

January 8, 2018

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 pm. Present were Mr. Flynn, Mrs. Le Frois, Mrs. Diglio, Mayor Levante, and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney was also present. Deputy Mayor Elvidge was excused.

Mayor Levante made the following declaration "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 January 4, 2018."

Mayor Levante led the Pledge of Allegiance to the flag and the Clerk called the roll. Upon motion of Mrs. Diglio, seconded by Mr. Flynn and carried, the minutes for December 27, 2017 Regular and Executive meetings were unanimously approved.

OPEN TO THE PUBLIC

Mayor Levante 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 take one turn at the microphone and please limit their comments to 5 minutes. The Clerk will keep time. 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 being no one from the public to be heard, Mayor Levante closed the hearing to the public.

SWEARING-IN CEREMONY

At this time, Mayor Levante invited The Honorable James P. Sloan to come forward. Mr. Sloan was sworn in by the Mayor as Municipal Judge, as his wife Elizabeth held the Bible.

At this time Mayor Levante suggested a brief intermission for congratulations and pictures with Hon. James P. Sloan, JMC.

INTERMISSION – 5 mins.

COUNCIL & MANAGER REPORTS

a. Paulinskill Wildfire Management Area (Hyper Humus)

Beth Styler-Barry, River Restoration Manager, outlined the Hyper Humus Site Assessment. She supplied a report summarizing all data collected as part of the initial date collections work completed for the Hyper Humus section of the Paulinskill River Wildlife Management Area. It was noted that this document will be in the Municipal Clerk's office for public view.

Councilman Flynn had several questions which were addressed by Ms. Styler-Barry.

b. COAH – Jessica Caldwell

Ms. Caldwell, Town Planner, appeared before the Council to address a request from Community Options. Community Options located a group home in Newton and has requested funds from Affordable Housing Trust Fund.

After a brief discussion, Ms. Caldwell outlined the Memorandum of Understanding and Council agreed with Ms. Caldwell's recommendation for use of funds to Community Options. It was further recommended not eliminating the municipal tax portion of the property taxes. Council agreed to have a Resolution on the agenda for the next Council meeting.

Ms. Caldwell also provided a brief update on the current status of the COAH obligations for the Town of Newton.

c. Mayor Levante

Mayor Levante suggested the Town appoint Kimberly Williams, Community Development Director, as an active member of the Greater Newton Chamber of Commerce.

The next Economic Development Commission (EDC) meeting is tomorrow, Tuesday, Jan. 9th. A calendar of events will be finalized at the meeting.

Deputy Mayor Elvidge and Mayor Levante have been attending several meetings with the merchants and feel a positive group has developed with new ideas. A discount card is in the planning stages. Deputy Mayor Elvidge has been working on a parking survey to address parking for the various events being planned.

Mayor Levante asked Mr. Russo if soldiers are honored upon their return home and was advised that the Town does display their name on the digital board and place same at the entrance to Town.

d. Councilwoman Le Frois

Mrs. Le Frois along with Mayor Levante, and Councilwoman Diglio attended the Newton Fire Department reorganization meeting on January 1, 2018. She wished all the newly appointed officers all the best.

Mrs. Le Frois asked Council to review her recent email regarding Governor-elect Murphy's priorities and discuss over the next few weeks.

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Mrs. Le Frois wished Hon. James Sloan the best of luck in his new position as Judge, as well, as his new team. Mr. Russo will bring the new Court Administrator and the new Deputy Court Administrator in to meet Council at the next meeting.

e. Councilman Flynn

Mr. Flynn attended the Annual Reorganization meeting of the Sussex County Freeholder board on Tuesday, Jan. 3rd. He congratulated all those who were sworn-in.

Mr. Flynn asked if the parking meters are labeled with the proper times to park and suggested each meter should be labeled. Mr. Russo will review same with Parking Enforcement.

Mr. Flynn also attended the Newton Merchants Association (NMA) meeting recently and inquired whether the GNCC membership application is a part of the new business packet the Town created for merchants. It was also suggested the Community Development Director make this packet available to various merchants and websites.

f. Councilwoman Diglio

Mrs. Diglio noted the Newton First Aid Squad (NFAS) have not yet reorganized but have lined up the new officers for NFAS.

She will be attending the Greater Newton Chamber Commerce (GNCC) meeting this Wednesday.

g. Town Manager Russo

Mr. Russo advised Council the Town will cover a portion of the cost of the merchant "discount card", therefore an invoice should be submitted to the Town Manager's office.

Municipal Building will be closed on Monday, January 15, 2018, in observance of Dr. Martin Luther King Jr. Day.

Mr. Russo noted Municipal Election packets are ready for pickup in the Clerk's office for the May 8, 2018 election.

Mr. Russo noted the Municipal Budget hearings dates will be Thursday, February 8, 2018 at 6:00 pm and Saturday, February 10, 2018 at 9:30 am. Municipal Department Heads will be in attendance to address their budgets.

ORDINANCES

Mayor Levante directed the Clerk to read aloud the following Ordinance relative to introduction of same.

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ORDINANCE #2018-1

AN ORDINANCE AND AGREEMENT FOR THE APPOINTMENT OF ENGINEER FOR CALENDAR YEARS 2018, 2019 & 2020

The aforementioned **ORDINANCE** as amended was offered by Mrs. Diglio, who moved its introduction, seconded by Mrs. Le Frois and roll call resulted as follows:

Deputy Mayor Elvidge	Absent	Mr. Flynn	Yes
Mrs. Le Frois	Yes	Mrs. Diglio	Yes
	Mayor Levante	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 the same to be held on Monday, January 22, 2018.

OLD BUSINESS

a. Spring Street Parking Analysis – No Update

No update at this time.

b. Town Events and Fees – Ursula Leo, Esp.

Mrs. Leo outlined the draft Ordinance created for the Town Events and Fees. This Ordinance proposes uniform permit process for all organizations seeking to utilize any Town properties or public properties within the Town. Required would be: hold harmless agreement, certificate of insurance and an escrow paid in order to ensure payment to the Town for any overtime costs related to DPW and Police employees.

After a lengthy discussion, Council agreed there should be structure regarding the Town Events and Fees associated with the events i.e. Police & DPW. Council agreed to have the Town Attorney obtain more information from other municipalities regarding the concern of covering costs for services provided by the Town; i.e. Police & DPW.

CONSENT AGENDA

Mayor Levante 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 Resolutions on the consent agenda.

RESOLUTION #1-2018*

ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2018

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2018; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the total of the appropriations made for all purposes in the budget for the preceding year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2018 Temporary Operating Budget and the 2018 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2018 Annual Municipal Budget and the 2018 Water and Sewer Utility Budget.

2018 TEMPORARY BUDGET CALCULATION

\$ 12,535,000	Total 2017 Budget
\$2,168,430	Less: Debt (principal & interest)
-0	Less: Public Assistance
<u>\$187,000</u>	Less: Capital Improvements
\$10,179,570	Amount on which % is applied
x <u>.2625</u>	Percentage increase allowed by State
\$ 2,672,137	Allowable 2018 Temporary Budget

2018 TEMPORARY WATER AND SEWER BUDGET

	<u>2017 BUDGET</u>	<u>TEMPORARY 2018 BUDGET</u>
Salaries and Wages	\$938,900	\$257,000
Other Expenses	\$1,992,910	\$500,000
Deferred Charges		
PE R S	\$15,500	\$15,500
Unemployment	\$4,300	\$500
Social Security System	<u>\$69,975</u>	<u>\$20,166</u>
	\$3,021,585	\$793,166
	x <u>.2625</u>	
	\$793,166	
TOTAL 2018 TEMPORARY WATER & SEWER BUDGET		\$793,166
TOTAL 2018 TEMPORARY W&S CAPITAL IMPR BUDGET		\$400,000
TOTAL 2018 TEMPORARY W&S DEBT SERVICE BUDGET		\$200,000

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2018 Current Temporary Budget		2018
ACCOUNT NUMBER	APPROPRIATIONS	TEMPORARY BUDGET
1050100	TOWN MANAGER'S OFFICE - SALARY & WAGES	33,000.00
1050200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	30,000.00
1051100	TOWN CLERK'S OFFICE - SALARY & WAGES	34,000.00
1051200	TOWN CLERK'S OFFICE - OTHER EXPENSES	3,000.00
1051500	ELECTIONS - OTHER EXPENSES	3,000.00
1052100	TOWN COUNCIL - SALARY & WAGES	3,000.00
1052200	TOWN COUNCIL - OTHER EXPENSES	1,800.00
1053100	HUMAN RESOURCE - SALARY & WAGES	9,000.00
1053200	HUMAN RESOURCE - OTHER EXPENSES	3,000.00
1054100	FINANCE ADMINISTRATION - SALARY & WAGES	20,000.00
1054200	FINANCE ADMINISTRATION - OTHER EXPENSES	4,000.00
1054300	FINANCE ADMINISTRATION - AUDIT SERVICES	500.00
1055100	ASSESSMENT OF TAXES - SALARY & WAGES	16,000.00
1055200	ASSESSMENT OF TAXES - OTHER EXPENSES	6,000.00
1056100	COLLECTION OF TAXES - SALARY & WAGES	18,000.00
1056200	COLLECTION OF TAXES - OTHER EXPENSES	4,000.00
1058200	LEGAL SERVICES - OTHER EXPENSES	45,000.00
1059100	MUNICIPAL COURT - SALARY & WAGES	35,000.00
1059200	MUNICIPAL COURT - OTHER EXPENSES	12,000.00
1060200	ENGINEERING - OTHER EXPENSES	5,000.00
1061200	BUILDINGS & GROUNDS - OTHER EXPENSES	50,000.00
1062100	PLANNING/ZONING ADMIN - SALARY & WAGES	13,000.00
1062200	PLANNING BOARD - OTHER EXPENSES	7,000.00
1063200	HISTORIC COMMISSION - OTHER EXPENSES	500.00
1064100	COMMUNITY DEVELOPMENT - SALARIES/WAGES	16,000.00
1064200	COMMUNITY DEVELOPMENT - OTHER EXPENSES	10,000.00
1065300	SHADE TREE COMM - OTHER EXPENSES	500.00
1065400	ECONOMIC DEVELOPMENT COMM - OTHER EXP	800.00
1066200	EMPLOYEE GROUP INSURANCE - OTHER EXPENSE	400,000.00
1066300	HEALTH BENEFIT WAIVER	7,000.00
1067200	WORKMEN'S COMP INSURANCE - OTHER EXPENSE	75,000.00
1069200	OTHER INSURANCE PREMIUMS - OTHER EXPENSE	93,000.00
1070200	FIRE DEPARTMENT - OTHER EXPENSES	6,000.00
1073100	CENCOM - SW	100,000.00
1074100	POLICE DEPARTMENT - SALARY & WAGES	860,000.00
1074200	POLICE DEPARTMENT - OTHER EXPENSES	25,000.00
1074300	COMMUNICATIONS CENTER - OTHER EXPENSES	48,000.00
1075100	PARKING METERS - SALARY & WAGES	1.00
1076200	AID TO FIRST AID ORGANIZATION - OTHER EX	7,000.00
1077100	INSPECTION OF BUILDINGS - SALARY & WAGES	9,000.00
1077200	INSPECTION OF BUILDINGS - OTHER EXPENSES	1,000.00
1077400	CODE ENFORCEMENT - SALARIES & WAGES	16,000.00
1077500	CODE ENFORCEMENT - OTHER EXPENSES	3,000.00
1078100	EMERGENCY MANAGEMENT - SALARY & WAGES	3,000.00
1078200	EMERGENCY MANAGEMENT - OTHER EXPENSES	2,000.00
1080100	ROAD REPAIR & MAINT - SALARY & WAGES	150,000.00
1080200	ROAD REPAIR & MAINT - OTHER EXPENSES	30,000.00
1081100	SNOW REMOVAL - SALARY & WAGES	50,000.00
1081200	SNOW REMOVAL - OTHER EXPENSES	45,000.00
1082200	STORMWATER/FLOOD CONTROL - OTHER EXPENSE	6,000.00
1083100	RECYCLING/SANITATION - SALARY & WAGES	600.00
1083200	RECYCLING/SANITATION - OTHER EXPENSES	10,000.00
1083300	VEHICLE MAINTENANCE - OTHER EXPENSES	31,000.00
1084200	BOARD OF HEALTH - OTHER EXPENSES	500.00
1085100	OCCUPATIONAL HEALTH - SALARY & WAGES	2,500.00
1085200	OCCUPATIONAL HEALTH - OTHER EXPENSES	2,000.00
1087100	RECREATION - SALARIES & WAGES	5,000.00
1087200	RECREATION - OTHER EXPENSES	6,000.00
1089200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	120,000.00
1090100	SWIMMING POOL - SALARY & WAGES	2,000.00
1090200	SWIMMING POOL - OTHER EXPENSES	5,000.00
1091100	PARKS & PLAYGROUNDS - SALARY & WAGES	22,000.00
1091200	PARKS & PLAYGROUNDS - OTHER EXPENSES	10,000.00
1092200	CELEBRATION OF PUBLIC EVENTS - OE	7,000.00
1093100	SENIOR CITIZEN PROGRAM - SALARY & WAGES	10,000.00
1093200	SENIOR CITIZEN PROGRAM - OTHER EXPENSE	500.00
1094550	RECYCLING TAX (PL2007 c.311)O/S CAP	200.00
1094710	INTERLOCAL- PARKING AUTHORITY	5,000.00
1094798	INTERLOCAL - GREEN TWP COURT	10,000.00
1098294	STAT. EXPEND. - DCRP	4,000.00
1098296	STAT. EXPEND. - PERS	39,236.00
1098298	STAT. EXPEND. - SOCIAL SECURITY	60,000.00
1098299	STAT. EXPEND. - UNEMPLOYMENT	500.00
	TOTAL APPROPRIATIONS SUBJECT TO 26.25% INCREASE	2,672,137.00
	APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE	
1094816	PUB. & PRIV. PROG. O/S CAP -BODY ARMOR	885.00
1095200	CAPITAL IMPROVEMENTS - OTHER EXPENSES	100,000.00
1096200	DEBT SERVICE - OTHER EXPENSES	585,000.00
	TOTAL CURRENT 2018 TEMPORARY BUDGET	3,358,022.00

RESOLUTION #2-2018*

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 2017 and 2018 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.

**BILL LIST 2017
PREPAID**

<u>CHECK #</u>	<u>VENDER</u>	<u>DECRPTION</u>	<u>TOTAL</u>
Electronic Fee -OTHER			
171745	Current	2017 Interest	\$.85
171748	Current	Close to Current	\$ 50.40
Electronic Fee -TAX			
1713159	Current	2017 Interest	\$ 29.78
1713162	Current	Close to Current	\$ 757.32
Cashier			
171434	Current	2017 Interest	\$ 4,699.38
Tax Lien Trust			
171501	Current	2017 Interest	\$ 85.49
Tax Lien Premium			
171601	Current	2017 Interest	\$ 2,221.42
P/R Agency			
178201	Current	2017 Interest	\$.06
178202	Current	Close P/R Agency	\$ 10.00
Payroll			
178186	Current	2017 Interest	\$ 2,071.19
178187	Current	Close to Current	\$ 1,532.46
Housing Rehab Revolving Trust			
177401	Current	2017 Interest	\$ 65.32
Capital			
173002	Current	2017 Interest	\$ 8,404.16
Developer's Escrow			
177201	Current	2017 Interest	\$ 82.43
Dog			
172102	Current	2017 Interest	\$ 122.95
Grant			
171129	Current	2017 Interest	\$ 258.87
Trust			
177128	Current	2017 Interest	\$ 4,007.36
177128	Current	Admn fee MRNA	\$14,262.00
Current			
39364	Dan Sperry	COC Refund	\$ 150.00
39365	Marquira Guillermo	Tax Refund	\$ 250.00
39366	Napier, Ruth	Tax Refund	\$ 250.00
39367	Sliker, Gerald	Tax Refund	\$ 250.00
39368	Vision Svc Plan	Vision Insurance	\$ 337.00
Current Total			<u>\$39,898.44</u>
W/S			
W/S Operating			
16698	Vision Svc Plan	Vision Insurance	\$ 625.00
W/S Utility Trust Assessment			
176403	W/S operating	2017 Interest	\$ 17.59
W/S Electronic Fee			
1763367	W/S operating	2017 Interest	\$ 24.32
1663373	W/S operating	2017 Close	\$ 2,772.74
W/S Capital			
176101	W/S operating	2017 Interest	\$ 7,677.89
W/S Total			<u>\$11,117.54</u>

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RESOLUTION #3-2018*

APPOINTMENT OF JARROD C. COFRANCESCO, ESQ., AS THE TOWN OF NEWTON'S ALTERNATE MUNICIPAL PROSECUTOR FOR CALENDAR YEAR 2018

WHEREAS, Jonathan E. McMeen, Esq., currently serving as the Town of Newton's Municipal Prosecutor, has indicated an Alternate Municipal Prosecutor may be needed by the Town of Newton during calendar year 2018; and

WHEREAS, Jarrod C. Cofrancesco, Esq., has expressed an interest in serving as Newton's Alternate Municipal Prosecutor; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby appoint Jarrod C. Cofrancesco, Esq. as the Town of Newton's Alternate Municipal Prosecutor for the calendar year 2018; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Jarrod C. Cofrancesco, Esq., Jonathan E. McMeen, Esq., Frances Koch, Sussex County Prosecutor and the Town of Newton Municipal Judge, the Hon. James P. Sloan.

RESOLUTION #4-2018*

CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF A POLICE OFFICER FROM CERTIFICATION NO. OL171168

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 individual as a Police Officer from the New Jersey Civil Service Commission " *Certification of Eligibles For Appointment*" list No. OL171168 effective December 27, 2017:

Donald J. Meisinger, Jr.

RESOLUTION #5-2018*

DESIGNATE OFFICIALS TO SIGN CHECKS FOR THE TOWN OF NEWTON – TOWNSHIP OF GREEN CONSOLIDATED MUNICIPAL COURT

BE IT RESOLVED by the Town Council of the Town of Newton, that the Deputy Court Administrator, Sarah Grub and the Hon. James P. Sloan, Judge of the Municipal Court, are hereby authorized to sign General Account checks and Bail Account checks for the Town of Newton and Green Township Consolidated Municipal Court.

RESOLUTION #6-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR MOTT MACDONALD, LLC

WHEREAS, the Town of Newton requires the services of a qualified Sewer Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2018 calendar year (s); and

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WHEREAS, Mott MacDonald, LLC, in the aggregate is expected to exceed the pay-to-play threshold of \$17,500.00; and

WHEREAS, Mott MacDonald, LLC., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Mott MacDonald, LLC., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit Mott MacDonald, LLC., from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 Temporary and Permanent budgets, funds NOT TO EXCEED \$19,000.00 will be encumbered as follows:

2018 Water Sewer Utility Budget – Engineer Contractual #6051218

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with Mott MacDonald, LLC., not to exceed \$19,000 for the 2018 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION #7-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR DAVID B. SIMMONS, JR., OF HAROLD E. PELLOW & ASSOCIATES, INC., AS WATER ENGINEER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2018

WHEREAS, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton’s Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2018 calendar year(s); and

WHEREAS, David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, David B. Simmons, Jr., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies David B. Simmons, Jr. of Harold E. Pellow & Associates, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 Temporary and Permanent budgets, funds NOT TO EXCEED \$25,000.00 will be encumbered as follows:

2018 Water Sewer Utility Budget – Engineer Contractual #6051217

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

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NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., not to exceed \$25,000 for the 2018 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION #8-2018*

AMEND THE ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2018

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 2018 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey; and

Council Meetings					
7:00pm					
January	8	and	22	July	16
February	12	and	26	August	13
March	12	and	26	September	12* and 24
April	9	and	23	October	10* and 22
May	14	and	30*	November	26
June	11	and	25	December	10 and 26*

*Held Wednesday

Reorganizational Meeting

Noon
Sunday, July 1, 2018

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

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

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

RESOLUTION #9-2018*

RESOLUTION AUTHORIZING PAYMENT TO SCHWARTZ EDELSTEIN LAW GROUP FOR PREPARATION OF PETITION TO THE NEW JERSEY COMMISSIONER OF EDUCATION

WHEREAS, pursuant to Resolution #231-2017, the Town Council of the Town of Newton supported joining the Newton Board of Education and other school districts and municipalities in litigation with regard to the underfunding of schools; and

WHEREAS, attorneys Schwartz Edelstein Law Group shall take the lead in preparing a petition seeking declaratory judgment regarding school funding on behalf of the group of interested petitioners; and

WHEREAS, the Town of Newton desires to support and participate in the litigation, and as such agrees to pay a contribution of \$2,500 to Schwartz Edelstein Law Group;

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NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby authorize that funds in the amount of \$2,500 be paid to Schwartz Edelstein Law Group to support the petition challenging school funding to be filed before the NJ Commissioner of Education.

RESOLUTION #10-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR EXCEL ENVIRONMENTAL RESOURCES, INC., AS ENVIRONMENTAL ENGINEER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2018

WHEREAS, the Town of Newton requires the services of a qualified Environmental Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services may exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is for the 2018 calendar year (s); and

WHEREAS, EXCEL Environmental Resources, Inc., in the aggregate may exceed the pay to play threshold of \$17,500.00; and

WHEREAS, EXCEL Environmental Resources, Inc., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies EXCEL Environmental Resources, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 Temporary and Permanent budgets, funds NOT TO EXCEED \$17,500.00 will be encumbered as needed:

2018 General or Water Sewer Capital Ordinances - Specific Ordinances Payments in 2015 and 2016 were against Ordinance #2008-26

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with EXCEL Environmental Resources, Inc., not to exceed \$17,500.00 for the 2018 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION #11-2018*

RESOLUTION #11-2018 AND AGREEMENT FOR PROFESSIONAL SERVICES

MUNICIPAL PUBLIC DEFENDER

WHEREAS, there exists a need for a public defender to be appointed to represent the Town of Newton for calendar year 2018; and

WHEREAS, Daniel P. Agatino, J.D., Ph.D., has indicated that all such services will be rendered to the Town of Newton on the basis of an annual fee of **\$13,500**, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the

January 8, 2018

Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. Agatino agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and Mr. Agatino agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3; and

WHEREAS, the Town of Newton's Chief Financial Officer certifies funds will be provided in the 2018 Municipal Current Budget – 'Legal Services – Other Expenses' for expenditures pertaining to this open-ended contract for said municipal matters;

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

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Daniel P. Agatino, J.D., Ph.D., providing for his retention as Municipal Public Defender in and on behalf of the Town of Newton for calendar year 2018.
- 2) The services to be rendered by Daniel P. Agatino, J.D., Ph.D., shall be at a rate not to exceed **\$13,500** annually.
- 3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Daniel P. Agatino, J.D., Ph.D., is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.
- 4) Political Contribution Disclosure. This contract has been awarded to Daniel P. Agatino, J.D., Ph.D., based on the merits and abilities of Daniel P. Agatino, J.D., Ph.D., to provide the goods or services as described herein. The undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.
- 5) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2018.

January 8, 2018

Date: _____

Daniel P. Agatino, J.D., Ph.D.

RESOLUTION #12-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR J. CALDWELL & ASSOCIATES, LLC AS PLANNER FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2018

WHEREAS, the Town of Newton requires the services of a qualified Planner for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2018 calendar year (s); and

WHEREAS, J. Caldwell & Associates, LLC, in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, J. Caldwell & Associates, LLC has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies J. Caldwell & Associates, LLC has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 Temporary and Permanent budgets, funds NOT TO EXCEED \$40,000.00 will be encumbered as follows:

2018 Current Budget – Community Devel. #1064216 & Planning Board #1062216

2018 Water Sewer Utility Budget – Consultant #6051216

Trust Escrow Accounts as applicable

General Capital - Redevelopment

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with J. Caldwell & Associates LLC, not to exceed \$40,000 for the 2018 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

RESOLUTION #13-2018*

RESOLUTION AND AGREEMENT FOR PROFESSIONAL SERVICES

MUNICIPAL LEGAL COUNSEL

WHEREAS, there exists a need for legal counsel to be appointed to represent the Town of Newton with respect to municipal matters, for calendar year 2018; and

WHEREAS, Ursula H. Leo, Esq, of Laddey, Clark & Ryan, LLP has indicated that all such services will be rendered to the Town of Newton on the basis of a \$160.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the

January 8, 2018

Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Ms. Leo agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and Ms. Leo agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3; and

WHEREAS, the Town of Newton’s Chief Financial Officer certifies funds will be provided in the 2018 Municipal Current Budget – ‘Legal Services – Other Expenses’ and the 2018 Water Sewer Operating Budget – ‘Legal’ for expenditures pertaining to this open-ended contract for said municipal matters;

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Ursula H. Leo, Esq., of Laddey, Clark & Ryan, LLP providing for her retention as Counsel for Municipal Matters for the Town of Newton for calendar year 2018.

2) The services to be rendered by Ms. Leo shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$160.00 per hour **not to exceed \$60,000.00**.

3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Ms. Leo is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

4) Political Contribution Disclosure. This contract has been awarded to Ursula H. Leo, Esq., of Laddey, Clark & Ryan, LLP based on the merits and abilities of Ms. Leo to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.

6) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

January 8, 2018

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2018.

Date: _____

Ursula H. Leo, Esq.
Laddey, Clark & Ryan, LLP

RESOLUTION #14-2018*

AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR MCMANIMON, SCOTLAND & BAUMANN, L.L.C. FOR REDEVELOPMENT AND BOND COUNSEL FOR 2018

WHEREAS, there exists a need for specialized legal services for the Town of Newton, in the County of Sussex, New Jersey in connection with (i) services related to public finance and (ii) services related to redevelopment, environmental, litigation or other non-public finance services, including the authorization and issuance of bonds by the Town; and

WHEREAS, such special legal services can be provided best by a recognized Bond Counsel firm, and the law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is so recognized by the financial community; and

WHEREAS, the Town of Newton's Chief Financial Officer certifies funds will be provided in in the following accounts pertaining to this open-ended contract for said municipal matters:

General and Water/Sewer Capital Funds – specific ordinances estimate \$10,000

Trust Escrow Accounts – estimate \$30,000

2018 Current Budget – Legal or Community Development – estimate \$20,000 for expenditures;

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AS FOLLOWS:

1. The law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with (i) services related to public finance and (ii) services related to redevelopment, environmental, litigation or other non-public finance services, including the authorization and issuance of bonds by the Town in accordance with an Agreement dated as of January 1, 2018 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. The services to be rendered by McManimon, Scotland & Baumann, L.L.C., shall on an "as needed" requirement, as sought by the Town of Newton in an amount **not to exceed \$60,000.00**.
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
5. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in New Jersey Herald.

January 8, 2018

RESOLUTION #15-2018*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR NEWTON AUTO EXCHANGE

WHEREAS, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" requires no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as Newton Auto Exchange at 79 Mt. View Street, Newton, New Jersey; and

WHEREAS, Section 156-8 states the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, Newton Auto Exchange has obtained the necessary approvals as required in Section 156-8; and

WHEREAS, Newton Auto Exchange has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, we hereby approve the application for a renewal Junk Dealer License submitted by Michael F. Sesera, Jr., t/a Newton Auto Exchange, 79 Mt. View Street, Newton, N.J., which shall expire on December 31, 2018.

RESOLUTION #16-2018*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALERS LICENSE FOR GEORGE'S SALVAGE COMPANY

WHEREAS, the Newton Code under Chapter 156 "Junkyards and Junk Dealers" require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

WHEREAS, said renewal application for the Junk Dealer's License lists the business as George's Salvage Company Inc. at 10 South Park Drive, Newton, New Jersey; and

WHEREAS, Section 156.8 states the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junkyards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

WHEREAS, George's Salvage Company Inc. has been inspected and approved as required in Section 156-8; and

WHEREAS, George's Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by Michael Miller, 10 South Park Drive, Newton, N.J. which shall expire on December 31, 2018.

January 8, 2018

RESOLUTION #17-2018*

AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS IN CALENDAR YEAR 2018

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

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

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

WHEREAS, the anticipated term of this contract is one (1) year, January 1, 2018 through December 31, 2018; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2018 Temporary and Permanent budgets, funds NOT TO EXCEED \$17,500.00 will be encumbered as follows:

1055216 TAX ASSESS - OE - CONSULTANT SERVICES

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated December 29, 2017; and

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

RESOLUTION #18-2018*

RESOLUTION AND AGREEMENT FOR PROFESSIONAL SERVICES

SPECIAL COUNSEL FOR TAX APPEAL MATTERS

WHEREAS, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to tax appeals for calendar year 2018; and

WHEREAS, Robert B. McBriar, Esq., of the firm Schenck Price Smith & King LLP has indicated that all such services will be rendered to the Town of Newton on the basis of a \$150.00 per hour, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. McBriar agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

January 8, 2018

WHEREAS, the Town and Mr. McBriar agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to this open-ended contract for said municipal matters, and the funds have been certified as being available by the Chief Financial Officer in the 2018 Current Budget – “Legal Services – Other Expenses;

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

1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as authorization and agreement between the Town of Newton and Robert B. McBriar, Esq. providing for his retention as Special Counsel for Tax Appeal Matters in and on behalf of the Town of Newton for calendar year 2018.

2) The services to be rendered by Robert B. McBriar, Esq. shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$150.00 per hour **not to exceed \$25,000.00**.

3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Robert B. McBriar, Esq. is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.

4) Political Contribution Disclosure. This contract has been awarded to Robert B. McBriar, Esq. based on the merits and abilities of Robert B. McBriar, Esq. to provide the goods or services as described herein. The undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

5) The maximum dollar value is based on reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.

6) Notice of this action shall be published once in the New Jersey Herald.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Newton Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2018.

Date: _____

Robert B. McBriar, Esq.
Schenck Price Smith & King LLP

January 8, 2018

RESOLUTION #19-2018*

RESOLUTION AND AGREEMENT FOR PROFESSIONAL SERVICES

CONFLICT COUNSEL

WHEREAS, there exists a need for conflict counsel to be appointed to represent the Town of Newton with respect to municipal matters that the town attorney is unable to perform for calendar year 2018; and

WHEREAS, Robert B. McBriar, Esq., has indicated that all such services will be rendered to the Town of Newton on the basis of a \$160.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids, and the contracts themselves, must be available for public inspection; and

WHEREAS, Mr. McBriar agrees to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and agrees to comply with the terms, provisions, and obligations of said subsection 3.4(a) provided that said subsection shall be applied subject to the terms of subsection 3.4(a) of said Regulations; and

WHEREAS, the Town and Mr. McBriar agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127 as amended and supplemented from time to time and agree to comply with the terms, provisions and obligations of said section 5.3; and

WHEREAS, the Town of Newton's Chief Financial Officer certifies funds will be provided in the 2018 Municipal Current Budget – 'Legal Services – Other Expenses' and the 2018 Water Sewer Operating Budget – 'Legal' for expenditures pertaining to this open-ended contract for said municipal matters;

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

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Resolution which shall act as the authorization and agreement between the Town of Newton and Robert B. McBriar, Esq., of Schenck Price Smith & King, LLP providing for his retention as Conflict Counsel as needed for the Town of Newton for calendar year 2018.
- 2) The services to be rendered by Mr. McBriar of Schenck Price Smith & King, LLP shall be on an hourly basis, on an "as needed" requirement, as sought by the Town of Newton at a rate of \$160.00 per hour **not to exceed \$10,000.00**.
- 3) This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1) (a) of the Local Public Contracts Law, because Mr. McBriar is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.
- 4) Political Contribution Disclosure. This contract has been awarded to Robert B. McBriar, Esq., of the Schenck Price Smith & King, LLP based on the merits and abilities of Mr. McBriar to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4 et seq. As such, the undersigned does hereby attest that he and all those who control in excess of 10% of the law firm in which he is a member has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44a-8 or 19:44a-16,

January 8, 2018

in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Town of Newton, County of Sussex if a member of that political party is serving an elective public office of that Town when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Town when the contract is awarded.

- 5) The maximum dollar value is based on a reasonable estimate of goods or services required over the contract term, and the Town is not obligated to spend that amount.
- 6) Notice of this action shall be published once in the *New Jersey Herald*.

ATTEST:

TOWN OF NEWTON

Lorraine A. Read, RMC, Municipal Clerk

Wayne F. Levante, Mayor

I hereby acknowledge executing this duplicate Resolution and agree to be bound by its terms, covenants and conditions for the year 2018.

Date: _____

Robert B. McBriar, Esq.,
Schenck Price Smith & King, LLP.

RESOLUTION #20-2018*

APPOINTMENT OF GEORGE WINK AS A REGULAR MEMBER OF THE PLANNING BOARD

WHEREAS, there is currently a vacancy for a Regular member on the Town of Newton Planning Board; and

WHEREAS, George Wink currently serves as an Alternate Member on the Planning Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that George Wink is hereby appointed to a four-year term as a Regular member on the Planning Board, effective immediately with said term continuing to December 31, 2021.

RESOLUTION #21-2018*

APPOINTMENT OF KATHERINE QUINN, C.M.C.A., AS MUNICIPAL COURT ADMINISTRATOR FOR THE TOWN OF NEWTON

WHEREAS, the Town of Newton is in need of a Certified Municipal Court Administrator; and

WHEREAS, the Town of Newton exhausted a search for a qualified candidates; and

WHEREAS, Katherine Quinn, C.M.C.A., best fits the needs and requirements for the position as Certified Municipal Court Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, that Katherine Quinn, C.M.C.A., is appointed as Certified Municipal Court Administrator for the Town of Newton effective January 22, 2018.

A motion was made by Mrs. Le Frois to approve, the revised **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Diglio roll call resulted as follows:

January 8, 2018

Deputy Mayor Elvidge	Absent	Mr. Flynn	Yes
Mrs. Le Frois	Yes	Mrs. Diglio	Yes
	Mayor Levante	Yes	

DISCUSSION - None

OPEN TO THE PUBLIC

There being no one from the public to be heard, Mayor Levante closed the meeting to the public.

COUNCIL & MANAGER COMMENTS

Councilwoman Le Frois asked if the television monitors in the room could be utilized for the agendas, in lieu of the copies.

After a brief discussion, Mr. Russo noted he plans on utilizing the monitors in the future but not at this time.

EXECUTIVE SESSION

Upon motion of Mrs. Le Frois, seconded by Mrs. Diglio and unanimously carried, Council entered Executive Session at 8:04 pm.

Upon motion of Mrs. Le Frois, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 9:10 pm.

Councilman Flynn questioned having only one Council meeting in August and November this year. Mr. Russo noted if additional meetings are warranted it can be addressed at the Reorganization meeting on July 1st.

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Le Frois and unanimously carried, the meeting was adjourned at 9:14 pm.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk