

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

Mayor Ricciardo made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2012."

Mayor Ricciardo led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, the minutes of October 28, 2013 Special, Regular and Executive were approved as amended. Mayor Ricciardo requested that the November 25th Regular and Special Meeting minutes be tabled until the next Council meeting.

OPEN TO THE PUBLIC

Mayor Ricciardo read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

There was no one from the public to be heard.

COUNCIL & MANAGER REPORTS

a.) Utility Board Appeal- 85 Ryerson Avenue

Mr. and Mrs. John Edwards, 85 Ryerson Avenue, addressed the Council to appeal their penalty on their utility bill. Mrs. Edwards explained that she mailed two bills on the same day and only one was received by the Town on time. She feels that the penalty is unfair and advised that she has never been late on any water & sewer bills in the past 24 years.

After a brief discussion, upon motion of Mr. Flynn, seconded by Mrs. Diglio and carried, that the penalty be waived from their utility bill and roll call resulted as follows:

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

ORDINANCES

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

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

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.

Mayor Ricciardo opened the hearing to the public.

There being no one from the public to be heard, upon motion of Mayor Ricciardo, seconded by Deputy Mayor Elvidge and carried, the hearing was closed.

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

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

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

December 9, 2013

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

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 Check 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.

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. 2C:13-1; 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.

Mayor Ricciardo opened the hearing to the public.

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

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

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

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

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

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.

Mayor Ricciardo opened the hearing to the public.

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

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

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

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

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

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

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.

Mayor Ricciardo opened the hearing to the public.

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

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

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

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

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

The following **ORDINANCE** was offered by Mrs. Diglio, who moved its introduction, seconded by Mayor Ricciardo and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 23, 2013.

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

December 9, 2013

The following **ORDINANCE** was offered by Mr. Flynn, who moved its introduction, seconded by Mrs. Diglio and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 23, 2013.

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

The following **ORDINANCE** was offered by Mr. Flynn, who moved its introduction, seconded by Deputy Mayor Elvidge and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 23, 2013.

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

The following **ORDINANCE** was offered by Mrs. Diglio, who moved its introduction, seconded by Mr. Flynn and roll call resulted as follows:

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 23, 2013.

OLD BUSINESS

There was no old business.

CONSENT AGENDA

Mayor Ricciardo read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be*

no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."

Mr. Russo reviewed the various resolutions on the Consent Agenda.

RESOLUTION #207-2013*

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> CURRENT	<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		\$64,570.00

December 9, 2013

RESOLUTION #208-2013*

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.

RESOLUTION #209-2013*

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.

RESOLUTION #210-2013*

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.

RESOLUTION #211-2013*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL 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

December 9, 2013

John Tomasula

RESOLUTION #212-2013*

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

RESOLUTION #213-2013*

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.

RESOLUTION #214-2013*

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.

RESOLUTION #215-2013*

AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY

December 9, 2013

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.

RESOLUTION #216-2013*

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

RESOLUTION #217-2013*

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

RESOLUTION #218-2013*

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.

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RESOLUTION #219-2013*

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.

RESOLUTION #220-2013*

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.

RESOLUTION #221-2013*

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:

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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

RESOLUTION #222-2013*

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.

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

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.

RESOLUTION #224-2013*

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

December 9, 2013

Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.

- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.
- 3) This Resolution shall take effect immediately upon its adoption.

RESOLUTION #225-2013*

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.

RESOLUTION #226-2013*

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.

RESOLUTION #227-2013*

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.

RESOLUTION #228-2013*

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.

RESOLUTION #229-2013*

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

December 9, 2013

outside the door of the Municipal Clerk's Office; and

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

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

RESOLUTION #230-2013*

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.

RESOLUTION #231-2013*

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.

RESOLUTION #232-2013*

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

December 9, 2013

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.

RESOLUTION #233-2013*

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.

RESOLUTION #234-2013*

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.

RESOLUTION #235-2013*

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.

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RESOLUTION #236-2013*

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.

RESOLUTION #237-2013*

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.

TOWN BILLS

133.98	Quill Corporation	32807
1,069.83	Pellow, Harold & Assoc, Inc,	32808
126.00	Abcode Security Inc.	32809
1,258.80	Inactive: Furguele, Camille	32810
547.20	New Jersey Herald, Inc.	32811
34.50	Roy Company	32812
552.08	SCMUA	32813
124.74	Centurylink Communications, Inc.	32814
150.00	Newton Board of Education	32815
1,258.80	Frisbie, Arthur & Rita	32816
1,258.80	Iliff, John and Terry	32817
6.24	Campbell's Small Engine Inc.	32818
504.00	Neopost Leasing, Inc.	32819
551.97	Tri-State Rentals, Inc.	32820
15.64	Hayek's Market Inc.	32821
6,043.50	Newton First Aid Squad	32822
1,020.00	Ambassador Medical Service	32823
111.00	Holzhauer, Scott	32824
615.68	Willco, Inc.	32825
130.41	Treasurer, Petty Cash Fund	32826
40.00	Newton Trophy	32827
37.50	Inactive: Kithcart, Brock	32828
40.00	Minisink Press Inc	32829
629.40	Donofrio, Donald	32830
629.40	Garris, Jean	32831
8.00	Sussex County Clerk	32832
6.16	Sebring Auto Parts, Inc.	32833
137.50	Millikin, Debra	32834
82.12	Muller, Thomas	32835
629.40	Richards, Jean	32836

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785.22	Vision Service Plan	32837
1,258.80	Ransnorth, James & Nancy	32838
190.70	Verizon Wireless, Inc.	32839
140.00	NJRPA	32840
900.00	ORR'S	32841
99.60	Walmart	32842
2,472.67	Gold Type Business Machines	32843
812.50	Alternate Power Inc.	32844
191.64	Cooper Electric Supply Co.	32845
60.00	AMANJ	32846
37.50	Teresa Ann Oswin	32847
36.16	Linda Roth	32848
945.00	Vogel, Chait, Collins, Schneider, PC	32849
81.39	Home Depot, Inc.	32850
629.40	Romyns, Larry E.	32851
1,258.80	Morris, Thomas & Bulah	32852
997.89	Rogo Fastener Co., Inc.	32853
91.95	Ward's Flowers and Gifts	32854
12,600.00	Newton Fire Department	32855
197.85	Universal Uniform	32856
820.51	Staples Business Advantage, Inc.	32857
629.40	Douglas Cummins	32858
48.00	CSS Test Inc.	32859
25.50	Krave Café	32860
82.19	Nestle Waters, Inc.	32861
1,526.06	Taylor Oil Co., Inc.	32862
2,250.00	Laddey, Clark & Ryan LLP	32863
1,258.80	Ronald Clouse	32864
111.00	Derek J Wechtler	32865
1,195.00	General Code, LLC	32866
1,590.00	Weather Works, Inc.	32867
1,060.00	Tire King, Inc.	32868
125.00	Code 96	32869
629.40	James J Kilduff	32870
609.28	284 Aggregates, LLC	32871
629.40	Steve Mills	32872
2,835.00	AG Choice, LLC	32873
453.29	NJ Div. Pension & Benefit	32874
629.40	Michael A Pandiscia	32875
281.25	Extra Tech Data Services LLC	32876
120.75	Kerry Deckert	32877
1,330.00	D. Lovenberg's Portable Toilet Rent	32878
42.00	Kozdeba & Son LLC	32879
111.00	John Prutzman	32880
64.00	Team Life, Inc.	32881
205.00	USA Hoistco., Inc.	32882
750.00	County of Sussex	32883
89.11	D'Annibale, Joseph	32884
191,417.16	Payroll Account	131082
1,000.00	Franky's Café LLC	32806
981,859.16	Newton Board of Education	131081

CAPITAL

1,406.25	Pellow, Harold & Assoc, Inc.	8219
1,677.17	Staples Business Advantage, Inc.	8220

Total TOWN BILLS \$1,238,750.81

WATER AND SEWER ACCOUNT

8,673.75	Pellow, Harold & Assoc, Inc.	13924
151.01	Hach Company	13925
520.95	SCMUA	13926

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9,831.38	Current Account	13927
13.91	Water & Sewer Petty Cash Fund	13928
629.40	Wagner, William	13929
215.17	Airgas East	13930
190.56	Vision Service Plan	13931
2,508.80	Smalley, John	13932
1,335.00	Alternate Power Inc.	13933
12,074.00	Access Control Technology Inc.	13934
962.00	Andy Matt, Inc.	13935
322.00	Accurate Waste Removal Inc.	13936
169.60	One Call Concepts, Inc.	13937
191.25	Extra Tech Data Services LLC	13938
33,572.21	Payroll Account	136039
900.02	Sparta Postmaster	13923

CAPITAL

1,469.75	Pellow, Harold & Assoc, Inc.	2322
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Total WATER & SEWER BILLS \$73,730.76

TRUST

93.75	Harold Pellow & Assoc., Inc.	3193
1,333.33	Sloan, James P, P.C., Inc.	3194
990.00	Vogel, Chait, Collins, Schneider, PC	3195
2,822.50	Barco Products Inc.	3196
2,406.26	Payroll Account	137126

Total TRUST ACCOUNT BILLS \$7,645.84

FEDERAL/ STATE GRANTS

11.56	Weis Markets, Inc.	1175
375.00	Center for Prevention & Counseling	1176
693.79	Barco Products Inc.	1177
294.27	Shop Rite, Inc.	1178
250.00	Kerry Deckert	1179
120.00	Lisa Bechtel	1180

Total FEDERAL/STATE GRANTS \$1,744.62

RESOLUTION #238-2013*

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2013 TOWN OF NEWTON BUDGET
PURSUANT TO NJSA 40A:4-887**

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.

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

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

INTERMISSION -None

DISCUSSION

There was no further business to discuss.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Mr. Russo thanked all who attending the tree lighting ceremony this evening and thanked DPW and Recreation Committee for assisting with the event.

Councilman Flynn clarified that he voted “no” on Ordinance 2013-29 because he disagreed that the volunteer coaches should have to pay for their background check.

Councilwoman Diglio wished everyone a “Merry Christmas and Happy Holidays.”

EXECUTIVE SESSION

Mr. Russo read Resolution #239-2013 and Council entered into Executive Session at 7:16 p.m. At this time, Mr. Russo recused himself from Executive Session and left the meeting.

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Upon motion of Mrs. Diglio, seconded by Mayor Ricciardo and carried, Council left Executive Session at 8:34 p.m.

There being no further business to be conducted, upon motion of Mrs. Diglio, seconded by Mayor Ricciardo and unanimously carried, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine A. Read". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Lorraine A. Read, RMC
Municipal Clerk