



AGENDA
NEWTON TOWN COUNCIL
MARCH 8, 2010
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES - FEBRUARY 22, 2010 REGULAR MEETING

V. OPEN TO THE PUBLIC

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

VI. COUNCIL & MANAGER REPORTS

a. MAIN STREET NEWTON DISCUSSION

VII. ORDINANCES

a. INTRODUCTION

ORDINANCE 2010-3

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE REVISED GENERAL ORDINANCES

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.

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|-----------|----------------------|---|
| a. | RESOLUTION #28-2010* | TAKE OUR DAUGHTERS AND SONS TO WORK®
DAY |
| b. | RESOLUTION #29-2010* | RESOLUTION URGING THE STATE LEGISLATURE
TO REFORM INTEREST ARBITRATION |
| c. | RESOLUTION #30-2010* | AUTHORIZE CREDITS DUE WATER AND SEWER
UTILITY ACCOUNTS |
| d. | RESOLUTION #31-2010* | RESOLUTION AUTHORIZING THE CANCELLATION
OF MUNICIPAL CERTIFICATE OF SALE |
| e. | RESOLUTION #32-2010* | AMENDMENT TO 2010 TEMPORARY OPERATING
BUDGET |
| f. | RESOLUTION #33-2010* | APPROVE BILLS AND VOUCHERS FOR PAYMENT |
| g. | APPLICATION* | APPLICATION FOR AN OFF-PREMISE (50/50)
FROM THE NEWTON FIRE DEPARTMENT
AUXILIARY, P.O. BOX 203, NEWTON TO BE HELD
ON NOVEMBER 26, 2010 AT NEWTON FIRE
HOUSE NO. 1, 22 MILL STREET, NEWTON.
PROCEEDS OF THIS GAME(S) ARE TO BE
DEVOTED TO HELP THE FIRE DEPARTMENT
PURCHASE NEEDED EQUIPMENT. |

X. INTERMISSION

XI. DISCUSSION

- a.** NFAS – WORKMEN’S COMPENSATION

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE #2010-3

**AN ORDINANCE TO AMEND CHAPTER 10,
TRAFFIC, OF THE REVISED GENERAL ORDINANCES**

WHEREAS, the Newton Town Council requested that the Newton Police Department perform a traffic study to evaluate the safety and the quality of life for those living on Ryerson Avenue in the vicinity of Newton High School; and

WHEREAS, the results of said traffic study indicate there is a need to restrict parking on Ryerson Avenue during school hours;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton that Chapter 10 of the Revised General Ordinance be amended as follows:

Add the following:

SCHEDULE I

NO PARKING

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Ryerson Avenue	East	From the south curb line of Condit Street extending 100 feet in a southerly direction

Amend to read as follows:

SCHEDULE II

**PARKING PROHIBITED DURING CERTAIN HOURS
ON CERTAIN STREETS**

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Ryerson Avenue	West	7:00am to 4:00pm school days	Beginning at a point 675 feet south of the curb line of Ashford Street to the east curb line of Douma Drive

BE IT FURTHER ORDAINED that this Ordinance shall take effect 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, March 8, 2010. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, March 22, 2010 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #28-2010

March 8, 2010

“Take Our Daughters and Sons to Work[®] Day”

WHEREAS, the Take Our Daughters and Sons to Work[®] Foundation operates the Take Our Daughters and Sons to Work[®] Day to help our nation’s daughters and sons reach their full potential in school, in family life, in the community, and in their future work lives; and

WHEREAS, take Our Daughters and Sons to Work[®] Day is making a positive difference in the lives of our youth through creating a wide range of experiences to instill the confidence necessary to acquire the skills and attitudes to enter and compete in today’s workplace; and

WHEREAS, this program for 17 years has designed and promoted activities that encourage girls and boys to think about how their dreams for the future – both for their work and family lives – can be realized; and

WHEREAS, through this educational experience, girls and boys begin to see the connection between studied subjects like math, English and science and how they are applied to the “real” world. As a result, girls and boys are given an opportunity to explore the workplace and apply the experience to their everyday studies; and

WHEREAS, this program is a public education campaign that amplifies the voices of girls and boys, shares the vision of our nation’s daughters and sons for a better future, and works through the program to help girls and boys make their vision of today their reality of tomorrow;

NOW, THEREFORE, We, the Mayor and Town Council of the Town of Newton do hereby extend greetings and best wishes to all observing April 22, 2010 as “***Take Our Daughters and Sons to Work[®] Day***” in the Town of Newton, and we urge all business and organizations to join the Town of Newton in supporting this program and its participants, enabling students to realize their full potential and reach their dreams.

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, March 8, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #29-2010

March 8, 2010

“Resolution Urging the State Legislature to Reform Interest Arbitration”

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L. 1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.A.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addressing the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for State approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pensions increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the State approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reformed to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrators' award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Town of Newton in the County of Sussex, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to New Jersey State Senator Steven V. Oroho, Assemblyman Gary R. Chiusano, Assemblywoman Alison McHose, the New Jersey State League of Municipalities and the Office of the Governor.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #30-2010

March 8, 2010

“Authorize Credits Due Water and Sewer Utility Accounts”

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

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

Account should have been in final status and not charged:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6443	21 Shady Lane	\$60.00

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #31-2010

March 8, 2010

**“Resolution Authorizing the Cancellation of a
Municipal Certificate of Sale”**

WHEREAS, Certificate of Sale #1291 was issued to the Town of Newton, 39 Trinity Street, Newton, New Jersey for delinquent taxes on Block 401, Lot 26 also known as 12 Cherry Street and assessed to Fairview Builders, LLC at a tax sale held on June 24, 2009; and

WHEREAS, Basile, Birchwale and Pellino, LLP have redeemed Certificate of Sale #1291 by paying the full amount of the delinquency;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Town of Newton are hereby authorized to endorse Certificate of Sale #1291 for cancellation.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #32-2010

March 8, 2010

“Amendment to 2010 Temporary Operating Budget”

WHEREAS, the Town Council of the Town of Newton adopted the 2010 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #280-2009 dated December 28, 2009; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year’s Budget (2009 Budget \$8,422,573 x 1/12 = \$701,881) and that a copy of this resolution be filed with the Director of Local Government Services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2010 Temporary Operating Budget be hereby amended as follows:

TOWN OF NEWTON 2010 TEMPORARY BUDGET AMENDMENT

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Shade Tree OE	1065300	\$ 1,500
Group Insurance OE	1066200	115,000
Snow Removal SW	1081102	10,000
Snow Removal OE	1081239	25,000
911 Misc SW	1094770	4,000
Public & Private – OEM Grant	1094862	<u>5,000</u>
Subtotal Current Temp Amendment		160,500
Contribution to PERS	1098296	209,439
Contribution to PFRS	1092897	<u>496,646</u>
Total Current Temp Amendment		\$866,585
 <u>Water Sewer Utility Account</u>		
Contribution to PERS	6093296	<u>11,760</u>
Subtotal Water/Sewer Temp Amendment		11,760
Debt Service	6091200	<u>300,000</u>
Total Water/Sewer Temp Amendment		\$311,760

PERS and PFRS are mandatory payments due to April 1st.

Debt Service is a mandatory payment and not subject to allowable increase.

2009 TOWN OF NEWTON BUDGET

<u>CURRENT</u>		<u>WATER/SEWER</u>
\$10,342,468	Total 2009 General Appropriations	\$4,160,000
1,261,782	Less: Debt Service	1,332,631
163,000	Capital Improvements	310,000
<u>495,113</u>	Reserve for Uncollected Taxes	<u>0</u>
\$ 8,422,573	Total Amount to calculate upon	\$2,517,369
<u>x 1/12</u>		<u>x 1/12</u>
\$ 701,881	Allowable 2010 Temporary Budget Amend.	\$ 209,780

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #33-2010

March 8, 2010

“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 2009 and 2010 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.

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Lorraine A. Read, RMC
Municipal Clerk