



AGENDA
NEWTON TOWN COUNCIL
DECEMBER 13, 2010
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

NOVEMBER 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

VII. ORDINANCES

a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2010-27

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

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

b. INTRODUCTION

ORDINANCE 2010-28

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF AN ENCROACHMENT EASEMENT OVER PART OF BLOCK 1302, LOT 9 ON THE OFFICIAL TAX MAP OF THE TOWN OF NEWTON, OWNED BY THE TOWN OF NEWTON, TO PERMIT THE ENCROACHMENT OF THE DWELLING AND THE CONCRETE STAIRS AND WALLS ADJACENT TO THE DWELLING, ALL LOCATED ON BLOCK 1108, LOT 19.05 AND LOT 23 AS SHOWN ON THE OFFICAL TAX MAP OF THE TOWN OF NEWTON, PURSUANT TO N.J.S.A. 40A:12-13, et. seq.

ORDINANCE 2010-29

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2011

ORDINANCE 2010-30

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2011

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 #206-2010* TO CANCEL OUTSTANDING CHECKS IN VARIOUS FUNDS
- b. RESOLUTION #207-2010* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL POLICE OFFICERS
- c. RESOLUTION #208-2010* CANCELLATION OF SMALL BALANCES
- d. RESOLUTION #209-2010* DESIGNATION OF LINDA A. ROTH AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2011
- e. RESOLUTION #210-2010* ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE
- f. RESOLUTION #211-2010* DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION ON DISABILITY REPRESENTATIVE
- g. RESOLUTION #212-2010* APPOINT LOCAL EMERGENCY PLANNING COMMITTEE
- h. RESOLUTION #213-2010* DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER
- i. RESOLUTION #214-2010* DESIGNATE CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES
- j. RESOLUTION #215-2010* DESIGNATE OFFICIALS TO SIGN CHECKS
- k. RESOLUTION #216-2010* AUTHORIZE THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH THE COMMUNICATIONS WORKERS OF AMERICA AFL/CIO LOCAL 1032
- l. RESOLUTION #217-2010* DESIGNATE BANKS AS DEPOSITORIES FOR 2011
- m. RESOLUTION #218-2010* DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ PUBLIC MEETINGS ACT FOR 2011
- n. RESOLUTION #219-2010* DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2011
- o. RESOLUTION #220-2010* APPOINTMENT OF PAUL BALDWIN AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE

- p.** RESOLUTION #221-2010* APPOINTMENT OF KEN JAEKEL AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE
- q.** RESOLUTION #222-2010* AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2011 WITH REGARD TO TAX APPEALS
- r.** RESOLUTION #223-2010* APPOINT THE TOWN MANAGER AS HEARING OFFICER N ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON
- s.** RESOLUTION #224-2010* APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR CALENDAR YEAR 2011
- t.** RESOLUTION #225-2010* ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2011
- u.** RESOLUTION #226-2010* A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
- v.** RESOLUTION #227-2010* REAPPOINTMENT OF DR. KIMBERLY WOODHULL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION
- w.** RESOLUTION #228-2010* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER
- x.** RESOLUTION #229-2010* APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT
- y.** RESOLUTION #230-2010* APPOINTMENT OF KEITH MITCHELL AS RISK MANAGEMENT CONSULTANT FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2011
- z.** RESOLUTION #231-2010* RESOLUTION APPOINTING THOMAS S. RUSSO, JR., FUND COMMISSIONER FOR STATEWIDE INSURANCE
- aa.** RESOLUTION #232-2010* AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY
- bb.** RESOLUTION #233-2010* TO CANCEL OUTSTANDING CHECKS IN THE MUNICIPAL COURT BAIL ACCOUNT
- cc.** RESOLUTION #234-2010* APPOINTMENT OF THEA UNHOCH AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2011
- dd.** RESOLUTION #235-2010* REAPPOINTMENT OF EDWARD DUDES AND RICHARD VALENTINO TO THE NEWTON PARKING AUTHORITY
- ee.** RESOLUTION #236-2010* REAPPOINTMENT OF HARRY KAPLAN, KEVIN WRIGHT, KAREN SCHULTE AND AMANDA BEST TO THE HISTORIC PRESERVATION ADVISORY COMMISSION

- ff.** RESOLUTION #237-2010* REAPPOINTMENT OF NGHIEM PHAM AND DONALD VRAHNOS TO THE UTILITY ADVISORY BOARD
- gg.** RESOLUTION #238-2010* REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES
- hh.** RESOLUTION #239-2010* REAPPOINTMENT OF KENT HARDMEYER TO THE ADVISORY SHADE TREE COMMISSION
- ii.** RESOLUTION #240-2010* REAPPOINTMENT OF REV. RICHARD L. CARLSON TO THE ADVISORY BOARD OF HEALTH
- jj.** RESOLUTION #241-2010* AUTHORIZE EXECUTION OF SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL AND POUND SERVICES WITH THE TOWNSHIP OF WANTAGE COVERING CALENDAR YEAR 2011
- kk.** RESOLUTION #242-2010* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- ll.** RESOLUTION #243-2010* APPROVE 2010 APPROPRIATION TRANSFERS
- mm.** RESOLUTION #244-2010* TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JANUARY 1, 2011 TO JUNE 30, 2011
- nn.** RESOLUTION #245-2010* REAPPOINTMENT OF JAMES SCHMITT, WALLACE SMITH AND FRANK SEBASTIANO TO THE RECREATION ADVISORY COMMISSION
- oo.** RESOLUTION #246-2010* APPROVE BILLS AND VOUCHERS FOR PAYMENT

X. INTERMISSION

XI. DISCUSSION – RENTAL HOUSING INSPECTIONS – DRAFT ORDINANCE

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a.** RESOLUTION #247-2010 A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

(1) PERSONNEL

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 was adopted at a regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE NO. 2010-28

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF AN ENCROACHMENT EASEMENT OVER PART OF BLOCK 1302, LOT 9 ON THE OFFICIAL TAX MAP OF THE TOWN OF NEWTON, OWNED BY THE TOWN OF NEWTON, TO PERMIT THE ENCROACHMENT OF THE DWELLING AND THE CONCRETE STAIRS AND WALLS ADJACENT TO THE DWELLING, ALL LOCATED ON BLOCK 1108, LOT 19.05 AND LOT 23 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWN OF NEWTON, PURSUANT TO N.J.S.A. 40A:12-13, et seq.

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a municipality, by ordinance, to sell an interest in real property as therein defined via private sale to contiguous property owners; and

WHEREAS, title to Block 1302, Lot 9 ("Town Property") on the Official Tax Map of the Town of Newton ("Town") is held by the Town as public property; and

WHEREAS, a portion of the dwelling and the concrete stairs and walls adjacent to the dwelling, located on adjacent premises more particularly described as Block 1108, Lot 19.05 and Lot 23 ("Private Property") on the Official Tax Map of the Town of Newton and commonly known as 19-21 Kelsey Avenue, currently encroaches onto the Town Property; and

WHEREAS, the Town desires to convey to the owner of the Private Property an encroachment easement, more particularly described on Schedule A attached hereto and made a part hereof, in order to permit the continued encroachment onto the Town Property; and

WHEREAS, the Town desires to offer the easement interest in the property to contiguous property owner to purchase for not less than the fair market value which has been established at \$1,500.00.

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

SECTION 1. The Town of Newton ("Town") hereby authorizes the private sale of an encroachment easement over Block 1302, Lot 9 ("Town Property") on the Official Tax Map of the Town of Newton, owned by the Town, to and for the benefit of the owner of Block 1108, Lot 19.05 and Lot 23 ("Private Property") on the Official Tax Map of the Town of Newton (commonly known as 19-21 Kelsey Avenue), for the purposes of permitting the encroachment of the dwelling and the concrete stairs and wall adjacent to the dwelling onto the Town Property, for consideration of ONE THOUSAND, FIVE HUNDRED DOLLARS (\$1,500.00), which is determined to be the fair market value thereof.

SECTION 2. The metes and bounds description of said encroachment easement, together with a map designating the same, are hereby attached hereto and made a part hereof as Schedules A and B, and are incorporated herein.

SECTION 3. The Mayor, Municipal Clerk, and all other officers, employees and professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this Ordinance in accordance with the applicable statutory requirements set forth in N.J.S.A. 40A:12-13 et seq.

SECTION 4. An advertisement shall be published in a newspaper circulating within the Town of the adoption of this Ordinance and of the opportunity for any person to offer to purchase said easement for not less than the \$1,500.00 fair market value established herein by making said offer in writing to the Town Manager and providing a certified or cashier's check payable to the Town in the amount of not less than 10% of the offer.

SECTION 5. Not later than 30 days from the enactment of this ordinance, the Town reserves the right to reconsider said ordinance and offer the subject property interest for sale by public bid/auction pursuant to the applicable law.

SECTION 6. All Ordinances of the Town of Newton which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 7. If any section, subsection, clause, or phrase of this Ordinance is for any

reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST

TOWN OF NEWTON

Lorraine A. Read, RMC,
Municipal Clerk

Kristen S. Becker, Mayor

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of an Ordinance introduced by the Town Council of the Town of Newton at a duly convened meeting held on December 13, 2010 and will be considered for adoption after public hearing at a meeting to be held on December 29, 2010.

Lorraine A. Read, RMC, Municipal Clerk

ERIC R. SMART ASSOCIATES

Land Surveying
78 Coykendall Road
Wantage, New Jersey 07461
Phone & Fax (973) 875-9449

October 27, 2010

5095R.doc

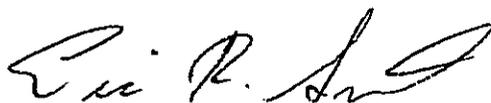
Easement description for dwelling encroachments over Tax Map Lot 9 in Block 1302, lands of the Town of Newton, to benefit Tax Map Lots 19.05 and 23 in Block 1108.

BEGINNING at a concrete monument found on the northwesterly sideline of Lot 9, Block 1302, lands of the Town of Newton, formerly the Sussex Railroad, said monument is at the beginning corner of the third tract of land described in a deed of conveyance from Hart and Iliff Co., to the Hart and Iliff Co., bearing date of May 1, 1924 and recorded in the Sussex County Clerk's Office in Book 0-12 of Deeds, page 391 and running the following 2 courses along the northwesterly sideline of Lot 9 Block 1302

1. N40°-16'-32"W 20.17' along the division line between Lots 9 and 23 to a point, thence
2. N66°-45'-00"E 53.00' still along the division line between Lots 9 and 23 and also partly along the southerly line of 10' wide driveway tract to a point, thence
3. S23°-15'-00"E 15.37' thru the said Lot 9, the lands of the Town of Newton to a point, thence
4. S61°-59'-37"W 47.26' still thru Lot 9 to the point of beginning.

Containing 873 square feet of land.

The above description is based on a survey entitled "Map of Survey of Lot 19.05 & Lot 23, Block 1108, Town of Newton, Sussex County, NJ", dated March 10, 2010 and prepared by William F. Stoehr, LS 27890



Prepared by Eric R. Smart, NJLS 18606

**TOWN OF NEWTON
ORDINANCE #2010-29**

**AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM
SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF
THE TOWN OF NEWTON FOR CALENDAR YEAR 2011**

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to establish salaries, wages or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees;

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

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2011 as shown in Schedules "A" and "B" attached hereto in accordance with Section 4-4.1 of the Town of Newton Revised General Ordinances.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Those employees at wage level 4 serving in the position of Deputy Court Administrator, may be compensated a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out requiring written certification.

Section 5. Those officers and employees at wage level 17 shall be paid their annual salary in equal quarterly payments during the last pay of each quarter.

Section 6. All Ordinances or parts of Ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective retroactive to January 1, 2011.

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, December 13, 2010. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Town Council of the Town of Newton to be conducted at 7:00pm on Monday, December 29, 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
ORDINANCE
#2010-29
SCHEDULE "A"**

| <u>LEVEL</u> | <u>HOURLY</u> | | <u>35 HRS / WK</u> | | <u>40 HRS / WK</u> | | <u>IRREGULAR HOURS ANNUALIZED</u> |
|--------------|---------------|------------|--------------------|------------|--------------------|------------|---|
| | <u>MIN</u> | <u>MAX</u> | <u>MIN</u> | <u>MAX</u> | <u>MIN</u> | <u>MAX</u> | |
| 1 | \$7.25 | \$15.50 | \$13,195 | \$28,210 | \$15,080 | \$32,240 | |
| 2 | \$7.50 | \$17.00 | \$13,650 | \$30,940 | \$15,600 | \$35,360 | |
| 3 | \$7.75 | \$19.25 | \$14,105 | \$35,035 | \$16,120 | \$40,040 | |
| 4 | \$8.00 | \$24.75 | \$14,560 | \$45,045 | \$16,640 | \$51,480 | |
| 5 | \$9.00 | \$30.25 | \$16,380 | \$55,055 | \$18,720 | \$62,920 | |
| 6 | \$9.50 | \$33.00 | \$17,290 | \$60,060 | \$19,760 | \$68,640 | |
| 7 | \$10.50 | \$35.75 | \$19,110 | \$65,065 | \$21,840 | \$74,360 | |
| 8 | \$11.00 | \$38.50 | \$20,020 | \$70,070 | \$22,880 | \$80,080 | |
| 9 | | | \$25,000 | \$80,000 | \$28,571 | \$85,000 | |
| 10 | | | \$30,000 | \$85,000 | \$34,286 | \$95,000 | |
| 11 | | | \$32,000 | \$90,000 | \$36,571 | \$110,000 | |
| 12 | | | \$45,000 | \$95,000 | \$51,429 | \$115,000 | |
| 13 | | | \$50,000 | \$100,000 | \$57,143 | \$125,000 | |
| 14 | | | \$65,000 | \$125,000 | \$74,286 | \$145,000 | |
| 15 | | | \$70,000 | \$150,000 | \$80,000 | \$160,000 | |
| 16 | | | | | | | \$500 - \$5,000 |
| 17 | | | | | | | \$2,500 - \$7,500 |
| 18 | | | | | | | \$3,000 - \$25,000 |
| 19 | | | | | | | \$12,000 - \$55,000 |
| 20 | Min. Wage | \$7.25/hr | | | | | |

**TOWN OF NEWTON
ORDINANCE #2010-29
SCHEDULE "B"**

LEVEL 1

Recreation Assistant

LEVEL 2

Assistant Pool Manager

LEVEL 3

Clerk Typist

Custodian

Grounds Maintenance Worker

Lifeguard

School Traffic Guard

Secretary

LEVEL 4

Deputy Court Administrator

Deputy Municipal Clerk/Deputy Registrar

Laborer

Public Safety Telecommunicator Trainee

Recreation Leader

Senior Clerk Typist

Technical Assistant to Construction Official

LEVEL 5

Account Supervisor/Treasurer

Assessing Clerk

Deputy Code Enforcement Officer

Fire Prevention Inspector

Human Resource Coordinator

Planning/Zoning Administrator

Police Clerk

Pool Manager

Recreation Enforcement Officer

Sewer Laborer

Water Laborer

Water Meter Reader

Water/Sewer Collector

LEVEL 6

Equipment Operator

Omnibus Operator

Public Safety Telecommunicator

Recycling Foreman

Sewer Repairer

Truck Driver

Water Repairer

LEVEL 7

Certified Tax Collector/Tax Search Officer

Park Caretaker

Parking Meter Enforcer

Payroll Clerk

Senior Public Safety Telecommunicator

Senior Sewer Repairer

Senior Water Repairer

Special Police Officer

LEVEL 8

Administrative Assistant

Street Foreman

Supervising Public Safety Telecommunicator

Water Foreman

LEVEL 9

Sewer Plant Operator

Water Plant Operator

LEVEL 10

Community Development Director

Const. Official/Code Enforcement Officer/Bldg. Inspector

Director of Public Works

Finance Director

Municipal Clerk/Registrar of Vital Statistics

Municipal Court Administrator

Water/Sewer Supervisor

LEVEL 11

Police Patrolman

LEVEL 12

Police Sergeant

LEVEL 13

Police Lieutenant

Water/Sewer Superintendent

LEVEL 14

Police Chief

LEVEL 15

Town Manager

LEVEL 16

Assistant Right-to-Know Coordinator

Deputy Emergency Management Coordinator

Emergency Management Coordinator

Right-to-Know Coordinator

LEVEL 17

Council Member

Mayor

LEVEL 18

Assistant Director of Public Works

Building Subcode Official/Inspector

Chief Combustible Inspector

Chief Financial Officer

Electrical Subcode Official/Inspector

Fire Subcode Official

Plumbing Subcode Official/Inspector

Zoning Officer

LEVEL 19

Deputy Town Manager

Municipal Judge

Recreation Supervisor

Tax Assessor

**TOWN OF NEWTON
ORDINANCE NO. 2010-30**

**AN ORDINANCE FOR PROFESSIONAL SERVICES
FOR CALENDAR YEAR 2011**

BE IT ORDAINED by the Town Council of the Town of Newton as follows:

WHEREAS, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2011; and

WHEREAS, the Town of Newton has provided funds in the Municipal Budget for expenditures pertaining to said municipal matters, and the funds have been certified as being available by the Chief Financial Officer; and

WHEREAS, Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., has indicated that all such services will be rendered to the Town of Newton on the basis of a \$180.00 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.

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance, which shall act as the authorization and agreement between the Town of Newton and Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., providing their retention as Town Attorney in and on behalf of the Town of Newton for calendar year 2011.
- 2) The services to be rendered by Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$180.00 per hour.
- 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 Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., 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) Notice of this action shall be published once in the *New Jersey Herald*.

PUBLIC NOTICE is hereby given that the above Ordinance was passed on the first reading by the Town Council of the Town of Newton, Sussex County, New Jersey, at a regular meeting of said Council, held on December 13, 2010, and that a public hearing regarding the above will be held on December 29, 2010 at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00p.m. at which time, all persons interested both for and against said Ordinance shall be given an opportunity to be heard concerning same.

Lorraine A. Read
Municipal Clerk/Registrar

IT IS hereby certified that this is a true and accurate copy of an Ordinance adopted by the Town Council of the Town of Newton at a regular meeting held on December 29, 2010.

Lorraine A. Read
Municipal Clerk/Registrar

Date Approved: _____

Sanford L. Hollander, Esq.



TOWN OF NEWTON

RESOLUTION #206-2010

December 13, 2010

"To Cancel Outstanding Checks in Various Funds"

WHEREAS, there are checks which have not been cashed in the following Town of Newton funds; and

WHEREAS, those checks have been reviewed to determine if they should be canceled to fund balance so as not to be required to escheat them to the State of New Jersey;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the following outstanding checks are hereby canceled:

Current Fund

| | | | |
|--------|-----------------|-----------|--|
| #23998 | \$ 27.20 | 6/26/2008 | Meagan Gill (lifeguard not cash check) |
| #26518 | \$ 69.92 | 1/25/2010 | Sprint (paid on a later check) |
| #26920 | \$ 5.80 | 4/26/2010 | Airgas (paid on a later check) |
| #27406 | <u>\$245.00</u> | 7/26/2010 | Sign a Rama (paid from Trust fund) |
| | \$347.92 | | |

Water Sewer Operating Fund

| | | | |
|--------|-----------------|-----------|-----------------------------|
| #11347 | \$170.88 | 3/8/2010 | Lee Company |
| #11391 | <u>\$ 43.53</u> | 3/22/2010 | United States Plastic Corp. |
| | \$214.41 | | |

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #207-2010

December 13, 2010

**"Concur with the Town Manager's
Appointment of Special Police Officers"**

WHEREAS, Section 3-10 within Chapter III, Police Department, of the Revised General Ordinances of the Town of Newton indicates that the Town Manager may appoint Special Police Officers for a term not to exceed one year;

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 individuals as Special Police Officers for calendar year 2011:

Class II

Joseph Sapio

Donald Donofrio

Arlene Lippencott

Class I

Louis Read

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #208-2010

December 13, 2010

"Cancellation of Small Balances"

WHEREAS, N.J.S.A. 40A: 5-17.1 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than ten (\$10.00) dollars; and

WHEREAS, the Town Council of the Town of Newton may authorize the Tax Collector to process, without any further action on the part of the Governing Body, any cancellation of property tax refunds or delinquencies of less than ten (\$10.00) dollars;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton in the County of Sussex, State of New Jersey, that the Tax Collector is hereby authorized to process the cancellation of any property tax refunds or delinquencies of less than ten (\$10.00) dollars.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #209-2010

December 13, 2010

"Designation of Linda A. Roth as Tax Search Officer for the Town of Newton for 2011"

WHEREAS, N.J.S.A. 54:5-11 provides that each municipality within the State of New Jersey shall designate a person to act as the Tax Search Officer for the municipality; and

WHEREAS, Linda A. Roth, as Certified Tax Collector for the Town of Newton, is qualified to make examinations of the municipalities records as to unpaid municipal liens and to certify the results of that examination;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton hereby designates Linda A. Roth as the Tax Search Officer for the Town of Newton.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #210-2010

December 13, 2010

"Establish the Rate of Interest to be Charged for Non-Payment of Taxes on or Before the Due Date"

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date; and

BE IT FURTHER RESOLVED, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 31st of each calendar year; and

BE IT FURTHER RESOLVED, that the ten (10) day grace period for quarterly tax payments shall remain in effect, that any payment of taxes not made on or before the due date in accordance with this Resolution shall be charged interest from the due date as set forth by law, and that this Resolution shall take effect immediately.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #211-2010

December 13, 2010

“Designate the Town Manager as the National Organization on Disability Representative”

WHEREAS, the Town Manager has historically been appointed as the National Organization of Disability representative for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Newton Town Manager, Thomas S. Russo, Jr., is hereby appointed as the National Organization on Disability representative for the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor and the Town Manager are authorized to sign any documents that may be required by the National Organization on Disability to confirm this appointment.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #212-2010

December 13, 2010

"Appoint Local Emergency Planning Committee"

WHEREAS, Appendix A:9-41 of the NJ Statutes Annotated, and N.J.A.C. 13:64-2.3 pertaining to Emergency Management, require that every New Jersey municipality create a Local Emergency Planning Committee; and

WHEREAS, the individual appointed as the local Emergency Management Coordinator shall also be a member of, and shall serve as Chairman of, said Local Emergency Planning Committee;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the appointment of the individuals recommended by Emergency Management Coordinator Kenneth A. Teets for membership on the Newton Local Emergency Planning Committee for calendar year 2011 as listed below:

| | |
|---------------------------|---|
| Kenneth A. Teets | Emergency Management Coordinator |
| Dan Finkle | Deputy Emergency Management Coordinator |
| Chief Michael S. Richards | Newton Police Department |
| Thomas S. Russo, Jr. | Newton Town Manager |
| Michael Teets | Newton Fire Chief |
| Irv Kinney | Newton Vol. First Aid and Rescue Squad |
| Ken Jaekel | Newton Public Works Director |
| Paul Baldwin | Newton Water and Sewer Supervisor |
| Lorraine Read | Newton Municipal Clerk |
| Debra Millikin | Deputy Town Manager |
| Keith Utter | Newton/Harydston Construction Official |
| Dr. Kennedy Greene | Newton School Superintendent |
| Robert Dunphy | Radio Station WNNJ |
| Patricia Day | Sussex County Chapter of the American Red Cross |

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #213-2010

December 13, 2010

"Designation of Public Agency
Compliance Officer"

BE IT RESOLVED, by the Town Council of the Town of Newton that Debra Millikin is hereby designated as the Public Agency Compliance Officer for the Town of Newton for 2011; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the NJ Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity, as requested by said agency.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #214-2010

December 13, 2010

"Designate Chief Financial Officer/Finance Director as the Individual Authorized to Sell Bond Anticipation Notes"

WHEREAS, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

WHEREAS, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

- 1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.
- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.
- 3) This Resolution shall take effect immediately upon its adoption.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #215-2010

December 13, 2010

"Designate Officials to Sign Checks"

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2011.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #216-2010

December 13, 2010

“Authorize the Mayor and Municipal Clerk to Execute an Agreement with the Communication Workers of America AFL/CIO Local 1032”

WHEREAS, the Town Manager has negotiated a three-year agreement with representatives of the Communications Workers of America AFL/CIO Local 1032 for calendar years 2010, 2011, and 2012, covering Public Safety Telecommunicators and Trainees; and

WHEREAS, said agreement has been accepted by the union for the above three-year period, and has been executed by representatives of Local 1032;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and the Municipal Clerk to execute said 3-year contract covering calendar years 2010, 2011, and 2012 with the Communications Workers of America AFL/CIO Local 1032 on behalf of the Town of Newton.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #217-2010

December 13, 2010

"Designate Banks as Depositories for 2011"

BE IT RESOLVED, by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2011:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank
Chase
New Jersey Cash Management Fund
Sussex Bank
Lakeland Bank
First Hope Bank
Sovereign Bank
TD Bank
Highland State Bank
Valley National Bank

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director, a copy of the Governmental Unit Deposit Protection Act Notification of Eligibility, which is filed semi-annually with the Department of Banking each June 30th and December 31st every year.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #218-2010

December 13, 2010

**"Designate Newspapers that will
Receive Notices Required by the
NJ Open Public Meetings Act for
2011"**

WHEREAS, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed or hand delivered;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #219-2010

December 13, 2010

"Designate Legal Newspapers for Calendar
Year 2011"

BE IT RESOLVED by the Town Council of the Town of Newton that the newspapers listed below be designated as the official newspapers for the Town of Newton for legal advertising during the 2011 calendar year:

New Jersey Herald

New Jersey Sunday Herald

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #220-2010

December 13, 2010

**"Appointment of Paul Baldwin as
Municipal Representative to the Sussex
County Water Quality Policy Advisory
Committee"**

BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Supervisor, Paul Baldwin, is hereby appointed as the municipality's representative to the Sussex County Water Quality Policy Advisory Committee for 2011 and will attend regular meetings of said Committee conducted on the second Thursday evening of each month at 7:30pm at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED, that, if required, the Newton Water and Sewer Supervisor may also attend workshop meetings of the Sussex County Water Quality Policy Advisory Committee; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Chairman of the Sussex Water Quality PAC.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #221-2010

December 13, 2010

**"Appointment of Kenneth Jaekel as
Municipal Representative to the Sussex
County Solid Waste Advisory Committee
for 2011"**

BE IT RESOLVED by the Town Council of the Town of Newton that the Public Works Director, Kenneth Jaekel, is hereby appointed as the municipality's representative to the Sussex County Solid Waste Advisory Committee to attend regular meetings of said Committee conducted on the second Tuesday evening of each month at 7:30pm at the Sussex County Administrative Center on One Spring Street, Newton, New Jersey; and

BE IT FURTHER RESOLVED that, if required, the Public Works Director may also attend workshop meetings of the Sussex County Solid Waste Advisory Committee; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chairman of the Sussex County SWAC.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #222-2010

December 13, 2010

“Authorize the Tax Assessor, the Town Attorney and the Town Manager to Act on the Behalf of the Town of Newton for Calendar Year 2011 with Regard to Tax Appeals”

BE IT RESOLVED, by the Town Council of the Town of Newton that the Municipal Tax Assessor and the Town Attorney are hereby authorized to defend all contest appeals before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey; and

BE IT FURTHER RESOLVED, that the Municipal Tax Assessor and the Town Attorney are also hereby authorized to initiate municipal appeals to correct the Town of Newton tax listing including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as may be necessary to correct the assessments for the Town of Newton; and

BE IT FURTHER RESOLVED, that the Municipal Assessor, the Municipal Attorney, and the Town Manager are hereby designated as the agents of the Town of Newton for the purpose of signing settlements of the foregoing matters by stipulation for the 2011 Calendar Year.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #223-2010

December 13, 2010 **"Appoint the Town Manager as Hearing Officer in all Matters of Dispute Regarding the Town of Newton"**

WHEREAS, certain matters may arise over the course of the year which require a hearing to be conducted for the purpose of resolving issues; and

WHEREAS, Thomas S. Russo, Jr., Town Manager of the Town of Newton, is the representative of the Governing Body, as well as the Chief Executive and Administrative Officer of the municipality;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Manager is hereby appointed as Hearing Officer in all matters of dispute regarding the Town of Newton for the calendar year 2011.

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 December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #224-2010

December 13, 2010 "Appointment of Jessica C. Caldwell, P.P.,
A.I.C.P., as Town Planner for Calendar Year
2011"

WHEREAS, the Town of Newton has a need for professional planning services for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., as employed by Harold E. Pellow & Associates, Inc. was appointed to provide professional services for the Town of Newton during 2010, and said professional services will be needed by the Town of Newton during calendar year 2011, and the appropriate agreement for the appointment has been prepared and executed by said Planner; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., as employed by Harold E. Pellow & Associates, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that neither she nor the firm has 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 anticipated term of this contract is one (1) year ending December 31, 2011; and

WHEREAS, this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Jessica C. Caldwell, P.P., A.I.C.P., is a licensed professional planner 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;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-certified copy of this Resolution and a fully-executed copy of the Agreement shall be provided to Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal 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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #225-2010

December 13, 2010

"Establish Schedule of Public Town Council Meetings for 2011"

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 2011 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month at 7:00pm, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey; and

Council Meetings

7:00pm

| | | | | | | | |
|----------|----|-----|----|-----------|-----|-----|-----|
| January | 10 | and | 24 | July | 11 | and | 25 |
| February | 14 | and | 28 | August | 8 | and | 22 |
| March | 14 | and | 28 | September | 14* | and | 26 |
| April | 11 | and | 25 | October | 12* | and | 24 |
| May | 9 | and | 23 | November | 14 | and | 28 |
| June | 13 | and | 27 | December | 12 | and | 28* |

*Held Wednesday

****Reorganizational Meeting**

6:00pm

Friday, July 1, 2011

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.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #226-2010

December 13, 2010

"A Resolution Accepting a Grant From the Hazardous Discharge Site Remediation Fund Public Entity Program Through the New Jersey Economic Development Authority and the Department of Environmental Protection"

WHEREAS, the Town of Newton has applied for and been awarded a grant in the amount of \$63,120 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for Preliminary Assessment and Site Investigation activities, as well as document preparation of the Newton Armory Property located at Tax Block 801, Lot 49.01 also known as 5 South Park Drive, Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the above referenced grant is hereby accepted and the Mayor and Municipal Clerk are hereby authorized to execute grant documents as authorized representatives thereunder, as the representatives for the Town of Newton; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #227-2010

December 13, 2010

"Reappointment of Dr. Kimberly Woodhull to the Economic Development Advisory Commission"

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. Kimberly Woodhull is hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2011 and continuing through December 31, 2013.

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 December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #228-2010

December 13, 2010

**"Authorize Refund of Redemption Monies
to Outside Lienholder"**

WHEREAS, at the Municipal Tax Sale held on October 29, 2008, a lien was sold on Block 202, Lot 40, also known as 50 Hillside Terrace, for 2007 delinquent Real Estate Taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1254, was sold to Crusader Lien Services for a 0% redemption fee with a \$5,100.00 premium; and

WHEREAS, Thomas H. Lemke, brother-in-law of property owner Ms. Emily Kampka, has effected redemption of Certificate #1254 in the amount of \$13,437.12;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Crusader Lien Services is entitled to a refund in the amount of \$13,437.12 as well as a refund of the premium in the amount of \$5,100.00; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to issue a check in the amount of \$13,437.12 for the redemption of Certificate #1254 and check for the refund of the premium in the amount of \$5,100.00, payable to Crusader Lien Services, 115 West Avenue, Suite 300, Jenkintown, PA 19046.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #229-2010

December 13, 2010

"Appointment of Keith Mitchell of the Mitchell Insurance Agency as Insurance Agent"

WHEREAS, the Town Council of the Town of Newton previously appointed local insurance agents to provide insurance coverage on behalf of the municipality; and

WHEREAS, said insurance services will be needed during calendar year 2011;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton be named as agent of record effective January 1, 2011 for the following insurance policies:

- | | |
|----------------------------|------------------|
| a) Package | SIF2011-07860NEW |
| b) Workers' Compensation | WC1007860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFP 4331-2338D1 |
| e) Fire Life Insurance | G001047-0001 |

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services 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 the services to be provided are of a nature requiring specific professional skills and knowledge; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION # 230-2010

December 13, 2010

"Appointment of Keith Mitchell as Risk Management Consultant for the Town of Newton for Calendar Year 2011"

WHEREAS, the TOWN OF NEWTON (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The TOWN OF NEWTON hereby appoints KEITH MITCHELL as its local Risk Management Consultant.
2. The MAYOR AND MUNICIPAL CLERK and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2011 in the form attached hereto.

Attest:

Town of Newton

Lorraine A. Read, R.M.C., Municipal Clerk

By:

Kristen S. Becker, Mayor

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk

2011 FUND YEAR STATEWIDE INSURANCE FUND

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this _____ day of _____ 20____, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, TOWN OF NEWTON ("MEMBER") and KEITH MITCHELL ("CONSULTANT") through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and

WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.

- (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
- (h) assist in the claims settlement process, if required, by MEMBER or FUND.
- (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
- (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
- (k) act in good faith and fair dealing to the FUND.
- (l) perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of all lines assessment (excluding any fees, PLIGA, and loss ratio apportionment); and 10% of Selective umbrella assessment (excluding fees, PLIGA and administrative expenses).
- (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).
- (d) If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.

3. The term of this Agreement shall be from **January 1, 2011 to January 1, 2012**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.

4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.

5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

ATTEST:

Member Representative

ATTEST:

Risk Management Consultant Corporate Officer

ATTEST:

Statewide Insurance Fund Chairperson

**EXHIBIT A
STATEWIDE INSURANCE FUND**

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of **N.J.S.A. 10:5-31 et seq.** and **N.J.A.C. 17:27 et seq.**

The successful professional service entity shall submit to the Statewide Insurance Fund, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;

OR

(c) A photocopy of a completed Employee Information Report (Form AA302) provided by the Division of Contract Compliance and completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Statewide Insurance Fund during normal business hours.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____ DATE: _____



TOWN OF NEWTON

RESOLUTION #231-2010

December 13, 2010

"Resolution Appointing Thomas S. Russo, Jr., Fund Commissioner for Statewide Insurance"

WHEREAS, The Town of Newton (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Local Unit that Thomas S. Russo, Jr., is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that Dawn L. Babcock is hereby appointed as the Alternate Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Town of Newton

By: _____
Kristen S. Becker, Mayor

ATTEST:

Lorraine A. Read, R.M.C., Municipal Clerk

This Resolution agreed to the 13th day of December, 2010 by a vote of:

___ Affirmative ___ Abstain ___ Negative ___ Absent



TOWN OF NEWTON

RESOLUTION #232-2010

December 13, 2010

**"Authorize Execution of Agreement
Between the Town of Newton and the
Newton Parking Authority"**

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on December 2, 2010, the members of the Authority approved an appropriate agreement for calendar year 2011 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2011.

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, December 13, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #233-2010

December 13, 2010

**"To Cancel Outstanding Checks in
Municipal Court Bail Account"**

WHEREAS, there are check(s) which have not been cashed in the Town of Newton Court Bail Account; and

WHEREAS, those check(s) have been reviewed to determine if they should be canceled and the amount paid over to the Town Treasurer to be deposited into the Town of Newton Current Fund Balance;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton, that the following outstanding checks are hereby canceled:

Municipal Court Bail Account

#3874 \$61.00 issued 11/19/2001 to Christopher Tobin

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #234-2010

December 13, 2010

"Appointment of Thea Unhoch as Senior
Citizen Coordinator for the Town of
Newton for 2011"

BE IT RESOLVED, by the Town Council of the Town of Newton that Thea Unhoch be and is hereby appointed as the Senior Citizen Coordinator for the Town of Newton during calendar year 2011.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #235-2010

December 13, 2010

**"Reappointment of Edward Dudes and
Richard Valentino to the Newton Parking
Authority"**

BE IT RESOLVED by the Town Council of the Town of Newton that Edward Dudes and Richard Valentino are each hereby reappointed to full five-year terms on the Newton Parking Authority, effective January 1, 2011 and continuing through December 31, 2015.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #236-2010

December 13, 2010

"Reappointment of Harry Kaplan, Kevin Wright, Karen Schulte and Amanda Best to the Historic Preservation Advisory Commission"

BE IT RESOLVED, by the Town Council of the Town of Newton that the following four (4) year reappointments to the Historic Preservation Advisory Commission be made effective January 1, 2011 with said terms continuing to December 31, 2014:

1. Harry Kaplan, as Class C Member
2. Kevin Wright, as Class B Member
3. Karen Schulte, as an Alternate Member
4. Amanda Best, as an Alternate Member

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #237-2010

December 13, 2010

"Reappointment of Nghiem Pham and Donald Vrahnos to the Utility Advisory Board"

BE IT RESOLVED, by the Town Council of the Town of Newton that Nghiem Pham and Donald Vrahnos are each hereby reappointed to five-year terms on the Utility Advisory Board, effective January 1, 2011 and continuing through December 31, 2015.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #238-2010

December 13, 2010

"Reimburse Town Employees for
Vehicle Expenses"

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2011:

| <u>Employee</u> | <u>Position</u> | <u>Estimated Miles/Qtr.</u> | <u>Quarterly Amount</u> |
|----------------------|-----------------------|---------------------------------|-----------------------------|
| Debra Millikin | Deputy Town Manager | 300 miles | \$153.00 |
| Scott Holzhauer | Tax Assessor | 300 miles | \$153.00 |
| Jason Miller | Deputy Fire Chief | 200 miles | \$102.00 |
| Brian Fox | Assistant Fire Chief | 200 miles | \$102.00 |
| Thomas Trudgeon, Sr. | Recreation Supervisor | 200 miles | \$102.00 |

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance in effect at the time of travel, from Newton to the point of destination and return during calendar year 2011.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #239-2010

December 13, 2010

**"Reappointment of Kent Hardmeyer to
the Advisory Shade Tree Commission"**

BE IT RESOLVED, by the Town Council of the Town of Newton that Kent Hardmeyer is hereby reappointed to a five (5) year term as a Member of the Advisory Shade Tree Commission, effective January 1, 2011, with said term continuing to December 31, 2015.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #240-2010

December 13, 2010

**"Reappointment of Rev. Richard L.
Carlson to the Advisory Board of Health"**

BE IT RESOLVED, by the Town Council of the Town of Newton that Rev. Richard L. Carlson is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2011 and continuing through December 31, 2015.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #241-2010

December 13, 2010

“Authorize Execution of a Shared Services Agreement for Animal Control and Pound Services with the Township of Wantage Covering Calendar Year 2011”

WHEREAS, the Town of Newton desires to enter into a shared service agreement with the Township of Wantage animal control and pound services; and

WHEREAS, the annual fee for the year 2011 is \$15,200; and

WHEREAS, sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2011 for said services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement for animal control and pound services, in duplicate, with the Township of Wantage for calendar year 2011; and

BE IT FURTHER RESOLVED that a copy of said agreement shall be placed on file in the municipal clerk's office and available for public viewing.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #242-2010

December 13, 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 reason(s) stated:

Credit portion of sewer charge for Newton Memorial Hospital - cooling system is run on water and does not pass through sewer system:

| <u>Account</u> | <u>Address</u> | <u>Amount</u> |
|----------------|-----------------|---------------|
| 19749 | 175 High Street | \$2,420.90 |

Water was shut off and account should have been inactive and not charged:

| <u>Account</u> | <u>Address</u> | <u>Amount</u> |
|----------------|----------------|---------------|
| 5802 | 75 High Street | \$770.00 |

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #243-2010

December 13, 2010

"Approve 2010 Appropriation Transfers"

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2010 appropriation transfers be approved effective this date:

| <u>From</u> | <u>To</u> | <u>Amount</u> |
|-------------------------------------|---------------------------------------|--------------------|
| <u>CURRENT</u> | | |
| Community Devel SW 1064103 | Planning/Zoning SW 1062102 | \$1,400.00 |
| Community Devel SW 1064103 | Zoning Board OE 1062316 | \$300.00 |
| Assessment Taxes SW 1051101 | Inspection of Buildings SW 1077101 | \$2,100.00 |
| Recycling OE 1083244 | Finance Audit OE 1054300 | \$3,000.00 |
| Building & Grounds OE 1061217 | Finance Audit OE 1054300 | \$2,510.00 |
| Pool SW 1090102 | Parks & Playgrounds SW 1091101 | \$450.00 |
| Road OE 1080259 | Group Health Insurance 1066200 | \$5,360.00 |
| Clerk SW 1051101 | Group Health Insurance 1066200 | \$5,100.00 |
| Aid to Volunteer Fire OE 1072200 | Group Health Insurance 1066200 | \$640.00 |
| TOTAL CURRENT TRANSFERS | | <u>\$20,860.00</u> |

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #244-2010

December 13, 2010

"Transfer of School Monies for the
Period from January 1, 2011 to June
30, 2011"

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$5,536,714.00, to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

| | |
|--|---------------------|
| Amount of Tax Voted (Exclusive of Debt Service) | \$11,073,429.00 |
| Amount Received to Date | 5,536,715.00 |
| Amount of This Request | <u>5,536,714.00</u> |
| Balance Due Board of Education | -0- |

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #245-2010

December 13, 2010

**"Reappointment of James Schmitt,
Wallace Smith and Frank Sebastiano to
the Recreation Advisory Commission"**

BE IT RESOLVED, by the Town Council of the Town of Newton that James Schmitt, Wallace (Hank) Smith and Frank Sebastiano are each hereby reappointed to a five (5) year term as Members on the Recreation Advisory Commission, effective January 1, 2011, with said terms continuing to December 31, 2015.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #246-2010

December 13, 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

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #247-2010

December 13, 2010

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

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

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

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

(1) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on December 13, 2010, that an Executive Session closed to the public shall be held on December 13, 2010, at ____PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item designated above.

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

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk