



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**NOVEMBER 22, 2010**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

OCTOBER 28, 2010 SPECIAL MEETING  
NOVEMBER 8, 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. PROCLAMATION – AMERICAN EDUCATION WEEK

**VII. ORDINANCES**

- a. INTRODUCTION

ORDINANCE 2010-27

AN ORDINANCE TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 21 ENTITLED "FEES AND COSTS" OF NEWTON'S 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.

- a. RESOLUTION #199-2010\*                      AUTHORIZE REDEMPTION OF A TOWN HELD LIEN

- b. RESOLUTION #200-2010\*      AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH CIT-E-NET, LLC FOR ONLINE PAYMENT APPLICATIONS FOR THE TOWN OF NEWTON
- c. RESOLUTION #201-2010\*      AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH ELAVON, INC. TO PROVIDE MERCHANT SERVICES FOR THE TOWN OF NEWTON
- d. RESOLUTION #202-2010\*      APPROVAL OF CHANGE ORDER NO. 2 AND FINAL ACCEPTANCE OF THE IMPROVEMENTS TO THE SPORTS PRACTICE FIELD AT MEMORY PARK PROJECT
- e. RESOLUTION #203-2010\*      PROVIDE EMERGENCY APPROPRIATION IN THE AMOUNT OF \$60,000 IN THE TOWN OF NEWTON 2010 BUDGET
- f. RESOLUTION #204-2010\*      REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR ELECTRONIC RECEIPT FEES PURSUANT TO N.J.S.A. 40A:4-39
- g. RESOLUTION #205-2010\*      APPROVE BILLS AND VOUCHERS FOR PAYMENT
- h. APPLICATIONS      APPLICATION FOR AN OFF-PREMISE RAFFLE FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON, TO BE HELD ON FRIDAY, DECEMBER 17, 2010 AT 2:00PM AT 44 RYERSON AVENUE, NEWTON.  
  
APPLICATION FOR AN OFF-PREMISE RAFFLE FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON, TO BE HELD ON TUESDAY, JANUARY 25, 2011 AT 8:00PM AT 44 RYERSON AVENUE, NEWTON.

**X. INTERMISSION**

**XI. DISCUSSION**

- a. MAIN STREET NEWTON – BUSINESS IMPROVEMENT DISTRICT (BID)

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. EXECUTIVE SESSION**

**XV. ADJOURNMENT**

**TOWN OF NEWTON**

**ORDINANCE #2010-27**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF  
CHAPTER 21 ENTITLED "FEES AND COSTS" OF NEWTON'S REVISED GENERAL  
ORDINANCES**

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 21, entitled "Fees and Costs" of the Revised General Ordinances of the Town of Newton is hereby amended as follows:

1. Chapter 21 "Fees and Costs"

**21-1.15 Miscellaneous Fees and Charges**

c. Miscellaneous Charges:

18. Electronic Fees - a fee for the use of credit cards for the payment of taxes, interest, penalties and municipal charges or other fees and charges by the Town of Newton, which fee shall equal a percentage of the amount of payment charged as set by a financial institution chosen by the Town to process said credit card payments. Said percentage fee shall not exceed in any event, two and one-half percent (2.5%) of the total amount of the payment due to the Town of Newton.

2. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.
3. If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.
4. This Ordinance shall take effect immediately upon final publication as provided by law.

**NOTICE**

**TAKE NOTICE** that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on November 22, 2010, and said Ordinance will be considered for adoption at a regular meeting of the Town Council of the Town of Newton to be held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on December 13, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #199-2010

November 22, 2010

"Authorize Redemption of a Town Held Lien"

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010, a lien was struck off to the Town of Newton for Block 1307, Lot 39, also known as 14 New Hampshire Street, for delinquent Real Estate Taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1353, was recorded at the Sussex County Clerk's Office on August 12, 2010 as Book 8768 Page 663 at 18% interest; and

**WHEREAS**, Mr. Bert E. Shane of Shaneco, LLP, owner of said property, has effected redemption of Certificate #1353 in the amount of \$2,334.31;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Tax Sale Certificate #1353 has been satisfied in full to the Town of Newton; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to cancel Tax Sale Certificate #1353 with the Sussex County Clerk's Office.

#### 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, November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #200-2010

November 22, 2010

**"Authorize the Execution of an Agreement with Cit-e-NET, LLC for Online Payment Applications for the Town of Newton"**

**WHEREAS**, the Town of Newton requested proposals for the services of an Internet-based Application Service Provider for the Town of Newton and received several responses; and

**WHEREAS**, Cit-e-Net, submitted a proposal dated September 17, 2010 outlining the services to be provided for \$3,750.00 which is less than the threshold established by the Local Public Contracts Law; and

**WHEREAS**, after review of all proposals, the Governing Body has determined that Cit-e-Net is the best company for the project; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Cit-e-Net, LLC, to provide Internet-based online payment applications for the Town of Newton as proposed; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Cit-e-Net, LLC and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

#### 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, November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 200-2010

APPROVING: CIT-E-NET, LLC

FOR THE PURPOSE OF: INTERNET-BASED APPLICATION SERVICE  
PROVIDER

IN THE AMOUNT OF: \$3,750.00

APPROPRIATED BY:

CURRENT FUND -MANAGER OE - WEBSITE #1050240 \$2,875.00

WATER SEWER FUND - ADMIN & FIN OE - WEBSITE #6051240 \$875.00

DATED THIS 22ND DAY OF NOVEMBER, 2010

BY

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER

September 17, 2010

Revised

**Dawn Babcock**  
**Town of Newton**  
**39 Trinity Street**  
**Newton, New Jersey 07860**

Cit-e-Net is pleased to provide this quotation for the Cit-e-Net *Online Payment* applications to the Town of Newton.

The Cit-e-Net *Online Payment* applications are an Internet-based application designed to be implemented in conjunction with the municipality's tax application (MSI) and with the Town of Newton banking institution (Lakeland Bank), to enable the online collection of payments using the municipal web site.

This quotation is for the Cit-e-Net *Online Payment* applications using an ACH electronic-check payment process and optional credit card payment process. If a credit card payment process is desired by the municipality (either now or in the future), please contact Cit-e-Net to discuss the specific implementation details.

Cit-e-Net setup services are one-time-charge fees for setup of the Cit-e-Net application within the Cit-e-Net standard format, to interface with the municipality's current web site, with the tax application and with the Town of Newton banking institution. The setup services include a user-training session for the tax department application administrators and backup administrator. User training will be provided at the Town of Newton Tax Office. Estimated training time is approximately one (1) hour and will be at the convenience of the Town of Newton Tax Office personnel. Any additional training will be provided at no additional cost.

Cit-e-Net application pricing is on an annual subscription fee basis with Cit-e-Net application hosting and technical problem support included as part of the annual subscription fee. There are no anticipated annual subscription fee increases at this time.

Please contact me to discuss any questions that you may have about this Cit-e-Net quotation, application or services. We look forward to the opportunity of having the Town of Newton become a member of our Cit-e-Net client community.

Sincerely,

Brian Borri

**CIT-e-NET**, LLC

Ph: (973) 237-0366 ext 207

Cell: (201) 851-5925

bborri@cit-e.net

**CIT-e-NET Electronic Payment Applications <sup>1</sup>**  
**ONLINE PAYMENT APPLICATIONS**

This Cit-e-Net *Online Payment* application(s) enables the municipality to collect property tax payments online directly from the resident using ACH electronic-checks and an optional credit card payment process. There is no third-party collection of ACH electronic-check payments, and there is no Cit-e-Net transaction fee or surcharge for the individual online payments. The municipality's payment solution would not be competing with the resident's bank free on-line bill pay.

**The municipal tax and utility data is secure and never sold by Cit-e-Net to third parties.**

The Cit-e-Net *Online Payment* applications would be implemented in conjunction with the municipality's tax billing application. Residents query the Cit-e-Net application to display their tax bill online and submit an online ACH electronic-check payment directly to the municipality. The municipality electronically transmits an ACH file containing the submitted online electronic-check payments to its designated bank for processing and deposit. Online credit card payments (if implemented as a payment option) would be immediately verified and processed online using a designated authorized merchant services processor and the *Authorize.net* gateway.

Automated posting of payments to the municipal tax or utility system can be accomplished using a Cit-e-Net payment posting file as an input file to the application.

The Cit-e-Net application would be setup with a design style to visually blend with the municipality's current web site design.

**Convenience Fee Feature Option**

The NJ Administrative Code (Section 5:30-9.9) allows NJ municipalities to add an optional surcharge or convenience fee for the electronic receipt of payments to help offset online collection costs.

The Cit-e-Net *Online Payment* applications contains a feature function to enable the municipality to add and collect an optional and separate convenience fee along with the online tax or utility payment, in accordance with the NJ Administrative Code Section 5:30-9.9.

The Cit-e-Net application provides the capability for the municipality to implement any of the following online convenience fee option types.

- A specified dollar amount.
- A percentage amount of the tax bill to be paid.
- A percentage amount (up to a maximum dollar amount) of the tax bill to be paid.
- A separately specified fee (if any) for online ACH payments and credit card payments.

Government entities have a special-waiver from the credit card industry to be able to charge convenience fees for online credit card payments without being forced to also charge a corresponding same convenience fee for online ACH payments.

The optional convenience fee would be displayed as a separate line-item along with the tax or utility amount on the online bill. The convenience fee would be collected directly by the municipality with the online payment and would be deposited in the same municipal bank account with the online tax or utility payment.

The convenience fee feature is strictly an optional capability that the municipality could use to help offset online collection costs in accordance with NJAC 5:30-9, or the municipality could decide not to add any convenience fee for online payments.

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<sup>1</sup> For Cit-e-Net applications receiving data exchange from a client or other vendor application, the data must be received in the format specified by Cit-e-Net for acceptance by the Cit-e-Net application. The municipality must verify with its bank that the bank is set up to receive an ACH file sent to it by the municipality, and must also request the bank to provide to Cit-e-Net the municipality's ACH information to be used for the ACH file setup and transmissions.

**Pricing<sup>2</sup>**

<b>CIT-e-NET APPLICATIONS &amp; SERVICES</b>	<b>Annual Application Subscription Fees</b>	<b>One-Time-Charge Setup Service Fees</b>
On-line Tax Payments Set-up (P) (ACH)		\$1,500 <sup>3</sup> <i>Lakeland Bank Set-up Special Offer</i> \$1,000
On-line Tax Payments Set-up (P) (Credit Card) *		\$1,000 <sup>4</sup> <i>Reliant Card Processing Set-up Special Offer</i> \$750
Business Office Core Module (P) - Property Tax Payments	\$1,250	
Property Tax Payment Process Form - <i>ACH Payments</i>	\$250	
Property Tax Payment Process Form - <i>Credit Card Payments</i>	\$500	
<b>Sub-Total</b>	<b>\$2,000</b>	<b>\$1,750</b>
<i>Included (set-up charge only) Non-Integrated General Payment Application</i>		
On-line General Payments Set-up (S2) (ACH) No-application interface, multiple payment types		\$250 <i>Waived if contracted by June 30, 2010</i>
On-line General Payments Set-up (S2) (Credit Card) * No-application interface, multiple payment types		N/C
Business Office Core Module (S2) - General Payments	N/C	
General Payment Process Form - <i>ACH Payments</i>	N/C	
General Payment Process Form - <i>Credit Card Payments</i>	N/C	
<b>Sub-Total</b>	<b>N/C</b>	<b>\$250</b>
<b>TOTAL</b>	<b>\$2,000</b>	<b>\$1,750</b>

(P) Primary Module (S1) 1<sup>st</sup> Secondary Module (S2) 2<sup>nd</sup> Secondary Module

\* The credit card payment option requires that the municipality have a merchant service account and gateway (i.e. *Authorize.net, GlobalPay, etc.*) established with its banking institution.

<sup>2</sup> This quotation is in effect for ninety (90) days from the quotation date.

<sup>3</sup> Application setup will be within the Cit-e-Net standard format, to interface with the municipality's web site. User-training is included with the setup. The setup for the On-line Payment process will be with the municipality's Tax Application Vendor; otherwise, a different setup fee may apply. Cit-e-Net will work with the client's designated vendor to implement the extract file and payment posting file data transfer. The setup for the ACH payment process will be with the municipality's Banking Institution; otherwise, a different setup fee may apply. Cit-e-Net will work with the client's designated bank to implement the ACH payment file data transfer; however, it is the responsibility of the municipality to check with its bank to ensure the bank will receive and accept an ACH file sent to it by the municipality.

Application modifications are not included in the Cit-e-Net setup fee. If additional Cit-e-Net services would be necessary as a result of client or vendor requested modifications to the Cit-e-Net application, the modification services would be separately quoted.

<sup>4</sup> The setup for the Credit Card payment process will be with the municipality's Banking Institution and requires that the client have a Merchant Services Account and *Authorize.net Gateway* established; otherwise, a different setup fee may apply. Cit-e-Net will work with the client's designated bank to implement the Credit Card payment file data transfer; however, it is the responsibility of the municipality to check with its bank to ensure the bank will receive and accept a Credit Card file sent to it by the municipality.

Application modifications are not included in the Cit-e-Net setup fee. If additional Cit-e-Net services would be necessary as a result of client or vendor requested modifications to the Cit-e-Net application, the modification services would be separately quoted.

Application includes:

1. Secure Server Hosting (128-SSL)
2. Technical Support
3. Daily Back-up

## **CIT-e-NET SERVICES**

### **APPLICATION SETUP**

As part of the Cit-e-Net standard setup services, Cit-e-Net will perform setup of the application in the standard Cit-e-Net application format and will style the application to blend with the municipality's current web site and design. The municipality would provide its web site design and content requirements to Cit-e-Net, and would provide to Cit-e-Net in electronic format any original graphics, logos, etc. that would be required to achieve the desired design interface with the municipal web site. If Cit-e-Net determines that a specifically requested design item (e.g. Flash-type design components) would be a custom component requiring a level of services work that would exceed what is included in the Cit-e-Net standard setup services, then Cit-e-Net would provide a separate quotation to perform the requested custom design work. Upon review of the current Town of Newton website, the standard Cit-e-Net set-up service for the on-line payments module(s) will apply without any modifications being required.

The Cit-e-Net setup services include a user-training session for staff in the use of the subscribed Cit-e-Net applications. User training is anticipated to take approximately one (1) hour. Follow up and on-going support is provided through the subscription period at no additional charge.

Modifications to Cit-e-Net applications are not included within the Cit-e-Net standard setup services, and if requested would be separately quoted services in addition to the Cit-e-Net setup services.

### **HOSTING & SUPPORT SERVICES**

Cit-e-Net is an Internet-based Application Service Provider and in that capacity bundles proprietary software and hosting services to provide a comprehensive solution that enables clients to maintain an easily configured, highly functional web presence. The client is not required to own or maintain a separate client-owned server and all hardware and software is maintained by Cit-e-Net.

Cit-e-Net application hosting and technical support is included as a part of the application annual subscription fees.



## TOWN OF NEWTON

### RESOLUTION #201-2010

November 22, 2010

**"Authorize the Execution of an Agreement with Elavon, Inc. to Provide Merchant Services for the Town of Newton"**

**WHEREAS**, the Town of Newton requested proposals for the services of an Internet-based Application Service Provider for the Town of Newton and will be entering into an agreement with Cit-e-Net, LLC; and

**WHEREAS**, the Cit-e-Net agreement requires the Town to establish a designated authorized merchant service processor in order to process online credit card payments; and

**WHEREAS**, Elavon, Inc. currently provides this service to the Town of Newton Municipal Court and Elavon has had an established partnership with Lakeland Bank in providing merchant services throughout northern New Jersey, the Governing Body has determined that this is the best company to provide this service; and

**WHEREAS**, the Town of Newton's fee ordinance permits the collection of fees for those individuals choosing to use the service for the payment of taxes, interest, penalties and municipal charges or other fees;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Elavon, Inc., to provide merchant services for the Town of Newton as proposed; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to both Cit-e-Net, LLC and Elavon, Inc.

### 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, November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #202-2010

November 22, 2010

**"Approval of Change Order No. 1 and Final Acceptance of the Improvements to the Sports Practice Field at Memory Park Project"**

**WHEREAS**, on August 9, 2010, by way of adoption of Resolution #133-2010, the Newton Town Council awarded a contract to Robert W. Wogisch Landscape Contractor, Inc., for the Proposed Improvements to the Sports Practice Field at Memory Park; and

**WHEREAS**, in his memo dated November 10, 2010, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete; and

**WHEREAS**, in processing the final paperwork for the project, the Town Engineer recommends in his memo dated November 15, 2010 approving Change Order No. 1, which will increase the total contract amount by \$2,500 to a total of \$43,690.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this change order as per the attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project increasing the total contract amount to \$43,690.00 and thereby accepts the Improvements to the Sports Practice Field at Memory Park project as final and complete; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Robert W. Wogisch Landscape Contractor, Inc., and the Town Engineer.

#### 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 November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 202-2010

APPROVING: ROBERT W. WOGISCH,  
LANDSCAPE CONTRACTOR, INC.

FOR THE PURPOSE OF: CO#1 SPORTS PRACTICE FIELD AT MEMORY  
PARK - ADDITIONAL TOPSOIL

IN THE AMOUNT OF: \$2,500.00

APPROPRIATED BY: CAPITAL - ORD.#2010-7  
IMPROVEMENTS TO MUNICIPAL PARKS  
#30910795

DATED THIS 22ND DAY OF NOVEMBER, 2010

BY   
\_\_\_\_\_  
DAWN L. BABCOCK



*file*



**HAROLD E. PELLOW & ASSOCIATES, INC.**  
CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS  
*Established 1969*

HAROLD E. PELLOW, *PRESIDENT*  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*  
NJ - P.E., NJ - C.M.E.,  
PA - P.E.

ANN PELLOW WAGNER  
NJ - C.L.A., VA - C.L.A., PA - C.L.A.  
(5/26/84 - 7/27/89)

JESSICA C. CALDWELL  
NJ - P.P.; A.I.C.P.

MATTHEW J. MORRIS  
NJ - L.L.A., NJ - P.P.

DAVID B. SIMMONS, JR., *VICE PRESIDENT*  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY  
NJ - P.E.

November 10, 2010

FAX: (973) 383-8961

RECEIVED  
NOV 10 2010

BY: \_\_\_\_\_

**MEMORANDUM TO:** Mr. Thomas Russo, Jr., Newton Town Manager

**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer

**SUBJECT:** REQUEST FOR ACCEPTANCE  
Proposed Improvements to Sports Practice Field  
HPA No. 09-243

Dear Tom:

The above referenced project has been completed by the contractor, Robert W. Wogisch Landscape Contractor, Inc., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that the final paperwork can be started and a one (1) year Maintenance Bond secured by the Contractor.

Very truly yours,

Harold E. Pellow, P.E., L.S.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineer

HEP:mnc  
K:\PROJECT\MUNICIPAL\NEWTON\COUNCIL\09-243 - SPORTS PRACTICE FIELD (SOUTH PARK DRIVE)\RUSSO.R.DOC



## TOWN OF NEWTON

### RESOLUTION #203-2010

November 22, 2010

**"Provide Emergency Appropriation  
in the Amount of \$60,000 in the Town of  
Newton 2010 Budget"**

**WHEREAS**, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses to be incurred for the preparation and implementation of a reassessment of all real property within the Town of Newton; and

**WHEREAS**, N.J.S. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S. 40A:4-55:

- 1) An emergency appropriation is hereby made for preparation and implementation of a reassessment of all real property within the Town of Newton in the total amount of \$60,000.00;
- 2) Said "special emergency note", not in excess of the amount authorized pursuant to law, be provided (should the Town determine the need for said note);
- 3) Said note (if necessary) shall be executed by the Mayor and Chief Financial Officer of the Town of Newton;
- 4) Said note shall be dated at such time as it may be issued, may be renewed from time to time provided that said note and any renewals thereof shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.
- 5) One (1) certified copy of this resolution be filed with the Director of the Division of Local Government Services.

### 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 November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #204-2010

November 22, 2010

**"Requesting Approval of the Director of  
The Division of Local Government Services  
to Establish a Dedicated Trust By Rider  
for Electronic Receipt Fees Pursuant to N.J.S.A.  
40A:4-39"**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, the State of New Jersey sets forth that any local unit is authorized and empowered to assess surcharges or convenience fees made to it per N.J.S.A. 40A:4-39 and the Division of Local Government Services sets forth that this is an allowable dedication by rider; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Mayor and Town Council hereby request permission of the Director of the Division of Local Government Services to assess surcharges or convenience fees for the payment of taxes, interest, penalties and municipal charges or other fees and charges in the manner set forth per NJAC 5:30-9.9 and N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Town of Newton is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

### 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 November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #205-2010

November 22, 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.

### 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, November 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk