



AGENDA
NEWTON TOWN COUNCIL
DECEMBER 9, 2013
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**

- OCTOBER 28, 2013 SPECIAL MEETING
- OCTOBER 28, 2013 REGULAR MEETING
- OCTOBER 28, 2013 EXECUTIVE MEETING
- NOVEMBER 25, 2013 SPECIAL MEETING
- NOVEMBER 25, 2013 REGULAR MEETING

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. UTILITY BOARD APPEAL – 85 RYERSON AVENUE

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2013-28

AN ORDINANCE REVISING SECTION 307-55 OF THE CODE OF THE TOWN OF NEWTON TO DESIGNATE ART ALLEY AS A ONE-WAY STREET

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

ORDINANCE 2013-29

AN ORDINANCE SUPPLEMENTING THE CODE OF THE TOWN OF NEWTON, TO ESTABLISH A NEW ARTICLE TO CHAPTER 25, "PERSONNEL", ARTICLE XI, "CRIMINAL HISTORY BACKGROUND CHECKS FOR RECREATION VOLUNTEERS"

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

ORDINANCE 2013-30

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2014

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

ORDINANCE 2013-31

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON, CHAPTER 228, "SEWER AND WATER", ARTICLE VI, "WATER RESTRICTIONS; WATER BANS", ESTABLISHING A NEW SECTION RELATED TO OUTDOOR LANDSCAPE WATER CONSERVATION

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

b. INTRODUCTION

ORDINANCE 2013-32

AN ORDINANCE REVISING SECTION 307-54 OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH WEIGHT LIMITS ON CHURCH STREET, DIVISION STREET, AND LINWOOD AVENUE

ORDINANCE 2013-33

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO INCLUDE A NEW PROVISION RESTRICTING THE NUMBER OF DOGS PERMITTED

ORDINANCE 2013-34

AN ORDINANCE FOR ADOPTION OF THE TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK, AS MAY BE FURTHER REVISED BY RESOLUTION

ORDINANCE 2013-35

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON REGARDING GROUP INSURANCE TO CLARIFY COVERAGE FOR EMPLOYEES AND DISCONTINUE COVERAGE FOR NEWLY ELECTED OFFICIALS

VIII. OLD BUSINESS

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 #207-2013*

APPROVE 2013 APPROPRIATION TRANSFERS

- b. RESOLUTION #208-2013* APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON FOR CALENDAR YEAR 2014
- c. RESOLUTION #209-2013* DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER
- d. RESOLUTION #210-2013* DESIGNATION OF LINDA A. ROTH AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2014
- e. RESOLUTION #211-2013* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL OFFICERS
- f. RESOLUTION #212-2013* TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JANUARY 1, 2014 TO JUNE 30, 2014
- g. RESOLUTION #213-2013* APPOINTMENT OF KENNETH JAEKEL AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE FOR 2014
- h. RESOLUTION #214-2013* APPOINTMENT OF PAUL BALDWIN AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE
- i. RESOLUTION #215-2013* AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY
- j. RESOLUTION #216-2013* DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ OPEN PUBLIC MEETINGS ACT FOR 2014
- k. RESOLUTION #217-2013* DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2014
- l. RESOLUTION #218-2013* DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION ON DISABILITY REPRESENTATIVE
- m. RESOLUTION #219-2013* ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE
- n. RESOLUTION #220-2013* CANCELLATION OF SMALL BALANCES
- o. RESOLUTION #221-2013* APPOINT LOCAL EMERGENCY PLANNING COMMITTEE
- p. RESOLUTION #222-2013* DESIGNATE OFFICIALS TO SIGN CHECKS
- q. RESOLUTION #223-2013* AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON THE BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2014 WITH REGARD TO TAX APPEALS
- r. RESOLUTION #224-2013* DESIGNATE CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES
- s. RESOLUTION #225-2013* AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL AND POUND SERVICES WITH THE TOWNSHIP OF WANTAGE COVERING CALENDAR YEAR 2014

- t. RESOLUTION #226-2013* APPOINTMENT OF RUFUS COWARD TO THE ADVISORY RECREATION COMMISSION
- u. RESOLUTION #227-2013* RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
- v. RESOLUTION #228-2013* DESIGNATE BANKS AS DEPOSITORIES FOR CALENDAR YEAR 2014
- w. RESOLUTION #229-2013* ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2014
- x. RESOLUTION #230-2013* SUPPORT SUBMISSION OF NJ HISTORIC PRESERVATION FUND CERTIFIED LOCAL GOVERNMENT GRANT-IN-AID APPLICATION
- y. RESOLUTION #231-2013* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 11.01, LOT 14
- z. RESOLUTION #232-2013* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 21.05, LOT 15
- aa. RESOLUTION #233-2013* APPOINTMENT OF HATCH MOTT MACDONALD, AS SEWER ENGINEER FOR CALENDAR YEAR 2014
- bb. RESOLUTION #234-2013* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2012-2013 LICENSING YEAR
- cc. RESOLUTION #235-2013* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2013-2014 LICENSING YEAR
- dd. RESOLUTION #236-2013* ACCEPTANCE OF THE PAVING OF VARIOUS STREETS PROJECT FOR HOWARD STREET, OAK STREET, MAPLE AVENUE, KELSEY AVENUE, AND HILLSIDE TERRACE
- ee. RESOLUTION #237-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- ff. RESOLUTION #238-2013* INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2013 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A:4-87

X. INTERMISSION

XI. DISCUSSION

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #239-2013 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. PERSONNEL

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE #2013-28

A ORDINANCE REVISING SECTION 307-55 OF THE CODE OF THE TOWN OF NEWTON TO DESIGNATE ART ALLEY AS A ONE-WAY STREET

WHEREAS, the Town Council has determined that Art Alley should be designated a one-way street, running in the northeasterly direction between Spring Street and Trinity Street; and

WHEREAS, N.J.S.A. 39:4-85.1 permits governing bodies of municipalities to designate local roadways for one-way traffic; and

WHEREAS, the Town engineer has recommended that Art Alley should run one-way with the direction of vehicular traffic flow going from Spring Street towards Trinity Street; and

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

Section 1. Section 307-55, of the Code of the Town of Newton, entitled “Schedule VI: One-Way Streets” shall be revised to include the following:

Name of Street	Direction	Location
Art Alley	Northeasterly	For its entire length between Spring Street and Trinity Street

Section 2. 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 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 will take effect after publication and passage according to law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on November 25, 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 December 9, 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 2013-29**

**AN ORDINANCE SUPPLEMENTING THE CODE
OF THE TOWN OF NEWTON, TO ESTABLISH A NEW ARTICLE
TO CHAPTER 25, "PERSONNEL", ARTICLE XI,
"CRIMINAL HISTORY BACKGROUND CHECKS FOR
RECREATION VOLUNTEERS"**

WHEREAS, the Town Council of the Town of Newton wishes to ensure that the Town is providing the safest possible recreation programs for its youth; and

WHEREAS, N.J.S.A. 15A:3A-1, et seq., permits non-profit youth-serving organizations to request the State Police to perform a criminal background check on current and prospective employees or volunteers, in order to check the criminal histories of those employees or volunteers who have direct contact with minors, in order to eliminate those with convictions for certain crimes and disqualify prospective employees and volunteers who have been convicted of certain offenses; and

WHEREAS, the Town Council desires to prevent individuals convicted of certain crimes or offenses which negatively impact the health, safety and welfare of children from having contact with children; and

WHEREAS, the Newton Town Council desires that all volunteers of programs sponsored by the Town of Newton, or co-sponsored by the Town of Newton in connection with the Recreation Department, or any other organization serving youth organizations, who have regular, supervised or unsupervised access to minors involved in such programs, be required to submit to criminal history background checks at their own expense; and

WHEREAS, N.J.S.A. 40:48-1.4 provides that a municipality may enact an ordinance providing that an authorized municipal official or officer may request a criminal history record background check of any person for an official governmental purpose, including, but not limited to, employment, licensing and the procurement of services; and any such ordinance shall provide that the person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules and regulations, and shall further provide that the official or officer is authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation; and

WHEREAS, the Town Council would like all youth programs using Town facilities, and all programs that are funded or supported by the Town, in whole or in part (including but not limited to baseball, softball, soccer, football, basketball, hockey, swimming, wrestling, etc.) be required to perform criminal background checks as a condition of using Town facilities.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Newton, that the Code of the Town of Newton is hereby amended to establish and adopt a requirement for criminal history and background checks for recreation volunteers, as follows:

Section 1. Chapter 25, Personnel, Article XI “Criminal History Background Checks for Recreation Volunteers” is hereby created and made a part of the Code of the Town of Newton.

Article XI Criminal History Background Checks for Recreation Volunteers.

§ 25-55 Definitions.

As used in this article, the following terms shall have the meanings indicated:

“Criminal History Record Background Check” - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the NJ State Bureau of Identification in the Division of State Police.

“Town-Sponsored Youth Programs” - Any programs sponsored by the Town of Newton, including any Town employees, volunteer organizations created by the Town, and all leagues, boards, committees and commissions falling within the purview of or acting for or on behalf of the of Newton and having contact with persons under the age of 18 years.

“Non-Sponsored Youth Programs” - Any youth programs not sponsored by the Town of Newton, but that utilize municipal facilities or have affiliation with a Town-Sponsored Youth Program and having contact with persons under the age of 18 years.

“Youth Programs” - Any programs that allow for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips, or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Town-Sponsored Youth Program or Non-Sponsored Youth Program, other than a parent or caregiver.

§ 25-56 Town-Sponsored Youth Programs - Background checks.

A. All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Town of Newton sponsored function participated in by children, shall submit sufficient information on forms supplied by the Town of Newton Police Department from the New Jersey State Police, for the purpose of obtaining a Criminal History Background Bheck with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the Town of Newton Chief of Police.

Based upon the Memorandum of Understanding executed between the Town of Newton and the New Jersey State Police, the individual applying for the background check shall authorize the Town of Newton Chief of Police to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check. Other than members appointed to the Newton Recreation Commission by the Town Council, individuals involved in a Town of Newton sponsored youth function, and who are required to undergo background checks based upon this article, shall be responsible for paying the costs involved with obtaining the criminal background check.

B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this article for that league or program. The President or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this article. The roster shall be on forms supplied by the Town of Newton and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this article and laws regarding false swearing.

§ 25-57 Non-Sponsored Youth Programs - Criminal background checks - Required for use of Town of Newton facilities.

Prior to any club or organization, not defined as a Town-sponsored youth program, being authorized to use Town-owned facilities for functions participated in by children, all adults, those persons 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Town of Newton Chief of Police or designee with findings of a Criminal History Background Check obtained from the State Bureau of Identification in the New Jersey State Police.

The submission of Criminal History Background Check findings must be based upon a check performed within three (3) years of the start of use of the Town owned facility. In all cases the background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the Town for individuals involved in administering Town-Sponsored Youth Program (which requires fingerprinting). All fees for individuals administering a Non-Sponsored Youth Program shall be borne by the individual or program which they are participating.

§ 25-58 Qualification Certificate.

A. Individuals engaged in providing recreation opportunities for, or on behalf of, the Town of Newton shall be issued a certificate with appropriate expirations based upon the date of their individual background check. Individuals issued a certificates are required to have their certificate on their person while in performance of their duty involving youth programs.

§ 25-59 Disqualification.

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Town of Newton Chief of Police or designee shall notify the applicant and the President or leader of the recreation program of affirmative or negative results. The determination of the Town of Newton Chief of Police is based upon section 25-59.B below. Details in the background check that result in a negative determination by the State Police are not afforded to the Chief of Police and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at any Town-owned facilities. Such offenses shall include, but not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.;

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.;

(c) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d) involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10.

(e) any 4th degree offense or higher.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection a. of this section.

C. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

D. Refusal by individuals required to submit to a Criminal History Record Background Check shall result in an immediate dismissal of the individual from any Town-sponsored activities requiring background checks. In addition, refusal to comply with this article by

any individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that individual's ability to participate with the respective program. Refusal of a Non-Sponsored Youth Program to subscribe to the requirements of this article shall forfeit that programs ability to use municipal facilities.

E. Individuals who are convicted of a disqualifying offense, as defined by section 25-59.B, above, during the three (3) years following a Criminal History Record Background Check shall be prohibited from participating in any youth programs.

§ 25-60 Frequency of background checks.

A. All Non-Sponsored Youth Programs that have individuals subject to this article shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Town-owned facility to the extent covered by this article. Thereafter, every three (3) years a new background check shall be submitted to the Chief of Police.

B. 1. All Town-Sponsored Youth Programs that have individuals subject to this article shall direct those individuals to the Chief of Police for background checks prior to the individual being able to participate at any function sponsored by the Town of Newton. Thereafter, every three (3) years a new background check shall be submitted to the Chief of Police.

2. Individuals involved in Town-Sponsored Youth Programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. Only one interim approval may be granted per individual.

3. All current volunteers in any Youth Program, as defined by this Article, shall submit to a Criminal History Background Check within forty-five (45) days of adoption of the enabling Ordinance. Failure of any volunteer to obtain a background check within 45 days shall result in immediate dismissal of the individual from any Town-sponsored activities requiring background checks.

§ 25-61 Privacy.

Any and all criminal background checks supplied to the Chief of Police shall be filed and maintained in a secure and locked cabinet by the Town's Human Resources Department, and shall not be available to the public. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose, and thereafter shall be destroyed.

§ 25-62 Appeals of Disqualification.

A. Any person whose Criminal History Background Check disqualifies that person from employment or from volunteering, may appeal his or her disqualification.

1. *Appeal re: Accuracy of Record.* A person may challenge the accuracy of the criminal history record;

(a) A challenge to the accuracy of the report shall be filed with the Town Chief of Police, who shall coordinate the challenge with the New Jersey State Police.

2. *Appeal Alleging Rehabilitation.* A person may claim to be rehabilitated.

(a) No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4th Degree Offense or Higher, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C13:1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-1; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses

(b) *Appeals Committee.* An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Town of Newton Chief of Police, Town Manager, Town Recreation Supervisor, and Town Attorney. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.

(c) *Rehabilitation Criteria.* In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:

1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the person when the offense was committed;

6. Whether the offense was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense; and
8. Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

(d) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the Town's Human Resources Department.

§ 25-63 Penalties.

A. Failure to comply with this Article may result in the Town withholding funding for the non-profit youth-serving organization, prohibiting the use of facilities, or withholding funding for facility maintenance.

B. Any individual who has been advised, verbally or in writing of his/her disqualification to participate and continues to participate upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

1. A fine of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00);
2. Each continuing violation of this article shall constitute a separate offense.

Section 2. 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 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 will take effect after publication and passage according to 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 November 25, 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 December 9, 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

N:\USERS\Clients\7562-4 Newton Ordinances\Ordinances\2013.11.04 ordinance- RED - background checks for rec employees and volunteers.docx

**TOWN OF NEWTON
ORDINANCE #2013-30**

**AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM
SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF
THE TOWN OF NEWTON FOR CALENDAR YEAR 2014**

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 2014 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, 2014.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on November 25, 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 December 9, 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-XX
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	\$8.75	\$17.00	\$15,925	\$30,940	\$18,200	\$35,360	
2	\$9.00	\$18.50	\$16,380	\$33,670	\$18,720	\$38,480	
3	\$9.25	\$20.75	\$16,835	\$37,765	\$19,240	\$43,160	
4	\$9.50	\$26.25	\$17,290	\$47,775	\$19,760	\$54,600	
5	\$10.50	\$31.75	\$19,110	\$57,785	\$21,840	\$66,040	
6	\$11.00	\$34.50	\$20,020	\$62,790	\$22,880	\$71,760	
7	\$12.00	\$37.25	\$21,840	\$67,795	\$24,960	\$77,480	
8	\$12.50	\$40.00	\$22,750	\$72,800	\$26,000	\$83,200	
9			\$25,000	\$80,000	\$30,000	\$90,000	
10			\$30,000	\$85,000	\$35,000	\$95,000	
11			\$32,500	\$90,000	\$37,500	\$110,000	
12			\$45,000	\$95,000	\$52,500	\$115,000	
13			\$50,000	\$100,000	\$57,500	\$125,000	
14			\$65,000	\$125,000	\$75,000	\$145,000	
15			\$70,000	\$160,000	\$80,000	\$165,000	
16							\$500 - \$5,000
17							\$2,500 - \$7,500
18							\$3,000 - \$25,000
19							\$12,000 - \$55,000

TOWN OF NEWTON
ORDINANCE #2013-XX
SCHEDULE "B"

LEVEL 1

Recreation Assistant

LEVEL 2

Assistant Pool Manager

LEVEL 3

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

LEVEL 4

Code Enforcement Officer Trainee
Deputy Municipal 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
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
Human Resources Manager
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
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
Code Enforcement Officer
Deputy Code Enforcement Officer
Deputy Emergency Management Coordinator
Electrical Subcode Official/Inspector
Emergency Management Coordinator
Fire Subcode Official
Plumbing Subcode Official/Inspector
Zoning Officer

LEVEL 19

Deputy Town Manager
Municipal Judge
Recreation Supervisor
Tax Assessor

TOWN OF NEWTON

ORDINANCE NO. 2013-31

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON, CHAPTER 228, "SEWER AND WATER", ARTICLE VI, "WATER RESTRICTIONS; WATER BANS", ESTABLISHING A NEW SECTION RELATED TO OUTDOOR LANDSCAPE WATER CONSERVATION

WHEREAS, the water supplies within the Town of Newton should be protected to afford the greatest beneficial use to Town of Newton citizens and businesses, which depend on adequate water supplies for their livelihood, health, welfare, and economic production; and

WHEREAS, the water resources associated with the Town of Newton have been threatened in the past due to drought conditions; and

WHEREAS, there exists a need to ensure water is available for uses essential to the health, safety and welfare of the Town of Newton and for averting or lessening the impact of any water shortage; and

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of Town of Newton citizens; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Town of Newton has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, Sussex County, New Jersey, that the Town of Newton Code is amended as follows:

Section 1 Section 228-1, entitled "Definitions", is hereby revised by the addition of the following:

AUTOMATIC IRRIGATION SYSTEM – Any assemblage of components, materials or special equipment which is designed, constructed and installed for controlled dispersion of water from any safe and suitable source, for the purpose of irrigating landscape vegetation or the control of dust and erosion on landscape areas, including drip irrigation systems, integral pumping systems or integral control systems for manual, semi-automatic or automatic control of the operation of these systems.

Section 2 Section 228-22 is hereby replaced in its entirety with a new Section 228-22, entitled, "Outdoor Landscape Water Conservation", as follows:

§228-22. Outdoor Landscape Water Conservation.

I. Water Use Restrictions

Restrictions on outdoor landscape water use apply to all users in the Town of Newton at all times, regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt pursuant to subsection II, Exemptions, below.

All water use shall conform to the following Outdoor Landscape Water Use Restrictions:

A. Lawn watering with a hose or hose-end sprinkler:

1. From May 1 to September 30 all outdoor watering shall be conducted between the hours of 5:00 p.m. to 9:00 a.m.;
2. The watering of any single area shall not exceed sixty minutes per day;
3. No hose or hose-end watering shall be permitted when it is raining.

B. Irrigating lawns and landscapes with automatic irrigation systems (as defined in section 228-1, above):

1. From May 1 to September 30 all outdoor watering shall be conducted between the hours of 5:00 p.m. to 9:00 a.m.; and
2. Operation of any irrigation zone equipped with spray (mist) heads shall not exceed 15 minutes per zone. Operation of any irrigation zone equipped with rotary sprinkler heads shall not exceed 50 minutes per zone;

II. Exemptions

Restrictions set forth in subsection I, above, shall not apply to the following:

- A. Outdoor water use from rain water harvesting, gray water, or reclaimed water. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
- B. Outdoor water use for commercial farms producing harvestable crops, commercial nurseries, sod farms and golf courses.
- C. Outdoor irrigation necessary for one day only where treatment with an application of chemicals requires immediate watering to preserve an existing landscape or to establish a new landscape.
- D. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.
- E. Visually supervised operation of an irrigation system by a person in compliance with the New Jersey Landscape Irrigation Contractor Certification Act of 1991 (N.J.S.A. 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.
- F. Watering of flowers and shrubs with a hand-held hose equipped with an automatic shut-off nozzle.
- G. Watering with hand-held containers.

H. Irrigation systems equipped with a Smart Water Application Technology (“SWAT”) controller (as defined by the Irrigation Association SWAT protocol testing (www.irrigation.org/SWAT)), programmed by a person who holds a New Jersey Landscape Irrigation Contractor Certification, pursuant to N.J.S.A. 45:5AA-3.

Section 3 Section 228-22, entitled, “Prohibited water use”, is hereby renumbered, in its entirety, as Section 228-23, “Prohibited water use”.

Section 4 Section 228-23, entitled, “Enforcement”, is hereby renumbered, in its entirety, as Section 228-24, “Enforcement”.

Section 5 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 6 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 7 Effective Date. This Ordinance will take effect after publication and passage according to law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on November 25, 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 December 9, 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 2013-32

AN ORDINANCE REVISING SECTION 307-54 OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH WEIGHT LIMITS ON CHURCH STREET, DIVISION STREET, AND LINWOOD AVENUE

WHEREAS, the New Jersey Department of Transportation and the Bureau of Traffic Engineering have supported and recommended the Town’s plan to establish a truck route along US Route 206 and NJ Route 94 in the Town of Newton, along with a truck prohibition on Church Street, Division Street and Liberty Street, between US Route 206 and NJ Route 94; and

WHEREAS, N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197 permit governing bodies of municipalities to establish, by ordinance, weight limits on certain streets; and

WHEREAS, the Town Council has determined that the Code should be revised to exclude trucks over four tons gross weight from portions of Church Street, Division Street and Liberty Street;

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

Section 1. Section 307-54, of the Code of the Town of Newton, entitled “Schedule V: Limiting the Use of Streets to a Certain Class of Vehicles” shall be revised to include the following:

Name of Street	Location
Church Street	Between Route NJ 94 (High Street) and Route US 206 (Main Street)
Division Street	Between Route NJ 94 (High Street) and Route US 206 (Main Street)
Linwood Avenue	Between Thompson Street and Liberty Street

Section 2. 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 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 will take effect after publication and passage according to law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on December 9, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 p.m. on December 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 2013-33

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON TO INCLUDE A NEW PROVISION RESTRICTING THE NUMBER OF DOGS PERMITTED

WHEREAS, pursuant to N.J.S.A. 40:48-2, any municipality may adopt ordinances as it may deem necessary and proper for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the keeping of numerous dogs in households has led to concerns for public health and safety; and

WHEREAS, the Town Council of the Town of Newton desires to limit the number of dogs permitted to be owned, kept, or harbored within a household at any time;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey, that Chapter 57, "Animals", of the Code of the Town of Newton is hereby amended by the addition of a new section 57-3.A, "Maximum Number of Dogs Permitted" to Article I, "Keeping and Housing of Animals and Fowl", as follows:

Section 1. Chapter 57-3.A, "**Maximum Number of Dogs Permitted**", is hereby created and made a part of the Code of the Town of Newton.

57-3.A. Maximum Number of Dogs Permitted.

- A. No person shall own, keep or harbor nor suffer the maintenance within his or her household of more than four (4) dogs at any time upon any residential, commercial or industrial property in the Town of Newton less than one acre in size. One additional dog may be kept or maintained upon the premises for every acre in excess of one acre, up to a maximum of six (6) dogs total for any commercial, industrial or residential property. Puppies under the age of six (6) months are excepted herefrom. Animal hospitals, licensed kennels, pet shops, shelters, pounds or training facilities for the blind are not regulated pursuant to this Ordinance. Any person desiring to maintain a number of dogs in excess of those permitted herein must possess a kennel license.
- B. It shall be unlawful for any person to own, keep, harbor, or suffer the maintenance within his or her household of a greater number of dogs than those permitted herein on or after January 31, 2014.

C. Any person who has properly licensed more than the permitted number of dogs in this Ordinance, shall be permitted to keep and maintain such dogs during their lives, as long as all such dogs are properly licensed by December 31, 2013, and remain properly licensed.

D. Violations of the provisions of this section shall be subject to a fine of \$100

Section 2. 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 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 will take effect after publication and passage according to 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 December 9, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on December 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 2013-34

AN ORDINANCE FOR ADOPTION OF THE TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK, AS MAY BE FURTHER REVISED BY RESOLUTION

WHEREAS, it is the policy of Town of Newton to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Town Council has determined that the “Town of Newton Personnel Policies and Procedures Manual and Employee Handbook” ensures that employees and prospective employees are treated in a manner consistent with these laws and regulations;

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

1. The “Town of Newton Personnel Policies and Procedures Manual and Employee Handbook” (“Manual”), last revised December 2013, attached hereto, is hereby adopted.
2. These personnel policies and procedures shall apply to all Town officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This Manual is intended to provide guidelines covering public service by Town employees and is not a contract. To the maximum extent permitted by law, employment practices for the Town of Newton shall operate under the legal doctrine known as “employment at will.”
4. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Council, which amendments and supplements shall be effective via Resolution of the Town Council.

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.

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.

Effective Date. This Ordinance will take effect after publication and passage according to 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 Monday, December 9, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, December 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 #2013-35

AN ORDINANCE TO REVISE THE CODE OF THE TOWN OF NEWTON REGARDING GROUP INSURANCE TO CLARIFY COVERAGE FOR EMPLOYEES AND DISCONTINUE COVERAGE FOR NEWLY ELECTED OFFICIALS

WHEREAS, the Town Council of the Town of Newton desires to discontinue the entitlement of health benefits for newly elected officials within the Town; and

WHEREAS, the Town Council of the Town of Newton desires to revise the ordinance regarding group insurance to clarify coverage for employees and discontinue the coverage for newly elected officials, other than elected officials serving as of December 31, 2013; and

WHEREAS, the Town Council of the Town of Newton also desires to revise the Town of Newton Personnel Policies and Procedures Manual and Employee Handbook to delete any reference to coverage for elected officials;

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. Newton Town Code Section 25-41, “**Group Insurance**”, shall be deleted and replaced in its entirety as follows:

25-41 Group Insurance.

A. After three months of full-time employment, any employee working a minimum of thirty-five (35) hours per week becomes eligible for the following coverage through the Town’s health benefits plan:

- (1) Hospitalization.
- (2) Medical/Surgical.
- (3) Major Medical (includes prescription plan).
- (4) Dental.
- (5) Vision.

B. This coverage includes single, husband/wife, parent/child and family with maternity memberships. The Town shall pay the full cost of the insurance for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011.

C. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their health benefits, at the same coverage as of December 31, 2013. All officials newly elected into the office after December 31, 2013 shall not be entitled to any insurance benefits from the Town.

Section 2. Town of Newton Personnel Policies and Procedures Manual and Employee Handbook, Sections 4.1, 4.2 and 4.3 of Article IV “Group Health Insurance/Pension/Worker’s Compensation” shall be deleted and replaced in its entirety as follows:

4.1 - Medical and Prescription

After three (3) months of full-time employment (unless provided for by separate contractual agreement), any new employee working a minimum of thirty-five (35) hours per week, becomes eligible for the following coverage through the **North Jersey Municipal Employee Benefits Fund (NJMEBF)**:

1. Hospitalization
2. Medical/Surgical
3. Major Medical which includes a Prescription Plan
4. Dental
5. Vision (not through NJMEBF)

Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any insurance coverage from the Town.

This coverage includes Employee (single), Employee and Spouse/Partner, Parent/Child(ren), and Family (Employee/Spouse/Partner & Child(ren)). The Town shall pay the cost of insurance coverage for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011.

Chapter 78, P.L. 2011 impacts healthcare plans and employee contributions towards same. Therefore, all employees not covered by an existing collective bargaining agreement are required to contribute a percentage of their health care premium or 1.5% of base salary*, whichever is greater. Employees who are covered by an existing collective bargaining agreement will begin paying same when their contract expires. The percentage will be based on the employee’s base salary on a sliding scale.

* The law establishes a “floor” for employee contributions so that no employee will pay an amount that is less than 1.5% of the employee’s compensation. The calculation of the minimum 1.5% is based on an employee’s base contractual salary. In most instances, that means the salary on which pension contributions are based. However, for employees hired after July 2007 for whom pensionable salary is limited to the salary on which Social Security contributions are based, the employee’s total base salary would be used. As an employee receives salary increases during the year, the amount of contribution will be adjusted upwards accordingly.

The percentage will be phased in over a four-year term as follows:

- Year 1 – ¼ of the percentage
- Year 2 – ½ of the percentage
- Year 3 – ¾ of the percentage
- Year 4 – 4/4 of the percentage

At no time will an employee pay less than the 1.5% of base salary for health benefits. But in no event will the employee be required to pay the percentage of the premium plus 1.5% of their salary.

The employee contribution, based on cost of coverage, is as follows:

Individual Coverage

Salary Range	Year 1	Year 2	Year 3	Year 4
less than 20,000	1.13%	2.25%	3.38%	4.5%
20,000-24,999.99	1.38%	2.75%	4.13%	5.5%
25,000-29,999.99	1.88%	3.75%	5.63%	7.5%
30,000-34,999.99	2.50%	5.00%	7.50%	10.0%
35,000-39,999.99	2.75%	5.50%	8.25%	11.0%
40,000-44,999.99	3.00%	6.00%	9.00%	12.0%
45,000-49,999.99	3.50%	7.00%	10.50%	14.0%
50,000-54,999.99	5.00%	10.00%	15.00%	20.0%
55,000-59,999.99	5.75%	11.50%	17.25%	23.0%
60,000-64,999.99	6.75%	13.50%	20.25%	27.0%
65,000-69,999.99	7.25%	14.50%	21.75%	29.0%
70,000-74,999.99	8.00%	16.00%	24.00%	32.0%
75,000-79,999.99	8.25%	16.50%	24.75%	33.0%
80,000-94,999.99	8.50%	17.00%	25.50%	34.0%
95,000 and over	8.75%	17.50%	26.25%	35.0%

Member & Spouse/Partner or Member & Child(ren) Coverage

Salary Range	Year 1	Year 2	Year 3	Year 4
less than 25,000	0.88%	1.75%	2.63%	3.5%
25,000-29,999.99	1.13%	2.25%	3.38%	4.5%
30,000-34,999.99	1.50%	3.00%	4.50%	6.0%
35,000-39,999.99	1.75%	3.50%	5.25%	7.0%
40,000-44,999.99	2.00%	4.00%	6.00%	8.0%
45,000-49,999.99	2.50%	5.00%	7.50%	10.0%
50,000-54,999.99	3.75%	7.50%	11.25%	15.0%
55,000-59,999.99	4.25%	8.50%	12.75%	17.0%
60,000-64,999.99	5.25%	10.50%	15.75%	21.0%
65,000-69,999.99	5.75%	11.50%	17.25%	23.0%
70,000-74,999.99	6.50%	13.00%	19.50%	26.0%
75,000-79,999.99	6.75%	13.50%	20.25%	27.0%
80,000-84,999.99	7.00%	14.00%	21.00%	28.0%
85,000-99,999.99	7.50%	15.00%	22.50%	30.0%
100,000 and over	8.75%	17.50%	26.25%	35.0%

Family Coverage (Employee & Spouse/Partner and Child(ren))

Salary Range	Year 1	Year 2	Year 3	Year 4
less than 25,000	0.75%	1.50%	2.25%	3.0%
25,000-29,999.99	1.00%	2.00%	3.00%	4.0%
30,000-34,999.99	1.25%	2.50%	3.75%	5.0%
35,000-39,999.99	1.50%	3.00%	4.50%	6.0%
40,000-44,999.99	1.75%	3.50%	5.25%	7.0%
45,000-49,999.99	2.25%	4.50%	6.75%	9.0%
50,000-54,999.99	3.00%	6.00%	9.00%	12.0%
55,000-59,999.99	3.50%	7.00%	10.50%	14.0%
60,000-64,999.99	4.25%	8.50%	12.75%	17.0%
65,000-69,999.99	4.75%	9.50%	14.25%	19.0%
70,000-74,999.99	5.50%	11.00%	16.50%	22.0%
75,000-79,999.99	5.75%	11.50%	17.25%	23.0%
80,000-84,999.99	6.00%	12.00%	18.00%	24.0%
85,000-89,999.99	6.50%	13.00%	19.50%	26.0%
90,000-94,999.99	7.00%	14.00%	21.00%	28.0%
95,000-99,999.99	7.25%	14.50%	21.75%	29.0%
100,000-109,999.99	8.00%	16.00%	24.00%	32.0%
110,000 and over	8.75%	17.50%	26.25%	35.0%

The amount paid by employees and retirees towards health care contributions in the future is subject to legislative modification by the State of New Jersey.

4.2 - Dental

This coverage includes Employee (single), Employee and Spouse/Partner (husband/wife, parent/child(ren), etc.) and Family. The Town shall pay the cost of insurance coverage for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their dental insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any dental insurance coverage from the Town.

4.3 - Vision

This coverage includes Employee, Employee/Spouse/Partner, Parent/Child(ren) and Family. The Town shall pay the full cost of individual or dependent insurance coverage for the employee and their eligible dependents. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their vision insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any vision insurance coverage from the Town.

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 will take effect after publication and passage according to 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 December 9, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on December 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

RESOLUTION #207-2013

December 9, 2013 "Approve 2013 Appropriation Transfers"

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2013 appropriation transfers be approved effective this date:

<u>From</u> <u>CURRENT</u>	<u>To</u>	<u>Amount</u>
Clerk SW 1051103	Town Manager SW 1050101	1,220.00
Human Resources OE 1053253	Human Resources SW 1053103	500.00
Misc. Operations SW 1079100	Human Resources SW 1053103	1,000.00
Misc. Operations SW 1079100	Planning Board SW 1062102	4,000.00
Misc. Operations OE 1079200	Police SW 1074113	1,000.00
Court SW 1059101	Police SW 1074113	5,500.00
Inspection of Buildings OE 1077226	Police SW 1074113	600.00
Recycling OE 1083244	Police SW 1074113	3,000.00
Road SW 1080101	Police SW 1074113	7,000.00
Senior Citizen SW 1093100	Police SW 1074113	1,600.00
Election OE 1051539	Police SW 1074113	5,000.00
Group Health Ins. OE 1066201	Police SW 1074113	9,000.00
Health Waiver Ins. OE 1066300	Police SW 1074113	750.00

Worker Comp. Ins. OE 1067200	Police SW 1074113	1,400.00
Other Insurance OE 1069205	Police SW 1074113	10,000.00
Vehicle Maintenance OE 1083380	O/S CAP – Cencom SW 1094735	13,000.00
TOTAL CURRENT TRANSFERS		<u>\$64,570.00</u>

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #208-2013

December 9, 2013 "Appoint the Town Manager as Hearing Officer in all Matters of Dispute Regarding the Town of Newton for Calendar Year 2014"

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 2014.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #209-2013

December 9, 2013 “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 2014; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #210-2013

December 9, 2013 **“Designation of Linda A. Roth as Tax Search Officer for the Town of Newton for 2014”**

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #211-2013

December 9, 2013 **“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 2014:

Class II

Raul Couce

Donald Donofrio

Kyle J. Phlegar

John Tomasula

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #212-2013

December 9, 2013 “Transfer of School Monies for the Period from
January 1, 2014 to June 30, 2014”

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)	\$11,782,310.00
Amount Received to Date	5,891,155.00
Amount of This Request	<u>5,891,155.00</u>
Balance Due Board of Education	.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #213-2013

December 9, 2013 "Appointment of Kenneth Jaekel as Municipal Representative to the Sussex County Solid Waste Advisory Committee for 2014"

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #214-2013

December 9, 2013 **“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 2014 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm (or as otherwise scheduled) at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #215-2013

December 9, 2013 **“Authorize Execution of Agreement Between the Town of Newton and the Newton Parking Authority”**

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on December 1, 2013, the members of the Authority approved an appropriate agreement for calendar year 2014 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2014.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #216-2013

December 9, 2013 **“Designate Newspapers that will Receive Notices Required by the NJ Open Public Meetings Act for 2014”**

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

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

New Jersey Herald

New Jersey Sunday Herald

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #217-2013

December 9, 2013 "Designate Legal Newspapers for Calendar Year 2014"

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 2014 calendar year:

New Jersey Herald

New Jersey Sunday Herald

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #218-2013

December 9, 2013 **“Designate the Town Manager as the National Organization on Disability Representative”**

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #219-2013

December 9, 2013

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

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

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

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #220-2013

December 9, 2013 "Cancellation of Small Balances"

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #221-2013

December 9, 2013 "Appoint Local Emergency Planning Committee"

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2014 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
Derek Wechtler, Chief	Newton Fire Chief
Captain, To be determined	Newton Vol. First Aid and Rescue Squad
Ken Jaekel	Newton Public Works Supervisor
Paul Baldwin	Newton Water and Sewer Supervisor
Lorraine Read	Newton Municipal Clerk
Debra Millikin	Deputy Town Manager
Terri Oswin	Deputy Municipal Clerk/Assistant to Town Manager
Keith Utter	Newton/Hardyston Construction Official
Dr. Kennedy Greene	Newton School Superintendent
Robert Dunphy	Radio Station WNNJ
MaryAnn Maikisch	Sussex County Chapter of the American Red Cross

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #222-2013

December 9, 2013 “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 2014.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #223-2013

December 9, 2013 **“Authorize the Tax Assessor, the Town Attorney and the Town Manager to Act on the Behalf of the Town of Newton for Calendar Year 2014 with Regard to Tax Appeals”**

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

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

BE IT FURTHER RESOLVED, that the Municipal Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the purpose of signing settlements of the foregoing matters by stipulation for the 2014 Calendar Year.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #224-2013

December 9, 2013

“Designate Chief Financial Officer/Finance Director as the Individual Authorized to Sell Bond Anticipation Notes”

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

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #225-2013

December 9, 2013 **“Authorize Execution of a Shared Services Agreement for Animal Control and Pound Services with the Township of Wantage Covering Calendar Year 2014”**

WHEREAS, the Town of Newton desires to enter into a shared service agreement with the Township of Wantage for animal control and pound services; and

WHEREAS, the annual fee for the calendar year 2014 is \$16,040; and

WHEREAS, sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2014 for said services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement for animal control and pound services, in duplicate, with the Township of Wantage for calendar year 2014; and

BE IT FURTHER RESOLVED that a copy of said agreement shall be placed on file in the Municipal Clerk's office and available for public viewing.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #226-2013

December 9, 2013 **“Appointment of Rufus Coward to the Advisory Recreation Commission”**

WHEREAS, there is currently a vacancy for a Regular Member of the Advisory Recreation Commission; and

WHEREAS, Mr. Rufus Coward has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Rufus Coward is hereby appointed to an unexpired five-year term on the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2016.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #227-2013

December 9, 2013 **“Resolution Authorizing Disposal of Surplus Property”**

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk’s Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. 2007 Ford Crown Victoria
Vin#: 2FAHP71W27X133645
Odometer Reading: 74,075 MILES
Condition: Fair/Poor
- 5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #228-2013

December 9, 2013 “Designate Banks as Depositories for Calendar Year 2014”

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 2014:

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

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

PNC Bank
Bank of New York Mellon (Chase)
New Jersey Cash Management Fund
Sussex Bank
Lakeland Bank
First Hope Bank
Sovereign Bank (Santander Bank)
TD Bank
Highland State Bank
Valley National Bank
Wells Fargo Bank, N.A.

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

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

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

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

The method of calculating banking fees and compensating balances shall be

reviewed on a monthly basis.

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

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

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

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

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #229-2013

December 9, 2013 **“Establish Schedule of Public Town Council Meetings for 2014”**

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 2014 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month, except July and August, at 7:00pm, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey; and

Council Meetings

7:00pm

January	13	and	27	July	28
February	10	and	24	August	25
March	10	and	24	September	10* and 22
April	14	and	28	October	15* and 27
May	12	and	28*	November	10 and 24
June	9	and	23	December	8 and 22

*Held Wednesday

Reorganizational Meeting

6:00pm

Tuesday, July 1, 2014

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

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #230-2013

December 9, 2013 “Support Submission of NJ Historic Preservation Fund Certified Local Government Grant-In-Aid Application”

WHEREAS, the Town Council of the Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$24,999 to fund the continuation for the Intensive-Level Historic Architectural Survey for Main Street, Spring Street, and Park Place;

NOW, THEREFORE BE IT RESOLVED, the Town Manager, is authorized to make an application for such a grant, and if awarded, to execute a grant agreement with the State for an amount not less than \$20,000 and not more than \$24,999 and to execute any amendments thereto which do not increase the Grantee's obligations. The Town of Newton agrees to comply with all applicable Federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #231-2013

December 9, 2013 **“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 11.01, Lot 14”**

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 11.01, Lot 14 (formerly known as Block 502, Lot 2.02) also known as 216 Woodside Avenue, for 2010 delinquent real estate taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1354, was sold to Robert Rothman for 0% redemption fee with a premium of \$16,500.00; and

WHEREAS, Fulton Bank of New Jersey, mortgage holder for said property has effected redemption of Certificate #1354 in the amount of \$82,089.88;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Robert Rothman is entitled to the redemption in the amount of \$82,089.88 along with the premium of \$16,500.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$82,089.88 for the redemption of Certificate #1354 as well as a check in the amount of \$16,500.00 for the return of premium payable to Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #232-2013

**December 9, 2013 "Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 21.05, Lot 15"**

WHEREAS, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 21.05, Lot 15 also known as 6 Clive Place, for 2012 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1390, was sold to US Bank as custodian for Pro Cap III LLC for 18% redemption fee; and

WHEREAS, Ocwen Loan Servicing, LLC, mortgage holder for said property has effected redemption of Certificate #1390 in the amount of \$579.94;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank as custodian for Pro Cap III LLC is entitled to the redemption in the amount of \$579.94; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$579.94 for the redemption of Certificate #1390 made payable to US Bank as custodian for Pro Cap III LLC, Attention: Tax Lien Services Group, 2 Liberty Place, 50 South 16th Street – Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #233-2013

December 9, 2013 **“Appointment of Hatch Mott MacDonald, as
Sewer Engineer for Calendar Year 2014”**

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, 2014;

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 2014; and

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #234-2013

December 9, 2013

“Renewal of Plenary Retail Consumption License for the 2012-2013 Licensing Year”

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Consumption License No. 1915-33-009-003 be issued to J.C.'s Grill House, LLC, t/a JC's Grill House, 144 Spring Street, Newton, New Jersey, for the licensing year 2012-2013, effective July 1, 2012.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #235-2013

December 9, 2013

“Renewal of Plenary Retail Consumption License for the 2013-2014 Licensing Year”

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal Plenary Retail Consumption License No. 1915-33-009-003 be issued to J.C.'s Grill House, LLC, t/a JC's Grill House, 144 Spring Street, Newton, New Jersey, for the licensing year 2013-2014, effective July 1, 2013.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #236-2013

December 9, 2013 "Acceptance of the Paving of Various Streets Project for Howard Street, Oak Street, Maple Avenue, Kelsey Avenue, and Hillside Terrace"

WHEREAS, the Town Council of the Town of Newton awarded a contract for the paving of various streets through Tilcon New York, 625 Mt. Hope Road , Wharton, New Jersey through Contract #6 Road Resurfacing in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads; and

WHEREAS, Harold E. Pellow of Harold E. Pellow & Associates, Inc., the Town Engineer has recommended in his letters dated November 19, 2013 and December 2, 2013 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 Paving of Various Streets Project for Howard Street, Oak Street, Maple Avenue, Kelsey Avenue and Hillside Terrace as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

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

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

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

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

THOMAS G. KNUTELSKY
NJ - P.E.

November 19, 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: Oak Street and Howard Street

Dear Tom:

The above referenced streets have been completed, and I recommend that they be accepted by the Town Council.

Once these streets have been accepted by the Council, please notify this office so that the final paperwork can be started.

Very truly yours,

A handwritten signature in black ink that reads "Harold".

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

HEP:mec
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\12-054 - HOWARD STREET IMPROVEMENTS\RUSO1.DOC

cc: Debra Millikin, Newton Deputy Town Manager (*Via Fax Only*)

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NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY
NJ - P.E.

December 2, 2013

FAX: (973) 383-8961

MEMORANDUM TO: Mt. Thomas S. Russo, Jr., Newton Town Manager**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer**SUBJECT:** **REQUEST FOR ACCEPTANCE**
Milling, Paving, and Line Striping Various Streets
(*Maple Avenue, Kelsey Avenue & Hillside Terrace*)
Town of Newton, Sussex County
HPA Nos. 12-055, 13-085 & 13-086

Dear Tom:

The above referenced streets have been fully completed, and I now recommend the project be accepted by the Town Council.

Once this project has been accepted, the final paperwork can be started.

Very truly yours,

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

HEP:mnc
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\12-054 - HOWARD STREET IMPROVEMENTS\RUSRO3.DOC

cc: Debra Millikin, Newton Deputy Town Manager (*Via Fax 973-383-8961*)



TOWN OF NEWTON

RESOLUTION #237-2013

December 9, 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, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #238-2013

December 9, 2013

“Insertion of Special Items of Revenue in the 2013 Town of Newton Budget Pursuant to NJSA 40A:4-87 (C. 159, PL 1948)”

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount; and

WHEREAS, the Town of Newton received a grant from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) under the FY 2012 Assistance to Firefighters Grant in the amount of \$45,395.00 with federal funding in the amount of \$43,126.00 to obtain self-contained breathing apparatuses (SCBA) for the Newton Volunteer Fire Department;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2013 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:
Section F: Special Items of Revenue
Public and Private Revenues Off-set with Appropriations:
Federal Emerg. Mgmt. Grant –SCBA \$ 45,395.00

BE IT FURTHER RESOLVED that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from CAPS
Public and Private Programs Off-Set by Revenues:
FEMA Firefighter SCBA Grant \$45,395.00
Local Match Source:
Fire, Other Expenses \$2,269.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #239-2013

December 9, 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) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on December 9, 2013, that an Executive Session closed to the public shall be held on December 9, 2013, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, December 9, 2013.

Lorraine A. Read, RMC
Municipal Clerk

AGENDA ITEMS

For December 9, 2013 Council Meeting

- Minutes:** - October 28, 2013- Special Meeting
October 28, 2013- Regular Meeting
October 28, 2013- Executive Meeting
November 25, 2013- Special Meeting
November 25, 2013- Regular Meeting