



AGENDA
NEWTON TOWN COUNCIL
SEPTEMBER 10, 2014
7:00 P.M.

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

- AUGUST 25, 2014 REGULAR MEETING

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. NEWTON FIRE DEPARTMENT REQUEST

VII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2014-17

AN ORDINANCE AMENDING CHAPTER 3 "ADMINISTRATIVE CODE", ARTICLE VI "ADMINISTRATIVE ORGANIZATION" AND ARTICLE XXVIII "DEPARTMENT OF CODE ENFORCEMENT"

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

ORDINANCE 2014-18

AN ORDINANCE TO AMEND ORDINANCE 2013-30 ESTABLISHING MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR THE CALENDAR YEAR 2014

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

VIII. OLD BUSINESS

- a. SPECIAL IMPROVEMENT DISTRICT (SID) – NO UPDATE

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 #165-2014* NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND RESOLUTION TO RENEW
- b. RESOLUTION #166-2014* REAFFIRM THE ISSUANCE OF A \$3,411,575 BOND ANTICIPATION NOTE
- c. RESOLUTION #167-2014* APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM
- d. RESOLUTION #168-2014* RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1915-33-009-004
- e. RESOLUTION #169-2014* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- f. APPLICATIONS*
 - AN APPLICATION FOR SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE KAREN ANN QUINLAN MEMORIAL FOUNDATION TO BE HELD ON NOVEMBER 2, 2014 FROM 6:00 PM TO 10:00 PM AND APRIL 6, 2015 FROM 6:00 PM TO 10:00 PM AT KRAVE CAFÉ AND CATERER, 102 SPARTA AVENUE, NEWTON
 - APPLICATION FOR A SOCIAL AFFAIR PERMIT FROM NEWTON FIRE MUSEUM, INC., 150 SPRING STREET, NEWTON TO BE HELD ON SATURDAY, OCTOBER 18, 2014 FROM 10:00AM TO 6:00PM AT THE SUSSEX COUNTY COMMUNITY COLLEGE, 1 COLLEGE HILL ROAD, NEWTON

X. DISCUSSION

- a) ZONING MAP ORDINANCE - DRAFT
- b) TAX EXEMPT PROPERTIES

XI. OPEN TO THE PUBLIC

XII. COUNCIL & MANAGER COMMENTS

XIII. EXECUTIVE SESSION

- a. RESOLUTION #170-2014 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

XIV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2014-17

AN ORDINANCE AMENDING CHAPTER 3 “ADMINISTRATIVE CODE”, ARTICLE VI “ADMINISTRATIVE ORGANIZATION” AND ARTICLE XXVIII “DEPARTMENT OF CODE ENFORCEMENT”

WHEREAS, the Mayor and Town Council of the Town of Newton desire to amend the Town Code to revise the Department of Code Enforcement to eliminate the two divisions of said department and to establish an additional department entitled Uniform Construction Code Department; and

WHEREAS, said change will reflect the different responsibilities of the two departments; and change the title of the position responsible for the Department of Code Enforcement;

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. Section 3-26 shall be amended by the addition of Section 3-26.A(12) as follows:

(12) Uniform Construction Code Department.

SECTION 2. The Title of Article XXVIII is repealed and replaced as follows:

“Department of Code Enforcement and Uniform Construction Code Department”

SECTION 3. Section 3-85 and Section 3-87 are repealed and replaced by new Section 3-85 as follows:

§3-85 Department of Code Enforcement.

There shall be a Department of Code Enforcement, the head of which shall be the Code Enforcement Director appointed by the Town Manager. The Department shall be responsible for administering and/or coordinating and enforcing the Property Maintenance Code.

SECTION 4. The title and first paragraph of Section 3-86 is amended and replaced as follows:

§3-86 Uniform Construction Code Department.

There shall be a Uniform Construction Code Department which shall come under the direction of the Construction Official and shall include the following responsibilities:

SECTION 5. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 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 shall take effect immediately upon adoption and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, August 25, 2014. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Wednesday, September 10, 2014 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 #2014-18

AN ORDINANCE TO AMEND ORDINANCE 2013-30 ESTABLISHING MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR THE CALENDAR YEAR 2014

WHEREAS, the Newton Town Council adopted Ordinance 2013-30 to establish minimum and maximum salaries and wages for officers and employees of the Town of Newton for calendar year 2014 at their meeting on December 9, 2013; and

WHEREAS, there is a need to amend certain provisions of Ordinance 2013-30;

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

Schedule "A" shall be amended as follows:

<u>LEVEL</u>	<u>HOURLY</u>		<u>35 HRS / WK</u>		<u>40 HRS / WK</u>		<u>IRREGULAR HOURS ANNUALIZED</u>
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>	
9	\$13.75	\$43.00	\$25,000	\$80,000	\$30,000	\$90,000	
10	\$16.50	\$46.00	\$30,000	\$85,000	\$35,000	\$95,000	

Schedule "B" shall be amended to include the following:

Level 10

The Title "Human Resources Manager" be changed to read "Human Resources Director".

The Title "Code Enforcement Director" be added.

The Title "Municipal Department Head" be added.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #165-2014

September 10, 2014 "North Jersey Municipal Employee Benefits Fund Resolution to Renew"

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the governing body of the Town of Newton, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT;

NOW, THEREFORE BE IT RESOLVED, that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a. Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND

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 Wednesday, September 10, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #166-2014

September 10, 2014 "Affirm the Issuance of a \$3,411,575 Bond Anticipation Note"

WHEREAS, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes (BAN's) to provide temporary financing for the Town; and

WHEREAS, the Town of Newton needed to finance the debt authorized by Ordinances #2012-13 adopted April 9, 2012, #2013-11 adopted April 22, 2013, #2014-3 adopted March 10, 2014, and #2014-6 adopted April 14, 2014; and

WHEREAS, the Town received five quotations ranging from 1.05% to .636% NIC as listed on the attached Note Sale Bid Results; and

WHEREAS, the Chief Financial Officer with advice of Phoenix Advisors, financial advisors and McManimon, Scotland and Baumann, bond counsel for the Town of Newton, accepted the quotation of Jefferies LLC for a Bond Anticipation Note totaling \$3,411,575 at a net interest cost (NIC) of .636%, and an interest payable in 2015 of \$21,669.98; and

WHEREAS, the appropriate Town Officials have executed said Note in the amount of \$3,411,575 with an interest rate of .636% dated August 28, 2014 for a term of 359/360 days and maturing August 27, 2015; and

WHEREAS, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it does hereby affirm the issuance of a \$3,411,575.00 Bond Anticipation Note issued August 28, 2014 and maturing August 27, 2015 bearing an interest rate of .636% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

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 Wednesday, September 10, 2014.

Lorraine A. Read, RMC
Municipal Clerk



Town of Newton

\$3,411,575 Bond Anticipation Notes, Series 2014

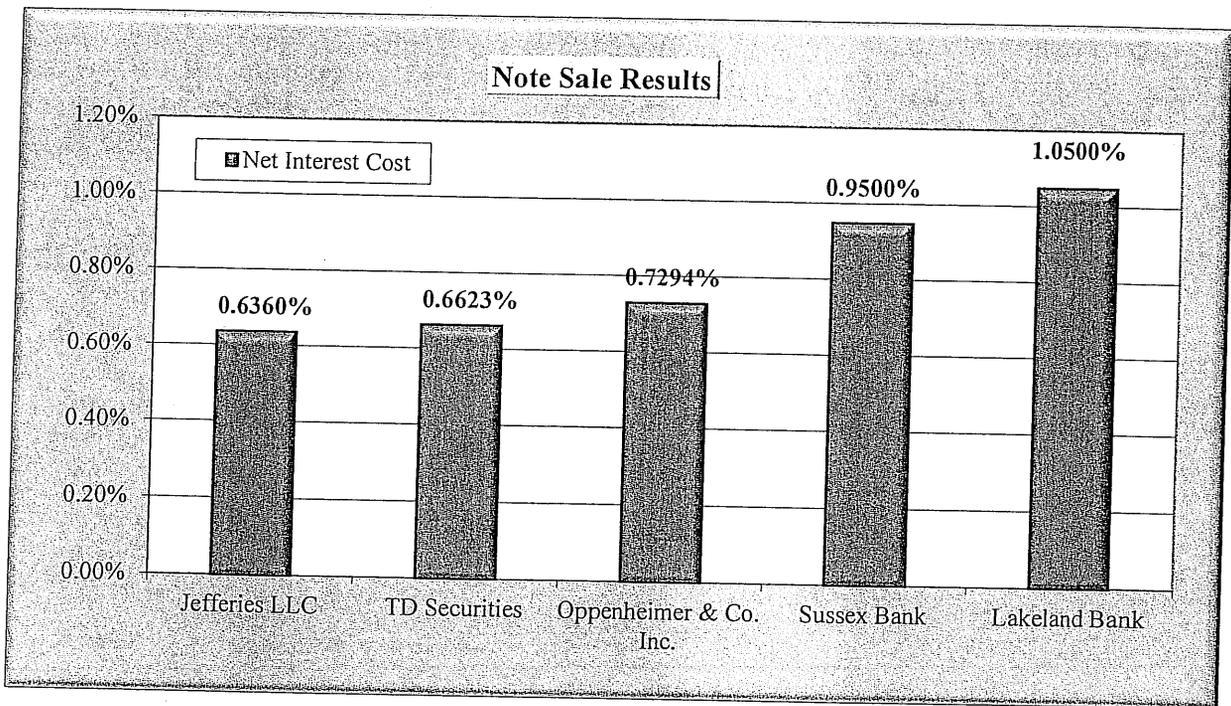
Bid Date: August 20, 2014

Dated: August 28, 2014

To Mature: August 27, 2014

Note Sale Bid Results

Bidder	Coupon	Premium	NIC	NIC in Dollars	Rank
Jefferies LLC	1.00%	\$12,351.00	0.6360%	\$21,669.98	1
TD Securities	0.90%	\$8,085.43	0.6623%	\$22,553.46	2
Oppenheimer & Co. Inc.	1.00%	\$9,205.00	0.7294%	\$24,815.98	3
Sussex Bank	0.95%	\$0.00	0.9500%	\$32,319.93	4
Lakeland Bank	1.05%	\$0.00	1.0500%	\$35,722.03	5



CERTIFICATE OF DETERMINATION AND AWARD

I, Dawn L. Babcock, Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey (hereinafter referred to as the "Town"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note (the "Note") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the Town referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such Note to be issued in the amounts indicated in the chart.

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>		<u>NUMBERS</u>	<u>DENOMINATIONS</u>
	\$3,411,575	2014-1	\$3,411,575
<u>DATE:</u>	8/28/2014		
<u>MATURITY:</u>	8/27/2015		
<u>INTEREST</u> <u>RATE PER</u> <u>ANNUM:</u>	1.00%		
<u>PLACE OF</u> <u>PAYMENT:</u>	Office of the Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey		

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to Jefferies LLC at the price of \$3,423,926.00, plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price.

3. No bonds of the Town have heretofore been issued pursuant to the bond ordinances referred to in Section 1 hereof.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, for each ordinance, is as stated in the attached chart.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the bond ordinances described in the attached chart.

6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the bond ordinances referred to in the attached chart and now remain outstanding and unpaid.

IN WITNESS WHEREOF, I have hereunto set my hand as of August 28, 2014.



Dawn L. Babcock



TOWN OF NEWTON

RESOLUTION #167-2014

September 10, 2014 "Approve Fireworks Display at Newton Medical Center, Atlantic Health System"

WHEREAS, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 15, 2014 as part of the annual "Festival of Lights"; and

WHEREAS, the Sussex County Fire Marshal, Joseph C. Inga, has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 15, 2014 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

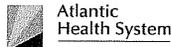
BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshal, Joseph C. Inga.

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 Wednesday, September 10, 2014.

Lorraine A. Read, RMC
Municipal Clerk

Newton Medical Center
Foundation



August 5, 2014

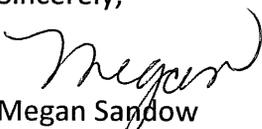
Mr. Tom Russo
Newton Town Manager
39 Trinity Street
Newton, New Jersey 07860

Dear Tom:

Please be advised that the C. Edward McCracken Festival of Lights is holding their 22nd annual ceremony at Newton Medical Center on November 15, 2014 at 5:30 p.m. As in past years and weather permitting there will be fireworks at 6:30. Zambelli Fireworks will again contact Mr. Inga.

If you need any additional information on this event please do not hesitate to contact me.

Sincerely,


Megan Sandow
Chief Development Officer

Cc: Police Chief Richards
Fire Marshall Inga

Mark Avondoglio
Chairman

David P. Romano
Vice Chairman

Michael Gaus, Esq.
Secretary

David Stein
Treasurer

Larry Condit
Assistant Treasurer

George Morville
Chair, Capital Campaign 2012

Megan Sandow
Chief Development Officer

Jason Apter

Colleen Apter

Parimal S. Bhayani, MD

Joseph R. Biondo

Richard Bourque

E. Jane Brown

Raymond Cordts

Don Costlow, DVM

Joseph DiPaolo
President & CEO
Newton Medical Center

Salvatore Dispenziere, III

Buffie Dobbs

Chance Dobbs

Ronald K. Harris, MD

Michael E. Holenstein

William King

Robert Masci, MD, FACC

Jo-Ellen McCracken Hazan

Gregory E. Murphy

Sean D. O'Rourke

Robert Poust

Jeffrey J. Quinn

Richard C. Redline, MD

David Stuhlmiller, MD

Charles L. Tice, emeritus

175 High Street, Newton, NJ 07860 973-579-8309 www.atlantichealth.org/newton

If you wish to be removed from our mailing list, please send your request in writing to the NMC Foundation at the above address

RECEIVED
AUG 08 2014

BY:



TOWN OF NEWTON

RESOLUTION #168-2014

September 10, 2014 "Renewal of Plenary Retail Consumption License No. 1915-33-009-004"

BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the renewal application for Plenary Retail Consumption License No. 1915-33-009-004 pursuant to N.J.S.A 33:1-12.39 be issued to Sakel-Grapsas, Inc., 144 Spring Street, Newton, New Jersey, effective July 1, 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 Wednesday, September 10, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #169-2014

September 10, 2014 "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 2013 and 2014 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 Wednesday, September 10, 2014.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #170-2014

September 10, 2014 **“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”**

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

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

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

(1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on September 10, 2014, that an Executive Session closed to the public shall be held on September 10, 2014, 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 Wednesday, September 10, 2014.

Lorraine A. Read, RMC
Municipal Clerk