



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**DECEMBER 12, 2011**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- NOVEMBER 28, 2011 REGULAR MEETING
- NOVEMBER 28, 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**

**a. INTRODUCTION**

ORDINANCE 2011-24

AN ORDINANCE TO AMEND CHAPTER 3, POLICE DEPARTMENT, OF THE CODE OF THE TOWN OF NEWTON

ORDINANCE 2011-25

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2012

ORDINANCE 2011-26

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE REVISED GENERAL ORDINANCES FOR THE TOWN OF NEWTON.

## 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 #251-2011\* FINAL ACCEPTANCE OF THE PROPOSED IMPROVEMENTS TO THE RIGHT ABUTMENT AREA OF MORRIS LAKE FOR THE TOWN OF NEWTON
- b. RESOLUTION #252-2011\* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SPECIAL POLICE OFFICERS
- c. RESOLUTION #253-2011\* CANCELLATION OF SMALL BALANCES
- d. RESOLUTION #254-2011\* DESIGNATION OF LINDA A. ROTH AS TAX SEARCH OFFICER FOR THE TOWN OF NEWTON FOR 2012
- e. RESOLUTION #255-2011\* ESTABLISH THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF TAXES ON OR BEFORE THE DUE DATE
- f. RESOLUTION #256-2011\* DESIGNATE THE TOWN MANAGER AS THE NATIONAL ORGANIZATION ON DISABILITY REPRESENTATIVE
- g. RESOLUTION #257-2011\* APPOINT LOCAL EMERGENCY PLANNING COMMITTEE
- h. RESOLUTION #258-2011\* DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER
- i. RESOLUTION #259-2011\* DESIGNATE OFFICIALS TO SIGN CHECKS
- j. RESOLUTION #260-2011\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- k. RESOLUTION #261-2011\* DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NJ OPEN PUBLIC MEETINGS ACT FOR 2012
- l. RESOLUTION #262-2011\* DESIGNATE LEGAL NEWSPAPERS FOR CALENDAR YEAR 2012
- m. RESOLUTION #263-2011\* APPOINTMENT OF PAUL BALDWIN AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE
- n. RESOLUTION #264-2011\* APPOINTMENT OF KENNETH JAEKEL AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE FOR 2012
- o. RESOLUTION #265-2011\* AUTHORIZE THE TAX ASSESSOR, THE TOWN ATTORNEY AND THE TOWN MANAGER TO ACT ON BEHALF OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2012 WITH REGARD TO TAX APPEALS

- p.** RESOLUTION #266-2011\* APPOINT THE TOWN MANAGER AS HEARING OFFICER IN ALL MATTERS OF DISPUTE REGARDING THE TOWN OF NEWTON FOR CALENDAR YEAR 2012
- q.** RESOLUTION #267-2011\* ESTABLISH SCHEDULE OF PUBLIC TOWN COUNCIL MEETINGS FOR 2012
- r.** RESOLUTION #268-2011\* TRANSFER OF SCHOOL MONIES FOR THE PERIOD FROM JANUARY 1, 2012 TO JUNE 30, 2012
- s.** RESOLUTION #269-2011\* APPOINTMENT OF THEA UNHOCH AS SENIOR CITIZEN COORDINATOR FOR THE TOWN OF NEWTON FOR 2012
- t.** RESOLUTION #270-2011\* DESIGNATE CHIEF FINANCIAL OFFICER/FINANCE DIRECTOR AS THE INDIVIDUAL AUTHORIZED TO SELL BOND ANTICIPATION NOTES
- u.** RESOLUTION #271-2011\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 720, LOT 12
- v.** RESOLUTION #272-2011\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 703, LOT 3
- w.** RESOLUTION #273-2011\* TO CANCEL A PORTION OF TRUST RESERVE FOR FIRE PREVENTION FEES/FINES BACK TO CURRENT FUND
- x.** RESOLUTION #274-2011\* SUPPORT SUBMISSION OF APPLICATION FOR NJDOT SAFE ROUTES TO SCHOOL PROGRAM
- y.** RESOLUTION #275-2011\* APPROVE 2011 APPROPRIATION TRANSFERS
- z.** RESOLUTION #276-2011\* DESIGNATE BANKS AS DEPOSITORIES
- aa.** RESOLUTION #277-2011\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- bb.** RESOLUTION #278-2011\* INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2011 TOWN OF NEWTON WATER SEWER UTILITY BUDGET PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)
- cc.** RESOLUTION #279-2011\* AUTHORIZE ADDENDUM TO CONTRACT WITH THYSSENKRUPP CORPORATION GRANTING AN EXTENSION FOR PROJECT COMPLETION
- dd.** APPLICATION\* APPLICATION FOR AN ON-PREMISE RAFFLE (PULL TAB) FROM THE LOYAL ORDER OF MOOSE LODGE #432, 4 DILLER AVENUE, NEWTON, NJ TO BE HELD FROM JANUARY 1, 2012 TO DECEMBER 31, 2012

**X. INTERMISSION**

**XI. DISCUSSION**

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. EXECUTIVE SESSION**

a. RESOLUTION #280-2011

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
- (3) PERSONNEL

**XV. ADJOURNMENT**

**TOWN OF NEWTON**  
**Ordinance No. 2011-24**

**AN ORDINANCE TO AMEND CHAPTER 3, POLICE DEPARTMENT, OF THE  
CODE OF THE TOWN OF NEWTON**

This ordinance amends the Code of the Town of Newton by deleting and repealing Chapter 3, Police Department, and replacing it with a new Chapter 3, entitled Police Department, to restructure its organization to serve the public in the most effective way;

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

**Section 1.**

The Code of the Town of Newton is hereby amended by deleting and repealing Chapter 3, Police Department.

**Section 2.**

The Code of the Town of Newton is hereby amended by adding thereto chapter, to replace Chapter 3 hereinabove repealed, to be Chapter 3, Police Department to read as follows:

## **Police Department\***

### **Sections:**

- 3-1 Department Established; Composition.
- 3-2 Town Manager Designated as Appropriate Authority.
- 3-3 Chief of Police.
- 3-4 Duties of the Department.
- 3-5 Qualifications and Appointment of Members of Department.
- 3-6 Oath of Office/Term of Office.
- 3-7 Classification of Applicants and Order of Appointment Thereof.
- 3-8 Qualifications, Powers and Duties of Superior Officers, Patrol Officers, and Special Law Enforcement Officers.
- 3-9 Adult School Crossing Guards.
- 3-10 Rules and Regulations.
- 3-11 Disciplinary Action.
- 3-12 Hours of Employment.
- 3-13 Uniforms and Equipment.
- 3-14 Reserved.
- 3-15 Contracted Off-Duty Employment.
- 3-16 Disclaimer.

\* The establishment, maintenance, regulation, and control of the municipal police department are provided for in N.J.S. 40A:14-118, et seq.

### **3-1 Department Established; Composition.**

The Police Department of the Town of Newton is hereby established and shall consist of a Chief of Police, a maximum of two police Lieutenants, a maximum of five police Sergeants, a maximum of sixteen patrol officers, and such other special law enforcement officers, school crossing guards, and employees that the Town Manager shall from time to time appoint.

### **3-2 Town Manager Designated as Appropriate Authority.**

The Town Manager is hereby designated as the "appropriate authority" as defined by N.J.S. 40A:15-118, with all powers enumerated therein, including the power to fix policies for the regulation and control of the Police Department. The Town Manager shall be responsible for the overall performance of the Police Department and shall adopt and promulgate rules and regulations for the government of the police force and for the discipline of its members.

### **3-3 Chief of Police.**

The head of the Police Department shall be the Chief of Police who shall be appointed by the Town Manager and who shall carry out such duties as the Town Manager shall assign to the Chief. The Chief of Police shall be directly responsible to the Town Manager for the efficiency and routine day-to-day operations of the Police Department and shall have the authority to assign day-to-day duties to members and other personnel of the Department. The Chief shall have full charge and control of the apparatus and equipment of the department and its assignment and use, and shall be held responsible for its care, cleanliness, and safekeeping, and render a strict account thereof when called for by the Town Manager.

The Chief of Police shall, pursuant to the policies established by the Town Manager:

- a) Administer and enforce rules, regulations, and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b) Have, exercise, and discharge the functions, powers, and duties of the force;
- c) Prescribe the duties and assignments of all subordinates and other personnel;
- d) Delegate such authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision;
- e) Report at least monthly to the Town Manager in such form as shall be prescribed by the Town Manager on the operation of the force during the preceding month, and make such other reports as may be requested by the Town Manager;
- f) Recommend to the Town Manager from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the department;
- g) Keep the records of the Police Department in such manner and form as may be prescribed by the Town Manager;
- h) Report, in writing, whatever information the Town Manager or the Chief of Police may deem necessary for the information of the Town Manager or Town Council or for the public benefit and the good of the Police Department; and

- i) Recommend to the Town Manager rules and regulations for the conduct and discipline of the members of the Police Department and amendments to the rules and regulations as necessary.

No person shall be appointed Chief of the Police Department unless, in addition to all statutory requirements, he or she has graduated high school with a diploma or equivalency, and has completed the municipal Police Academy course of the State of New Jersey or an acceptable equivalent course. He or she shall have a thorough knowledge of the criminal statutes and laws of the State of New Jersey and of the Ordinances of the Town of Newton, and shall have the ability to prepare reports and direct and administer the Police Department.

In the event the Chief of Police is absent or goes on voluntary temporary leave, he or she shall, if the Chief deems it necessary for the efficient operation of the force, designate a member of the Police Department to act as Chief of Police until the Chief of Police returns to duty. In case of death, removal, suspension, incompetency or resignation of the Chief of Police, or if the Town Manager determines that the Chief of Police is incapable of making such designation, the Town Manager shall designate the person to act as Chief until the Chief of Police returns to duty or a successor is appointed. The person so designated shall be charged with and perform all the duties of the Chief of Police while so acting. Such temporary appointment shall not increase the compensation of the person so designated.

### **3-4 Duties of the Department.**

The Police Department shall:

- a) Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Town, suppress riots, mobs, and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections, public meetings, and assemblages;
- b) Administer and enforce laws and ordinances to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons to protect the safety and facilitate the convenience of motorists and pedestrians;
- c) Remove or cause to be removed all nuisances in the public streets, parks, and other public places, inspect and observe all places of public amusement or

assemblage, and all places of business requiring any state or municipal license of permit, and report thereon to the appropriate department;

- d) Provide proper police attendance and protection at fires and other emergencies;
- e) Provide for the attendance of its members in Court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state, county, and local governments; and
- f) Operate a training program to maintain and improve the efficiency of the members of the Department, subject to the budgetary approval of the Town Council.

### **3-5 Qualifications and Appointment of Members of Department.**

Each applicant for a position in the Police Department shall possess the qualifications required by N.J.S. 40A:14-122. Except as otherwise provided by law, no person shall be appointed as a member of the Police Department unless he or she:

- a) Is a citizen of the United States;
- b) Is sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to his or her eligibility for membership in the retirement system;
- c) Is able to read, write, and speak the English language well and intelligently;
- d) Is of good moral character, and has not been convicted of any crime or criminal offense involving moral turpitude; and
- e) Has successfully undergone physical and psychological testing that is required of all full-time Police Officers in the Town of Newton and approved by the New Jersey Police Training Commission.

The minimum age for appointment shall be eighteen years and the maximum shall be thirty-five years old, except as set forth in N.J.S. 40A:14-127.1. With the approval of the Town Manager, the Chief of Police may establish additional qualifications and requirements relating to level or nature of experience, training, or particular expertise for applicants for particular positions that the Police Department seeks to fill. All such additional qualifications shall be clearly specified in advertisements for the open position. Superior officers shall satisfy such additional qualifications as detailed hereafter. All appointments of new officers or employees of the Department and all promotions shall be made by the Town Manager, after receipt of reports or recommendations, if submitted, from the Chief of Police.

### **3-6 Oath of Office/Term of Office.**

- a) Each member of the Police Department shall, before entering upon the performance of his or her duties, take and subscribe an oath to bear true faith and allegiance to the government established in the State, to support the Constitutions of the United State of America and the State of New Jersey, and to faithfully, impartially, and justly discharge and perform all duties of his or her office, which oath or affirmation shall be filed with the Municipal Clerk with ten days after appointment.
  
- b) The term of the regular police officers employed in the Department shall be for the time that good behavior and efficiency is maintained. Every newly appointed regular officer shall serve a probationary period, which shall run until the later of (i) twelve months from the start of employment as an officer; or (ii) six months of service after successful completion of the course at a New Jersey-certified police training academy unless otherwise required under applicable statute or regulation. No member shall serve as an officer or a member of the Department after attaining the age of sixty-five years. Probationary officers may be removed from employment by the Town Manager at any time during their probationary period or at its conclusion upon notice and an opportunity to be heard.

### **3-7 Classification of Applicants and Order of Appointment Thereof.**

#### 3-7.1 Classification of Applicants

- a) The following classes are hereby established for appointment of all members of the Police Department of the Town of Newton:
  1. Residents of the Town of Newton.
  2. Residents of other municipalities in the County of Sussex.
  3. Residents of any other County than Sussex in the State of NJ.
  4. All other qualified persons.
- b) Within each of the aforesaid classes, duly qualified applicants who are veterans shall be accorded all veterans' privileges as are provided by law. Persons discharged from the military service within six months prior to making application for membership in the Police Department of the Town of Newton who fulfill the requirements of N.J.S. 40A:14-123.1, and who, thereby, are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirements at the time of their initial application, shall be placed in Class 3.
- c) The classes of qualified applicants as defined above shall be considered as separate and successive lists of eligibles, and the New Jersey Civil Service Commission shall be informed thereof so that certifications from said department when requested shall be made from said classes separately and successively.
- d) All applicants to be classified as Class 1 must be residents of the Town of Newton as of the date of application and must maintain continuous residence within the Town of Newton through the examination process, up to and including the date of appointment.
- e) The provisions of this section shall apply only to the initial appointments and not to promotional appointments of persons already members of the Police Department.
- f) In making temporary appointments, the Town Manager may utilize the classifications set forth in the subsections of this section, and shall classify accordingly all duly qualified applicants for the position to be temporarily filled.

### 3-7.2 Order of Appointment.

- a) The Town Manager shall first appoint to membership in the Police Department persons qualifying in Class 1 provided in the preceding subsection herein, and then those in each succeeding Class in the order listed in said foregoing subsection, and shall appoint a person or persons in any such Class only to a vacancy or vacancies remaining after all qualified applicants in the preceding Class or Classes have been appointed or have declined an offer of appointment.

## **3-8 Qualifications, Powers, and Duties of Superior Officers, Patrol Officers, and Special Law Enforcement Officers.**

### 3-8.1 Police Lieutenant

No person shall be appointed to the position of Lieutenant unless, in addition to all statutory requirements, he or she has completed the municipal Police Academy course of the State of New Jersey, or an acceptable equivalent. The person shall have served as a Police Sergeant in the Town of Newton Police Department.

A Lieutenant shall have the following duties:

- a) Under supervision of the Chief of Police during an assigned tour of duty, has charge of a police division or performs specialized supervisory police duties and completes related work as required.
- b) Gives suitable police assignments and instruction to Sergeants and Police Officers; provides them with needed advice and assistance when difficult problems or maneuvers arise; checks their work to see that the proper procedures are followed; ensures that reasonable standards of workmanship, conduct, and output are maintained; and achieves desired police objectives as set forth by the Chief of Police.
- c) Directs criminal and non-criminal investigations, ensuring that proper police action is taken.

### 3-8.2 Police Sergeant

No person shall be appointed to the position of Sergeant in the Town of Newton Police Department unless, in addition to all statutory requirements, he or she has graduated high school with a diploma or equivalency, and has completed the municipal Police Academy course of the State of New Jersey or an acceptable equivalent course. The person shall have served as a Patrol Officer in the Town of Newton Police Department for at least three years.

A Sergeant shall have the following duties:

- a) Under supervision of a Police Lieutenant during an assigned tour of duty, a Police Sergeant has charge of police activities intended to provide assistance and protection for persons, to safeguard property, to assure observance of the laws, and to apprehend law-breakers; and does related supervisory work as required.
- b) Gives suitable assignments and instructions to the Patrol Officers on duty all or part of the assigned tour of duty; provides them with advice and assistance when difficult and unusual situations arise; and checks their work to see that proper procedures are followed and that reasonable standards of workmanship, conduct, and output are maintained; and that desired police objectives are achieved.
- c) Establishes and maintains helpful and cooperative relations with civic and business organizations, school officers, recreation and other groups, court officers, and police authorities in other jurisdictions, and others interested in the maintenance of law and order.
- d) Notes conditions that are significant from a police standpoint, and takes appropriate action to ensure that persons and property are safeguarded and good order is maintained, and that patrol officers are doing their work properly.
- e) Sees that needed police protection is provided when there are fires, outbreaks, and other conditions which may result in disorder, and when large numbers of people congregate for any reason.
- f) Prepares and directs the preparation of reports.
- g) Directs criminal and non-criminal investigations and sees that appropriate police action is taken.

### 3-8.3 Patrol Officer

A candidate for Patrol Officer must meet the minimum standards for eligibility set forth in Section 3.5 above and is subject to such other age and probationary qualifications as set forth in this Ordinance.

A Patrol Officer, during an assigned tour of duty, on foot, bike, or in an automobile or other motorized vehicle, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, to apprehend law-breakers, investigate criminal activity, and does related work as required or assigned.

### 3-8.4 Special Law Enforcement Officer

A "Special Law Enforcement Officer" means any person appointed pursuant to N.J.S. 40A:14-146.8, et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department of the Town of Newton, or to provide assistance to the Police Department during unusual or emergency circumstances.

There shall be two classes of Special Law Enforcement Officers. The classifications shall be based upon the duties to be performed as follows:

*Class One:* Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the New Jersey Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.

*Class Two:* Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized by the Chief of Police only after the officer has been fully certified as successfully completing training as prescribed by the New Jersey Police Training Commission. The number of Class Two Special Law Enforcement Officers shall not exceed 25% of the total number of regular police officers in the Town of Newton as required by N.J.S. 40A:14-146.17.

a) Pursuant to N.J.S. 40A:14-146.10, no person shall be appointed as a Special Police Officer unless the person:

1. Is a resident of the State of New Jersey during the term of appointment;
2. Is able read, write, and speak the English language well and intelligently and has a high school diploma or its equivalent;
3. Is sound in body and of good health;
4. Is of good moral character;
5. Has not been convicted of any crime or criminal offense involving dishonesty or which would make him or her unfit to perform the duties of the office;
6. Has successfully undergone the same physical and psychological testing that is required of all full-time police officers in the Town of Newton; and
7. Has successfully completed a training course approved by the New Jersey Police Training Commission.

b) Special Police Officers may be appointed for terms not to exceed one year. Nothing herein shall be construed to require reappointment upon the expiration of the term.

### **3-9 Adult School Crossing Guards.**

- a) Pursuant to N.J.S. 40A:9-154.1, the Town Manager may, in his discretion, appoint persons at least 18 years of age as school crossing guards in such numbers as the Town Manager may deem appropriate. No person shall be appointed as a school crossing guard unless such person:
1. Is a citizen and resident of the State of Jersey;
  2. Is sound in body and of good health;
  3. Is of good moral character;
  4. Has not been convicted of any criminal offense involving moral turpitude; and
  5. Has been certified as eligible by the Chief of Police.
- b) School crossing guards shall be appointed for terms not to exceed one year. The Town Manager may revoke such appointment for cause subject to the provisions of the New Jersey Civil Service Act. The powers and duties of a school crossing guard shall cease at the expiration or termination of the term which the guard was appointed. The Town Manager may choose not to reappoint an individual to the position of School Crossing Guard without notice or cause.
- c) School crossing guards shall not be members of the Police Department, but shall be under the supervision and direction of the Chief of Police and shall comply with the rules and regulations applicable to the conduct and decorum of regular police officers. They shall perform their duties only in the Town of Newton.
- d) School crossing guards are not authorized to carry or use firearms and shall not have the power of arrest.
- e) Every school crossing guard shall receive such training and uniform as provided by law.

### **3-10 Rules and Regulations.**

The Town Manager, as appointing authority, shall, from time to time as may seem necessary in his judgment, and pursuant to the authority of N.J.S. 40A:14-118, adopt and amend the rules and regulations for the conduct and discipline of the Police

Department and members thereof. The Town Manager shall distribute copies of any newly adopted rule, regulation, or amendment promptly after its adoption to the Chief of Police. Any such rule, regulation, or amendment shall take effect thirty days after adoption unless the Town Manager shall declare in his adoption that an emergency exists which requires a rule, regulation, or amendment to take effect immediately. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for any violations. All members and employees of the Police Department shall be subject to such rules, regulations, and penalties.

### **3-11 Disciplinary Action.**

Departmental discipline is to be administered in accord with the rules and regulations of the Department as promulgated by the Town Manager and in accord with N.J.S. 40A:14-147, relevant provisions of the New Jersey Civil Service Act and regulations related thereto, and applicable court decisions.

### **3-12 Hours of Employment.**

The regular hours of employment of uniformed members of the Police Department shall not exceed twelve consecutive hours in one day, nor eighty-four hours in any one pay period; provided that in the case of an emergency, the Chief of Police or his designee shall have full authorization to summon and keep on duty any and all such members during the period of emergency or staffing shortage.

### **3-13 Uniforms and Equipment.**

Duty firearms, holsters, and magazine holders for members of the Police Department authorized to have such equipment shall be furnished by the Town and remain its property. The expense of obtaining all other required uniforms and equipment shall be borne by each officer. Only Special Law Enforcement Officers shall be furnished uniforms and related equipment by the Town, to be issued by the Chief of Police. Upon issuance of property to a member of the Department, the Chief of Police shall take a receipt from the member obtaining the property. Members receiving property from the Department shall be responsible for same and upon leaving the service for any cause shall turn in to the Chief of Police all property belonging to the Town. The reasonable value of any property including uniforms and equipment not returned shall be deducted from the amount of salary or wages due each member.

The members of the Police Department shall, when on duty, wear such uniforms and equipment, as shall be prescribed from time to time by the Chief of Police and shall at all times present a neat, clean, and respectable appearance.

**3-14 Reserved.**

**3-15 Contracted Off-Duty Employment.**

3-15.1 Purpose

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Newton Police Department and to authorize the outside employment of Town police while off duty, the Town hereby establishes a policy regarding the use of said officers.

- a) Members of the Police Department shall be permitted to accept police related employment from private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Town.
- b) Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

### 3-15.2 Escrow Accounts

- a) Any person or entity requesting the services of an off-duty law enforcement officer in the Newton Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Town Treasurer by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Section 3-15.4 for the total estimated hours of service.
- b) Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Town Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.
- c) In the event the funds in such an escrow account should be depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.
- d) The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption in service.

### 3-15.3 Requests for Services

All requests to the Town for the services of off-duty law enforcement officers in the Newton Police Department for a period of one week or longer shall be forwarded to the Chief of Police for posting at least ten days before such services are required. Any law enforcement officers, when so employed by the Town, shall be treated as an employee of the Town provided, however, that wages earned for outside employment shall not applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as over-time.

### 3-15.4 Rates of Compensation; Administrative Fee; Payment for Services

- a) Rates of compensation for contracting the services of off-duty law enforcement officers shall be based on a rate of time and one-half of Top Step Patrolmen as currently establish by contract.
- b) An additional per hour fee is established to cover administrative costs, overhead, and out-of-pocket expenses of the Town of Newton in accordance with the hourly rate as currently set forth in the Town of Newton Fee Schedule.

### **3-16 Disclaimer.**

All ordinances, codes or parts thereof inconsistent with any provisions of this new section are hereby repealed to the extent of such inconsistency. If any section or provision of this chapter shall be held invalid by any court of competent jurisdiction, the same shall not affect the other sections or provisions of this chapter, except so far as the section or provision so declared invalid, which shall be inseparable from the remainder of any portion thereof.

### **Section 4.**

This Ordinance shall take effect upon its final passage and publication according to 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 the 12<sup>th</sup> day of December, 2011. Said Ordinance will be considered for adoption after public hearing at the regular meeting of the Town Council of the Town of Newton to be held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on the 28<sup>th</sup> day of December, 2011.

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

**TOWN OF NEWTON  
ORDINANCE #2011-25**

**AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM  
SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF  
THE TOWN OF NEWTON FOR CALENDAR YEAR 2012**

**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 2012 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, 2012.

## **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 12, 2011. 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 Wednesday, December 28, 2011 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF  
NEWTON  
ORDINANCE  
#2011-25  
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 #2011-25  
SCHEDULE "B"**

**LEVEL 1**

Recreation Assistant

**LEVEL 2**

Assistant Pool Manager

**LEVEL 3**

Clerk Typist

Custodian

Grounds Maintenance Worker

Keyboarding Clerk I

Lifeguard

School Traffic Guard

Secretary

**LEVEL 4**

Deputy Court Administrator

Deputy Municipal Clerk/Deputy Registrar

Keyboarding Clerk II

Laborer

Public Safety Telecommunicator Trainee

Recreation Leader

Senior Clerk Typist

Technical Assistant to Construction Official

**LEVEL 5**

Account Supervisor/Treasurer

Assessing Clerk

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

Sewer Repairer 2

Special Police Officer

Water Repairer 2

**LEVEL 8**

Administrative Assistant

Road Foreman

Street Foreman

Supervising Public Safety Telecommunicator

Water Foreman

**LEVEL 9**

Assistant Director of Public Works

Assistant Public Works Supervisor

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

Public Works Supervisor

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 Code Enforcement Officer

Deputy Emergency Management Coordinator

Emergency Management Coordinator

Right-to-Know Coordinator

**LEVEL 17**

Council Member

Mayor

**LEVEL 18**

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

### RESOLUTION #251-2011

December 12, 2011

**“Final Acceptance of the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton”**

**WHEREAS**, on June 27, 2011 by way of adoption of Resolution #124-2011, the Newton Town Council awarded a contract to T.R. Weniger, Inc., for the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton; and

**WHEREAS**, the Newton Town Council approved Change Order No. 1 by adoption of Resolution #246-2011 on November 28, 2011 in accordance with the recommendations of the Town Engineer; and

**WHEREAS**, in a memo to the Town Manager dated December 5, 2011, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation to accept the Proposed Improvements to the Right Abutment Area of Morris Lake for the Town of Newton as final and complete; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to T.R. Weniger, Inc., and the Town Engineer.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #252-2011

December 12, 2011 "Concur with the Town Manager's Appointment of Special Police Officers"

**WHEREAS**, within Chapter III, Police Department, of the Revised General Ordinances of the Town of Newton, it 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 2012:

#### Class II

Donald Donofrio

Kyle J. Phlegar

John Tomasula

#### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #253-2011

December 12, 2011 "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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #254-2011

December 12, 2011 "Designation of Linda A. Roth as Tax Search Officer for the Town of Newton for 2012"

**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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #255-2011

December 12, 2011 **“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 31<sup>st</sup> 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #256-2011

December 12, 2011 “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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #257-2011

December 12, 2011 "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 2012 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
Dave Dolan	Newton Vol. First Aid and Rescue Squad
Ken Jaekel	Newton Public Works Supervisor
Paul Baldwin	Newton Water and Sewer Supervisor
Lorraine Read	Newton Municipal Clerk
Debra Millikin	Deputy Town Manager
Keith Utter	Newton/Hardyston Construction Official
Dr. Kennedy Greene	Newton School Superintendent
Robert Dunphy	Radio Station WNNJ
Lauri Gill	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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #258-2011

December 12, 2011 "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 2012; 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #259-2011

December 12, 2011 "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 2012.

#### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON  
RESOLUTION #260-2011**

**December 12, 2011 "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 for an Account that should be Inactive**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21635	18 Church Street	\$157.50

**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 12, 2011

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #261-2011

**December 12, 2011 "Designate Newspapers that will Receive Notices Required by the NJ Open Public Meetings Act for 2012"**

**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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #262-2011

December 12, 2011 "Designate Legal Newspapers for Calendar Year 2012"

**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 2012 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #263-2011

December 12, 2011    **“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 reappointed as the municipality's representative to the Sussex County Water Quality Policy Advisory Committee for 2012 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #264-2011

**December 12, 2011 "Appointment of Kenneth Jaekel as Municipal Representative to the Sussex County Solid Waste Advisory Committee for 2012"**

**BE IT RESOLVED** by the Town Council of the Town of Newton that the Public Works Supervisor, Kenneth Jaekel, is hereby reappointed 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 Supervisor 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #265-2011

**December 12, 2011 "Authorize the Tax Assessor, the Town Attorney and the Town Manager to Act on the Behalf of the Town of Newton for Calendar Year 2012 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 2012 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #266-2011

December 12, 2011 **“Appoint the Town Manager as Hearing Officer in all Matters of Dispute Regarding the Town of Newton for Calendar Year 2012”**

**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 2012.

### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #267-2011

#### December 12, 2011 "Establish Schedule of Public Town Council Meetings for 2012"

**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 2012 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	9	and	23	July	9	and	23
February	13	and	27	August	13	and	27
March	12	and	26	September	12*	and	24
April	9	and	23	October	10*	and	22
May	14	and	30*	November	14*	and	26
June	11	and	25	December	10	and	26*

\*Held Wednesday

#### Reorganizational Meeting

6:00pm

Monday, July 2, 2012

**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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #268-2011

December 12, 2011 "Transfer of School Monies for the Period from January 1, 2012 to June 30, 2012"

**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, \$5,522,449.00 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)	\$11,044,898.00
Amount Received to Date	5,522,449.00
Amount of This Request	<u>5,522,449.00</u>
Balance Due Board of Education	-0-

### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #269-2011

December 12, 2011 "Appointment of Thea Unhoch as Senior Citizen Coordinator for the Town of Newton for 2012"

**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 2012.

### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #270-2011

**December 12, 2011 "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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #271-2011

December 12, 2011 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 720, Lot 12"

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 720, Lot 12, also known as 34 Moran Street, for 2008 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1303, and was sold to Park Finance, LLC for 18% redemption rate; and

**WHEREAS**, Fulton Bank of New Jersey, the financial institution for said property, has effected the redemption of Certificate #1303 in the amount of \$11,016.92;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Park Finance, LLC is entitled to a redemption in the amount of \$11,016.92; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$11,016.92 for the redemption of Certificate #1303 to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927.

### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #272-2011**

**December 12, 2011 "Authorize Refund of Redemption Monies to  
Outside Lien Holder for Block 803, Lot 3"**

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 803, Lot 3, also known as 20 E Clinton Street, for 2008 delinquent taxes and water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1307, and was sold to US Bank Cust/Sass Muni V dtr for 0% redemption rate and a premium in the amount of \$53,000.00; and

**WHEREAS**, Fulton Bank of New Jersey, the financial institution for said property, has effected the redemption of Certificate #1307 in the amount of \$245,072.29;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust/Sass Muni V dtr is entitled to a redemption in the amount of \$245,072.29 as well as the premium of \$53,000.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two checks, the first in the amount of \$245,072.29 for the redemption of Certificate #1307 and the second in the amount of \$53,000.00 for the return of the premium to US Bank Cust/Sass Muni V dtr, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

**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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #273-2011**

**December 12, 2011 "To Cancel a portion of Trust Reserve for Fire Prevention Fees/Fines Balance to the Current Fund"**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services (DLGS) for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and the Town of Newton received this authorization from DLGS for Uniform Fire Safety Act Penalty Monies (NJSA 52:27D-192 et seq) on January 28, 2002; and

**WHEREAS**, the Town of Newton entered into a Shared Services Agreement with the County of Sussex for Enforcement Agency Services as set forth in the NJ State Uniform Fire Code regulations effective July 1, 2011 through June 30, 2015; and

**WHEREAS**, there currently exists a balance in the Trust Account Reserve for Fire Prevention Fees/Fines in the amount of \$34,975.33, the Town expects to receive nominal revenues from fire zone parking violations, the Town wishes to retain a small balance in the Trust Fund to cover any remaining and subsequent costs allowable per the Fire Code, and the Town wishes to cancel \$20,000.00, which is no longer needed for the dedicated purposes, to Current Fund Balance;

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby:

- 1) Cancel a portion of the balance in the Newton Trust Account "Reserve for Fire Prevention Fees/Fines" in the amount of \$20,000.00 to the Current Account-Fund Balance.
- 2) The Dedication by Rider resolution remains in effect to permit for the accounting of the remaining Fire Safety Act revenues and expenditures.

**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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #274-2011

December 12, 2011 "Support Submission of Application for NJDOT Safe Routes to School Program"

**WHEREAS**, the Town of Newton is applying for funding in the amount for \$138,633.00 to conduct sidewalk replacement along the school route for Halsted Street Middle School, within the Town of Newton; and

**WHEREAS**, the project will help to continue the promotion of pedestrian safety for the school children; and

**WHEREAS**, the only maintenance that will not be assumed by the Town of Newton will be for the removal of ice and snow from the sidewalks, and the maintenance of grass between the sidewalk and curb due to the fact that local Ordinance place that responsibility with each individual property owner, and those crosswalks on State or County Highways;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, the Town Manager, and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #275-2011

December 12, 2011 "Approve 2011 Appropriation Transfers"

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2011 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>		
Clerk SW 1051103	Town Manager SW 1050101	\$300.00
Clerk SW 1051103	Town Manager OE 1050204	500.00
Clerk SW 1051103	Human Resources SW 1053103	900.00
Clerk SW 1051103	Planning/Zoning SW 1062101	350.00
Assessment of Taxes SW 1055103	Finance SW 1054101	600.00
Assessment of Taxes SW 1055103	Collection of Taxes SW 1056101	600.00
Court SW 1059101	Court OE 1059217	1,300.00
Court SW 1059101	Finance OE 1054253	220.00
Senior Citizen SW 1093100	Stat. Expend- DCRP OE 1098294	100.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$4,870.00</u></b>

### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #276-2011

December 12, 2011 "Designate Banks as Depositories for 2012"

**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 2012:

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  
Bank of New York Mellon (Chase)  
New Jersey Cash Management Fund  
Sussex Bank  
Lakeland Bank  
First Hope Bank  
Sovereign Bank  
TD Bank  
Highland State Bank  
Valley National Bank

Beginning with the filing of September 30, 2010 a list of banks that participate in the Governmental Unit Deposit Protection Act (GUDPA) and the type of certificate of eligibility is available quarterly from the State of New Jersey, Department of Banking and Insurance website: [http://www.state.nj.us/dobi/division\\_banking/depositories/gudpa.htm](http://www.state.nj.us/dobi/division_banking/depositories/gudpa.htm). The Chief Financial Officer/Finance Director will review this site and provide the Town Auditor with a copy of this list.

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. This may also be satisfied electronically.

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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #277-2011

December 12, 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.

#### 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 12, 2011.

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Lorraine A. Read,  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #278-2011

December 12, 2011    **“Insertion of Special Items of Revenue in the 2011  
Town of Newton Water Sewer Utility Budget  
Pursuant to NJSA 40A:4-87 (C. 159, PL 1948)”**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount; and

**WHEREAS**, the Town of Newton has a Reserve for Timber Harvest in the amount of \$4,125.00 on the Water Sewer Utility Trial Balance and wishes to use this balance to perform a Forestry Plan at the Morris Lake area where the Town has its water reservoir;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2011 Water Sewer Utility Budget of the Town of Newton which is now available as revenue from:

Dedicated Revenues from Water / Sewer Utility	
W/S Reserve for Timber Harvest	\$4,125.00

**BE IT FURTHER RESOLVED**, that the following like sum be and the same is hereby appropriated under the caption of:

Appropriations for Water/Sewer Utility	
Capital Improvements	
Forestry Plan	\$4,125.00

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #279-2011

December 12, 2011 "Authorize Addendum to Contract with ThyssenKrupp Corporation Granting an Extension for Project Completion"

**WHEREAS**, the Town Council of the Town of Newton awarded a contract to ThyssenKrupp Elevator Corporation, Cranford, New Jersey in the amount of \$112,048.00 for the completion of upgrades to the elevator at the Town Municipal Building; and

**WHEREAS**, lead times for equipment needed for elevator repairs have taken longer than anticipated at the time of bidding and the Contractor has requested that the completion date be extended to April 1, 2012; and

**WHEREAS**, the Town Engineer's office has reviewed the extension request and believes that the request is reasonable for the type of work that is to be performed;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the project completion date is hereby extended to April 1, 2012.

#### 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 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #280-2011

December 12, 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
- (3) Personnel

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on December 12, 2011, that an Executive Session closed to the public shall be held on December 12, 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, December 12, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk