric vehicle and is connected for electric charging purposes.
- (4) Non-electric vehicles are prohibited from parking in charging station spaces.
- (5) Electric vehicles are authorized to park in spaces designated as charging station spaces during the time the vehicles are connected for electric charging purposes. When the vehicle is no longer charging, the owner or operator of said vehicle shall be required to remove the vehicle from the charging station space.
- (6) The Town will periodically check charging receptacles to ensure the devices are working and capable of safe operation.
- (7) Electric vehicles shall not park in any electric vehicle charging space for more than one (1) hour.

C. Charging station fees.

The fee to use public parking spaces within the Town identified as charging station spaces shall be set forth in Chapter 100 Fees and Costs for when the electric vehicle is connected to the charging station.

D. Designation of public parking spaces for electric vehicle charging.

The following location(s) shall be designated as public charging station spaces:

- 1) Two (2) public parking spaces in municipal Lot No. 4 Central Plaza

E. Violations.

- 1) Pursuant to N.J.S.A. 40:48-2, publicly accessible electric vehicle charging station parking spaces shall be monitored by the Newton Police Department, Newton Parking Authority, and any other law enforcement agency, and other enforcement agency, having jurisdiction for parking within the Town of Newton.
- 2) Violations of this ordinance shall result in a penalty of \$100 per offense.

100-15 Vehicles and traffic (Chapter 307).

E. Public parking for charging of electric vehicles usage fees

1. For publicly accessible municipal electric vehicle charging stations: The fee to use public parking spaces within the municipality identified as electric vehicle charging station spaces shall range between \$.40 and \$.80 per kWh while an electric vehicle is connected to the electric vehicle charging station. The fee shall be set at least annually in writing by the Town Manager and Town Chief Financial Officer (CFO).
2. Private electric vehicle charging stations: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an electric vehicle charging station from collecting a fee for the use of the electric vehicle charging station, in accordance with applicable Local, County, State, and Federal regulations. Fees shall be available on the electric vehicle charging station or posted at or adjacent to the electric vehicle charging station parking space.

Severability:

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Repeal of Prior Ordinances:

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Effective Date:

This ordinance shall take effect after final passage and publication as provided by law.

Mayor Teets 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. Le Frois, and roll call resulted as follows:

Deputy Mayor Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Mrs. Le Frois	Yes
	Mayor Teets	Yes	

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

ORDINANCE 2023-17

AN ORDINANCE PROVIDING FUNDING FOR IMPROVEMENTS TO MORRIS LAKE DAM GATE HOUSE FOR THE WATER/SEWER UTILITY FOR THE TOWN OF NEWTON AND APPROPRIATING \$177,396.55 FOR SUCH PURPOSE

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

Section 1. The Town of Newton, in the County of Sussex, New Jersey, authorizes installation of a low level pump with butterfly valve and mechanism for Morris Lake Dam Gate House for the water/sewer utility, 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 the Clerk for the Town of Newton to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$177,396.55 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount is funded from the Reserve on Water Sewer Capital Balance Sheet in the amount of \$177,396.55.

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

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

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

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

Deputy Mayor Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Mrs. Le Frois	Yes
	Mayor Teets	Yes	

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

ORDINANCE 2023-18

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT SECTION 320-28 "CONDITIONAL USES" OF THE ZONING CODE OF THE TOWN OF NEWTON TO REGULATE THE NUMBER OF APPROVED CANNABIS RETAIL FACILITIES AND DELIVERY BUSINESSES IN CERTAIN ZONES WITHIN THE TOWN OF NEWTON

WHEREAS, the Town Council of the Town of Newton adopted Ordinances 2021-12 and 2021-13 which regulate legal cannabis as to the processing, sales, and distribution within the Town of Newton as per P.L. 2021, c. 16 ("New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act"); and

WHEREAS, the Town Council wishes to adopt further regulations in regard to Class 5 Cannabis Retailer Licenses, for locations at which cannabis items and related supplies are sold to consumers, and Class 6 Cannabis Delivery Licenses, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of consumers to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that Section 320-28 "Conditional Uses" of the Zoning Code of the Town of Newton is hereby amended, revised, and supplemented as follows:

SECTION 1

- A. Section 320-28 "Conditional Uses" shall be further revised as to Section M "Cannabis Retailer" by creating a new subsection (11), which shall read as follows:

"(11) Limits on the number of licensed cannabis retail facilities and delivery businesses in certain zones. The Town of Newton shall limit the total number of licensed Cannabis Retail facilities and Cannabis Delivery businesses in the Town of Newton as follows: (a) there shall be no more than two (2), in total, licensed Cannabis Retail facilities and Cannabis Delivery businesses approved by the Town of Newton for location on Water Street; (b) there shall be no more than two (2), in total, licensed Cannabis Retail facilities and Cannabis Delivery businesses approved by the Town of Newton for location on Mill Street; and (c) there shall be no more than one (1), in total, licensed Cannabis Retail facility and Cannabis Delivery business approved by the Town of Newton for location in the SD-3 Zone. No licenses in excess of the amounts established above shall be permitted/allowed by any Town employee, board, body, or commission.

[Brackets] mean deletions; Underlines means additions

- B. Section 320-28 "Conditional Uses" shall be further revised as to Section N "Cannabis Delivery" by creating a new subsection (10), which shall read as follows:

"(10) Limits on the number of licensed cannabis retail facilities and delivery businesses in certain zones. The Town of Newton shall limit the total number permitted on Water Street, Mill Street, and in the SD-3 Zone for cannabis delivery businesses in conjunction with the limits established in Section 320-28 (M) (11) above. No licenses in excess of the amounts established in Section 320-28 (M) (11)

above shall be permitted/allowed by any Town employee, board, body, or commission.

[Brackets] mean deletions; Underlines means additions

SECTION 2

SEVERABILITY AND REPEALER

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

SECTION 3

NOTICE

The Town Clerk is hereby directed to give notice of the second (2nd) reading of this Ordinance pursuant to law. The Town of Newton Planning Board shall be instructed to review this Ordinance at the Board's June 21, 2023 Planning Board meeting. Furthermore, there shall be notice to other municipalities and the Sussex County Planning Board, pursuant to N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing and approval, the Town Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 4

EFFECTIVE DATE

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

Mayor Teets opened the meeting to the public.

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

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

Deputy Mayor Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Mrs. Le Frois	Yes
	Mayor Teets	Yes	

Mayor Teets read aloud the following Ordinance relative to introduction.

ORDINANCE #2023-19

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2022-18 FINALLY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, NEW JERSEY ON AUGUST 15, 2022

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

June 26, 2023

Deputy Mayor Couce	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Mrs. Le Frois	Yes
	Mayor Teets	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, July 17, 2023 at 7:00 pm.

CONSENT AGENDA

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

RESOLUTION #179-2023*

“Resolution Supporting the Dennis Branch of the Sussex County Library System Renovation Project”

WHEREAS, the Sussex County Library System has been awarded a three-million-dollar matching grant from the New Jersey State Library for the renovation and expansion of the Dennis Branch Library in Newton, NJ; and

WHEREAS, the Dennis Branch Library provides library services to the residents of the Town of Newton; and

WHEREAS, the expansion was overwhelmingly supported in a countywide referendum in 2021; and

WHEREAS, the key aspect to the project will provide for compliance with the Americans with Disabilities Act (ADA) for access to the library and rest rooms;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton, does hereby support the expansion and renovation of the Dennis Branch Library in Newton, NJ; and

BE IT FURTHER RESOLVED, copies of this Resolution be forwarded to the Sussex County Commissioners, Sussex County Administrator, and the Director of the Sussex County Library System.

RESOLUTION #180-2023*

“Renewal of Plenary Retail Distribution Licenses for 2023-2024”

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Distribution Licenses be renewed for the licensing year 2023-2024, effective July 1, 2023:

No. 1915-44-010-003 be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; and

No. 1915-44-004-012 be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey.

RESOLUTION #181-2023*

“Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Douma Drive, Douma Court, and Valley View Court Resurfacing Project”

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Douma Dr., Douma Ct., & Valley View C-00140 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

RESOLUTION #182-2023*

“Resolution to Appoint a Temporary Judge for the Shared Municipal Court of Green Township and the Town of Newton”

WHEREAS, the Town of Newton has a need for a temporary Judge for the Shared Court of Green Township and the Town of Newton; and

WHEREAS, the Honorable Michael A. Carlucci, JMC has been assigned as temporary Judge for the Town of Newton effective June 15, 2023; and

WHEREAS, the monthly compensation for the Honorable Michael A. Carlucci, JMC will be the responsibility of the Town of Newton as follows:

Newton:	\$3,220.33
Green:	<u>\$416.67</u>
Monthly Total:	\$3,637.00

NOW, THEREFORE BE IT RESOLVED, the Honorable Michael A. Carlucci, JMC will serve as temporary Judge for the Shared Court of Green Township and the Town of Newton effective June 15, 2023.

RESOLUTION #183-2023*

“Approval of Cooperative Purchasing Contract, Playground Equipment, Site Furnishing, Outdoor Circuit Training Equipment & Related Products – ESCNJ 20/21-22 Ben Shaffer Recreation Inc.”

WHEREAS, there is a need for ADA compliant playground and recreational opportunities within the Town of Newton; and

WHEREAS, this service can be purchased through Educational Services Commission of New Jersey (65MCESCCPS), Cooperative Contract # ESCNJ 20/21-22; and

WHEREAS, this service has been listed in accordance with Cooperative Contract at \$96,851.18 by the awarded vendor, Ben Shaffer Recreation Inc., PO Box 844, Lake Hopatcong, NJ 07849; and

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

WHEREAS, the Chief Financial Officer certifies funds are available in the 2023 Capital Improvement Fund in the amount of \$96,851.18 as follows:

Ordinance 2023-10 Pine St Park ADA Playground #3092310

WHEREAS, the Qualified Purchasing Agent concurs with the legality of the purchase in accordance with the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-11 et. Seq.);

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, New Jersey as follows: the Town Manager is authorized to enter into a contract with Ben Shaffer Recreation Inc., under the authority of Educational Services Commission of New Jersey (65MCESCCPS), Cooperative Contract ESCNJ 20/21-22, in the amount of \$96,851.18 for the Contract, Playground Equipment, Site Furnishings, Outdoor Circuit Training Equipment & Related Products.

RESOLUTION #184-2023*

“Authorizing a Change Order for the Procurement of Ferrara Cinder, 4-Door Full-Tilt OEM Cab, Extruded Aluminum Body, Single Axle, 77’ Rear Mounted Telescoping Ladder and Accessories Through FF1 Apparatus, 34 Wilson Drive, Sparta, New Jersey 07871”

WHEREAS, the Newton Town Council adopted Resolution # 186-2022, awarding the Procurement of Ferrara Cinder, 4-Door Full-Tilt OEM Cab, Extruded Aluminum Body, Single Axle, 77’ Rear Mounted Telescoping Ladder and accessories Through FF1 Apparatus 34 Wilson Drive, Sparta, New Jersey 07871, HGAC National Cooperative FS12-19, in the amount of \$894,909.00; and

WHEREAS, FF1Apparatus reports Ferrara Fire Apparatus due to unforeseen circumstances the Cummins L9 engine is not available and recommends measures that are prudent and satisfy identified recognized needs discovered which was not foreseen as part of the original National Cooperative purchase in accordance with N.J.A.C. 5:30-11.3; and

WHEREAS, FF1Apparatus recommends changing to a Cummins X12 500 hp engine for a price of an additional \$65,594.00, the cab and chassis will become Ferrara's Inferno model, and the transmission will become an Allison 4000 EVS, for a new total contract price of \$960,503.00, an increase of 7.3%;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby concurs with the change order and approves the Cummins X12 500 hp engine for a price increase of \$65,594.00, the cab and chassis will become Ferrara's Inferno model, and the transmission will become an Allison 4000 EVS, for a new total contract price of \$960,503.00, an increase of 7.3%.

RESOLUTION #185-2023*

“Transfer of School Monies for the Period July 1, 2023 to December 31, 2023”

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, the amount of \$7,061,069.00 to meet the obligations of the Newton Board of Education, inclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax (Inclusive of Debt Service)	\$13,724,107.00
Amount Received to Date	0.00
Amount of This Request	<u>7,061,069.00</u>
Balance Due Board of Education	6,663,038.00

June 26, 2023

RESOLUTION #186-2023*

“Renewal of Club License”

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Club License be renewed for the licensing year 2023-2024, effective July 1, 2023:

No. 1915-31-014-001 be issued to Newton Memorial Post 5360, Veterans of ForeignWars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey

RESOLUTION #187-2023*

“Renewal of Plenary Retail Consumption License for 1915-33-011-011”

WHEREAS, on June 22, 2022, the Town of Newton received a special ruling from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Alcoholic Beverage Control, permitting the renewal of an inactive license, pursuant to N.J.S.A. 33:1-12.39 for the 2022-2023 and 2023-2024 License terms for License No. 1915-33-011-011 for License Name: Spring Alley Café, LLC: Docket No. 05-22-296; Job No. 517611; and

NOW, THEREFOR BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License is renewed for licensing year 2023-2024:

No. 1915-33-011-011 be issued to Spring Alley Café, LLC, 185 Spring Street, Newton, New Jersey.

RESOLUTION #188-2023*

“Renewal of Plenary Retail Consumption Licenses for 2023-2024”

BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption Licenses are renewed for licensing year 2023-2024, effective July 1, 2023:

No. 1915-33-001-006 be issued to Chenlin Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; and

No. 1915-33-002-009 be issued to B&M LLC, t/a O'Reilly's Pub & Grill, 271 Spring Street, Newton, New Jersey; and

No. 1915-33-003-008 be issued to L & P Concessions, LLC, t/a L & P Concessions, 234 Spring Street, Newton, New Jersey; and

No. 1915-33-006-013 be issued to the Sizzle BBQ Argentinian Food LLC, 216 Woodside Avenue, Newton, New Jersey; and

No. 1915-33-007-005 be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; and

No. 1915-33-008-007 be issued to Newton Sports Bar & Grill, LLC t/a Newton Sports Bar and Grill, 173 Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption License w/Broad Package Privilege be renewed for licensing year 2023-2024, effective July 1, 2023:

Ordinance 2022-21, and 2023-2 #3092207 (Line Item) \$302,743.00

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

1. The Town Council of the Town of Newton hereby awards the “Drainage Improvements at Babe Ruth Field at Memory Park” project to Paving Materials and Contracting, LLC, 150 River Rd., Suite H4, Montville, New Jersey 07045-8922, in the amount of \$742,743.00.
2. The Mayor and Town Manager are here by authorized to execute all necessary contracts with Paving Materials and Contracting, LLC., consistent with all the tenets as contained within the “Drainage Improvements at Babe Ruth Field at Memory Park” bid.

RESOLUTION #191-2023*

“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 2022 and 2023 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#	Name	Check Total
8579	84	- ABCODE SECURITY INC.	210.00
8580	1846	- ADVANCE AUTO PARTS	34.22
8581	2141	- AIRMATIC COMPRESSOR SYSTEMS, INC.	5,144.42
8582	4676	- ALBRECHT, JIM	1,400.00
8583	3897	- AMAZON CAPITAL SERVICES	132.14
8584	3079	- AMERICAN SOCIETY OF COMPOSERS,	432.50
8585	2757	- ATLANTIC TACTICAL INC.	4,278.40
8586	4026	- AUTOZONE INC.	11.49
8587	514	- BEN SHAFFER & RECREATION INC.	3,255.00
8588	2429	- BLACK LAGOON INC.	2,000.00
8589	1132	- BOONTON TIRE SUPPLY INC.	42.84
8590	300	- BRIGHTSPEED	41.34
8591	300	- BRIGHTSPEED	3,273.78
8592	300	- BRIGHTSPEED	57.25
8593	300	- BRIGHTSPEED	56.99
8594	2124	- BUCKMAN'S INC.	1,694.05
8595	4706	- CARLUCCI, MICHAEL	2,727.75
8596	4549	- CHALLENGER FENCE INC	19,431.00
8597	3770	- CINTAS	721.13
8598	2551	- CLOUSE RONALD	1,978.80
8599	4702	- CROSSLEY, KAREN	24.50
8600	4500	- CRYSTAL MOUNTAIN SPRINGS	245.98
8601	106	- ELIZABETHTOWN GAS	3,337.48
8602	4385	- ERIC M. BERNSTEIN & ASSOCIATES, LLC.	6,640.18
8603	4039	- FARMSIDE LANDSCAPE & DESIGN INC	890.00
8604	225	- FEDERAL EXPRESS	24.42
8605	2640	- FERGUSON ENTERPRISES LLC #3326	1,312.80
8606	2525	- FIREFIGHTER ONE, LLC.	20,130.00
8607	3318	- FREDON ANIMAL HOSPITAL	388.22
8608	4536	- GATEHOUSE MEDIA NEW YORK HOLDINGS, INC.	481.35
8609	4384	- GIBBONS P.C.	3,575.00
8610	4506	- GLENN C KIENZ	800.00
8611	4194	- GYLES-ZITO, DANIELLE	98.70
8612	70	- HACH COMPANY	1,198.05
8613	3804	- HAYDEE BALLESTER	140.00
8614	230	- HAYEK'S MARKET INC.	99.13
8615	4337	- HFE SERVICES LLC	1,171.00
8616	1866	- HOME DEPOT, INC	1,078.91
8617	113	- JCP&L	6,271.19

8618	3778	- JP MONZO MUNIC CONSULTING, LLC	50.00
8619	2767	- KILDUFF JAMES	989.40
8620	2365	- KRAVE CAFE	80.00
8621	4227	- LAW OFFICE OF DANIEL P. AGATINO, LLC.	1,333.33
8622	4658	- LAW OFFICE OF ORLANDO R RODRIGUEZ, LLC.	300.00
8623	2863	- MACK, HARRY	989.40
8624	1566	- MAIN POOL & CHEMICAL COMPANY, INC.	2,145.00
8625	62	- MGL FORMS - SYSTEMS, LLC.....	137.00
8626	2865	- MILLS STEVE	989.40
8627	409	- MINISINK PRESS INC	68.00
8628	170	- NEWTON BOARD OF EDUCATION	1,110,506.49
8629	4154	- NEWTON HIGH SCHOOL	1,000.00
8630	336	- NEWTON TROPHY	220.00
8631	1742	- NJ MUNICIPALITIES	175.00
8632	1762	- NJSACOP	1,470.00
8633	3047	- PANDISCIA MICHAEL	1,978.80
8634	4656	- PAULUS, SOKOLOWSKI & SARTOR LLC	7,285.74
8635	64	- PELLOW, HAROLD & ASSO, INC.	8,048.33
8636	2788	- PENTELEDATA	319.90
8637	4204	- PLANET NETWORKS INC.	1,419.75
8638	57	- PRINTING CENTER, INC	2,682.98
8639	4273	- QUADIENT INC.	140.60
8640	39	- QUILL CORPORATION	153.04
8641	3660	- SCHENCK, PRICE, SMITH, & KING, LLP	2,916.90
8642	126	- SCMUA	1,681.77
8643	2145	- SEELY BROTHERS, INC.	117.00
8644	4644	- SIEGEL, STEVEN M.	2,874.99
8645	3993	- SLOAN, JAMES P.	909.25
8646	3674	- SPARTA TOWNSHIP	701.00
8647	2257	- STAPLES	146.76
8648	43	- STAPLES CREDIT PLAN	352.38
8649	4144	- SUBURBAN CONSULTING ENGINEERS, INC.	27,550.92
8650	2056	- SUBURBAN PROPANE, LP.....	3,831.15
8651	102	- SUSSEX CAR WASH INC	336.00
8652	4705	- TAMA TECHNOLOGIES CORP	822.00
8653	3851	- THE CANNING GROUP, LLC.	541.66
8654	4508	- TORRES, JUDY A	70.00
8655	2880	- TRACTOR SUPPLY	102.95
8656	2781	- TRIMBOLI & PRUSINOWSKI, LLC.	7,429.00
8657	4305	- UGI ENERGY SERVICES LLC	1,310.60
8658	1280	- VERIZON WIRELESS, INC.	1,710.05
8659	1500	- WALMART	464.43
8660	633	- WEIS MARKETS, INC.	88.07
8661	2713	- WILLIAM GRENNILLE, LLC.	4,370.00
8662	3726	- WITMER PUBLIC SAFETY GROUP, INC.	767.38
TOTAL			1,296,406.43

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

Deputy Mayor Couce (Abstain on check #8637)	Yes	Mr. Dickson	Yes
Mrs. Diglio	Excused	Mrs. Le Frois	Yes
	Mayor Teets	Yes	

OPEN TO THE PUBLIC

Mayor Teets opened the meeting to the public.

Blake Panio, said thank you for the library, he uses it all the time but stated he can't cross the road to visit the library because cars go too fast. With regards to the Garage

June 26, 2023

Sale, he asked Ms. Oswin last year if we could update the map. He can't read the streets. He wanted to know if there was a way to get on the Historic Commission agenda without having an application before them. He just wants to have a discussion with them. In reference to the people causing trouble around Town. Last week he had people in his area with large knives, he had to warn to girls there was a man behind them with a knife. He has seen this several times. He stated he didn't have a cell phone so he couldn't call the police. He doesn't know if the guy is trying to protect himself or cause trouble. With regards to the kids that are causing trouble, last year he had to call the police because someone threw a snowball directly at him into his window in the middle of the day as he was working. He called the Police. He doesn't know if it is a tactic or not, but he heard the police say several times "I am proud of you". He doesn't think that is a good tactic. He does communicate with the High School principal about litter, and he takes care of it.

Ludmilla Mecaj, 9 Madison St stated via zoom Mr. Couce understands the importance of a curfew and she was disappointed in Mr. Dickson and Mayor Teets with their comments. She has contacted the Police and they can't do anything. The Governing Body has to put a warning or fine in place.

There being no one wishing to speak either in person or on Zoom, Mayor Teets closed the hearing.

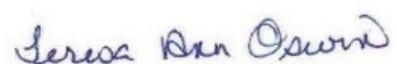
COUNCIL MANAGER COMMENTS

Mr. Couce stated he wanted to defend the Mayor and Mr. Dickson's comments. His comments come from personal experience, and it is not fair what Dr Mecaj said about the Council. We all recognize it as a significant issue. He was just adding information from his own experiences from his extracurricular activities. Mr. Panio, the speed limit request was made to the NJDOT as it is a State Highway, and they have jurisdiction over it. It is ultimately their decision on the placement of any signage.

ADJOURMENT

There being no further business to be conducted, upon a motion by Mrs. Le Frois seconded by Mr. Dickson and unanimously carried, the regular meeting was adjourned at 7:59 pm.

Respectfully submitted,



Teresa A. Oswin, RMC
Municipal Clerk