



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

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

- NOVEMBER 25, 2013 SPECIAL MEETING
- NOVEMBER 25, 2013 REGULAR MEETING
- DECEMBER 9, 2013 REGULAR MEETING
- DECEMBER 9, 2013 EXECUTIVE 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. HOUSE DECORATION CONTEST WINNER
- b. PROCLAMATION – DEVAN C. MULL
- c. TOWN OF NEWTON HOLIDAY SCHEDULE
- d. NEWTON FIRE DEPARTMENT REORGANIZATION

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

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

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

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

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

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

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

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

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

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 #240-2013* APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT
- b. RESOLUTION #241-2013* REAPPOINTMENT OF DR. JOHN CRADDOCK TO THE ADVISORY BOARD OF HEALTH
- c. RESOLUTION #242-2013* REAPPOINTMENT OF WAYNE LEVANTE TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION
- d. RESOLUTION #243-2013* REAPPOINTMENT OF DENNIS BECKER AND KAREN SCHULTE AS CLASS C MEMBERS OF THE HISTORIC PRESERVATION ADVISORY COMMISSION
- e. RESOLUTION #244-2013* REAPPOINTMENT OF GREGORY LE FROIS AND KENT HARDMEYER TO THE NEWTON PLANNING BOARD
- f. RESOLUTION #245-2013* REAPPOINTMENT OF THEA UNHOCH TO THE UTILITY ADVISORY BOARD
- g. RESOLUTION #246-2013* AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC
- h. RESOLUTION #247-2013* APPOINTMENT OF MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2014
- i. RESOLUTION #248-2013* AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR (LOSAP) WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA

- j. RESOLUTION #249-2013* TO CANCEL TRUST RESERVE BALANCE TO CURRENT FUND
- k. RESOLUTION #250-2013* APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P. AS TOWN PLANNER FOR CALENDAR YEAR 2014
- l. RESOLUTION #251-2013* APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., C.M.E. AS TOWN WATER ENGINEER FOR CALENDAR YEAR 2014
- m. RESOLUTION #252-2013* APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2014
- n. RESOLUTION #253-2013* APPOINTMENT OF MARGE CAFFREY AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2014
- o. RESOLUTION #254-2013* AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEAR 2014
- p. RESOLUTION #255-2013* APPOINTMENT OF RICHARD STEIN, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2014
- q. RESOLUTION #256-2013* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- r. RESOLUTION #257-2013* AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR CALENDAR YEAR 2014 WITH THE DEPUTY MUNICIPAL PUBLIC DEFENDER
- s. RESOLUTION #258-2013* APPROVE 2013 APPROPRIATION TRANSFERS
- t. RESOLUTION #259-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- u. APPLICATIONS*
 AN APPLICATION FOR AN ON-PREMISE RAFFLE (BINGO AND 50/50) FROM THE NEWTON PRIDE FOUNDATION TO BE HELD ON FRIDAY, FEBRUARY 21, 2014 FROM 6:00PM TO 11:00PM AT NEWTON HIGH SCHOOL, 44 RYERSON AVENUE, NEWTON

 AN APPLICATION FOR AN ON-PREMISE RAFFLE (50/50) FROM THE CATHOLIC ACADEMY OF SUSSEX COUNTY, INC., TO BE HELD SATURDAY, JANUARY 11, 2014 AND SATURDAY, MARCH 29, 2014 FROM 6:00PM TO 9:00PM AT ST. JOSEPH'S REGIONAL SCHOOL, 20 JEFFERSON STREET, NEWTON

X. INTERMISSION

XI. DISCUSSION

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #260-2013

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

- 1. CONTRACT NEGOTIATIONS

XV. RESOLUTIONS

- a. RESOLUTION #261-2013

AUTHORIZE EXECUTION OF AMENDATORY AGREEMENT WITH GLEN LAKE BEACH CLUB, INC.

- b. RESOLUTION #262-2013

AUTHORIZE EXECUTION OF AMENDATORY AGREEMENT WITH FOX HOLLOW FARMS LAKE CLUB, INC.

XVI. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Devan C. Mull

Eagle Scout

WHEREAS, Devan C. Mull, a member of Boy Scout Troop 184, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Devan devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Devan C. Mull has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Devan's Eagle Scout Leadership Project he designed and constructed an outdoor fitness course at Evergreen Park in Green Township, New Jersey; and

WHEREAS, as part of his project, Devan constructed nine stations, which included clearing of rocks, hand-digging of holes, pouring cement for footings and assembling of the fitness stations. This fitness project has been utilized by the entire community, promoting wellness through exercise; and

WHEREAS, Devan C. Mull serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Devan is a member of our community;

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Devan C. Mull for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright and successful future.

*In witness whereof I have hereunto set my
Hand and caused this seal to be affixed.*

Attest: _____

Date: _____ December 28, 2013 _____

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 was adopted, 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.

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Section 4. Effective Date. This Ordinance will take effect after publication and passage according to law.

NOTICE

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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

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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 was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body 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 #240-2013

December 23, 2013 "Appointment of Keith Mitchell of the Mitchell Insurance Agency as Insurance Agent"

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

WHEREAS, said insurance services will be needed during calendar year 2014;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860 be named as agent of record effective January 1, 2014 for the following insurance policies:

- | | |
|-----------------------------|-------------------|
| a) Package | SIF2014-07860NEW |
| b) Workers' Compensation | WC1407860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFPFP43310010185D |
| e) Fire Life AD&D Insurance | G600592-0001 |

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #241-2013

December 23, 2013 “Reappointment of Dr. John Craddock to the
Advisory Board of Health”

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. John Craddock is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2014 and continuing through December 31, 2018.

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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #242-2013

December 23, 2013 **“Reappointment of Wayne Levante to the
Economic Development Advisory Commission”**

BE IT RESOLVED, by the Town Council of the Town of Newton Wayne Levante is hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2014 and continuing through 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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #243-2013

**December 23, 2013 “Reappointment of Dennis Becker and Karen Schulte
as Class C Members of the Historic Preservation
Advisory Commission”**

BE IT RESOLVED, by the Town Council of the Town of Newton that Dennis Becker and Karen Schulte are each hereby reappointed to a four (4) year term on the Historic Preservation Advisory Commission as a Class C member effective January 1, 2014 with said term continuing to December 31, 2017.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #244-2013

December 23, 2013 "Reappointment of Gregory Le Frois and Kent Hardmeyer to the Newton Planning Board"

BE IT RESOLVED, by the Town Council of the Town of Newton that Gregory Le Frois and Kent Hardmeyer are each hereby reappointed to the Newton Planning Board, effective January 1, 2014 as follows:

- a. Gregory Le Frois – Regular Member, four (4) year appointment expiring on December 31, 2017.
- b. Kent Hardmeyer – Alternate Member #2, two (2) year appointment expiring on December 31, 2015.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #245-2013

December 23, 2013 "Reappointment of Thea Unhoch to the Utility Advisory Board"

BE IT RESOLVED, by the Town Council of the Town of Newton that Thea Unhoch is hereby reappointed to a five-year term on the Utility Advisory Board, effective January 1, 2014 and continuing through December 31, 2018.

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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #246-2013

December 23, 2013 “Authorize the Release of Executive Session Minutes to the Public”

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

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

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

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

12/10/2012, 1/14/2013, 1/28/2013, 2/25/2013, 3/25/2013, 4/8/2013

5/13/2013, 6/10/2013, 9/11/2013, 9/23/2013, 10/28/2013

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #247-2013

December 23, 2013 “Appointment of the Municipal Auditor for the Town of Newton for Calendar Year 2014”

WHEREAS, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is for calendar year 2014; and

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

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 6, 2013 indicating they will provide the 2014 auditing services for \$24,970.00; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkotz, Cerullo & Cuva, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. in an amount of \$24,970.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

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

**THIS IS TO CERTIFY THAT FUNDS ARE EXPECTED TO BE BUDGETED IN THE 2014
CURRENT AND WATER/SEWER UTILITY BUDGETS AS FOLLOWS:**

RESOLUTION #: 247 -2013

APPROVING: FERRAIOLI, WIELKOTZ, CERULLO & CUVA

FOR THE PURPOSE OF: AUDITING SERVICES 2014

IN THE AMOUNT OF: \$24,970.00

APPROPRIATED BY:

CURRENT - AUDIT SERVICES, OTHER EXPENSES

#1054300 \$12,120.00

WATER SEWER UTILITY, OTHER EXPENSES - AUDIT

#6051205 \$12,850.00

DATED THIS 23RD DAY OF DECEMBER, 2013

BY  _____

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #248-2013

December 23, 2013 "Authorize the Execution of an Agreement for Auditing Services for Review of Statement of Assets Available for Benefits for (LOSAP) with Ferraioli, Wielkotz, Cerullo & Cuva"

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2013; and

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

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkotz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2014;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #249-2013

December 23, 2013 "To Cancel Trust Reserve Balances to the Current Fund"

WHEREAS, the Town of Newton received cash receipts in prior years for fees and costs pursuant to the Code of the Town of Newton and these were deposited and recorded in the Trust Fund; and

WHEREAS, the amounts collected are fees and costs as listed in the Town's Code Book under section 100-16A(3) Elevator Inspection Fees and Section 100-22 (H) Tax Map Maintenance Fees and could be recorded as fee and permit revenue in the Current Fund; and

WHEREAS, it is necessary to formally cancel the balances in the Trust reserve accounts to the Operations account in the Current Fund;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton that they hereby cancel the following Trust Reserve balances to Current Fund Balance:

Trust Fund

Reserve for Elevator Inspections	#711203	\$376.00
Reserve for Tax Map Maintenance	#711390	\$500.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #250-2013

December 23, 2013 "Appointment of Jessica C. Caldwell, P.P.,
A.I.C.P., as Town Planner for Calendar Year 2014"

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

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

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

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 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 Ms. Jessica Caldwell of J. Caldwell & Associates, LLC for services as Town Planner for calendar year 2014; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ms. Caldwell, at J. Caldwell & Associates, LLC; 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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk

Town Planner Proposal Town of Newton, Sussex County

Scope of Services

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

2014 Hourly Rates

Professional Planner \$115
 Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. – G.A.

Support Staff:

Associate Planner/GIS Mapping..... \$95



TOWN OF NEWTON

RESOLUTION #251-2013

December 23, 2013 "Appointment of David B. Simmons, Jr., P.E., L.S.,
C.M.E., as Town Water Engineer for Calendar Year
2014"

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

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

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

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 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 David B. Simmons, of Harold E. Pellow & Associates, Inc., for services as Water Engineer for calendar year 2014; and

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

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk

Newton Water Engineer
Scope of Services

12/11/2013

Assist the Town Council, Town Manager, Water & Sewer Superintendent, and all Town Departments as needed with water engineering issues.

Assist the Town Manager and Town Council in the implementation of the Water & Sewer Capital Improvement Plans.

Assist the Town Manager and Deputy Town Manager with data required for funding sources for various water system improvements, including plans, specifications, and cost estimates.

Review and prepare reports on water engineering issues impacting the Town of Newton.

Prepare permit applications as needed for water system improvements, including NJDEP Bureau of Water System Engineering, NJDEP Bureau of Water Allocation, NJDEP Freshwater Wetlands, NJDOT, County of Sussex and others as required.

Work with the Water & Sewer Department to update the Town's mapping of valves, hydrants, and major water system components as infrastructure is added to the Town's water system.

Assist the Town Manager and Water & Sewer Superintendent in the event of an emergency, natural disaster, or significant weather event that may impact the Town's water system.

Review and recommend upgrades to the Town's water system as appropriate through the land development process at the Land Use Board.

Coordinate inspection efforts with the Newton Water & Sewer Department on water system upgrades.

Attend meetings of the Newton Town Council as requested.

Attend monthly meetings of the Newton Utility Advisory Board and provide updates on the Town's water system.

Other project as may be requested by the Town Council, Town Manager or his designee.



TOWN OF NEWTON

RESOLUTION #252-2013

December 23, 2013 "Appointment of Various Attorneys for Calendar Year 2014"

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

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2014, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

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

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

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

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

Municipal Prosecutor

Edward J. Buzak, Esq., of
The Buzak Law Group, LLC

Environmental Attorney

Jim Prusinowski, Esq., of
Trimboli & Prusinowski, LLC

Labor Relations Attorney

James P. Sloan, Esq.
Attorney at Law

Municipal Public Defender

Ursula H. Leo, Esq. of
Ladley, Clark & Ryan, LLC

Municipal Attorney

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #253-2013

December 23, 2013 “Appointment of Marge Caffrey as Senior Citizen Coordinator for the Town of Newton for 2014”

BE IT RESOLVED, by the Town Council of the Town of Newton that Marge Caffrey be and is hereby appointed as the Senior Citizen Coordinator for the Town of Newton during calendar year 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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #254-2013

December 23, 2013 **“Authorize an Agreement with Holzhauer & Holenstein, LLC for Appraisal Services for Defense of State Level Tax Appeals in Calendar Year 2014”**

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

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

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

WHEREAS, the anticipated term of this contract is one (1) year, January 1, 2014 through December 31, 2014; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated December 17, 2013; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk

HOLZHAUER & HOLENSTEIN, LLC

REAL ESTATE ADVISORY SERVICES

MICHAEL E. HOLENSTEIN, MAI, CTA, SCGREA

ROBERT L. HOLENSTEIN, MAI, RM, SCGREA*
DAVID G. GLASER, SCGREA*

**Consultants to the Firm*

ROBERT J. BRENNISER**

***Appraisal Services Coordinator*

KNOLL PLACE
70 SPARTA AVENUE
SUITE 205
SPARTA, NJ, 07871

PHONE (973) 300-0121
FAX (973) 300-0171

December 18, 2013

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

Attn: Thomas Russo, Newton Town Manager

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

Dear Mr. Russo:

I understand that the Town of Newton, hereinafter the "Client" and "Intended User", continues to anticipate the need for professional appraisal and consulting services in 2014, primarily in connection with emerging and ongoing tax appeal litigation. The scope of services includes:

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

In conducting this work, my office will customarily:

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

Newton requests professional assistance in these matters based upon an hourly rate of pay. The hourly fee for Michael E. Holenstein, MAI to provide general consulting, conduct pre-trial, trial preparation, and Court testimony is \$125/hour. Otherwise, the H&H, LLC Staff rate is \$100/hour and Administrative is \$50/hour with any hard costs at cost. H&H, LLC will only conduct work under this agreement at the direction of the Assessor. Total billing from H&H, LLC in connection with this work is not to exceed \$17,500 without prior, express written consent of the Client.

I will forward by separate document my current Non-Collusion Affidavit, Stockholder Disclosure Certification, Affirmative Action Certification, Proof of Insurance, Employee Information Report certification, Business Registration Certificate, NJ Appraisal License, and a copy of my Tax Certificate; please advise of any other requirement. My CV with references is attached.

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

Please confer with your Tax Assessor or Tax Counsel to evaluate my performance.

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

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

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

Respectfully submitted,
HOLZHAUER & HOLENSTEIN, LLC

By:


MEH via electronic 12/18/2013
MICHAEL E. HOLENSTEIN, MAI, CTA
SCGREA: NY, NJ-RG01234, PA-GA1733R

PROFESSIONAL QUALIFICATIONS OF
MICHAEL E. HOLENSTEIN, MAI, CTA, SCGREA

Business & Education:

- Current ♦ HOLZHAUER&HOLENSTEIN, LLC ; Principal Member (1998-)
- Prior ♦ LIN-HOLZ ADVISORY GROUP, LLC ; Principal Member (1997&1998)
Employed by R.L.Holenstein, MAI as an Appraiser and Licensed R.E. Agent (1987-1996)
- 2001 ♦ State of New York Certified General Real Estate Appraiser (SCGREA #46000039750)
- 1999 ♦ Commonwealth of Pennsylvania Certified General Real Estate Appraiser (SCGREA #GA1733R)
- 1995 ♦ Designated as a Member of the Appraisal Institute (MAI), Member #10824.
- 1993 ♦ New Jersey State Certified General Real Estate Appraiser (SCGREA #RG01234)
♦ Certified by the State of New Jersey as a Tax Assessor (CTA)
- 1989 ♦ Graduated Upsala College Cum Laude with BA and BS degrees in Business & Management
- 1987 ♦ Licensed by the State of New Jersey as a Real Estate Salesperson
- 1983-87 ♦ United States Marine Corps, Active Duty Status. Stationed in the Continental U.S. and Asia. Occupational specialties included Air Frames Structural Mechanic (MOS-6143), CDI (Collateral Duty Inspector), and NDI (Non-Destructive Inspector). Promoted meritoriously four times to E5. Awarded Navy Achievement Medal in December, 1986 in recognition for outstanding service while stationed in South Korea, ten Meritorious Masts, three Letters of Commendation, Certificate of Commendation and selected as Outstanding Marine NCO, 1st Marine Aircraft Wing.

Seminars/Conferences:

- ♦ NJAC, Tax Bd. Commissioners & Administrators; Annual Education Seminar/Conference, (1995 -)
 - ♦ Metro NJ Chapter, Appraisal Institute, Annual Princeton Conference, (1987 -)
 - ♦ Dynamics of Office Building Valuation - Appraisal Institute
 - ♦ Condemnation Appraisal Practices Seminar - Appraisal Institute
 - ♦ ACOE Wetlands Delineator Courses - Rutgers Extension
 - ♦ Attacking/Defending Appraisals in Litigation - Appraisal Institute
 - ♦ Appraiser as an Expert Witness - Appraisal Institute

 - ♦ Handling Eminent Domain & Regulatory Taking Cases
 - ♦ Land Use Law Conference
 - ♦ Advanced Expert Witness Deposition Tactics NJ
 - ♦ Appraisal Consulting: A Solutions Approach for Professionals
 - ♦ NJ Real Estate Title law, Problems & Solutions
 - ♦ Keys to Effective Witness Examination, NJ
 - ♦ Appraisal Standards for Federal Land Acquisitions ("Yellow Book")
 - ♦ Eminent Domain & Regulatory Takings, Update 2005
-
-

Michael E. Holenstein has practiced Real Estate Appraisal and performed Consulting Services as his sole occupation beginning in 1987. Since completing his primary appraisal education, his essential focus has been the valuation of partial interests, real property rights, condemnation appraisal, subdivision analysis, tax appeals, general fee appraisal, and a variety of consulting services including acquisition and development, feasibility, financing, estate management, partnership interests, partial interests, evaluation for trusts, and discounting of partial interests. His work has satisfied a variety of functions including matrimonial, probate, tax appeal (State & Federal, income & property), condemnation, pollution contamination, various other legal proceedings, financing requirements, and general asset valuation. A summary of appraisal assignments include:

Residences	Tax Appeals	Impact Damages
Farms and Acreage	Condemnation Takings	Court-appointed Mediation
Commercial Premises	Mining & Extraction	Highlands Impact
Industrial Premises	Feasibility Studies	Islands
Institutional Premises	Subdivision Analysis	Revaluation/Reassessment
Multi-Family	Easement Valuation	Special Assessments
Highest and Best Use Analysis	Easement Impact Valuation	Contamination Impact
Review Appraisals	Rights-of-Way	Stigma & Associated Damages
Partial & Minority Interests	Discounting of Partial Interests	Wetlands & Littoral

Expert Testimony:

- ◆ Federal Tax Court, Federal Administrative Law Court, State of NJ Tax, Superior, & Administrative Law Courts; Morris, Sussex, Essex, and Warren County Tax Boards; Various Condemning Authority Commissioner Boards; Various Municipal Planning & Zoning Boards

Professional Affiliations & Community Service:

- ◆ Member – Foundation Board, Newton Memorial Hospital (2005 -)
- ◆ Member - Board of Directors, Metro-NJ Chapter, Appraisal Institute (1997-99)
- ◆ Member - Newton Rotary Club (1987-99)
- ◆ Member - Executive Board of Directors, Morris/Sussex Boy Scout Council (1992 - 1995, 1997)
- ◆ Member - Executive Board of Directors, Greater Newton Chamber of Commerce (1992 - 1997; President 1996 - 1997)
- ◆ Committeeman - Newton Economic Development Committee (1993 - 1996)
- ◆ Associate Member – Garden State & Bergen Multiple Listing Services (1987 -)

References:

Municipal Services:

- ◆ Tom Russo, Newton Town Manager, 973-383-3521 * 224
- ◆ James Kilduff, Franklin Boro Administrator, 973-827-9280 * 3 * 2

Federal & NJ State Acquisitions:

- ◆ Pamela McLay, National Park Service, 732-872-5945
- ◆ William McLaughlin, NPS, 215-597-9014
- ◆ Susan P. Russo, ARA, DOI-OVS, 413-587-3713
- ◆ Mary Ellen Bryant, Office of Valuation Services, 413-587-5074
- ◆ NJDEP, Green Acres Chief Appraiser, 609-984-0542

Litigation Support Services:

- ◆ Paul L. Abramo, Esq., 973-940-0600 (Condemnation/General)
- ◆ Martin F. Murphy, Esq., Johnson, Murphy, Hubner..., 973-835-0100 (Condemnation, General)
- ◆ Blake S. Davis, Esq., Waters, McPherson, McNeill, 201-319-3885 (Condemnation)
- ◆ Jeffery D. Gordon, Esq., Archer & Greiner, PC, 609-580-3713 (NJ & Pa Tax, General, Stigma)
- ◆ William E. Hinkes, Esq., 973-383-3233 (NJ Tax, General)
- ◆ Frank Agostino, Esq., 201-488-5400 (Federal Tax Court)

**RFP COST FORM
TOWN OF NEWTON
Municipal Appraiser**

Hourly Rate of Pay: \$125/hour Principal
 \$100/hour Staff
 \$ 50/hour Administration
Expenses At Cost
Budget \$17,500 (not to exceed w/o approval)



Signature

Michael E. Holenstein, MAI, CTA, SCGRE, NY, NJ, Pa
Name

Principal , Holzhauer & Holenstein, LLC
Title

Holzhauer & Holenstein, LLC
Company

Knoll Place, 70 Sparta Av, Suite 205, Sparta, NJ 07871
Address

973-300-0121*14
Telephone



TOWN OF NEWTON

RESOLUTION #255-2013

December 23, 2013 "Appointment of Richard Stein, Esq., as the Town of Newton's Alternate Municipal Prosecutor for Calendar Year 2014"

WHEREAS, Jonathan E. McMeen, Esq., currently serving as the Town of Newton's Municipal Prosecutor, has indicated that an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2014; and

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby appoint Richard Stein, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2014; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #256-2013**

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

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

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

CREDIT FOR A METER THAT WAS READ INCORRECTLY:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21917	2 Windsor Drive	\$153.00

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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #257-2013

December 23, 2013

“Authorize the Execution of an Agreement for Calendar Year 2014 with the Deputy Municipal Public Defender”

WHEREAS, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2014; and

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate, with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2014; and

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #258-2013

December 23, 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>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Finance OE 1054268	Town Manager OE 1050286	50.00
Finance OE 1054268	Assessment of Taxes OE 1055251	100.00
Employee Group Ins. OE 1066201	Building & Grounds OE 1061217	1,000.00
Aid to Volunteer Fire OE 1072200	Inspection of Buildings SW 1077106	395.00
Recreation OE 1087268	Recreation SW 1087103	5.00
		<hr/>
TOTAL CURRENT TRANSFERS		\$1,550.00

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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #259-2013

December 23, 2013 "Approve Bills and Vouchers for Payment"

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2012 and 2013 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #260-2013

December 23, 2013 “A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”

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

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

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

(1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on December 23, 2013, that an Executive Session closed to the public shall be held on December 23, 2013, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific 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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #261-2013

December 23, 2013 “Authorize Execution of an Amendatory Agreement with Glen Lake Beach Club, Inc.”

WHEREAS, the Town of Newton, via Deed dated January 3, 1895, was conveyed the right to, *inter alia*, lay, operate, maintain, tap and repair a transmission water line to convey water along the bottom of Glen Lake; and

WHEREAS, an Agreement was entered into between Delilah G. Titman, Executrix and Charles M. Woodruff, Executor, and the Town of Newton on June 7, 1905, and an Agreement was entered into with Glen Lake Beach Club, Inc. and the Town of Newton on February 21, 1976, related to the Town of Newton's transmission water line along the bottom of Glen Lake; and

WHEREAS, Glen Lake Beach Club, Inc. is the current owner of Glen Lake, as successor in interest, and is in the process of making repairs to the Glen Lake Dam; and

WHEREAS, the Town of Newton intends to sever and abandon a portion of the twelve inch (12") water line main along the bottom of Glen Lake, and the Town shall have the right to install, maintain, repair and replace the remaining twelve-inch-blow-off water main along the bottom of Glen Lake and the right to discharge water from Morris Lake through the remaining twelve-inch-blow off water main; and

WHEREAS, the Town of Newton and Glen Lake Beach Club, Inc. desire to revise language in the existing Deeds and Agreements to memorialize their understanding and conditions;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and Municipal Clerk are hereby authorized to execute an Amendatory Agreement which revises the original language in the pertinent Deeds and Agreements; and

BE IT FURTHER RESOLVED, that a copy of said Amendatory Agreement shall be recorded with the Sussex County 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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #262-2013

December 23, 2013 "Authorize Execution of an Amendatory Agreement with Fox Hollow Farms Lake Club, Inc."

WHEREAS, the Town of Newton, via Deed dated January 3, 1895, was conveyed the right to, *inter alia*, lay, operate, maintain, tap and repair a transmission water line to convey water along the bottom of Fox Hollow Lake; and

WHEREAS, Fox Hollow Farms Lake Club, Inc., is the current owner of Fox Hollow Lake, as successor in interest; and

WHEREAS, the Town of Newton is planning to replace an existing 10-inch transmission line across the bottom of Fox Hollow Lake with a 20-inch HDPE transmission main, concrete collars and associated appurtenances to be constructed so that the top of the transmission main, concrete collars and associated appurtenances are at an elevation equal to or less than the elevation of the existing Lake bottom along the proposed route of the transmission main, to the extent reasonably possible, which concept has been agreed to by Fox Hollow Farms Lake Club, Inc.; and

WHEREAS, the parties desire to amend the original language in the January 3, 1895 deed from Mr. Titman to the Town of Newton to delete the requirement that twenty inches of cover be provided over the transmission main located under Fox Hollow Lake;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and Municipal Clerk are hereby authorized to execute an Amendatory Agreement which revises the original language in the pertinent Deed; and

BE IT FURTHER RESOLVED, that a copy of said Amendatory Agreement shall be recorded with the Sussex County 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 23, 2013.

Lorraine A. Read, RMC
Municipal Clerk