



AGENDA
NEWTON TOWN COUNCIL
SEPTEMBER 23, 2013
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- SEPTEMBER 11, 2013 REGULAR MEETING
- SEPTEMBER 11, 2013 EXECUTIVE SESSION

V. 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.

VI. COUNCIL & MANAGER REPORTS

- a. BEST PRACTICES WORKSHEET

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2013-24

AN ORDINANCE AMENDING CHAPTER 289 "TOWING" TO ADD A NEW SECTION 289-12 ENTITLED "REMOVAL OF VEHICLES CONSTITUTING A PUBLIC SAFETY RISK"

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

- b. INTRODUCTION

ORDINANCE 2013-25

AN ORDINANCE TO AMEND CHAPTER 100-15, OF THE CODE OF THE TOWN OF NEWTON, REGARDING PARKING LOTS

VIII. OLD BUSINESS

- a. FIRE MUSEUM

IX. 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 #157-2013* TO CANCEL OUTSTANDING CHECKS IN VARIOUS FUNDS
- b. RESOLUTION #158-2013* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB OWNER'S LICENSE FOR DORAGAIL SPICER T/A DADS TAXI & LIMO
- c. RESOLUTION #159-2013* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE FOR DORAGAIL SPICER
- d. RESOLUTION #160-2013* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY BARBARA FITZMAURICE
- e. RESOLUTION #161-2013* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY GLENN T. SPICER
- f. RESOLUTION #162-2013* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY RALPH E. DRAKE
- g. RESOLUTION #163-2013* AUTHORIZE TRANSFER OF A 3RD QUARTER TAX PAYMENT FROM BLOCK 19.03, LOT 2 TO BLOCK 19.02, LOT 2
- h. RESOLUTION #164-2013* CONFIRMING A REFUND OF MONIES FOR TAXES DUE TO A STATE APPEAL FOR BLOCK 15.03, LOT 2
- i. RESOLUTION #165-2013* CONFIRMING A CREDIT APPLIED FOR TAXES DUE TO A STATE APPEAL FOR BLOCK 18.03, LOT 6
- j. RESOLUTION #166-2013* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- k. RESOLUTION #167-2013* AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW
- l. RESOLUTION #168-2013* ACCEPT THE CURB, SIDEWALK AND APRON REPLACEMENT ON MAPLE AVENUE PROJECT AS COMPLETE
- m. RESOLUTION #169-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- n. RESOLUTION #170-2013* ACCEPT THE BEST PRACTICES INVENTORY AND QUESTIONNAIRE AND AUTHORIZE ITS SUBMISSION TO THE STATE OF NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES
- o. RESOLUTION #171-2013* AUTHORIZE FUTURE PAYMENTS VIA PERSONAL CHECKS
- p. APPLICATIONS* AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50) FROM THE PRIDE FOUNDATION TO BE HELD ON WEDNESDAY, DECEMBER 18, 2013 AT 3:00 P.M. AT NEWTON HIGH SCHOOL, 44 RYERSON AVENUE, NEWTON

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50) FROM SAINT JOSEPH'S ROMAN CATHOLIC CHURCH, 17 ELM STREET, NEWTON TO BE HELD ON FRIDAY, DECEMBER 6, 2013 AT 3:00 P.M. AT 17 ELM STREET, NEWTON

X. INTERMISSION

XI. DISCUSSION

- α. EMPLOYEE HANDBOOK REVIEW

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- α. RESOLUTION #172-2013

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. CONTRACT NEGOTIATIONS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2013-24

**AN ORDINANCE AMENDING CHAPTER 289 "TOWING" TO ADD A
NEW SECTION 289-12 ENTITLED "REMOVAL OF VEHICLES
CONSTITUTING A PUBLIC SAFETY RISK"**

WHEREAS, the Mayor and Town Council of the Town of Newton have a desire to provide for the removal of vehicles deemed by the Newton Police Department to constitute a public safety risk within the Town of Newton; and

WHEREAS, the placing, abandoning, leaving, keeping or storing outdoors of any motor vehicle that poses a public safety risk, including those that are inoperable or not currently registered, is contrary to the public welfare;

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

SECTION 1. Chapter 289 shall be revised by the addition of a new Section 289-12 entitled "Removal of vehicles constituting a public safety risk" as follows:

§289-12. Removal of vehicles constituting a public safety risk.

Vehicles deemed by the Newton Police Department to constitute a risk to public safety, which may include vehicles which are inoperable or not currently registered, shall be ordered towed by any sworn member of the Newton Police Department, after reasonable written notice is provided to the owner on record with the Department of Motor Vehicles, with reasonable costs to be paid by the vehicle's owner.

SECTION 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Wednesday, September 11, 2013. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, September 23, 2013 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 2013-25

AN ORDINANCE TO AMEND CHAPTER 100-15, OF THE CODE OF THE TOWN OF NEWTON, REGARDING PARKING LOTS.

WHEREAS, the current Town Ordinance that governs public parking lots, Section 100-15, is in need of amendment;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, that Section 100-15 of the Town of Newton Code, is amended as follows:

Section 1. Section 100-15.B of the Town of Newton Code shall be amended to read as follows:

B. Parking lot meter fees (§307-35):

(1) Lot No. 1 Adams Street Plaza

(a) Each one hour: \$0.25.

(b) Ten-hour maximum.

(2) Lot No. 6 Main Street Plaza

(a) Each one hour: \$0.25.

(b) Ten-hour maximum.

(3) Lot No. 3 Western Plaza, Lot No. 4 Central Plaza, Lot No. 5 Eastern Plaza

(a) Each one and one –half hour: \$0.25.

(b) Ten-hour maximum.

Section 2. Section 100-15.C of the Town of Newton Code shall be amended to read as follows:

C. Parking passes may be purchased at the Municipal Building for the above metered lots at the following rates:

(1) Lot No. 1 Adams Street Plaza, Lot No. 3 Western Plaza, Lot No. 4 Central Plaza, and Lot No. 5 Eastern Plaza:

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Section 3. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a special meeting of the Town Council of the Town of Newton held on Monday, September 23, 2013. The Ordinance will be considered for adoption following final reading and public hearing thereon, at a regular meeting of the Newton Town Council to be conducted at 7:00pm in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey on Monday, October 28, 2013 and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

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N:\USERS\Clients\7562-4 Newton Ordinances\Ordinances\Parking and Driveway Standards\2013.09.05 park fees.doc
09/19/13



TOWN OF NEWTON

RESOLUTION #157-2013

September 23, 2013

“To Cancel Outstanding Checks in Various Funds”

WHEREAS, there are checks which have not been cashed in the following Town of Newton funds; and

WHEREAS, these checks have been reviewed to determine if they should be canceled to fund balance so as not to be required to escheat them to the State of New Jersey;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the following outstanding checks are hereby canceled:

Current Fund

#1010074	12/31/10	Payroll	\$603.05
#30884	9/24/12	Century Link	\$225.12
#31285	12/30/12	Sussex County Clerk Assoc	\$ 10.00

Capital Fund

#7811	11/03/2011	New Jersey Dept. Transportation V#615	\$ 300.00
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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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #158-2013

September 23, 2013 "Approval of a Renewal Application for a
Taxicab Owner's License for Doragail Spicer t/a
DADS Taxi & Limo"

WHEREAS, the Code of the Town of Newton requires that under **§283-2, License Required**, "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate; and

WHEREAS, in accordance with **§283-6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Doragail Spicer, 128 Plains Road, Augusta, NJ 07822, t/a DADS Taxi & Limo, which shall expire June 12, 2014; and

BE IT FURTHER RESOLVED, that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #159-2013

September 23, 2013 **“Approval of a Renewal Application for a
Taxicab Driver’s License for Doragail Spicer”**

WHEREAS, the Code of the Town of Newton requires that under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Doragail Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 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 meeting of said Governing Body conducted on Monday, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #160-2013

September 23, 2013 **“Approval of a Renewal Application for a Taxicab Driver’s License Submitted by Barbara Fitzmaurice”**

WHEREAS, the Newton General Revised Ordinances require that under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's License application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Barbara Fitzmaurice, 220 Route 519, Sussex, New Jersey and represents D.A.D.S. Taxi and Limo, which expires on September 23, 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 meeting of said Governing Body conducted on Monday, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #161-2013

September 23, 2013 **“Approval of a Renewal Application for a Taxicab Driver’s License Submitted by Glenn T. Spicer”**

WHEREAS, the Code of the Town of Newton requires that under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s license application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Glenn T. Spicer, 128 Plains Road, Augusta, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 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 meeting of said Governing Body conducted on Monday, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #162-2013

September 23, 2013 **“Approval of a Renewal Application for a Taxicab Driver’s License Submitted by Ralph E. Drake”**

WHEREAS, the Newton General Revised Ordinances require that under **§283-2, License Required**. “No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s license application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Ralph E. Drake, 150 Belvidere Avenue, Apt. 2, Washington, New Jersey and represents D.A.D.S. Taxi & Limo, which expires on June 12, 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 meeting of said Governing Body conducted on Monday, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #163-2013

September 23, 2013 "Authorize Transfer of a 3rd Quarter Tax Payment from Block 19.03, Lot 2 to Block 19.02, Lot 2"

WHEREAS, property taxes for the third quarter of 2013 were electronically paid for Block 19.03, Lot 2 also known as 5 E. Stuart Street and owned by Levante, Wayne & Demaris E. on August 8, 2013 by QBE First/Seterus; and

WHEREAS, QBE First/Seterus states that they have no interest in said property and made this electronic payment in error. The property QBE First/Seterus provides tax payment services for is Block 19.02, Lot 2 also known as 4 Mount View Street and owned by Godumski, Evelyn; and

WHEREAS, QBE First/Seterus is requesting the funds paid in the amount of \$1,157.77 be transferred from Block 19.03, Lot 2 to Block 19.02, Lot 2 to correct their error;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the amount of \$1,157.77 be transferred from Block 19.03, Lot 2 and applied to Block 19.02, Lot 2; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to make said transfer.

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, September 23, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #164-2013

September 23, 2013 “Confirming a Refund of Monies for Taxes due to a State Appeal for Block 15.03, Lot 2”

WHEREAS, Michael I. Schneck, Trustee for Spring Plaza, LLC of Block 15.03; Lot 2, also known as 4 Union Place filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2012; and

WHEREAS, on July 26, 2013 the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$491,400.00 which is a \$100,000.00 reduction in the 2012 Tax Assessment for said property; and

WHEREAS, Michael I. Schneck, Trustee for Spring Plaza, LLC is requesting a refund be issued in the amount of \$3,320.00 which is the amount overpaid by Spring Plaza LLC for the tax year 2012;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment entered by the Tax Court of New Jersey and Michael I. Schneck, Trustee for Spring Plaza, LLC is entitled to this refund in the amount of \$3,320.00; and

BE IT FURTHER RESOLVED, that the Tax Collector has issued said refund to Michael I. Schneck, Trustee for Spring Plaza, LLC in the amount of \$3,320.00 in accordance with said Tax Court of New Jersey's Judgment.

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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #165-2013

September 23, 2013 “Confirming a Credit Applied for Taxes due to a State Appeal for Block 18.03, Lot 6”

WHEREAS, James P. Fox, Esq. who represents Wilshire Realty Company of Block 18.03; Lot 6, also known as 7 Woodside Avenue filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2013; and

WHEREAS, on July 19, 2013 the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$900,000.00 which is a \$100,600.00 reduction in the 2013 Tax Assessment for said property; and

WHEREAS, James P. Fox, Esq. representing Wilshire Realty Company is requesting a credit be applied in the amount of \$3,417.38 which is the amount overbilled on the Tax Bill which was issued to Wilshire Realty on July 16, 2013 for the tax year 2013;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment entered by the Tax Court of New Jersey and Wilshire Realty Company is entitled to this credit which was applied to the 4th quarter taxes due November 1, 2013 in the amount of \$3,417.38; and

BE IT FURTHER RESOLVED, that the Tax Collector has applied said credit to Wilshire Realty Company in the amount of \$3,417.38 in accordance with said Tax Court of New Jersey's Judgment.

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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #166-2013

September 23, 2013 "Authorize Credits Due Water and Sewer Utility Accounts"

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

UTILITY BOARD RECCOMENDS WAIVER OF PENALTY:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12341	37 Madison St.	\$29.94

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, September 23, 2013

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #167-2013

**September 23, 2013 "Authorize and Direct the Tax Collector to Sell
Municipal Liens in Accordance with New Jersey Law"**

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2012 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in October 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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #168-2013

September 23, 2013 "Accept the Curb, Sidewalk and Apron Replacement on Maple Avenue Project as Complete"

WHEREAS, on June 10, 2013 the Newton Town Council adopted Resolution #98-2013, awarding a contract to Tony's Concrete Construction Co., Inc., for the Proposed Curb, Sidewalk and Apron Replacement on Maple Avenue; and

WHEREAS, on July 22, 2013 the Newton Town Council adopted Resolution #134-2013 approving Change Order No. 1 for said project adjusting the total contract amount to a new total of \$38,214.00 based on the recommendation of the Town Engineer, Harold E. Pellow; and

WHEREAS, on August 12, 2013 the Newton Town Council adopted Resolution #143-2013 approving Change Order No. 2 for said project adjusting the total contract amount to a new total of \$35,277.00; and

WHEREAS, the Town Engineer recommends in his letter dated September 17, 2013 that the Curb, Sidewalk and Apron Replacement on Maple Avenue, be accepted as complete;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Curb, Sidewalk and Apron Replacement on Maple Avenue as complete based on the recommendation of the Town Engineer.

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, September 23 2013.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.
 CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
Established 1969

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

THOMAS G. KNUTELSKY
 NJ - P.E.

September 17, 2013

FAX: (973) 383-8961

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

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: RECOMMENDATION TO ACCEPT PROJECT
 Maple Avenue Curb, Driveway and Sidewalk Repair
 HPA No. 13-127

RECEIVED
 SEP 19 2013

BY:

Dear Tom:

The above referenced project has been completed by the contractor, Tony's Concrete Construction Co, Inc., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, our office will prepare the final paperwork.

Very truly yours,

Harold E. Pellow, P.E., L.S.
HAROLD E. PELLOW & ASSOCIATES, INC.
 Town of Newton Engineer

HEP:mac
 K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\13-127 - MAPLE AVENUE CURB, DRIVEWAY & SIDEWALK REPAIR\RUSSO4.DOC



TOWN OF NEWTON

RESOLUTION #169-2013

September 23, 2013

“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 2012 and 2013 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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #170-2013

September 23, 2013 **“Accept the Best Practices Inventory Questionnaire and Authorize its Submission to the State of New Jersey Division of Local Government Services”**

WHEREAS, Local Finance Notice 2013-20 sets forth the requirements regarding the Best Practices Inventory Questionnaire; and

WHEREAS, the final 5% allocation of state aid for CMPTRA and ETR will be disbursed based upon the results of this inventory; and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response. This can happen before or after actual submission of the inventory form; and

WHEREAS, the Municipal Clerk must certify on the worksheet that the Inventory and the results thereof were discussed publicly, with the inventory results and the certification of same by the chief administrative and financial officers referenced in the meeting minutes; and

WHEREAS, attached to this resolution is the Best Practices Worksheet CY 2013. The Town of Newton's responses to this inventory qualify the Town to receive 100% funding of the final 5% aid payment;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it has publicly discussed the Best Practices Inventory, and does hereby authorize the Chief Administrative Officer, Chief Financial Officer, and Municipal Clerk to certify the inventory worksheet and email the worksheet to the State of New Jersey Division of Local Government Services by the CY 2013 filing deadline of October 15, 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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #171-2013

September 23, 2013 "Authorize Future Payments Via Personal Check"

WHEREAS, Newton Town Code §100-24.H requires that if an individual or business has a check to the Town returned for insufficient funds, all future payments to the Town must be tendered in cash or certified or cashier's check; and

WHEREAS, Gary Marion, of 150 Merriam Avenue has written a letter to the Town Council stating that he has been a resident of Town for 24 years and has never previously had a check returned, which is consistent with Town records, requesting to continue to pay the Town via personal check; and

WHEREAS, Gary Marion has represented that he and his wife were victims of identity theft, which led to his check to the Town for his water and sewer bill being returned; and

WHEREAS, the Town Council finds that the Marion's situation presents a unique circumstance which supports an exception from Code §10-24.H;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Governing Body hereby recognizes an exception to §100-24.H for Gary Marion, and that the Town shall continue to accept personal checks from Gary Marion, unless and until §100-24.H is violated.

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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #172-2013

September 23, 2013 **“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) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on September 23, 2013, that an Executive Session closed to the public shall be held on September 23, 2013, 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, September 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk

AGENDA ITEMS

For September 23, 2013 Council Meeting

Minutes: - September 11, 2013- Regular Meeting
September 11, 2013- Executive Meeting

An application for an off-premise raffle (50-50) from The Pride Foundation to be held on Wednesday, December 18, 2013 at 3:00 p.m. at Newton High School, 44 Ryerson Avenue, Newton.

An application for an off-premise raffle (50-50) from Saint Joseph's Roman Catholic Church, 17 Elm Street, Newton to be held on Friday, December 6, 2013 at 3:00 p.m. at 17 Elm Street, Newton.