

December 10, 2012

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Mr. Flynn, Mayor Diglio, Thomas S. Russo, Jr., Town Manager and Mark Hontz, Esq., Town Attorney.

Mayor Diglio made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2011."

Mayor Diglio led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Ricciardo, seconded by Mr. Elvidge and carried, the minutes of November 26, 2012 (Regular) meeting were approved.

PRESENTATION

A. NJAL Soccer Team – Undefeated Season

At this time, Mayor Diglio congratulated the Newton Junior Athletic League Soccer Team for their undefeated season. Mayor Diglio and Mrs. Read presented certificates to the Newton Soccer Team who ended their season with a 7 – 0 – 1 record. Individual certificates were presented to: Coaches: Chris LeMasson; John Flanagan; and Josh LeMasson. Players: Malachi Aviles; Imad Balatero; Christopher Dickinson; Colin Flanagan; Erin Fucito; Gabriella Guerrier; Gianni Lauretta; Mason Leen; Travis LeMasson; Matthew Malvey; Brendon Read; Yamin Sanchez; Gabriel Tebangin and Max Weiss.

Coach LeMasson thanked the Newton Town Council for recognizing the team and thanked the players for a fantastic soccer season. Coach Flanagan praised the kids for a wonderful season and noted that "it was a pleasure to coach each and every one of them."

OPEN TO THE PUBLIC

Mayor Diglio read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to 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."

Mr. Brendon Read, 20 Halsted Street, addressed the Council and congratulated his team for a great soccer season. Mr. Read also thanked the coaches for all that they have taught him throughout his successful season.

COUNCIL & MANAGER REPORTS

Mr. Russo reminded the Town Council of the joint meeting with the Newton Board of Education to be held on Tuesday, December 11th at 6:00 p.m. at the Newton Board office, 57 Trinity Street, Newton. Topics to discuss will be proposed fiber optic capital project as well as shared services.

Mr. Russo congratulated the 2012 Boys Newton High School Soccer Team and their Coaches for their 2012 State Championship. Mayor Diglio will present a Proclamation to the Newton Board of Education and Coach at the Joint Board meeting on December 11th and a formal ceremony will take place in January.

Mr. Russo read a communication from the Newton Fire Department requesting permission to use the #1 Firehouse for a holiday party on December 22, 2012, after completing their annual "Operation Santa" event. This gathering will take place from 7:00 p.m. – 11:00 p.m. at the Firehouse, with beer and wine to be served. Mr. Russo will forward his letter of approval with the necessary stipulations.

Mrs. Read announced that she is the proud recipient of a full scholarship from the Sussex County Municipal Clerk's Association for attendance at the 2013 IIMC/MCANJ Spring Conference to be held in Atlantic City in May of 2013. The Council congratulated Mrs. Read on her scholarship.

Mr. Russo thanked Mr. Hontz, Mr. Hinkes, and Mr. Hollander, for their many years of service, as Town Attorney, to the Town of Newton and the community.

Mr. Russo reported the closing of Town Hall on Friday, December 21, 2012 at 3:30 p.m. due to the annual Holiday gathering at 4:00 p.m. at the Newton Firehouse.

Mr. Russo noted that Town Hall will be closing at Noon on Monday, December 24, 2012 in observation of Christmas Eve and will be closed on Tuesday, December 25, 2012 in observation of Christmas Day. Town Hall will also be closed on Tuesday, January 1, 2013 in observation of New Year's Day.

Mayor Diglio also thanked Mr. Hontz, Mr. Hollander and all of their staff for their 43 years of service to the Town of Newton as our legal Counsel. "Thank You", Mayor Diglio concluded.

ORDINANCES

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

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.

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
							\$3,000 -
18							\$25,000
							\$12,000 -
19							\$55,000
	Min.						
20	Wage	\$7.25/hr					

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

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

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

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

This Ordinance will take effect after publication and adoption according to law. The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS - None

CONSENT AGENDA

Mayor Diglio read the following statement:

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

Various Councilmembers requested Resolutions #244-2012; #252-2012; #254-2012, and #288-2012 be pulled for separate discussion.

RESOLUTION #243-2012*

APPOINT LOCAL EMERGENCY PLANNING COMMITTEE

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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 A. 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

RESOLUTION #245-2012*

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.

RESOLUTION #246-2012*

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.

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RESOLUTION #247-2012*

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.

RESOLUTION #248-2012*

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

RESOLUTION #249-2012*

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 Sewage Commissioners (PVSC) for disposal of the Town of Newton's sludge pursuant to written 2001 contract since 2001; and

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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.

RESOLUTION #250-2012*

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.

RESOLUTION #251-2012*

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

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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.

RESOLUTION #253-2012*

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.

RESOLUTION #255-2012*

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.

RESOLUTION #256-2012*

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.

RESOLUTION #257-2012*

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;

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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

RESOLUTION #258-2012*

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

RESOLUTION #259-2012*

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.

RESOLUTION #260-2012*

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.

RESOLUTION #261-2012*

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

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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.

RESOLUTION #262-2012*

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.

RESOLUTION #263-2012*

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

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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.

RESOLUTION #264-2012*

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.

RESOLUTION #265-2012*

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.

RESOLUTION #266-2012*

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

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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.

RESOLUTION #267-2012*

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.

RESOLUTION #268-2012*

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.

RESOLUTION #269-2012*

AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC

December 10, 2012

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.

RESOLUTION #270-2012*

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.

RESOLUTION #271-2012*

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.

RESOLUTION #272-2012*

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.

RESOLUTION #273-2011*

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.

RESOLUTION #274-2012*

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.

RESOLUTION #275-2012*

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.

TOWN BILLS

372.25	B & R Uniform	31154
162.24	Montague Tool & Supply	31155
457.00	M G L Printing Solutions	31156
1,816.00	Harold Pellow & Associates`	31157
275.03	Sussex Car Wash Inc.	31158
1,198.80	Camille Furguele	31159
9,774.46	JCP & L	31160
35.00	Centurylink Communications Inc.	31161
128.53	Centurylink Communications Inc.	31162
2,863.05	Centurylink Communications Inc.	31163
51.04	Rowe & Company Inc.	31164
1,198.80	Arthur & Rita Frisbie	31165
1,198.80	John & Terry Iliff	31166
529.98	Campbell's Small Engine	31167
64.09	Hayek's Market Inc.	31168
5,925.00	Newton First Aid Squad	31169
2,970.00	Ferraioli, Cerullo & Cuva	31170
111.00	Scott Holzhauer	31171
8,000.00	Dog Reserve Account	31172
475.00	Willco Inc.	31173
183.30	Petty Cash Fund, Treasurer	31174
37.50	Brock Kithcart	31175
599.40	William Wagner	31176
451.00	Galls Incorporated	31177
88.95	Minisink Press Inc.	31178
599.40	Donald Donofrio	31179
599.40	Jean Garris	31180
58.28	Sebring Auto Parts	31181
260.20	Zee Medical	31182
112.50	Kenneth A. Teets	31183
166.50	Debra Millikin	31184
599.40	Jean Richards	31185
417.36	Boonton Tire Supply	31186
834.92	Vision Service Plan	31187
1,198.80	James & Nancy Ransnorth	31188
193.67	Verizon Wireless	31189
184.48	Walmart	31190
76.13	Mr. John	31191
1,302.25	Alternate Power Inc.	31192
37.50	Teresa Ann Oswin	31193
18.87	Teresa Ann Oswin	31194
111.00	Brian Fox	31195
25.53	Linda Roth	31196

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76.72	Advance Auto Parts	31197
1,026.16	The Home Depot	31198
1,378.52	The Home Depot	31199
599.40	Larry E. Romyns	31200
1,198.80	Thomas & Bulah Morris	31201
49.08	Carquest	31202
985.23	Sussex County Mailing Service	31203
12,950.00	Newton Fire Department	31204
175.00	Tritec Office Equipment, Inc.	31205
1,168.91	Staples Business Advantage	31206
1,214.25	County of Sussex	31207
39.91	Nestle Waters	31208
1,885.88	Skylands Area Fire Equipment & Training	31209
909.00	Pinnacle Wireless FBO Uniteck Global	31210
4,761.63	Rachles/Michelle Oil Company	31211
3,649.59	Taylor Oil Company	31212
820.50	Structural Metal Fabrications	31213
2,250.00	Laddey, Clark & Ryan LLP	31214
1,198.80	Ronald Clouse	31215
111.00	Derek J. Wechler	31216
1,468.92	Kieffer Electric Inc.	31217
50.00	AG Pizza	31218
595.00	JMC Environmental Consultants Inc.	31219
11,387.34	General Code LLC	31220
1,550.00	Weather Works	31221
599.40	James J. Kilduff	31222
499.75	Penteledata	31223
118,710.00	NJMEBF	31224
2,010.00	Chelbus Cleaning Company Inc.	31225
4,786.48	Direct Energy Business	31226
59.98	Tractor Supply Company	31227
2,100.00	AG Choice LLC	31228
1,099.24	Harter Equipment Inc.	31229
599.40	Michael A. Pandiscia	31230
185.00	Thyssenkrupp Elevator Corporation	31231
95.61	Dowrite	31232
225.00	Extra Tech Data Services LLC	31233
83.25	Kerry Deckert	31234
26.99	Lucy DeLoreto	31235
237.50	D. Lovenberg's Portable Toilet Rent	31236
286.69	Spring Street Group	31237
60.00	Stroudsburg Typewriter Company Inc.	31238
24.98	Kimberly Mason-Williams	31239
1,104,177.75	Newton Board of Education	121073
3,240.00	Payroll Account	121072
161,268.54	Payroll Account	121072
1,049.98	Costco	31153
2,250.00	Laddey, Clark & Ryan LLP	31152
143,237.01	Payroll Account	121071

CAPITAL

13,307.51	Harold Pellow & Associates	8040
397.94	Campbell's Small Engine	8041
2,177.77	McManimon & Scotland	8042
44.60	Grinnell Recycle	8043
186.70	The Phillips Companies	8044
271.62	The Home Depot	8045
8,949.00	Corby Associates Inc.	8046
3,500.00	Stephen J. Phillips Mason	8047
25,012.54	Bob Viersma & Sons Inc.	8048
17,630.00	AA Fence Company Inc.	8039

TOTAL TOWN BILL \$ 1,715,672.28

WATER & SEWER BILLS

1,871.49	Schmidt's Wholesale Inc.	13275
321.50	M G L Printing Solutions	13276
3,358.13	Harold Pellow & Associates Inc.	13277
7,453.57	JCP&L	13278
251.70	Centurylink Communications Inc.	13279
1,221.98	Centurylink Communications Inc.	13280
1,749.00	Garden State Laboratories Inc.	13281
3,150.00	Ferraioli, Cerullo & Cuva	13282
175.00	Willco Inc.	13283
9.54	Water & Sewer Petty Cash Fund	13284
750.00	Frank Semeraro Construction Inc.	13285
170.92	Vision Service Plan	13286
3,096.00	Passaic Valley Sewerage Comm.	13287
2,448.80	John Smalley	13288
1,420.00	Main Pool & Chemical Company	13289
1,335.00	Alternate Power Inc.	13290
164.48	Danforth's Trailer & Auto Inc.	13291
207.57	The Home Depot	13292
75.93	Staples Business Advantage	13293
119.90	Penteledata	13294
20,048.00	NJMEBF	13295
9,051.87	Direct Energy Business	13296
18,279.00	Hatch Mott MacDonald	13297

CAPITAL

21,400.00	Water & Sewer Capital Account	126041
480.60	State of New Jersey	126040
35,152.74	Payroll Account	126039
899.49	Sparta Postmaster	13274
33,284.49	Payroll Account	126038
1,250.00	John Smalley	13273
1,686.00	Harold Pellow & Associates Inc.	2271
491.51	The Home Depot	2272

TOTAL WATER & SEWER BILLS \$ 171,374.21

TRUST ACCOUNT

1,437.50	Harold Pellow & Associates Inc.	3084
1,333.37	James P. Sloan PC	3085
780.00	Vogel, Chait, Collins, Schneider PC	3086
1,859.62	Sussex County Mailing Service	3087
178.33	Julie Richard LLC	3088
1,077.92	Payroll Account	127122
2,593.76	Payroll Account	127121
1,333.33	James P. Sloan PC	3083

TOTAL TRUST ACCOUNT BILLS \$ 10,593.83

DEVELOPERS ESCROW BILLS

1,200.00	Harold Pellow & Associates Inc.	1108
558.00	Hollander, Strelizik, Pasculli, Hinkes	1109
1,950.00	Vogal, Chait, Collins, Schneider PC	1110
210.00	Ferriero Engineering Inc.	1111

TOTAL DEVELOPERS ESCROW BILLS \$ 3,918.00

FEDERAL/STATE GRANTS

19.40	Walmart	1115
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1,500.00	Center For Prevention & Counseling	1116
246.36	Shop Rite	1117
335.47	Kerry Deckert	1118
150.00	Lisa Bechtel	1119
120.00	Mike Grifone	1120
120.00	Nancy Van Horn	1121
120.00	Mary Licata	1122
120.00	Lisa Casamassina	1123
376.96	Payroll Account	121102

TOTAL FEDERAL/STATE GRANTS \$ 3,108.19

RESOLUTION #276-2012*

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.

RESOLUTION #277-2012*

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.

RESOLUTION #278-2012*

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.

RESOLUTION #279-2012*

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

December 10, 2012

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.

RESOLUTION #280-2012*

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.

RESOLUTION #281-2012*

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.

December 10, 2012

RESOLUTION #282-2012*

**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.

RESOLUTION #283-2012*

**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.

RESOLUTION #284-2012*

**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

December 10, 2012

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.

RESOLUTION #285-2012*

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 Town of Newton 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.

RESOLUTION #286-2012*

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.

RESOLUTION #287-2012*

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> <u>CURRENT</u>	<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	<u>\$500.00</u>
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TOTAL WATER SEWER TRANSFERS **\$500.00**

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

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

Councilman Elvidge questioned the training requirements with these

appointments and inquired whether, in the future, newly appointed officers could be hired instead of retired officers. Mr. Russo addressed the training concern and advised of the benefits with the retired officers.

RESOLUTION #244-2012

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

A motion was made by Mr. Elvidge, to approve Resolution #244-2012, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio	Yes		

Councilman Flynn addressed concerns with the various fees charged by the different professionals at Hatch Mott MacDonald which were addressed by Mr. Russo.

RESOLUTION #252-2012

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.

A motion was made by Mr. Flynn, to approve Resolution #252-2012, seconded by Mr. Ricciardo and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

Councilman Ricciardo addressed concern with a portion of the following Resolution which allows for a 2% salary increase for all non-union employees in 2013. Councilman Ricciardo indicated he would rather wait until after the budget hearings to address a salary increase in 2013.

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

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.

After a lengthy discussion, a motion was made by Mrs. Becker to approve the Resolution #254-2012, seconded by Mayor Diglio and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	No
Deputy Mayor Ricciardo	No	Mr. Flynn	Yes
	Mayor Diglio	Yes	

Councilman Ricciardo addressed questions on various costs associated with the following Resolution which was addressed by Mr. Russo.

RESOLUTION # 288-2012

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.

A motion was made by Mr. Ricciardo, to approve Resolution #288-2012, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
	Mayor Diglio	Yes	

DISCUSSION - None

INTERMISSION – None

OPEN TO THE PUBLIC

Mayor Diglio opened the hearing to the public.

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

COUNCIL & MANAGER COMMENTS

a. Spring Street Merchants Meeting – Update

Mr. Russo updated Council on the recent Spring Street Merchants meeting. Mr. Russo advised that a suggestion was made to have the Town Council members adopt a business on Spring Street. It was suggested that the Councilmembers visit a particular business on a monthly or quarterly basis and address any issues or concerns that perhaps the Town could assist with. Councilman Elvidge indicated that it would be a great suggestion during the Vision Plan Update.

Councilman Ricciardo expressed his disappointment with the recent New Jersey Herald editorial regarding the Thorlabs Holiday gathering. Mr. Ricciardo advised that the article laid blame on the Town for the failing to allow Thorlabs to hold their Holiday gathering on Spring Street, which was not the case, Mr. Ricciardo concluded.

EXECUTIVE SESSION

Mr. Russo read Resolution #289-2012 and Council entered into Executive Session at 7:50 p.m.

Council returned from Executive Session at 10:22 p.m.

A motion was made by Mrs. Becker, seconded by Mr. Flynn that the Town Manager shall receive a 2% base salary increase for 2013 effective January 1, 2013 and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

A motion was made by Mr. Ricciardo, seconded by Mrs. Becker that the Town Manager shall receive a 2% base salary increase for 2012 effective January 1, 2012, if same has not already been received. Roll call resulted as follows:

December 10, 2012

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Yes	

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Mr. Flynn and unanimously carried, the meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk