



**AGENDA  
NEWTON TOWN COUNCIL**

**FEBRUARY 8, 2016**

**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- JANUARY 25, 2016 REGULAR MEETING
- JANUARY 25, 2016 SPECIAL MEETING

**V. OPEN TO THE PUBLIC**

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

**VI. COUNCIL & MANAGER REPORTS**

**VII. ORDINANCES**

**a. 2<sup>ND</sup> READING AND PUBLIC HEARING**

ORDINANCE 2016-1

AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

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

**b. INTRODUCTION**

ORDINANCE 2016-2

AN ORDINANCE TO EXCEED THE 2016 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

**VIII. OLD BUSINESS**

**IX. CONSENT AGENDA**

ALL ITEMS LISTED WITH AN ASTERISK (\*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

**a. RESOLUTION #23-2016\***

APPROVE BILLS AND VOUCHERS FOR PAYMENT

- b. RESOLUTION #24-2016\* APPOINTMENT OF MS. VANGIE ROCHELLE TO THE NEWTON HOUSING AUTHORITY
- c. RESOLUTION #25-2016\* APPROVE 2015 APPROPRIATION RESERVE TRANSFERS
- d. RESOLUTION #26-2016\* AUTHORIZE CHANGE ORDER NO. 1 FOR THE ROOF REPLACEMENT & RELATED WORK ON THE NEWTON WWTP
- e. RESOLUTION #27-2016\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 14.06, LOT 6 ALSO KNOWN AS 244 SPRING STREET

**X. INTERMISSION**

**XI. DISCUSSION**

- a. DONATED LEAVE POLICY DRAFT ORDINANCE
- b. PARKING ON BRICK PAVERS DRAFT ORDINANCE
- c. MORRIS LAKE

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. EXECUTIVE SESSION**

- a. RESOLUTION #28-2016 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. POTENTIAL LITIGATION

**XV. ADJOURNMENT**

# TOWN OF NEWTON

## ORDINANCE #2016-1

### AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, department heads of the Town of Newton have reviewed current fees and have suggested that fees be revised as set forth in this Ordinance;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter 100, Fees and Costs, be amended with the following changes in **bold** to read as follows:

#### Section 1:

§ 100-12. Alcoholic beverage control (Chapter 49, Article III) be amended as follows:

- A. Plenary retail consumption license [§49-15D(1)]: **\$1,500**
- B. Plenary retail distribution license [§49-15D(1)]: **\$1,500**

§ 100-17. Health codes (Chapters 133; 250, Article I; and 273) be amended as follows:

- C. Retail food establishment code (§133-33):
  - (1) Annual license (less than 5,000 square feet): **\$150**
- F. Body art license (§273-2)
  - (2) Renewal license, annually (§273-E): **\$325**

§ 100-19. Utilities (Chapter 228) be amended as follows:

- R. Rental of sewer camera: \$100 per hour**
- S. Manpower for sewer camera: \$50 per man per hour**
- T. Truck rental for sewer camera: \$100 per truck per hour**

§ 100-21. Property Maintenance Code (Chapter 213, Article II) be amended as follows:

- A. Fee for application for inspection and certificate of compliance:
  - (1) Request for certificate of compliance received more than 10 business days prior to change of occupant: **\$75**
  - (4) **Re-inspection Fee: \$25**

§ 100-24. Miscellaneous fees and charges be amended as follows:

D. Certified copies of licenses and certificates issued by the Bureau of Vital Statistics:

*(1) Marriage Certificate: \$15 first copy, \$5 each additional copy*

*(2) Birth Certificate: \$15 first copy, \$5 each additional copy*

*(3) Death Certificate: \$15 first copy, \$5 each additional copy*

*(4) Correction to birth certificates, marriage certificates, or death certificates: \$25*

*(6) Civil union: \$15 first copy, \$5 each additional copy*

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

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

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

#### NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on January 25, 2016. It adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 8, 2016 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

TOWN OF NEWTON

ORDINANCE # 2016-2

**AN ORDINANCE TO EXCEED THE 2016 MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Newton Town Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$314,287.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$314,287.16, and that the CY 2016 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**RECORDED VOTE:**

AYES:	(	NAYES:	(
	(		(
	(		(
	(		(
	(		(

ABSTAIN: (

ABSENT: (

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 8, 2016. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, February 22, 2016 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #23-2016

February 8, 2016 “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 2015 and 2016 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 8, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #24-2016

February 8, 2016

### “Appointment of Ms. Vangie Rochelle to the Newton Housing Authority”

**WHEREAS**, there currently exists a vacancy for a Regular Member on the Newton Housing Authority; and

**WHEREAS**, Ms. Vangie Rochelle has expressed interest in serving as a Regular Member; and

**WHEREAS**, Dr. Kimberly Iozzi, Executive Director of the Newton Housing Authority, recommends appointing Ms. Rochelle;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Ms. Vangie Rochelle is hereby appointed to an unexpired five-year term on the Newton Housing Authority, effective immediately with said term continuing to April 30, 2017.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 8, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #25-2016

February 8, 2016

“Approve 2015 Appropriation Reserve Transfers”

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2015 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Police SW 1074100A	Accumulated Absence 1094400A	\$120,000.00
Historic OE 1063216A	Planning Board OE 1062216A	\$2,000.00
Clerk SW 1051103A	Planning Board OE 1062216A	\$1,700.00
Clerk SW 1051103A	Manager OE 1050209A	\$400.00
Human Resource SW 1053103A	Manager OE 1050209A	\$3,800.00
<b>TOTAL CURRENT TRANSFERS</b>		<hr/> <b>\$127,900.00</b>

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 8, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #26-2016

February 8, 2016

### **“Authorize Change Order No. 1 for the Roof Replacement & Related Work at the Newton WWTP”**

**WHEREAS**, on February 11, 2015 the Newton Town Council adopted Resolution #24-2015, awarding a contract to P. Cipollini, Inc., for the Roof Replacement and related work at the Newton WWTP in the amount of \$207,000.00; and

**WHEREAS**, the Project Engineer, Anthony R. Gagliostro, of Hatch Mott McDonald, recommends in his memo dated February 2, 2016, approving Change Order No. 1, for the Roof Replacement and related work at the Newton WWTP with a credit \$3,000.00 for reduction in the contract total to \$204,000.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Project Engineer’s recommendation and accepts Change Order No. 1 for the Roof Replacement and related work at the Newton WWTP; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1, and Mr. Gagliostro’s recommendation letter of February 2, 2016 be attached to and made part of this Resolution.

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 8, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk

RECEIVED  
FEB 03 2016

**CONTRACT CHANGE ORDER**

BY: .....

**Project:** Roof Replacements and Related Work at the  
Newton Wastewater Treatment Plant

**Change Order No: 1 (FINAL)**  
**Date:** January 22, 2015

**Contractor:**  
P. Cipollini Inc.  
171 E. Backwell Street  
Dover, NJ 07801

**Engineer:**  
Hatch Mott MacDonald  
111 Wood Avenue  
Iselin, NJ 08830

**Owner:**  
Town of Newton  
39 Trinity Street  
Newton, NJ 07860

**Project No:** 341634 (HMM)  
**Contract No:** P.O.# 45735

**Description of Change:** Pursuant to the clause of the contract covering changes, the contractor shall furnish all labor and materials and all work necessary to accomplish the following described work:

Provide a credit for unused allowance amounts and establish the final quantities completed and contract amount earned for the Roof Replacements and Related Work at the Newton WWTP under Purchase Order No. 45735 as awarded to P. Cipollini, Inc., per the attached breakdown. The Contract Time shall be increased by a total of 127 days for constraints beyond the Contractor's and Owner's control, setting the Contract Completion Date as January 15, 2016. This final quantities change order in point satisfies all claims for costs covered by the Contract. P. Cipollini, Inc. hereby certifies that the costs are complete, current, and accurate.

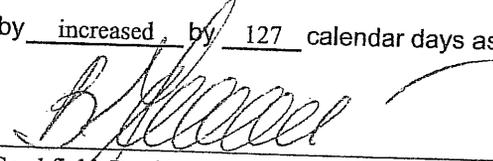
As a result of the above, the contract price is revised as follows:

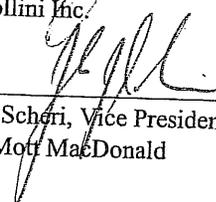
Item No.	Item Description	Unit	Est Qty	Unit Price	Extensions
CO1-1	Final Quantities Adjustment See attached breakdown	LS	1	\$ (3,000.00)	\$ (3,000.00)

*Subtotal* \$ (3,000.00)

<b>Total Net Value of This Change Order:</b>	\$ (3,000.00)
<b>Original Contract Amount:</b>	\$ 207,000.00
<b>Total Value of Previous Change Orders:</b>	\$ -
<b>New Contract Amount (Including This Change Order):</b>	\$ 204,000.00

The contract time is hereby increased by 127 calendar days as a result of this Change Order.

**Accepted By Contractor:**  Date: 1/28/16  
Boris Gershfield, President  
P. Cipollini Inc.

**Recommended By Engineer:**  Date: 2/2/16  
John J. Scheri, Vice President  
Hatch Mott MacDonald

**Approved By Owner:** \_\_\_\_\_ Date: \_\_\_\_\_

Town of Newton

Note: All work under this Change Order to be done under applicable provisions of the Contract. Change Order is not valid unless properly authorized and approved.

Town of Newton  
Purchase Order No. 45735  
Roof Replacements and Related Work at the Newton Wastewater Treatment Plant

**Change Order No. 1 (FINAL)  
Final Quantities and Contract Value Adjustment**

Item No.	Description of Work	Estimated Quantity	Unit	Unit Price	Total Quantity Completed	Quantity Overrun (Underrun)	Contract Scheduled Value	Total Value Earned	Net Change
1	Service Building Roof Replacement	1	LS	\$ 99,000.00	1	0	\$ 99,000.00	\$ 99,000.00	\$ -
2	Inlet Building Roof Replacement	1	LS	\$ 13,000.00	1	0	\$ 13,000.00	\$ 13,000.00	\$ -
3	Allowance for Additional Authorized Work	1	LS	\$ 3,000.00	0	-1	\$ 3,000.00	\$ -	\$ (3,000.00)
AB1	Garage and Thickener Building Roof Replacement	1	LS	\$ 75,000.00	1	0	\$ 75,000.00	\$ 75,000.00	\$ -
AB2	Digester Building Roof Replacement	1	LS	\$ 17,000.00	1	0	\$ 17,000.00	\$ 17,000.00	\$ -
AB3	NOT USED	1	LS	\$ -	1	0	\$ -	\$ -	\$ -
<b>TOTALS</b>							\$ 207,000.00	\$ 204,000.00	\$ (3,000.00)



## TOWN OF NEWTON

### RESOLUTION #27-2016

February 8, 2016

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 14.06, Lot 6 Also Known as 244 Spring Street”**

**WHEREAS**, at the Municipal Tax Sale held on October 9, 2013, a lien was sold on Block 14.06, Lot 6, also known as 244 Spring Street, for 2012 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1384, was sold to US Bank cust/Empire VI for 0% redemption fee; and

**WHEREAS**, Eric A. Wood, attorney for the owner of the property, has effected the redemption of Certificate #1384 in the amount of \$42,317.70 as well as the legal foreclosure fees in the amount of \$1,135.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust/Empire VI is entitled to a redemption in the amount of \$42,317.70 as well as the legal foreclosure fees of \$1,135.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check, in the amount of \$42,317.70 for the redemption of Certificate #1384 as well as the return of the legal foreclosure fees in the amount of \$1,135.00 to, US Bank cust/Empire VI, 50 So. 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102-2513.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 8, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #28-2016

February 8, 2016

**“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 items authorized by N.J.S.A. 10:4-12b and designated below:

(1) Potential Litigation

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on February 8, 2016, that an Executive Session closed to the public shall be held on February 8, 2016, at      PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

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

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, February 8, 2016.

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Lorraine A. Read, RMC  
Municipal Clerk

## List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
36196	1964 - ACCESS CONTROL TECHNOLOGY INC.	PO 47215 MAINTENANCE AGREEMENT CUST ID #NEW	18,105.00	18,105.00
36197	1305 - ACCURATE DOOR, INC.	PO 47500 FIRE #2 GARAGE DOOR REPAIR	2,079.00	2,079.00
36198	2540 - ADAM VOUGH	PO 47723 MEAL ALLOWANCE	49.00	49.00
36199	3006 - AG CHOICE, LLC.	PO 47476 2015 LEAVE DISPOSAL	4,926.00	4,926.00
36200	3683 - ALEX ARMSTRONG	PO 47710 MEAL ALLOWANCE	49.00	49.00
36201	1625 - ALTERNATE POWER INC.	PO 47544 POLICE GENERATOR NEW BATTERY	395.00	395.00
36202	192 - CAMPBELL'S SMALL ENGINE INC.	PO 47556 BLANKET: PARKS/SNOW EQUIP MAINT	48.38	48.38
36203	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46109 BLANKET: ALARM CIRCUIT HIGH ST TWR/	125.85	125.85
36204	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 46110 BLANKET: LONG DISTANCE (APR-DEC @2	197.51	197.51
36205	2843 - CHELBUS CLEANING CO., INC.	PO 47491 BLANKET: 2016 CLEAN TOWNHALL/FIREHO	3,540.00	3,540.00
36206	3768 - COMPASS ENERGY GAS SERVICES, INC.	PO 47702 NAT GAS -Dec	1,967.51	1,967.51
36207	1632 - COOPER ELECTRIC SUPPLY CO.	PO 47579 BLANKET: ELECTRICAL SUPPLIES (Jan-M	96.30	96.30
36208	177 - COUNTY OF SUSSEX	PO 47732 1st qtr Cnty Health Tax	20,664.70	
		PO 47736 2015 A&O CNTY HEALTH TAX	74.15	20,738.85
36209	178 - COUNTY OF SUSSEX	PO 47733 1st qtr Cnty Library Tax	47,834.70	
		PO 47737 2015 A&O LIBRARY TAX	181.75	48,016.45
36210	1425 - COUNTY OF SUSSEX	PO 47734 1st qtr Cnty Open Space Tax	3,650.76	
		PO 47738 2015 A&O OPEN CNTY SPACE TAX	19.99	3,670.75
36211	176 - COUNTY OF SUSSEX	PO 47731 1st qtr Cnty Purpose Tax	755,144.86	
		PO 47735 2015 A&O CNTY PURPOSE TAX	3,347.00	758,491.86
36212	2361 - CSS TEST INC.	PO 47546 BLANKET: PRE-EMPLOYMENT DRUG SCREEN	50.00	50.00
36213	194 - D & E SERVICE CENTER, INC.	PO 47501 TOW DPW TRK COURTHOUSE TO MCGUIRES	165.00	165.00
36214	2854 - DUSTIN MCGARRY	PO 47706 MEAL ALLOWANCE	49.00	49.00
36215	2514 - ERIC TOMPKINS	PO 47649 MEAL ALLOWANCE	50.00	50.00
36216	225 - FEDERAL EXPRESS	PO 47560 BLANKET: EXPRESS MAIL Acct #1344-05	48.00	48.00
36217	2684 - GARDEN STATE HIGHWAY PRODUCTS, INC.	PO 47408 SIGNAGE CODE OF CONDUCT/DOWNTOWN CU	1,090.00	1,090.00
36218	3763 - GLOCK PROFESSIONAL, INC.	PO 47461 JOSE MORALES ARMORER'S COURSE	250.00	250.00
36219	1608 - GOLD TYPE BUSINESS MACHINES	PO 47495 12/16 INSTALL ANTENNA CAR #9	128.00	128.00
36220	2313 - GRAVITY DESIGN WORKS, INC.	PO 47503 TOWN LOGO TEMP FLAG FIREHOUSE	100.00	100.00
36221	789 - GREATER NEWTON CHMBR OF COMM.	PO 47472 Annual Dinner 1/27/16 Russo, Flynn,	140.00	140.00
36222	1866 - HOME DEPOT, INC.	MIX	9.62	
		PO 47683 CORDS ADAMS OFFICE	45.91	
		PO 47739 BLANKET: B&G/VEH MAINT/RD SUPP'S	1,616.71	
		PO 47695 BLANKET: POLICE SUPP'S	14.98	1,687.22
36223	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 47523 TOWN COUNCIL -OCT	59.00	59.00
36224	1714 - JAEKEL, KENNETH	PO 47722 MEAL ALLOWANCE	41.00	41.00
36225	3682 - JASON VANDERGROEF	PO 47712 MEAL ALLOWANCE	49.00	49.00
36226	113 - JCP&L	PO 47742 JAN ELECT	693.00	693.00
36227	2576 - JOSEPH WHITE	PO 47648 MEAL ALLOWANCE	25.00	25.00
36228	1774 - KAY PRINTING	PO 47341 BUILDING DEPARTMENT - INSPECTION ST	236.09	236.09
36229	2569 - KIEFFER ELECTRIC, INC.	PO 47498 ELECTRICAL WORK TOWNHALL	1,632.70	1,632.70
36230	365 - KITHCART, BROCK	PO 47709 MEAL ALLOWANCE	41.00	41.00
36231	2532 - LADDEY, CLARK & RYAN, LLP	PO 47442 PENDING 2015 LITIGATION	2,400.00	2,400.00
36232	2532 - LADDEY, CLARK & RYAN, LLP	PO 47744 LEGAL DEC	4,112.00	4,112.00
36233	1011 - LASSO, ERVIN	PO 47650 MEAL ALLOWANCE	8.00	8.00
36234	2300 - LOWE'S , INC.	PO 47699 BLANKET: B&G ROAD MATERIAL/TOOL/SUP	13.27	13.27
36235	2166 - MATTHEW BENDER & CO., INC.	PO 47417 ADMIN CODE TITLE 4A CIVIL SVC ACCT	72.27	72.27
36236	1141 - MCGUIRE, INC.	PO 46099 BLANKET: DPW TRK REPAIRS CUST #22	273.18	273.18
36237	966 - L-3 COMM. MOBILE-VISION	PO 46996 BODY VISION CAMERAS CUST #NJNEWTO	1,236.41	1,236.41
36238	2508 - MORRIS COUNTY COOP	PO 47467 2016 MEMBERSHIP	550.00	550.00
36239	1290 - MUNIDEX	PO 47468 Clerk - 2016 Software Maint Agreeeme	470.40	470.40
36240	199 - NEOPOST LEASING, INC.	PO 47615 CLERK'S OFFICE cust #30563344	234.00	234.00
36241	116 - NEW JERSEY HERALD, INC.	PO 47745 ADVERTISING ACCT #2421	380.70	380.70
36242	255 - NEW JERSEY PLANNING OFFICIALS	PO 47506 2016 MEMBERSHIP NJPO	370.00	370.00
36243	336 - NEWTON TROPHY	PO 47601 PLANNING BD Name Plate	11.00	11.00
36244	64 - PELLOW, HAROLD & ASSO, INC.	PO 47428 DAM SITE #2 #3 #4	2,401.50	
		PO 47747 DEC ENGINEERING	949.00	3,350.50
36245	39 - QUILL CORPORATION	PO 47614 BLANKET: POLICE OFFICE SUPPLIES (JA	95.77	95.77
36246	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 47535 BLANKET: GAS (JAN-MAR \$5000) A/c#	1,639.24	1,639.24
36247	3731 - READY REFRESH BY NESTLE	PO 46114 BLANKET: 2015 WATER DEC	42.81	42.81
36248	3679 - REISINGER OXYGEN SERVICE, INC.	PO 47480 BLANKET: OXYGEN POLICE CUST #0558	69.78	69.78
36249	2848 - ROY LEYMAN	PO 47654 MEAL ALLOWANCE	49.00	49.00

## List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
36250	126 - SCMUA	PO 47580 BLANKET: TRASH/BRUSH/STREETSWEEPING	394.88	394.88
36251	611 - SEBRING AUTO PARTS, INC.	PO 47518 BLANKET: AUTO PARTS/SUPPS	146.57	146.57
36252	2145 - SEELY BROTHERS, INC.	PO 47642 FLAG	39.00	39.00
36253	277 - SISCO, JAMES	PO 47707 MEAL ALLOWANCE	49.00	49.00
36254	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 47429 Signature Pad for Registrar	220.39	
		PO 47459 OEM OFFICE SUPPLIES	43.78	
		PO 47474 Office Supplies for 2nd Floor	310.93	
		PO 47691 1099's 2015	127.43	702.53
36255	2400 - STEVE ESTLER	PO 47645 MEAL ALLOWANCE	49.00	49.00
36256	279 - STRAWAY, RICHARD A. JR.	PO 47644 MEAL ALLOWANCE	49.00	49.00
36257	280 - STRAWAY, THOMAS	PO 47708 MEAL ALLOWANCE	32.00	32.00
36258	1215 - SUSSEX & WARREN TAX COLL	PO 47676 2016 DUES ROTH/BABCOCK/RAFTERY	90.00	
		PO 47690 L ROTH QTRLY LUNCH	35.00	125.00
36259	418 - SUSSEX COUNTY DETECTIVES ASSOC.	PO 47527 DETECTIVE MEMBERSHIP	125.00	125.00
36260	229 - SUSSEX COUNTY ECONOMIC	PO 47358 Annual Luncheon Sponsorship acct #	250.00	250.00
36261	2479 - TAYLOR OIL CO., INC.	PO 47536 BLANKET: DIESEL (JAN-MAR \$5000) A/C	1,561.39	1,561.39
36262	2627 - THOMAS S RUSSO JR	REIMB FAMILY MATTERS LUNCHEON	38.56	38.56
36263	1601 - TILCON NEW JERSEY, INC.	PO 47425 I-5 ASPHALT (15 TONS) CUST #85847	2,546.60	2,546.60
36264	217 - TIMMERMAN COMPANY, INC.	PO 47599 3/4" BLOW OFF VALVE	380.20	380.20
36265	2675 - TIRE KING, INC.	PO 47497 4 TIRES TRK #1	684.00	684.00
36266	293 - TREASURER, PETTY CASH FUND	PO 47667 ESTABLISH 2016 PETTY CASH	250.00	250.00
36267	1151 - TREASURER, STATE OF NEW JERSEY	PO 47643 SITE REMEDIATION PERMIT FEE	205.00	205.00
36268	219 - TRI-STATE RENTALS, INC.	PO 47481 HYDRAULIC HOSE & OIL KUBOTA	99.08	99.08
36269	3369 - UNITED TELEPHONE/CENTURY LINK	PO 47538 BLANKET: DIGITAL DATA CIRCUIT 39 T	127.50	127.50
36270	3444 - USA HOISTCO., INC.	PO 47551 BLANKET: ELEVATOR MAINT (Police si	215.00	215.00
36271	1280 - VERIZON WIRELESS, INC.	PO 47483 BLANKET: 1X AIRCARDS ACCT #201 M15	194.86	194.86
36272	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 47694 NEWTON PB/SCHEPIS -Dec	45.00	45.00
36273	1500 - WALMART	PO 47696 BLANKET: B&G	48.00	48.00
36274	1656 - WILDFLOWERS WITH TAMI	PO 47356 Shotwell Funeral	55.00	
		PO 47444 Flowers for Danielson	55.00	110.00
36275	282 - WILLCO, INC.	PO 47504 POLICE HEAT REPAIR	855.57	855.57
36276	2718 - WILLIAM OSWIN III	PO 47653 MEAL ALLOWANCE	31.00	31.00
36277	656 - ZEE MEDICAL, INC.	PO 47407 DPW FIRST AID SUPP'S	76.05	76.05

TOTAL

893,838.59

Total to be paid from Fund 10 CURRENT FUND

893,838.59

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893,838.59

**Checks Previously Disbursed**

36195	WHENTOWORK INC	PO# 47662	SCHEDULING SYSTEM ANNUAL RENEWAL S	315.00	1/29/2016
36194	THOMAS S RUSSO JR	PO# 47663	PARKING REIMB 1/28 CONFRENCE	6.00	1/29/2016
36193	COPPOLELLA, DEAN M		REIMB COFFEE 1/27 MEETING	32.38	1/28/2016
161007	PAYROLL ACCOUNT		1/28 CURRENT PAYROLL	200,478.23	1/28/2016
161006	NEWTON BOARD OF EDUCATION		School Tax JAN 2016	1,031,649.83	1/27/2016
				-----	
				1,232,481.44	

Total paid from Fund 10 CURRENT FUND

1,232,481.44

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1,232,481.44

**Total for this Bills List: 2,126,320.03**

### List of Bills - (110001) CASH FEDERAL/STATE GRANTS

Check#	Vendor	Description	Payment	Check Total
1306	3460 - JACK CHOMA	PO 47508 FRESHMAN VOLLEYBALL	120.00	120.00
1307	3456 - MIKE GRIFONE	PO 47510 FRESHMAN VOLLEYBALL	90.00	90.00
1308	966 - L-3 COMM. MOBILE-VISION	PO 46996 BODY VISION CAMERAS CUST #NJNEWT0	4,245.83	4,245.83
1309	116 - NEW JERSEY HERALD, INC.	PO 47745 ADVERTISING ACCT #2421	13.80	13.80
TOTAL				4,469.63

Total to be paid from Fund 11 FEDERAL/STATE GRANTS 4,469.63

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4,469.63

**Checks Previously Disbursed**

161102	PAYROLL ACCOUNT	1/28 Grant payroll	896.72	1/28/2016
			896.72	

Total paid from Fund 11 FEDERAL/STATE GRANTS 896.72

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896.72

**Total for this Bills List: 5,366.35**

# List of Bills - (210001) CASH - DOG RESERVE - LAKELAND #493 DOG RESERVE

Check#	Vendor	Description	Payment	Check Total
8555	116 - NEW JERSEY HERALD, INC.	PO 47745 ADVERTISING ACCT #2421	30.00	30.00
	TOTAL			----- 30.00

Total to be paid from Fund 21 DOG RESERVE

30.00

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30.00

**List of Bills - (300001) CASH - CAPITAL - LAKELAND #450  
CAPITAL**

Check#	Vendor	Description	Payment	Check Total
8512	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 47523 TOWN COUNCIL -OCT	236.00	236.00
8513	2427 - KEY-TECH, INC.	PO 47670 TRINITY/SPRING CORE SAMPLING/TESTIN	2,600.00	2,600.00
8514	966 - L-3 COMM. MOBILE-VISION	PO 46996 BODY VISION CAMERAS CUST #NJNEWTO	2,987.66	2,987.66
8515	64 - PELLOW, HAROLD & ASSO, INC.	PO 47747 DEC ENGINEERING	4,578.00	4,578.00
	TOTAL			----- 10,401.66
Total to be paid from Fund 30 CAPITAL			10,401.66	
			<u>10,401.66</u>	
			10,401.66	

**List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426  
WATER/SEWER UTILITY**

Check#	Vendor	Description	Payment	Check Total
15433	3508 - AMERICAN AQUATIC TESTING, INC.	PO 47561 CHRONIC BIOASSAY TEST WATER & WASTE	1,650.00	1,650.00
15434	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 47541 BLANKET: WOODSIDE AVE PS \$37 97338	37.32	37.32
15435	3768 - COMPASS ENERGY GAS SERVICES, INC.	PO 47702 NAT GAS -Dec	966.26	966.26
15436	155 - COYNE CHEMICAL CORP., INC.	PO 46165 BID: CES PACL @ \$4.597 (\$100,000 x	8,913.58	
		PO 46166 BID: SODA ASH -Liq sodium carbonate	3,128.33	12,041.91
15437	2514 - ERIC TOMPKINS	PO 47649 MEAL ALLOWANCE	8.00	8.00
15438	807 - FRANK SEMERARO CONSTRUCTION, INC.,	PO 47616 12/28 LEAK DETECTION MILL ST	1,000.00	1,000.00
15439	200 - GARDEN STATE LABORATORIES INC	PO 46289 BLANKET: SEWER LAB & DRINKING WATER	1,980.00	1,980.00
15440	1866 - HOME DEPOT, INC.	PO 47719 BLANKET: WTP & STP SUPP'S	187.95	187.95
15441	2140 - HYDRO TECHNOLOGY, LLC.	PO 47470 BACK FLOW PREVENTION MAINTENANCE	300.00	300.00
15442	3746 - Jo-Med Contracting Corp	PO 47216 EMERGENCY WORK ON STUART STREET	46,305.00	46,305.00
15443	2532 - LADDEY, CLARK & RYAN, LLP	PO 47744 LEGAL DEC	1,120.00	1,120.00
15444	2300 - LOWE'S , INC.	PO 47728 WATER VALVE RT 206	47.68	47.68
15445	3769 - LYONS ENVIRONMENTAL SERVICES, LLC.	PO 47605 T-3 OPERATOR MORRIS LAKE WTP Jan-Ju	7,350.00	7,350.00
15446	2508 - MORRIS COUNTY COOP	PO 47467 2016 MEMBERSHIP	550.00	550.00
15447	116 - NEW JERSEY HERALD, INC.	PO 47745 ADVERTISING ACCT #2421	35.10	35.10
15448	2882 - ONE CALL CONCEPTS, INC.	PO 47516 BLANKET: ONE CALL MESSAGES (Jan-Dec	217.06	217.06
15449	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 46236 BLANKET: SLUDGE REMOVAL (APR-DEC)	4,800.00	4,800.00
15450	64 - PELLOW, HAROLD & ASSO, INC.	PO 47747 DEC ENGINEERING	2,548.50	2,548.50
15451	121 - PUMPING SERVICES, INC.	PO 47231 INSTALL ANTI-VIRUS SOFTWARE CUST #	1,730.00	1,730.00
15452	55 - SCHMIDT'S WHOLESALE, INC	PO 47423 HYDRANT PARTS CUST #600	7,743.39	7,743.39
15453	126 - SCMUA	PO 47580 BLANKET: TRASH/BRUSH/STREETSWEEPING	316.25	316.25
15454	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 47563 WTP OFFICE SUPPLIES	72.47	
		PO 47698 BLANKET: WTP/STP OFFICE SUPP'S	49.96	122.43
15455	2056 - SUBURBAN PROPANE, LP.	PO 47558 BLANKET: PROPANE WTP ACCT #2232	2,119.35	2,119.35
15456	756 - SUI ACCOUNT	PO 47449 PAY 2015 W/S UTILITY UNEMPLOYMENT T	4,200.00	4,200.00
15457	292 - TREASURER, WATER & SEWER PETTY CASH	PO 47668 ESTABLISH 2016 PETTY CASH	50.00	50.00

TOTAL

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97,426.20

Total to be paid from Fund 60 WATER/SEWER UTILITY

97,426.20

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97,426.20

**Checks Previously Disbursed**

166003	PAYROLL ACCOUNT	1/28 W/S PAYROLL	31,702.37	1/28/2016
			-----	
			31,702.37	

Total paid from Fund 60 WATER/SEWER UTILITY

31,702.37

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31,702.37

**Total for this Bills List: 129,128.57**

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442  
WATER/SEWER CAPITAL**

Check#	Vendor	Description	Payment	Check Total
2414	64 - PELLOW, HAROLD & ASSO, INC.	PO 42159 FOX HOLLOW WATERMAIN REPLACE	\$92, 740.00	740.00
	TOTAL			----- 740.00
Total to be paid from Fund 61 WATER/SEWER CAPITAL			740.00	
			<u>740.00</u>	
			740.00	

## List of Bills - (710001) CASH - TRUST - LAKELAND #469 TRUST

Check#	Vendor	Description	Payment	Check Total
3444	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 47530 KROUGH;S BREWERY -DEC	236.00	
		PO 47629 PUNC EQUILIBRIUM-DEC 2015	118.00	
		PO 47630 PNC BANK-DEC 2015	118.00	
		PO 47631 NEWTON DUNKIN DONUTS-DEC 2015	118.00	590.00
3445	2532 - LADDEY, CLARK & RYAN, LLP	PO 47721 J&R DEV/J PUTRINO/TWN SQ GRDN-DEC 2	112.00	112.00
3446	2532 - LADDEY, CLARK & RYAN, LLP	PO 47743 LEGAL RPM ESCROW -DEC	464.00	464.00
3447	116 - NEW JERSEY HERALD, INC.	PO 47745 ADVERTISING ACCT #2421	27.90	27.90
3448	64 - PELLOW, HAROLD & ASSO, INC.	PO 47619 J&R DEVEL/J. PUTRINO/TWN SQ GRDN-DE	312.50	
		PO 47620 SOLAR ENT-DEC 2015	140.50	
		PO 47621 RPM-DEC 2015	187.50	
		PO 47622 PUNC EQUILIBRIUM-DEC 2015	343.75	
		PO 47623 B. GIBLIN-DEC 2015	577.75	
		PO 47624 SC HABITAT FOR HUMANITY-DEC 2015	187.50	
		PO 47625 PNC BANK-DEC 2015	31.25	
		PO 47626 NEWTON DUNKIN DONUTS-DEC 2015	796.50	2,577.25
3449	64 - PELLOW, HAROLD & ASSO, INC.	PO 47627 QUANTUM-DEC 2015	250.00	
		PO 47682 NEWTON NURSING HOME-DEC 2015	1,608.75	
		PO 47747 DEC ENGINEERING	218.75	
		PO 47717 QUANTUM-OCT 2015	1,593.50	3,671.00
3450	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 47632 SOLAR ENT-DEC 2015	15.00	
		PO 47633 NEWTON NURSING HOME-DEC 2015	345.00	
		PO 47634 BRIAN GIBLIN-DEC 2015	345.00	
		PO 47635 PNC BANK-DEC 2015	105.00	
		PO 47636 `NATURAL SELECTION-DEC 2015	15.00	
		PO 47637 NEWTON DUNKIN DONUTS-DEC 2015	45.00	
		PO 47638 QUANTUM-DEC 2015	180.00	1,050.00
TOTAL				8,492.15

Total to be paid from Fund 71 TRUST 8,492.15

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**8,492.15**

**Checks Previously Disbursed**

167102	PAYROLL ACCOUNT	1/28 Trust Pay	3,623.00	1/28/2016
				3,623.00
Total paid from Fund 71 TRUST			3,623.00	
			3,623.00	

**Total for this Bills List: 12,115.15**

### List of Bills - (720001) CASH - DEV ESCROW - LAKELAND #515 DEVELOPERS ESCROW (Fund 72)

Check#	Vendor	Description	Payment	Check Total
1257	2852 - FERRIERO ENGINEERING INC.	PO 47628 MARTORANA-DEC 2015	195.00	195.00
1258	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 47693 TACO BELL-DEC 2015 partial	795.00	795.00
	TOTAL			990.00
Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72)			990.00	
			<u>990.00</u>	

### List of Bills - (750001) CASH - HOUSING TRUST FUND (COAH) #0301 HOUSING TRUST FUND (COAH) (Fund 75)

Check#	Vendor	Description	Payment	Check Total
141	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 46554 COAH THIRD ROUND JUDGEMENT	2,124.00	2,124.00
142	2532 - LADDEY, CLARK & RYAN, LLP	PO 46553 COAH FOR STATE MATTER	402.00	402.00
	TOTAL			----- 2,526.00

Total to be paid from Fund 75 HOUSING TRUST FUND (COAH) (Fund 75)      2,526.00

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2,526.00

**TOWN OF NEWTON**

**ORDINANCE #2016-\_\_\_\_**

**AN ORDINANCE TO ADD A NEW SECTION 307-5.1 AND AMEND SECTION 307-48, SCHEDULE I, NO PARKING, OF THE CODE OF THE TOWN OF NEWTON, TO PROHIBIT CERTAIN PARKING ON SPRING STREET EXCEPT FOR MUNICIPAL AND EMERGENCY VEHICLES**

**WHEREAS**, it has been determined that parking is occurring on the brick pavers located on Spring Street, where such parking is intended to be prohibited, except for municipal and emergency vehicles;

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

**Section 1.** A new Section 307-5.1 shall be adopted as part of the Code of the Town of Newton, as follows:

307-5.1 Parking prohibited at all times on certain streets, except for municipal and emergency vehicles.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I attached to and made a part of this chapter (see §307-48).

**Section 2.** Chapter 307-48, Schedule I: No Parking, of the Code of the Town of Newton, shall be revised as follows:

In accordance with the provisions of §307-5.1, no person shall park a vehicle at any time upon any of the following described street or parts of streets, except for municipal and emergency vehicles:

<b>Name of Street</b>	<b>Sides</b>	<b>Location</b>
Spring Street	West	On the brick pavers, between parking spaces 12 and 13, as identified on the Spring Street Construction Plan prepared by Harold E. Pellow & Associates, Inc., last revised August 19, 2015.
Spring Street	East	On the brick pavers, between parking spaces 36 and 37, as identified on the Spring Street Construction Plan prepared by Harold E. Pellow & Associates, Inc., last revised August 19, 2015.

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

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

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

**NOTICE**

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 22, 2016. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body, to be conducted at 7:00pm on Monday, March 7, 2016 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

DRAFT

# TOWN OF NEWTON

## ORDINANCE 2016-

### AN ORDINANCE OF THE TOWN OF NEWTON AMENDING CHAPTER 25, PERSONNEL, OF THE NEWTON TOWN CODE, TO INCLUDE A DONATED LEAVE PROGRAM

**WHEREAS**, the Town Council desires to permit employees to voluntarily donate sick leave in order to provide assistance to co-workers who are in serious need of leave due to extended illness or injury of the employee or a member of the employee's immediate family; and

**WHEREAS**, it is in the public interest to provide for a voluntary program allowing Town employees to donate a portion of their earned sick leave to other Town employees upon certain specified conditions; and

**WHEREAS**, the Donated Leave Program will enable eligible Town employees to voluntarily donate a portion of their earned sick time to other Town employees who have exhausted their own earned leave and who are suffering from a catastrophic health condition or injury which is expected to require a prolonged absence from work or have an immediate family member who is suffering from a catastrophic health condition or injury requiring assistance; and

**WHEREAS**, N.J.S.A. 4A:6-1.22(g) allows establishment of a Donated Leave Program, consistent with provisions of the governing regulations and upon approval of the Civil Service Commissioner;

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

**Section 1.** Chapter 25, Personnel, is hereby amended to include §25-29.1 "Donated Leave Program" as follows:

#### §25-29.1 Donated Leave Program

A. Employee Eligibility:

Eligible employees of the Town of Newton shall be eligible to receive donated sick leave if the employee:

- (1) Has completed at least one (1) year of continuous service with the Town of Newton; and
- (2) Has exhausted all accrued sick, vacation and personal leave, all sick leave injury benefits, and compensatory time; and
- (3) Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
- (4) Either:
  - a. Suffers from a "catastrophic health condition or injury" requiring absence from work for 60 days or longer; or
  - b. Is needed to provide care to a member of the employee's immediate family (as defined under the FMLA) who is suffering from a "catastrophic health condition or injury"; or
  - c. Requires absence from work due to the donation of an organ (which shall include, for example the donation of bone marrow).

- (5) For the purposes of the Town of Newton Donated Leave Program, a “catastrophic health condition or injury” shall be defined as:
- a. With respect to an employee, a “catastrophic health condition or injury” is defined as a life-threatening condition or combination of conditions, or a period of disability required by his or her mental or physical health or the health of an employee’s fetus which requires the care of a physician who provides a medical verification of the need for the employee’s absence from work for 60 or more work days.
  - b. With respect to an employee’s immediate family member, a “catastrophic health condition or injury” is defined as a life-threatening condition or combination of conditions, or a period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the immediate family member’s care by the employee for 60 or more work days.

B. Required Approval:

- (1) The employee may request his/her Department Head approve his or her participation in the Program, as a leave recipient or as a leave donor. The Department Head shall submit the application to the Town Manager for final approval. Department Heads wishing to participate in the Program shall make application directly to the Town Manager. If the Town Manager wish to participate in the Program, he shall submit the application to the HR Director, who shall submit the application and confer with the Town Council.

(2) Leave Recipient:

- (a.) The leave recipient, upon application to the Program, shall submit medical verification from a physician or licensed health care provider, indicating the nature and anticipated duration of the catastrophic health condition or injury, or the donation of an organ, as the case may be. A certification shall also be provided that the recipient has neither threatened nor coerced, nor solicited nor offered anything of value, for the purpose of obtaining a donation of leave.
- (b.) Upon approval of the Town Manager, the Manager shall, with the leave recipient’s consent, post or circulate the employee’s name along with those of other eligible employees in a conspicuous manner for 30 days to encourage the donation of leave time, and shall provide notice to all negotiations representatives in the Town. If the employee is unable to consent, based on the underlying condition, to the posting or circulation, the employee’s family may consent on his or her behalf.
- (c.) A leave recipient must receive at least five (5) sick days from one or more leave donors to participate in the Donated Leave Program.
- (d.) A leave recipient shall neither receive nor use more than 180 days and shall not receive any such days on a retroactive basis.
- (e.) The leave recipient shall not be compensated or be granted supplemental compensation for any donated leave time, whether upon retirement or “buy back” leave time at the end of the calendar year.
- (f.) An employee receiving donated leave shall not receive temporary disability benefits for the same time period he/she is paid wages from donated sick leave.

(g.) Sick and vacation time will not continue to accrue for the recipient participating in the Donated Leave Program.

(3) Leave Donor:

- (a.) A leave donor shall donate only whole sick days and may not donate more than ten (10) such days to any one recipient. Ten days (10) of donation to any one recipient is a lifetime maximum.
- (b.) A leave donor shall have remaining at least 20 days of accrued sick leave or 12 days of accrued vacation leave after the donation is calculated.
- (c.) A leave donor shall not revoke the leave donation. If there is, however, any unused donated time for the recipient, the leave time shall be returned to the donors on a prorated basis in whole days. The return of donated time is triggered upon the recipient employee's return to work at his or her previous schedule or separation from the Town. Any portion that would amount to less than one day shall not be returned and shall be forfeit.
- (d.) The donor's leave time will be reduced permanently by the number of days that are to be donated.
- (e.) May not solicit nor accept any money, gift, credit, gift, and gratuity, a promise of future compensation, thing of value or compensation of any kind in exchange for the donation.

C. Voluntary Donations:

Town employees shall be prohibited from intimidating, threatening or coercing, or attempting to threaten or coerce another employee for the purpose of interfering with the rights involving donating, receiving, or using donated sick time. Such prohibited acts shall include, but are not limited to, promising or conferring a benefit such as an appointment or promotion, or making a threat to engage in, or engaging in, an act of retaliation against an employee.

D. Administration:

- (1) Donated days are paid to the recipient at the recipient's rate of pay.
- (2) The use of donated time shall not affect the running of any applicable FMLA leave.
- (3) No issue or dispute arising out of the administration of this program will be either grievable or arbitrable.
- (4) The Town's Human Resources Department shall retain all records concerning the Donated Leave Program.
- (5) The Town Manager may suspend or terminate the Donated Leave Program at any time, upon thirty (30) days written notice to collective bargaining unit representatives and all employees. If any collective bargaining agreements contain additional or separate requirements, the terms of such agreements shall control.
- (6) The Donated Leave Program shall be in accordance with N.J.S.A. 4A:6-1.22(g), as may be amended.

**Section 2.** This Ordinance shall be submitted to the Civil Service Commission for approval, in accordance with N.J.S.A. 4A:6-1.22(g).

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

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

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

DRAFT

**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, February 22, 2016. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, March 7, 2016, in the Council Chambers at the Newton

Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

DRAFT