



AGENDA
NEWTON TOWN COUNCIL
NOVEMBER 28, 2011
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- NOVEMBER 14, 2011 REGULAR MEETING
- NOVEMBER 14, 2011 EXECUTIVE SESSION

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

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 #242-2011* ESTABLISH SALARIES AND WAGES FOR CERTAIN TOWN OF NEWTON EMPLOYEES NOT COVERED BY BARGAINING AGREEMENTS
- b. RESOLUTION #243-2011* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1217, LOT 6

- c. RESOLUTION #244-2011* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LINE HOLDER FOR BLOCK 1004, LOT 5
- d. RESOLUTION #245-2011* AMEND RESOLUTION #93-2010 TO ACCURATELY REFLECT THE WATER AND SEWER CONNECTION FEES FOR THE THORLABS PROJECT
- e. RESOLUTION #246-2011* APPROVE CHANGE ORDER NO. 1 FOR THE PROPOSED IMPROVEMENTS TO THE RIGHT ABUTMENT AREA OF MORRIS LAKE FOR THE TOWN OF NEWTON
- f. RESOLUTION #247-2011* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1217, LOT 32
- g. RESOLUTION #248-2011* AUTHORIZE CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE FOR BLOCK 1208.01, LOT 29
- h. RESOLUTION #249-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT

X. INTERMISSION

XI. DISCUSSION

- a. POLICE ORDINANCE - DRAFT

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #250-2011 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) CONTRACT NEGOTIATIONS
 - (2) POTENTIAL LITIGATION

XV. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #242-2011

November 28, 2011 "Establish Salaries and Wages for Certain Town of Newton Employees Not Covered by Bargaining Agreements"

WHEREAS, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2011 by Ordinance #2010-29; and

WHEREAS, the Town Manager submitted to the Town Council a recommendation for a TWO PER CENT (2.0%) increase in salary for calendar year 2011 to be paid to certain Town of Newton employees, whose employment is not the subject of any bargaining agreement; and

WHEREAS, the Town Council discussed said recommendation from the Town Manager during its regularly scheduled public meetings of November 14 and 28, 2011 and reached the following conclusions:

1. A TWO PER CENT (2.0%) increase in salary for certain full-time Town of Newton employees, whose employment is not the subject of any bargaining agreement for calendar year 2011, is appropriate.
2. The Mayor, Deputy Mayor and Members of the Town Council have refused said salary increase.
3. The Police Chief has already received a TWO PERCENT (2.0%) increase according to his contract.
4. The salary increase of the Town Manager shall be addressed separately by the Town Council.
5. New full-time and part-time non-union employees hired during 2011 are excluded, namely: Jackie Shackleton, Donna Manna, Lucy DeLoreto, Jeff Schiffner, Kyle Phlegar, and John Tomasula.
6. Part-time Crossing Guards are excluded and shall be considered separately in 2012.
7. Former non-union employees who have resigned or retired in 2011 are excluded, namely: Joe Inga, Lou Read, Ann Rosellen, and Tom Trudgeon, Sr.
8. Part-time non-union employees are excluded as having been separately addressed by the Town Manager.
9. The aforementioned raises shall be retroactive to begin with the pay period ending January 2, 2011.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the salaries and wages for the year 2011 for the following Town of Newton employees, whose employment is not covered by bargaining agreements, shall be increased by two (2%) percent, retroactive to begin with the pay period ending January 2, 2011:

1. Babcock, Dawn
2. Baldwin, Paul
3. Chontow, Greg
4. Citterbart, Kathy
5. Cooper, Darlene
6. Cutler, Jim
7. Holzhauer, Scott
8. Jaekel, Kenneth
9. Madden, John
10. McNally, Carol
11. Millikin, Debra
12. Mulhern, Hon. John
13. O'Connor, Irene
14. Oswin, Terri
15. Raftery, Ginny
16. Read, Lorraine
17. Roth, Linda

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 28, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #243-2011

November 28, 2011 “Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1217, Lot 6”

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1217, Lot 6, also known as 5 Kory Road, for 2010 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1367, was sold to US Bank Cust for Pro Capital I, LLC for 2% redemption fee; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage company for the owner of said property, has effected the redemption of Certificate #1367 in the amount of \$561.28;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$561.28; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$561.28 for the redemption of Certificate #1367 to US Bank Cust for Pro Capital I, LLC 50 S. 16th Street – Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #244-2011

November 28, 2011 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1004, Lot 5"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1004, Lot 5, also known as 101 Madison Street, for 2010 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1362, was sold to US Bank Cust for Pro Capital I, LLC for 18% redemption fee; and

WHEREAS, Wells Fargo Home Mortgage, the mortgage company for the owner of said property, has effected the redemption of Certificate #1362 in the amount of \$250.48;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$250.48; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$250.48 for the redemption of Certificate #1362 to US Bank Cust for Pro Capital I, LLC 50 S. 16th Street – Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #245-2011

November 28, 2011 **“Amend Resolution #93-2010 to Accurately Reflect the Water and Sewer Connection Fees for the Thorlabs Project”**

WHEREAS, there is need to amend Resolution #93-2010, dated June 28, 2010 and adopted by the Newton Town Council granting approval of the water and sewer allocation of 6,540 gallons of water and 5,290 gallons of sewer to the Thorlabs Project, with said project being constructed at 56 Sparta Avenue shown as Block 1104, Lot 21 on the Tax Map of the Town of Newton, in order to accurately reflect the water and sewer connection fees due; and

WHEREAS, in preparation of the required hook-up fees for the Thorlabs Project, it was determined that said Resolution #93-2010 inaccurately stated that the connection fees were \$117,720 for water and \$100,510 for sewer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby amends Resolution #93-2010 to accurately reflect the connection fees for Thorlabs as \$120,990 for water and \$84,640 for sewer, as established by local ordinance.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #246-2011

November 28, 2011 "Approve Change Order No. 1 for the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton "

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton to T.R. Weniger, Inc. in the amount of \$60,350.00 by Resolution #124-2011, which was adopted on June 27, 2011; and

WHEREAS, Harold Pellow & Associates, Inc., the Engineer for the project, has prepared Change Order No. 1 for said project, and recommends approval of the following:

	<u>Amount</u>
<u>Extras</u>	\$ 3,400.00
<u>Reduction</u>	(1,396.30)
Total Change Order No. 1	\$2,003.70

WHEREAS, the adjusted contract amount will be increased by Change Order No. 1 to the new contract total of \$62,353.70; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton based on the recommendation of the Harold E. Pellow and Associates, Inc., and that the Mayor is authorized to execute said Change Order No. 1 resulting in a new contract total of \$62,353.70.

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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 #: 246 -2011

APPROVING: T. R. WENIGER, INC.

FOR THE PURPOSE OF: CHANGE ORDER #1 FOR IMPROVEMENTS TO
THE RIGHT ABUTMENT AREA OF MORRIS LAKE DAM PROJECT

IN THE AMOUNT OF: \$2,003.70

APPROPRIATED BY:

WATER SEWER CAPITAL - ORD.#2011-6 MORRIS LAKE DAM IMPROVEMENTS	
#61911061	\$2,003.70

DATED THIS 28TH DAY OF NOVEMBER, 2011

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #247-2011

November 28, 2011 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1217, Lot 32"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1217, Lot 32, also known as 50 Dogwood Drive, for 2010 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1368, was sold to US Bank Cust for Pro Capital I, LLC for 18% redemption fee; and

WHEREAS, BAC Tax Service for Deutsche Bank, mortgage holder on said property, has effected the redemption of Certificate #1368 in the amount of \$134.73;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$134.73; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$134.73 for the redemption of Certificate #1368 to US Bank Cust for Pro Capital I, LLC, 50 So. 16th Street, Suite 1950, Philadelphia, PA 19102.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #248-2011

November 28, 2011 "Authorize Cancellation of Municipal Certificate of Sale for Block 1208.01, Lot 29"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011, Tax Sale Certificate #1366 was issued to the Town of Newton, 39 Trinity Street, Newton, NJ 07860, for delinquent water and sewer charges on Block 1208.01, Lot 29 also known as 98 Sparta Avenue and owned by Pezzolla, Franco & Lisa M; and

WHEREAS, BAC Tax Service for Deutsche Bank, mortgage holder on said property, has redeemed Tax Sale Certificate #1366 by paying the full amount of the delinquency;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Municipal Clerk of the Municipality of the Town of Newton are hereby authorized to endorse Tax Sale Certificate #1366 for cancellation.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #249-2011

November 28, 2011 "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 2010 and 2011 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

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Lorraine A. Read,
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #250-2011

November 28, 2011

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

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

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

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

- (1) Contract Negotiations
- (2) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on November 28, 2011, that an Executive Session closed to the public shall be held on November 28, 2011, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

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

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, November 28, 2011.

Lorraine A. Read, RMC
Municipal Clerk