



AGENDA
NEWTON TOWN COUNCIL
DECEMBER 10, 2012
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES - NOVEMBER 26, 2012 REGULAR SESSION

V. PRESENTATION

- a. NJAL SOCCER TEAM – UNDEFEATED SEASON

VI. OPEN TO THE PUBLIC

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 LIMIT THEIR COMMENTS TO 5 MINUTES. 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.

VII. COUNCIL & MANAGER REPORTS

VIII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2012-27

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2013

- i. OPEN HEARING TO PUBLIC
- ii. CLOSE HEARING TO PUBLIC
- iii. ACT ON ORDINANCE

IX. OLD BUSINESS

X. CONSENT AGENDA

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.

- a. RESOLUTION #243-2012* APPOINT LOCAL EMERGENCY PLANNING COMMITTEE
- b. RESOLUTION #244-2012* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL POLICE OFFICERS
- c. RESOLUTION #245-2012* CANCELLATION OF SMALL BALANCES

- d.** RESOLUTION #246-2012* DESIGNATION OF LINDA A. ROTH AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2013
- e.** RESOLUTION #247-2012* ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE
- f.** RESOLUTION #248-2012* TRANSFER OF SCHOOL MONIES FOR THE PERIOD JANUARY 1, 2013 TO JUNE 30, 2013
- g.** RESOLUTION #249-2012* AUTHORIZE AGREEMENT WITH PASSAIC VALLEY SEWERAGE COMMISSIONERS FOR DISPOSAL OF MUNICIPAL SLUDGE
- h.** RESOLUTION #250-2012* APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR CALENDAR YEAR 2013
- i.** RESOLUTION #251-2012* APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., C.M.E., AS TOWN WATER ENGINEER FOR CALENDAR YEAR 2013
- j.** RESOLUTION #252-2012* APPOINTMENT OF HATCH MOTCH MACDONALD, AS SEWER ENGINEER FOR CALENDAR YEAR 2013
- k.** RESOLUTION #253-2012* DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION ON DISABILITY REPRESENTATIVE
- l.** RESOLUTION #254-2012* AUTHORIZE A ONE-TIME PERFORMANCE AWARD FOR 2012 AND SALARY INCREASE FOR 2013 FOR CERTAIN TOWN OF NEWTON EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS
- m.** RESOLUTION #255-2012* DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER
- n.** RESOLUTION #256-2012* DESIGNATE OFFICIALS TO SIGN CHECKS
- o.** RESOLUTION #257-2012* DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ OPEN PUBLIC MEETINGS ACT FOR 2013
- p.** RESOLUTION #258-2012* DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2013
- q.** RESOLUTION #259-2012* APPOINTMENT OF PAUL BALDWIN AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE
- r.** RESOLUTION #260-2012* APPOINTMENT OF KENNETH JAEKEL AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE FOR 2013
- s.** RESOLUTION #261-2012* AUTHORIZE THE TAX ASSESSOR, TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON THE BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2013 WITH REGARD TO TAX APPEALS

- f.** RESOLUTION #262-2012* APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON FOR CALENDAR YEAR 2013
- u.** RESOLUTION #263-2012* ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2013
- v.** RESOLUTION #264-2012* APPOINTMENT OF MARGE CAFFREY AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2013
- w.** RESOLUTION #265-2012* DESIGNATE CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES
- x.** RESOLUTION #266-2012* DESIGNATE BANKS AS DEPOSITORIES FOR 2013
- y.** RESOLUTION #267-2012* APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2013
- z.** RESOLUTION #268-2012* APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT
- aa.** RESOLUTION #269-2012* AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC
- bb.** RESOLUTION #270-2012* REAPPOINTMENT OF KEITH MITCHELL TO THE NEWTON PARKING AUTHORITY
- cc.** RESOLUTION #271-2012* REAPPOINTMENT OF KEVIN PRENDERGAST TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION
- dd.** RESOLUTION #272-2012* REAPPOINTMENT OF NEIL FLAHERTY, MELISSA LOGAN AND DAVID STEINBERG TO THE NEWTON PLANNING BOARD
- ee.** RESOLUTION #273-2012* REAPPOINTMENT OF THOMAS LAWLER TO THE UTILITY ADVISORY BOARD
- ff.** RESOLUTION #274-2012* REAPPOINTMENT OF WILLIAM HAGAMAN TO THE ADVISORY BOARD OF HEALTH
- gg.** RESOLUTION #275-2012* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- hh.** RESOLUTION #276-2012* APPOINTMENT OF RICHARD STEIN, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2013
- ii.** RESOLUTION #277-2012* AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR CALENDAR YEAR 2013 WITH THE DEPUTY MUNICIPAL PUBLIC DEFENDER
- jj.** RESOLUTION #278-2012* REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES
- kk.** RESOLUTION #279-2012* AUTHORIZATION TO PROVIDE FOR THE PURCHASE OF ROAD SALT FOR THE NEWTON DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF NEWTON
- ll.** RESOLUTION #280-2012* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 8.06, LOT 6 (FORMERLY BLOCK 713, LOT 6)

- mm.** RESOLUTION #281-2012* AUTHORIZED REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 4.03, LOT 10 (FORMERLY BLOCK 402, LOT 10)
- nn.** RESOLUTION #282-2012* AUTHORIZED REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 19.06, LOT 11 (FORMERLY BLOCK 1303, LOT 12)
- oo.** RESOLUTION #283-2012* ACCEPTANCE OF THE PROPOSED PURCHASE OF WATERMAIN PIPES AND FITTINGS FOR THE MAPLE AVENUE WATERMAIN PROJECT
- pp.** RESOLUTION #284-2012* AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEAR 2013
- qq.** RESOLUTION #285-2012* APPOINTMENT OF FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER FOR STATEWIDE INSURANCE FUND
- rr.** RESOLUTION #286-2012* APPOINTMENT OF KEITH MITCHELL AS RISK MANAGEMENT CONSULTANT FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2013
- ss.** RESOLUTION #287-2012* APPROVE 2012 APPROPRIATION TRANSFERS
- tt.** RESOLUTION #288-2012* TO UTILIZE TRUST FUNDS - SNOW REMOVAL FOR HURRICANE SANDY EXPENDITURES

XI. INTERMISSION

XII. DISCUSSION

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

- a.** SPRING STREET MERCHANTS MEETING- UPDATE

XV. EXECUTIVE SESSION

- a.** RESOLUTION #289-2012 A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

1. PERSONNEL

XVI. ADJOURNMENT

**TOWN OF NEWTON
ORDINANCE #2012-27**

**AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM
SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF
THE TOWN OF NEWTON FOR CALENDAR YEAR 2013**

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

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

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

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2013 as shown in Schedules "A" and "B" attached hereto in accordance with §25-12 of the Code of the Town of Newton.

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

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

Section 4. Those employees at wage level 4 serving in the position of Deputy Court Administrator, may be compensated with a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out requiring written certification.

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

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

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

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective retroactive to January 1, 2013.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on November 26, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on December 10, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF
NEWTON
ORDINANCE
#2012-27
SCHEDULE "A"**

<u>LEVEL</u>	<u>HOURLY</u>		<u>35 HRS / WK</u>		<u>40 HRS / WK</u>		<u>IRREGULAR HOURS ANNUALIZED</u>
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	
1	\$7.25	\$15.50	\$13,195	\$28,210	\$15,080	\$32,240	
2	\$7.50	\$17.00	\$13,650	\$30,940	\$15,600	\$35,360	
3	\$7.75	\$19.25	\$14,105	\$35,035	\$16,120	\$40,040	
4	\$8.00	\$24.75	\$14,560	\$45,045	\$16,640	\$51,480	
5	\$9.00	\$30.25	\$16,380	\$55,055	\$18,720	\$62,920	
6	\$9.50	\$33.00	\$17,290	\$60,060	\$19,760	\$68,640	
7	\$10.50	\$35.75	\$19,110	\$65,065	\$21,840	\$74,360	
8	\$11.00	\$38.50	\$20,020	\$70,070	\$22,880	\$80,080	
9			\$25,000	\$80,000	\$28,571	\$85,000	
10			\$30,000	\$85,000	\$34,286	\$95,000	
11			\$32,000	\$90,000	\$36,571	\$110,000	
12			\$45,000	\$95,000	\$51,429	\$115,000	
13			\$50,000	\$100,000	\$57,143	\$125,000	
14			\$65,000	\$125,000	\$74,286	\$145,000	
15			\$70,000	\$150,000	\$80,000	\$160,000	
16							\$500 - \$5,000
17							\$2,500 - \$7,500
18							\$3,000 - \$25,000
19							\$12,000 - \$55,000
20	Min. Wage	\$7.25/hr					

**TOWN OF NEWTON
ORDINANCE #2012-27
SCHEDULE "B"**

LEVEL 1

Recreation Assistant

LEVEL 2

Assistant Pool Manager

LEVEL 3

Clerk Typist
Custodian
Grounds Maintenance Worker
Keyboarding Clerk I
Lifeguard
School Traffic Guard
Secretary
Swim Instructor

LEVEL 4

Deputy Court Administrator
Keyboarding Clerk II
Laborer
Public Safety Telecommunicator Trainee
Recreation Leader
Senior Clerk Typist
Technical Assistant to Construction Official

LEVEL 5

Account Supervisor/Treasurer
Assessing Clerk
Fire Prevention Inspector
Planning/Zoning Administrator
Police Clerk
Pool Manager
Recreation Enforcement Officer
Sewer Laborer
Water Laborer
Water Meter Reader
Water/Sewer Collector

LEVEL 6

Equipment Operator
Omnibus Operator
Public Safety Telecommunicator
Recycling Foreman
Sewer Repairer
Truck Driver
Water Repairer

LEVEL 7

Certified Tax Collector/Tax Search Officer
Human Resource Coordinator
Park Caretaker
Parking Meter Enforcer
Payroll Clerk
Senior Public Safety Telecommunicator
Senior Sewer Repairer
Senior Water Repairer
Sewer Repairer 2
Special Police Officer
Water Repairer 2

LEVEL 8

Administrative Assistant
Court Attendant
Road Foreman
Street Foreman
Supervising Public Safety Telecommunicator
Water Foreman

LEVEL 9

Assistant Director of Public Works
Assistant Public Works Supervisor
Sewer Plant Operator
Water Plant Operator

LEVEL 10

Community Development Director
Director of Public Works
Finance Director
Municipal Clerk/Registrar of Vital Statistics
Municipal Court Administrator
Public Works Supervisor
Water/Sewer Supervisor

LEVEL 11

Police Patrolman

LEVEL 12

Police Sergeant

LEVEL 13

Police Lieutenant
Water/Sewer Superintendent

LEVEL 14

Police Chief

LEVEL 15

Town Manager

LEVEL 16

Assistant Emergency Management Coordinator
Assistant Right-to-Know Coordinator
Code Enforcement Officer
Deputy Code Enforcement Officer
Deputy Municipal Clerk
Deputy Registrar
Deputy Right-to-Know Coordinator
Right-to-Know Coordinator

LEVEL 17

Council Member
Mayor

LEVEL 18

Building Subcode Official/Inspector
Chief Combustible Inspector
Chief Financial Officer
Deputy Emergency Management Coordinator
Electrical Subcode Official/Inspector
Emergency Management Coordinator
Fire Subcode Official
Plumbing Subcode Official/Inspector
Zoning Officer

LEVEL 19

Deputy Town Manager
Municipal Judge
Recreation Supervisor
Tax Assessor



TOWN OF NEWTON

RESOLUTION #243-2012

December 10, 2012 "Appoint Local Emergency Planning Committee"

WHEREAS, Appendix A:9-41 of the NJ Statutes Annotated, and N.J.A.C. 13:64-2.3 pertaining to Emergency Management, require that every New Jersey municipality create a Local Emergency Planning Committee; and

WHEREAS, the individual appointed as the local Emergency Management Coordinator shall also be a member of, and shall serve as Chairman of, said Local Emergency Planning Committee;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2013 as listed below:

Kenneth A. Teets	Emergency Management Coordinator
Dan Finkle	Deputy Emergency Management Coordinator
Deborah Danielson	Assistant Emergency Management Coordinator
Chief Michael S. Richards	Newton Police Department
Thomas S. Russo, Jr.	Newton Town Manager
Brian Fox	Newton Fire Chief
Captain, To be determined	Newton Vol. First Aid and Rescue Squad
Ken Jaekel	Newton Public Works Supervisor
Paul Baldwin	Newton Water and Sewer Supervisor
Lorraine Read	Newton Municipal Clerk
Debra Millikin	Deputy Town Manager
Terri Oswin	Deputy Municipal Clerk/Assistant to Town Manager
Keith Utter	Newton/Hardyston Construction Official
Dr. Kennedy Greene	Newton School Superintendent
Robert Dunphy	Radio Station WNNJ
Lauri Gill	Sussex County Chapter of the American Red Cross

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #244-2012

December 10, 2012 “Concur with the Town Manager’s Appointment of Special Police Officers”

WHEREAS, within Chapter Thirty, Police Department, of the Revised General Ordinances of the Town of Newton, it indicates that the Town Manager may appoint Special Police Officers for a term not to exceed one year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as Special Police Officers for calendar year 2013:

Class II

Donald Donofrio

Kyle J. Phlegar

John Tomasula

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #245-2012

December 10, 2012 "Cancellation of Small Balances"

WHEREAS, N.J.S.A. 40A: 5-17.1 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than ten (\$10.00) dollars; and

WHEREAS, the Town Council of the Town of Newton may authorize the Tax Collector to process, without any further action on the part of the Governing Body, any cancellation of property tax refunds or delinquencies of less than ten (\$10.00) dollars;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton in the County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized to process the cancellation of any property tax refunds or delinquencies of less than ten (\$10.00) dollars.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #246-2012

December 10, 2012 **“Designation of Linda A. Roth as Tax Search Officer for the Town of Newton for 2013”**

WHEREAS, N.J.S.A. 54:5-11 provides that each municipality within the State of New Jersey shall designate a person to act as the Tax Search Officer for the municipality; and

WHEREAS, Linda A. Roth, as Certified Tax Collector for the Town of Newton, is qualified to make examinations of the municipalities records as to unpaid municipal liens and to certify the results of that examination;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby designates Linda A. Roth as the Tax Search Officer for the Town of Newton.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #247-2012

December 10, 2012 **“Establish the Rate of Interest to be Charged for Non-Payment of Taxes on or Before the Due Date”**

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date; and

BE IT FURTHER RESOLVED, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 31st of each calendar year; and

BE IT FURTHER RESOLVED, that the ten (10) day grace period for quarterly tax payments shall remain in effect, that any payment of taxes not made on or before the due date in accordance with this Resolution shall be charged interest from the due date as set forth by law, and that this Resolution shall take effect immediately.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #248-2012

December 10, 2012 "Transfer of School Monies for the Period from January 1, 2013 to June 30, 2013"

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, \$5,522,449.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted Exclusive of Debt Service)	\$11,159,127.00
Amount Received to Date	5,579,564.00
Amount of This Request	<u>5,579,563.00</u>
Balance Due Board of Education	.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #249-2012

December 10, 2012 **“Authorize Agreement with Passaic Valley Sewerage Commissioners for Disposal of Municipal Sludge”**

WHEREAS, the Town of Newton is required to dispose of sludge from its Waste Water Treatment Plant; and

WHEREAS, the Town of Newton has utilized the Passaic Valley Sewerage Commissioners (PVSC) for disposal of the Town of Newton's sludge pursuant to written 2001 contract since 2001; and

WHEREAS, PVSC has proposed a new written agreement to the Town of Newton for the disposal of sludge, the terms of which agreement include, but are not limited to a term of five years and a basic cost of \$40.00 per 1,000 gallons; and

WHEREAS, the Town of Newton, through its qualified purchasing agent, has investigated all available and economically feasible opportunities for the proper disposal of sludge from the Town of Newton and has concluded that the PVSC is the most economical and comprehensive service available to the Town of Newton; and the Town Attorney has reviewed said agreement and advised the Town accordingly; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, that it hereby authorizes the Mayor, Town Manager, and Municipal Clerk to execute an agreement with Passaic Valley Sewerage Commissioners for a five year contract for the disposal of sludge in a form substantially similar to that set forth in Schedule A. attached; and

BE IT FURTHER RESOLVED that a certified copy of the resolution accompany the agreement with the Passaic Valley Sewerage Commissioners.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 249-2012

APPROVING: PASSAIC VALLEY SEWAGE COMMISSIONERS

FOR THE PURPOSE OF: DISPOSAL OF SLUDGE
(5 YR CONTRACT)

IN THE AMOUNT OF: \$40.00 PER THOUSAND GALLONS

APPROPRIATED BY:

2013 W/S UTILTIY - SEWER PLANT - OE, DIGESTER OPERATION
#6077221. FUNDS BEING CERTIFIED ARE CONTINGENT UPON THE
GOVERNING BODY APPROPRIATING SUFFICIENT FUNDS IN THE 2013,
2014, 2015, 2016, AND 2017 BUDGETS.

DATED THIS 10TH DAY OF DECEMBER 10, 2012

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #250-2012

December 10, 2012 **“Appointment of Jessica C. Caldwell, P.P.,
A.I.C.P., as Town Planner for Calendar Year 2013”**

WHEREAS, the Town of Newton requires the services of qualified Planning Consultant for the Town of Newton on an annual basis; and

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

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates has submitted a proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Ms. Jessica Caldwell of J. Caldwell & Associates, for services as Town Planner for calendar year 2013; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ms. Caldwell, at J. Caldwell & Associates; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk

Town Planner Proposal

Town of Newton, Sussex County

Scope of Services

1. Ms. Jessica Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates, LLC will provide planning services to the Town of Newton at the hourly rates listed below on an as needed basis as requested by the Town Manager, Deputy Manager, Mayor and Council
2. Ms. Caldwell will furnish planning services to the Newton Planning Board when requested. Ms. Caldwell is available to attend meetings on the third Wednesday of the month.
3. Ms. Caldwell will appear before administrative agencies and boards to represent the interests of the Town.
4. Ms. Caldwell will provide planning services for the update of the Town's Master Plan.
5. Ms. Caldwell will perform other planning services and tasks as assigned by the Town Council, Town Manager, Planning Board and Office of Community Development.

2013 Hourly Rates

Professional Planner \$113
Jessica C. Caldwell, P.P., A.I.C.P.

Support Staff:

Associate Planner/GIS Mapping \$90
Environmental Specialist \$90
Landscape Architect \$90
Administrative Assistant..... \$45





TOWN OF NEWTON

RESOLUTION #251-2012

December 10, 2012 "Appointment of David B. Simmons, Jr., P.E., L.S., C.M.E., as Town Water Engineer for Calendar Year 2013"

WHEREAS, the Town of Newton requires the service of a qualified Engineering Consultant for the Newton Water Utility on an annual basis; and

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

WHEREAS, David B. Simmons, P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc. has submitted a proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with David B. Simmons, of Harold E. Pellow & Associates, Inc., for services as Water Engineer for calendar year 2013; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. Simmons, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made this ____ day of January 2013 by and between the Town of Newton, a municipal corporation of the State of New Jersey with offices at 39 Trinity Street, Newton, NJ 07860 and Harold E. Pellow & Associates, Inc. with offices located at 17 Plains Road, Augusta, NJ 07822, for water engineering services by David B. Simmons, Jr., P.E., L.S., C.M.E., Professional Engineer in the State of New Jersey, who is employed by Harold E. Pellow & Associates, Inc., hereinafter referred to as "Water Engineer"; and

WHEREAS, the Town of Newton desires to retain the Water Engineer to render water engineering services to the Town of Newton; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that all contracts be in writing,

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants herein contained, the parties hereto agree as follows:

1. The Water Engineer, as employed by Harold E. Pellow & Associates, Inc., will provide water engineering services for a term of one year beginning January 1, 2013.
2. Funds are available for the purpose.
3. The remuneration for services will be \$125.00 per hour.
4. The payment to be made for said services or otherwise, under this agreement, shall be by voucher as prescribed law.
5. Harold E. Pellow & Associates, Inc. agrees to review the Mandatory Equal Employment Opportunity Language (N.J.S.A 10-5-31 et seq.) (N.J.A.C. 17:27) attached hereto as 'Exhibit A' to satisfy the State of New Jersey's contracting requirements.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the date first above written.

ATTEST:

TOWN OF NEWTON

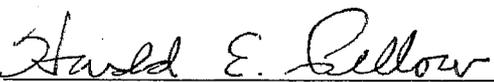
Thomas S. Russo, Jr.
Town Manager

Sandra Lee Diglio
Mayor

ATTEST:



David B. Simmons, Jr., P.E., L.S., C.M.E.
Harold E. Pellow & Associates, Inc.
Professional Engineer



Harold E. Pellow, P.E., L.S.
Harold E. Pellow & Associates, Inc.
President



TOWN OF NEWTON

RESOLUTION #252-2012

December 10, 2012 **“Appointment of Hatch Mott MacDonald, as Sewer Engineer for Calendar Year 2013”**

WHEREAS, the Town of Newton requires the services of a qualified Engineering Consultant for the Newton Sewer Utility on an annual basis; and

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

WHEREAS, Hatch Mott MacDonald has submitted a proposal outlining the services to be provided; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Hatch Mott MacDonald, for services as Sewer Engineer for calendar year 2013; and

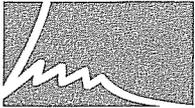
BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Hatch Mott MacDonald; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



**Hatch Mott
MacDonald**

Hatch Mott MacDonald
27 Bleeker Street
Millburn, NJ 07041-1008
T 973.379.3400 www.hatchmott.com

November 27, 2012

NOV 29 2012

Ms. Debra Millikin, QPA
Deputy Town Manager
Town of Newton
39 Trinity Street
Newton, New Jersey 07860

**Re: Proposal for Profession Engineering Services
Town Sewer Engineer - 2013**

Dear Ms. Millikin:

Hatch Mott MacDonald (HMM) appreciated the opportunity to serve as the Town's Sewer Engineer for 2012 and looks forward to continuing our services during the upcoming year. HMM will provide all municipal sewer engineering services needed by the Town of Newton, including but not limited to the following work assignments:

1. Provide services and perform duties of the Municipal Sewer Engineer, advising the Licensed Operator, Water & Sewer Superintendent and Town Administration on engineering related to the sanitary sewer system and infrastructure, which may include recommendations of capital repairs and improvements.
2. Provide on-call assistance in the event of an emergency, natural disaster, or significant weather events.
3. Prepare documentation needed in connection with the renewal every five years for the NJDEP discharge permit for both the Wastewater Treatment Plant and Water Filtration Plant.
4. Provide assistance in resolving citizen complaints, as requested.
5. Perform infrastructure planning and prepare engineering and design of sewer system improvements.
6. Perform construction inspection of public sewerage system improvements in approved developments.
7. Review available funding from all county, state and federal programs and recommend and file applications for appropriate programs with the Deputy Town Manager.



8. Prepare and file applications for permits for NJDEP, Army Corps of Engineers, NJDOT, and others related to sewer system projects.
9. Perform utility map maintenance.
10. Maintain or assist in maintaining official Town Maps and plan specifications and as built plans of the Town sewer infrastructure projects.
11. Attend regular meetings of the Town of Newton Council and Land Use Board, on an as-needed basis.

We estimate the approximate hours for providing the above services to the Town to be approximately 15 to 20 hours per month.

Hatch Mott MacDonald proposes to continue to be represented by John J. Scheri, PE, BCEE, who is a Vice President with the firm. Mr. Scheri is a resident of Sussex County in nearby Sparta Township, and is able to respond quickly to the Town of Newton, if needed.

Mr. Scheri will attend the requested meetings and deal with the day-to-day issues that need to be addressed with the Town. Engineering services within the 15 to 20 hours, as well as any additional engineering services to be provided in the capacity of Sewer Engineer by John Scheri, would be billed at an hourly rate of \$125.00.

The annual budget based upon the estimated hours indicated above, and in concert with the services provided by the appointed sewer engineer, would be approximately \$25,000. This budget does not provide for any special services and/or any additional services not outlined above which may include studies, designs, inspections and any fieldwork including surveys or sewer system investigations. Additional budgets for assistance during litigation may also be necessary.

With regard to any specialty services or any specific projects, we will provide the Town with a scope of work and proposed budget for undertaking the services and offer either a not to exceed or a lump sum cost for undertaking the specific scope of work. Work would not proceed under any additional services without specific authorization from the Town. These services may include the review of wastewater operations and recommendations for modifications or improvements, preparation of reports or studies on the wastewater facilities, preparation of plans and specifications for new facilities or rehabilitation of existing facilities, cost estimates, assistance in systems operations, sampling and analysis of wastewater, laboratory services, preparation of applications to the regulatory agencies, meetings with the regulatory agencies, and any other consultation services relating to the Town's wastewater facilities.

After the Town has had the opportunity to review this Scope of Services, we would be glad to discuss any questions you may have. A copy of our 2013 Billing Rate Schedule is attached.

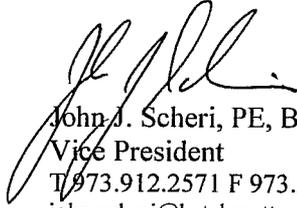


Hatch Mott
MacDonald

We appreciate this opportunity to work with the Town over the upcoming year.
Should you have any questions or require any further information at this time, please
contact us.

Respectfully submitted,

Hatch Mott MacDonald



John J. Scheri, PE, BCEE
Vice President
T 973.912.2571 F 973.376.1072
john.scheri@hatchmott.com

Attachment

cc: James J. Poirier, PE



2013 Hourly Rate Schedule
for
Municipal Sewer Engineering Services

Per Hour*

Municipal Sewer Engineer	\$125.00
Principals	\$130.00 to \$200.00
Sr. Project Engineer / Sr. Project Manager / Principal Project Manager	\$129.00 to \$160.00
Sr. Project Geologist / Sr. Project Scientist	\$ 85.00 to \$145.00
Sr. Specialist IV/V / Sr. Designer IV/V	\$ 85.00 to \$145.00
Sr. Inspector IV/V / Sr. Surveyor IV/V	\$ 80.00 to \$135.00
Project Engineer / Project Architect / Project Manager	\$113.00 to \$150.00
Project Geologist / Project Scientist	\$ 80.00 to \$135.00
Engineer III/IV / Architect III/IV	\$ 80.00 to \$130.00
Specialist III/IV / Designer III/IV	\$ 70.00 to \$115.00
Scientist III/IV / Geologist III/IV	\$ 70.00 to \$120.00
Engineer I/II / Architect I/II / Scientist I/II / Geologist I/II	\$ 70.00 to \$105.00
Inspector I-III / Surveyor I-III / Specialist I-III / Designer I-III	\$ 63.00 to \$105.00
Assistant Surveyor I/II / Assistant Inspector I/II	\$ 54.00 to \$100.00
Technicians	\$ 41.00 to \$ 90.00
Administration / Project Support	\$ 42.00 to \$ 80.00

* Hourly rates for special consultations and services in conjunction with litigation are available on request.

EXPENSES

Personal Auto / Company Auto	\$0.565 ¹ / mile
Company Vans / Company Pick-Up	\$0.60 / mile
Photocopies & Offset Reproduction	Variable
UPS / Federal Express /Postage /Messenger Service	Variable
Subcontractors (including Contract Laboratory)	Direct + 15%
Mobile Devices	Variable
Field Equipment	Variable

¹per IRS standard mileage rate (rate shown commences 1/1/2013)

NOTE: Hatch Mott MacDonald will not charge travel time and expenses to and from Newton Town.

Invoices are payable within 30 days of invoice date.
Delinquent bills are subject to finance charges of 1.5% per month.
The client shall pay attorney fees, court costs, and related expenses incurred in the collection of delinquent accounts.



TOWN OF NEWTON

RESOLUTION #253-2012

December 10, 2012 "Designate the Town Manager as the National Organization on Disability Representative"

WHEREAS, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #254-2012

December 10, 2012 "Authorize a One-Time Performance Award for 2012 and Salary Increase for 2013 for Certain Town of Newton Employees Not Covered by Collective Bargaining Agreements"

WHEREAS, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2012 by Ordinance #2011-25 and for calendar year 2013 by Ordinance 2012-27; and

WHEREAS, the Town Manager submitted to the Town Council a recommendation for a TWO PERCENT (2.0%) one-time performance award for 2012 based upon qualified employees 2012 base salaries and a TWO PERCENT (2.0%) base salary for calendar year 2013 to be paid to certain Town of Newton employees, whose employment is not the subject of any collective bargaining agreement(s); and

WHEREAS, the Town Council discussed said recommendation from the Town Manager during its regularly scheduled public meeting on November 26, 2012 and reached the following conclusions:

1. All full-time and part-time non-union staff members shall receive a one-time performance award for 2012 in the amount equal to TWO PERCENT (2.0%) of their base salaries for 2012.
2. The Mayor, Deputy Mayor and Members of the Town Council have voluntarily refused to accept said award; therefore, no such performance award will be provided to any of them for 2012.
3. The Police Chief's compensation is set by contract and any increases in salary or awards have already been predetermined; therefore, he is ineligible for said award.
4. Any salary increase or performance award for 2012 or 2013 for the Town Manager shall be addressed separately by the Town Council.
5. Any full-time or part-time non-union employees hired after October 1, 2012 are ineligible for this award and shall not receive such an award.
6. Former non-union employees who have resigned or retired in 2012 are ineligible for this award and shall not receive such an award, namely: Irene O'Connor.
7. The aforementioned performance award shall be issued via a separate check in pay period ending December 16, 2012.
8. The aforementioned recommended 2% base salary increase for 2013 shall take effect January 1, 2013 for eligible full-time and part-time non-union employees excluding the Mayor, Deputy Mayor, Town Council Members, Chief of Police, Town Manager, and any non-union employees hired after October 1, 2012.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Human Resource Coordinator shall process the checks for the one-time performance award for 2012 to all eligible employees that are not covered by a collective bargaining agreement as stipulated above. Further, the Human Resources Coordinator shall adjust the base salaries for the specified eligible employees for calendar year 2013 as outlined above.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #255-2012

December 10, 2012 "Designation of Public Agency Compliance Officer"

BE IT RESOLVED, by the Town Council of the Town of Newton that Debra Millikin is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2013; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #256-2012

December 10, 2012 "Designate Officials to Sign Checks"

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #257-2012

December 10, 2012 "Designate Newspapers that will Receive Notices Required by the NJ Open Public Meetings Act for 2013"

WHEREAS, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed or hand delivered;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #258-2012

December 10, 2012 “Designate Legal Newspapers for Calendar Year 2013”

BE IT RESOLVED by the Town Council of the Town of Newton that the newspapers listed below be designated as the official newspapers for the Town of Newton for legal advertising during the 2013 calendar year:

New Jersey Herald

New Jersey Sunday Herald

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #259-2012

December 10, 2012 **“Appointment of Paul Baldwin as Municipal Representative to the Sussex County Water Quality Policy Advisory Committee”**

BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Supervisor, Paul Baldwin, is hereby reappointed as the municipality's representative to the Sussex County Water Quality Policy Advisory Committee for 2013 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED, that, if required, the Newton Water and Sewer Supervisor may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Chairman of the Sussex Water Quality PAC.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #260-2012

December 10, 2012 **“Appointment of Kenneth Jaekel as Municipal Representative to the Sussex County Solid Waste Advisory Committee for 2013”**

BE IT RESOLVED by the Town Council of the Town of Newton that the Public Works Supervisor, Kenneth Jaekel, is hereby reappointed as the municipality’s representative to the Sussex County Solid Waste Advisory Committee to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED that, if required, the Public Works Supervisor may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex County SWAC.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #261-2012

December 10, 2012 **“Authorize the Tax Assessor, the Town Attorney and the Town Manager to Act on the Behalf of the Town of Newton for Calendar Year 2013 with Regard to Tax Appeals”**

BE IT RESOLVED, by the Town Council of the Town of Newton that the Municipal Tax Assessor and the Town Attorney are hereby authorized to defend all contest appeals before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey; and

BE IT FURTHER RESOLVED, that the Municipal Tax Assessor and the Town Attorney are also hereby authorized to initiate municipal appeals to correct the Town of Newton tax listing including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as may be necessary to correct the assessments for the Town of Newton; and

BE IT FURTHER RESOLVED, that the Municipal Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the purpose of signing settlements of the foregoing matters by stipulation for the 2013 Calendar Year.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #262-2012

December 10, 2012 **“Appoint the Town Manager as Hearing Officer in all Matters of Dispute Regarding the Town of Newton for Calendar Year 2013”**

WHEREAS, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

WHEREAS, Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the calendar year 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #263-2012

December 10, 2012 "Establish Schedule of Public Town Council Meetings for 2013"

WHEREAS, Section 13 of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to post and maintain posted throughout the year a schedule of the meetings of said public body;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, Sussex County, New Jersey that the following schedule for 2013 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month at 7:00pm, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey; and

Council Meetings

7:00pm

January	14	and	28	July	8	and	22
February	11	and	25	August	12	and	26
March	11	and	25	September	11*	and	23
April	8	and	22	October	16*	and	28
May	13	and	29*	November	13*	and	25
June	10	and	24	December	9	and	23

*Held Wednesday

Reorganizational Meeting

6:00pm

Monday, July 1, 2013

BE IT FURTHER RESOLVED, that, for the purposes of the Act, the official bulletin board for posting notices shall be the bulletin board in the first floor lobby of the Municipal Building at 39 Trinity Street, Newton, New Jersey, with said board being just outside the door of the Municipal Clerk's Office; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey Herald and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #264-2012

December 10, 2012 “Appointment of Marge Caffrey as Senior Citizen Coordinator for the Town of Newton for 2013”

BE IT RESOLVED, by the Town Council of the Town of Newton that Marge Caffrey be and is hereby appointed as the Senior Citizen Coordinator for the Town of Newton during calendar year 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #265-2012

December 10, 2012 **“Designate Chief Financial Officer/Finance Director as the Individual Authorized to Sell Bond Anticipation Notes”**

WHEREAS, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

WHEREAS, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

- 1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.
- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.
- 3) This Resolution shall take effect immediately upon its adoption.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #266-2012

December 10, 2012 "Designate Banks as Depositories for 2013"

BE IT RESOLVED, by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2013:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank
Bank of New York Mellon (Chase)
New Jersey Cash Management Fund
Sussex Bank
Lakeland Bank
First Hope Bank
Sovereign Bank
TD Bank
Highland State Bank
Valley National Bank

Beginning with the filing of September 30, 2010 a list of banks that participate in the Governmental Unit Deposit Protection Act (GUDPA) and the type of certificate of eligibility is available quarterly from the State of New Jersey, Department of Banking and Insurance website: http://www.state.nj.us/dobi/division_banking/depositories/gudpa.htm. The Chief Financial Officer/Finance Director will review this site and provide the Town Auditor with a copy of this list.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year. This may also be satisfied electronically.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #267-2012

December 10, 2012 "Appointment of Various Attorneys for Calendar Year 2013"

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2013, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Jonathan E. McMeen, Esq., of
Laddey, Clark & Ryan, LLC

Municipal Prosecutor

James P. Sloan, Esq.
Attorney at Law

Municipal Public Defender

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorrain A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #268-2012

December 10, 2012 "Appointment of Keith Mitchell of the Mitchell Insurance Agency as Insurance Agent"

WHEREAS, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

WHEREAS, said insurance services will be needed during calendar year 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860 be named as agent of record effective January 1, 2013 for the following insurance policies:

- | | |
|----------------------------|------------------|
| a) Package | SIF2013-07860NEW |
| b) Workers' Compensation | WC1307860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFP 4331-2338D3 |
| e) Fire Life Insurance | G001047-0001 |

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services 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 the services to be provided are of a nature requiring specific professional skills and knowledge; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #269-2012

December 10, 2012 "Authorize the Release of Executive Session Minutes to the Public"

WHEREAS, the Newton Mayor and Council met in Executive Session on certain occasions; and

WHEREAS, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

WHEREAS, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

4/9/12, 7/23/12, 9/24/12, 10/10/12, 10/22/12

BE IT FURTHER RESOLVED, that these specified minutes may be released to the public upon request.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #270-2012

December 10, 2012 **“Reappointment of Keith Mitchell to the Newton Parking Authority”**

BE IT RESOLVED by the Town Council of the Town of Newton that Keith Mitchell is hereby reappointed to a full five-year term on the Newton Parking Authority, effective January 1, 2013 and continuing through December 31, 2017.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #271-2012

December 10, 2012 **“Reappointment of Kevin Prendergast to the
Economic Development Advisory Commission”**

BE IT RESOLVED, by the Town Council of the Town of Newton Kevin Prendergast is hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2013 and continuing through December 31, 2015.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #272-2012

December 10, 2012 **“Reappointment of Neil Flaherty, Melissa Logan and David Steinberg to the Newton Planning Board”**

BE IT RESOLVED, by the Town Council of the Town of Newton that Neil Flaherty, Melissa Logan and David Steinberg are each hereby reappointed to the Newton Planning Board, effective January 1, 2013 as follows:

- a. Neil Flaherty – Regular Member, four (4) year appointment expiring on December 31, 2016.
- b. Melissa Logan – Alternate Member #1, two (2) year appointment expiring on December 31, 2014.
- c. David Steinberg - Alternate Member #3, two (2) year appointment expiring on December 31, 2014.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorrain A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #273-2011

December 10, 2012 "Reappointment of Thomas Lawler to the Utility Advisory Board"

BE IT RESOLVED, by the Town Council of the Town of Newton that Thomas Lawler is hereby reappointed to a five-year term on the Utility Advisory Board, effective January 1, 2013 and continuing through December 31, 2017.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #274-2012

December 10, 2012 **“Reappointment of William Hagaman to the
Advisory Board of Health”**

BE IT RESOLVED, by the Town Council of the Town of Newton that William Hagaman is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2013 and continuing through December 31, 2017.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #275-2012

December 10, 2012 "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 2011 and 2012 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.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #276-2012

December 10, 2012 **“Appointment of Richard Stein, Esq., as the Town of Newton’s Alternate Municipal Prosecutor for Calendar Year 2013”**

WHEREAS, Jonathan E. McMeen, Esq., currently serving as the Town of Newton’s Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2013; and

WHEREAS, Richard Stein, Esq., an associate in Mr. McMeen’s office, has expressed an interest in serving as Newton’s Alternate Municipal Prosecutor; and

WHEREAS, compensation for said services will be the sole responsibility of Jonathan E. McMeen, Esq.; and

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby appoint Richard Stein, Esq. as the Town of Newton’s Alternate Municipal Prosecutor for the calendar year 2013; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Richard Stein, Esq., Jonathan E. McMeen, Esq., David J. Weaver, Sussex County Prosecutor and the Town of Newton Municipal Judge, the Hon. John E. Mulhern.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #277-2012

December 10, 2012

“Authorize the Execution of an Agreement for Calendar Year 2013 with the Deputy Municipal Public Defender”

WHEREAS, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2013; and

WHEREAS, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender; and

WHEREAS, an appropriate agreement for said services has been prepared for execution by both parties; and

WHEREAS, legal services are a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2013; and

BE IT FURTHER RESOLVED that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and the Municipal Judge, the Hon. John E. Mulhern.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #278-2012

December 10, 2012 "Reimburse Town Employees for Vehicle Expenses"

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2013:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Debra Millikin	Deputy Town Manager	250 miles	\$137.50
Scott Holzhauer	Tax Assessor	200 miles	\$111.00
Derek Wechtler	Deputy Fire Chief	200 miles	\$111.00
John Prutzman	Assistant Fire Chief	200 miles	\$111.00
Kerry Deckert	Recreation Supervisor	150 miles	\$83.25

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #279-2012

December 10, 2012 "Authorization to Provide for the Purchase of Road Salt for the Department of Public Works for the Town of Newton"

WHEREAS, the County of Sussex advertised and received bids for road salt; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities within the County of Sussex through a State regulated County Contract Purchasing System; and

WHEREAS, the following vendor was awarded a contract for road salt and has extended their pricing to municipalities, thereby affording the Town of Newton the opportunity of direct purchase without competitive bidding:

Cargill Deicing Technology
24950 Country Club Blvd.
Suite 450
North Olmsted, OH 44070

WHEREAS, the manufacturer has been awarded the County contract at the price of \$51.16 per tonnage of road salt, with such price good through May 31, 2013; and

WHEREAS, the Chief Financial Officer has certified funds are available in the 2012 Town of Newton operating budget to award this contract for the 2012 portion of the contract up to \$10,000, with the balance subject to adequate funds being appropriated in the 2013 operating budget based on the usage of the prior three (3) years;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton does hereby award a contract for the purchase of road salt from Cargill, Inc., at the Sussex County price of \$51.16 per ton through May 31, 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 279 -2012

APPROVING: CARGILL DEICING TECHNOLOGY

FOR THE PURPOSE OF: PURCHASE OF ROAD SALT AT \$51.16 PER
TON THROUGH A STATE REGULATED COUNTY CONTRACT
PURCHASING SYSTEM

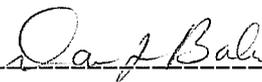
IN THE AMOUNT OF: \$10,000.00

APPROPRIATED BY: 2012 CURRENT FUND -
SNOW REMOVAL, OTHER EXPENSES #1081239 \$10,000.00

2013 BALANCE SUBJECT TO SUFFICIENT FUNDS BEING
APPROPRIATED IN THE 2013 CURRENT BUDGET.

DATED THIS 10TH DAY OF DECEMBER, 2012

BY



DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #280-2012

December 10, 2012 “Authorize Refund of Redemption Monies to Outside Lien Holder for Block 8.06, Lot 6 (Formerly Block 713, Lot 6)”

WHEREAS, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 8.06, Lot 6 (Formerly Block 713, Lot 6), also known as 6 Madison Street, for delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1331, and was sold to US Bank cust for Pro Capital I LLC for 0% redemption fee and a premium of \$100.00; and

WHEREAS, Homeward Residential, the owner's mortgage company has effected the redemption of Certificate #1331 in the amount of \$1,536.52. The redeemer has also paid legal fees in the amount of \$1,127.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that, US Bank cust for Pro Capital I LLC is entitled to a redemption in the amount of \$1,536.52, the premium in the amount of \$100.00 as well as the legal fees in the amount of \$1,127.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue three (3) checks, in the amount of \$1,536.52 for the redemption of Certificate #1331, \$100.00 for the premium and \$1,127.00 for the legal fees to US Bank cust for Pro Capital I LLC, 50 S 16th St., Suite 1950. Philadelphia, PA 19102.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #281-2012

December 10, 2012 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 4.03, Lot 10 (Formerly Block 402, Lot 10)"

WHEREAS, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 4.03, Lot 10 (Formerly Block 402, Lot 10), also known as 75 High Street, for delinquent taxes and water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1292, and was sold to Park Finance, LLC for 0% redemption fee as well as a premium of \$6,600.00; and

WHEREAS, Thomas Osborn, the property owner, has effected the redemption of Certificate #1292 in the amount of \$34,884.42 as well as legal foreclosure fees in the amount of \$1,135.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Park Finance, LLC is entitled to a redemption in the amount of \$34,884.42, the premium in the amount of \$6,600.00 and the legal foreclosure fees in the amount of \$1,135.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue three (3) checks, in the amount of \$34,884.42 for the redemption of Certificate #1292, in the amount of \$6,600.00 for the return of the premium and the legal foreclosure fees in the amount of \$1,135.00 to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #282-2012

December 10, 2012 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 19.06, Lot 11 (Formerly Block 1303, Lot 12)"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 19.06, Lot 11 (Formerly Block 1303, Lot 12), also known as 6 Stuart Street, for delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1370, and was sold to US Bank cust for Pro Capital I LLC for 18% redemption fee; and

WHEREAS, CoreLogic, the property owner's mortgage company, has effected the redemption of Certificate #1370 in the amount of \$324.68;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Capital I LLC is entitled to a redemption in the amount of \$324.68; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$324.68 for the redemption of Certificate #1370 to US Bank cust for Pro Capital I LLC, 50 S 16th Street, Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #283-2012

December 10, 2012 **“Acceptance of the Proposed Purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project”**

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project to HD Supply Waterworks, Ltd., "HD SUPPLY" in the amount of \$67,801.45 by Resolution #99-2012, which was adopted on May 30, 2012; and

WHEREAS, the Town Council approved Change Order No. 1 for "HD SUPPLY's" portion of the project by the adoption of Resolution #169-2012 at their meeting on August 13, 2012, decreasing their portion of the project by \$2,220.00 to a new contract total of \$65,581.45; and

WHEREAS, David Simmons, Jr., of Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated November 30, 2012 that the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Proposed Purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
PA - P.E. & L.S.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*
NJ - P.E., NJ - C.M.E.,
PA - P.E.

THOMAS G. KNUTELSKY
NJ - P.E.

November 30, 2012

FAX: (973) 383-8961

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: David B. Simmons, Jr., P.E., L.S., C.M.E.

SUBJECT: RECOMMENDATION FOR PROJECT ACCEPTANCE
Proposed Purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain
HPA No. 12-062

Dear Mr. Russo:

The above referenced project has been completed by the contractor, HD Supply Waterworks, Ltd., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that final paperwork can be started and a one (1) year Maintenance Bond secured by the contractor.

Very truly yours,

David B. Simmons, Jr., P.E., L.S., C.M.E. for
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineers

DBS:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\12-062 - MAPLE AVENUE WATERMAIN\RUSSO6.DOC

-----BY: _____
RECEIVED
DEC 03 2012



TOWN OF NEWTON

RESOLUTION #284-2012

December 10, 2012 **“Authorize an Agreement with Holzhauer & Holenstein, LLC for Appraisal Services for Defense of State Level Tax Appeals in Calendar Year 2013”**

WHEREAS, the Town of Newton anticipates the need for a professional appraiser and consultant in connection with emerging and ongoing tax appeals litigation within the Town of Newton; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

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

WHEREAS, the anticipated term of this contract is one (1) year, January 1, 2013 through December 31, 2013;

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Holzhauer & Holenstein, LLC, for appraisal services in an amount not to exceed \$17,500;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated November 28, 2012; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Holzhauer & Holenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk

HOLZHAUER & HOLENSTEIN, LLC

REAL ESTATE ADVISORY SERVICES

MICHAEL E. HOLENSTEIN, MAI, CTA, SCGREA

RICHARD W. JONES, SCRREA*

ROBERT L. HOLENSTEIN, MAI, RM, SCGREA*

DAVID G. GLASER, RP-003814*

**Consultants to the Firm*

SILBERT ARTS BUILDING

222 HIGH STREET

SUITE 202

NEWTON, NJ, 07860

PHONE (973) 300-0121

FAX (973) 300-0171

November 28, 2012

Town of Newton
Municipal Building
39 Trinity Street
Newton, NJ 07860

Attn: Thomas Russo, Newton Town Manager

Re: Services Proposal, Appraisal & Consulting Services, Town of Newton, Sussex Co, NJ

Dear Mr. Russo:

I understand that the Town of Newton, hereinafter the "Client" and "Intended User", continues to anticipate the need for professional appraisal and consulting services in 2013, primarily in connection with emerging and ongoing tax appeal litigation. The scope of services includes:

1. Evaluating property tax appeals and assisting in litigation related thereto before the County Tax Board and the State Tax Court. Work includes evaluation of discovery, preparation of expert reports, settlement negotiations, expert testimony, and litigation support services.

In conducting this work, my office customarily:

2. Inspect property under appeal, set up files, review correspondence and pleadings and interrogatories, assist Counsel with discovery, conduct preliminary evaluations to demonstrate exposure of assessments, and
3. prepare preliminary "draft" reports for use in settlement conferences. These documents are "limited restricted" reports prepared in accordance with the Uniform Standards for Professional Appraisal Practice (USPAP 2-2c) and pursuant to the jurisdictional exception mandated by the NJ Tax Court relative to its required documentation and presentations.

Newton requests professional assistance in these matters based upon an hourly rate of pay.

The hourly fee for Michael E. Hostenstein, MAI to provide general consulting, conduct pre-trial, trial preparation, and Court testimony is \$125/hour. Otherwise, the H&H, LLC Staff rate is \$100/hour and Administrative is \$50/hour with any hard costs at cost.

I have attached my current Non-Collusion Affidavit, Stockholder Disclosure Certification, Affirmative Action Certification, Proof of Insurance, Employee Information Report certification, Business Registration Certificate, NJ Appraisal License, and a copy of my Tax Certificate. My CV with references is attached.

I have provided litigation support services to the Town of Newton for the last several years. To the best of my knowledge and abilities, all tax work conducted on behalf of Newton has been provided in a timely and cost effective manner.

Please confer with Tax Counsel, William Hinkes, Esq. and your Tax Assessor to evaluate my performance.

I will attend a Council meeting at your request to discuss this service appointment.

Kindly indicate the Client's acceptance of this services proposal by appropriate resolution.

Thank you for this opportunity to continue our service to the Town of Newton.

Respectfully submitted,
HOLZHAUER & HOLENSTEIN, LLC

By:



MICHAEL E. HOLENSTEIN, MAI, CTA
SCGRE: NY, NJ-RG01234, PA-GA1733R



TOWN OF NEWTON

RESOLUTION #285-2012

December 10, 2012 "Appointment of Fund Commissioner and Alternate Fund Commissioner for Statewide Insurance Fund"

WHEREAS, the Town of Newton (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the that Thomas S. Russo, Jr., Town Manager is hereby appointed as the Fund Commissioner for the Local Unit for the year 2013; and

BE IT FURTHER RESOLVED that Tracy Villaverde, HR Coordinator is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2013; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund. .

Name of Entity: Town of Newton

By: _____
Sandra Lee Diglio, Mayor

ATTEST:

Lorraine A. Read, RMC
Municipal Clerk

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #286-2012

December 10, 2012 "Appointment of Keith Mitchell as Risk Management Consultant for the Town of Newton for Calendar Year 2013"

WHEREAS, the TOWN OF NEWTON (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the "Local Unit" has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The TOWN OF NEWTON hereby appoints KEITH MITCHELL as its local Risk Management Consultant.
2. The TOWN MANAGER AND MUNICIPAL CLERK and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2013 in the form attached hereto.

Attest:

Town of Newton

Lorraine A. Read, RMC,
Municipal Clerk

By:

Sandra Lee Diglio, Mayor

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #287-2012**

December 10, 2012 "Approve 2012 Appropriation Transfers"

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2012 appropriation transfers be approved effective this date:

<u>From</u> CURRENT	<u>To</u>	<u>Amount</u>
Clerk SW 1051101	Community Development 1064103	250.00
Misc. Operating OE 1079200	Group Health Insurance OE 1066201	1,000.00
Human Resources OE 1053253	Group Health Insurance OE 1066201	2,000.00
Community Development OE 1064216	Group Health Insurance OE 1066201	150.00
Election OE 1051539	Other Insurance OE 1069201	1,150.00
Assessment of Taxes 1055103	Other Insurance OE 1069201	1,000.00
Tax Collection SW 1056101	Other Insurance OE 1069201	1,700.00
Clerk SW 1051101	Town Manager SW 1050101	500.00
Parking Meter SW 1075100	Police SW 1074113	1,600.00
Clerk SW 1051101	Human Resources SW 1053103	750.00
Court SW 1059101	O/S CAP-Cencom SW 1094721	3,500.00
Tax Collection SW 1056101	Road SW 1080102	3,000.00
Swimming Pool SW 1090102	Recreation SW 1087103	300.00
Swimming Pool SW 1090102	Police SW 1074113	600.00
TOTAL CURRENT TRANSFERS		\$17,500.00

WATER SEWER UTILITY

W/S Adm & Fin – OE
6051251

W/S Stat.Expend. Social Security
6093298

\$500.00

TOTAL WATER SEWER TRANSFERS

\$500.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION # 288-2012

**December 10, 2012 "To Utilize Trust Funds - Snow Removal for
Hurricane Sandy Expenditures"**

WHEREAS, NJSA 40A:4-62.1 authorizes a local government to establish a snow removal reserve; and the Town of Newton established a Snow Removal Reserve in the Trust Fund per a dedication by rider Resolution #196-2002 adopted December 9, 2002; and

WHEREAS, on October 27, 2012 Governor Chris Christie issued Executive Order No. 104 declaring a state of emergency exists in New Jersey due to Hurricane Sandy; and

WHEREAS, as a response to the emergency, on November 5, 2012, Governor Christie issued Executive Order No. 111 that provides that a local government unit that has established a snow removal fund pursuant to NJSA 40A:4-62.1 may, by resolution, utilize existing reserves as necessary to protect the safety, security, health, and welfare of its citizens from the damage caused by Hurricane Sandy. Any reimbursement of these expenditures shall be deposited back into the trust fund.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that in accordance with the above stated provisions the Mayor and Council wish to utilize Trust Funds – Snow Removal for costs incurred due to Hurricane Sandy.

BE IT FURTHER RESOLVED, that any reimbursement of expenditures shall be deposited back into the Trust Fund.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #289-2012

December 10, 2012 **“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”**

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

(1) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on December 10, 2012, that an Executive Session closed to the public shall be held on December 10, 2012, at PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, December 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk