

# TOWN OF NEWTON

## ORDINANCE 2024-1

### AN ORDINANCE AND AGREEMENT FOR THE APPOINTMENT OF A MUNICIPAL ENGINEER FOR CALENDAR YEARS 2024, 2025, & 2026

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

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

**WHEREAS**, Cory L. Stoner of Harold E. Pellow & Associates, Inc., has submitted a Scope of Services dated November 29, 2023, outlining the services to be provided, a copy of said Scope of Services being maintained in the Office of the Municipal Clerk, and the contents of which are incorporated herein and made a part hereof; and

**WHEREAS**, the anticipated term of this contract is three (3) years ending December 31, 2026, in accordance with N.J.S.A. 40A:9-140; and

**WHEREAS**, Cory L. Stoner of Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00 each year; and

**WHEREAS**, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2024, 2025, and 2026 Temporary and Permanent budgets, funds NOT TO EXCEED \$180,000.00 will be encumbered as follows:

**2024 Current –**

<b>Engineer #20-165-216, Stormwater #26-298-216, Plan Bd #21-180-216</b>	<b>estimate \$55,000</b>
<b>Trust Escrow</b>	<b>estimate \$50,000</b>
<b>General Capital &amp; W/S Capital – specific ordinances</b>	<b>estimate \$75,000</b>

**NOW, THEREFORE BE IT ORDAINED**, the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Cory L. Stoner of Harold E. Pellow & Associates, Inc., for services as Municipal Engineer for calendar years 2024, 2025, and 2026:

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance which shall act as the authorization and agreement between the Town of Newton and Cory L. Stoner of Harold E. Pellow & Associates, Inc., providing for his retention as Municipal Engineer for the Town of Newton for calendar years 2024, 2025, and 2026.
- 2) The services to be rendered by Mr. Stoner shall be on an hourly basis, on an "as needed" requirement, as sought by the Town of Newton at a rate of \$142.00 per hour not to exceed \$180,000.

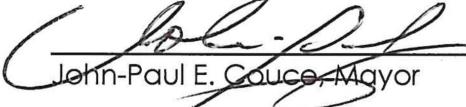
- 3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. Stoner is a licensed engineer of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.
- 4) Political Contribution Disclosure. This contract has been awarded to Cory L. Stoner of Harold E. Pellow & Associates, Inc., based on the merits and abilities of Mr. Stoner to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 5) The maximum dollar value is based on a reasonable estimate of goods or services required over the contract term, and the Town is not obligated to spend that amount.
- 6) Notice of this action shall be published once in the *New Jersey Herald*.

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance be kept on file and available for public inspection in the Municipal Clerk's office.

**ATTEST:**

  
 \_\_\_\_\_  
 Teresa A. Oswin, RMC, Municipal Clerk

**TOWN OF NEWTON**

  
 \_\_\_\_\_  
 John-Paul E. Couce, Mayor

I hereby acknowledge executing this duplicate Ordinance and agree to be bound by its terms, covenants and conditions for the year 2024, 2025, and 2026.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Cory L. Stoner, Municipal Engineer

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on January 22, 2024. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 12, 2024 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

  
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 Teresa A. Oswin, RMC  
 Municipal Clerk