



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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- DECEMBER 12, 2011 REGULAR MEETING
DECEMBER 12, 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. PRESENTATIONS

- a. HOUSE DECORATING CONTEST WINNER - 22 DOUMA DRIVE

VII. COUNCIL & MANAGER REPORTS

VIII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2011-24

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

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

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

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

ORDINANCE 2011-26

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

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

b. INTRODUCTION

ORDINANCE 2011-27

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2012

IX. OLD BUSINESS

X. 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 #281-2011* REIMBURSE TOWN EMPLOYEES FOR VEHICLE EXPENSES
- b. RESOLUTION #282-2011* APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., C.M.E., AS TOWN WATER ENGINEER FOR CALENDAR YEAR 2012
- c. RESOLUTION #283-2011* APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR CALENDAR YEAR 2012
- d. RESOLUTION #284-2011* FORGIVE REAL ESTATE TAXES FOR 20 TRINITY STREET
- e. RESOLUTION #285-2011* AUTHORIZE THE CANCELLATION OF ERRONEOUS 2010 YEAR END PENALTY
- f. RESOLUTION #286-2011* AUTHORIZE REFUND OF ADDITIONAL REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 803, LOT 3
- g. RESOLUTION #287-2011* REAPPOINTMENT OF ROBERT CAFFREY TO THE UTILITY ADVISORY BOARD
- h. RESOLUTION #288-2011* REAPPOINTMENT OF DR. JOHN FORD TO THE ADVISORY BOARD OF HEALTH
- i. RESOLUTION #289-2011* REAPPOINTMENT OF DAVID STEINBERG TO THE HISTORIC PRESERVATION ADVISORY COMMISSION

- j.** RESOLUTION #290-2011* REAPPOINTMENT OF KENNETH EDWARDS TO THE NEWTON PARKING AUTHORITY
- k.** RESOLUTION #291-2011* REAPPOINTMENT OF DR. CRYSTAL CLARK, DANIEL HAYEK, EVIN JOICE AND JOHN ZWAHL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION
- l.** RESOLUTION #292-2011* REAPPOINTMENT OF DANIEL FLYNN, KENT HARDMEYER AND BARBARA MATTINGLY TO THE NEWTON PLANNING BOARD
- m.** RESOLUTION #293-2011* APPOINTMENT OF THE CHIEF FINANCIAL OFFICER FOR THE TOWN OF NEWTON
- n.** RESOLUTION #294-2011* TO CANCEL CURRENT APPROPRIATION BALANCES – UNEXPENDED EMERGENCY APPROPRIATION – HURRICANE IRENE
- o.** RESOLUTION #295-2011* REFUND HOMESTEAD REBATE CREDIT
- p.** RESOLUTION #296-2011* APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 2012
- q.** RESOLUTION #297-2011* AUTHORIZE EXECUTION OF AGREEMENTS TO PROVIDE 9-1-1 DISPATCHING SERVICES FOR CALENDAR YEARS 2012, 2013 AND 2014
- r.** RESOLUTION #298-2011* TO CANCEL PUBLIC ASSISTANCE TRUST FUND I BALANCE TO THE CURRENT FUND
- s.** RESOLUTION #299-2011* TO CANCEL CURRENT APPROPRIATION BALANCES
- t.** RESOLUTION #300-2011* AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS
- u.** RESOLUTION #301-2011* REAPPOINTMENT OF MUNICIPAL JUDGE, HON. JOHN E. MULHERN, ESQ.
- v.** RESOLUTION #302-2011* AUTHORIZE LICENSE AGREEMENT WITH THE SUSSEX COUNTY CHAPTER OF THE RED CROSS
- w.** RESOLUTION #303-2011* APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT
- x.** RESOLUTION #304-2011* AUTHORIZE AGREEMENT FOR CERTAIN LEGAL SERVICES ADOPTED BY THE TOWN OF NEWTON FOR CALENDAR YEAR 2012
- y.** RESOLUTION #305-2011* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- z.** RESOLUTION #306-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- aa.** RESOLUTION #307-2011* TO CANCEL OUTSTANDING CHECKS IN VARIOUS FUNDS
- bb.** RESOLUTION #308-2011* APPROVE 2011 APPROPRIATION TRANSFERS

cc. RESOLUTION #309-2011*

ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2011

dd. APPLICATION*

APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM KAREN ANN QUINLAN MEMORIAL FOUNDATION, 99 SPARTA AVENUE, NEWTON, TO BE HELD ON SUNDAY, JANUARY 22, 2012, FROM 6:00PM TO 10:00PM AT KRAVE CAFÉ & CATERS, 102 SPARTA AVENUE, NEWTON.

XI. INTERMISSION

XII. DISCUSSION

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

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 12th day of December, 2011. Said Ordinance was adopted after public hearing at the regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on the 28th day of December, 2011.

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 was adopted, after final reading and public hearing thereon, at a meeting of the Town Council of the Town of Newton 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.

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

ORDINANCE #2011-26

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

BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter 10, Traffic, be amended as follows:

10-14.5f Additional Rules and Regulations

f. An Annual Merchant Pass will be available for Lot #5 Eastern Plaza, Lot #4 Central Plaza and Lot #3 Western Plaza parking lots only, for business owners on Spring Street who have a ground floor business located on Spring Street from Union Place to Main Street. The cost for such passes is set forth in subsection 21-1.5c. There will be a maximum allotment of 4 passes per business per year. Annual passes will be valid from 1/1 to 12/31; semi-annual passes are valid from 1/1 to 6/30 or 7/1 to 12/31 and all passes will need to be renewed upon expiration. Parking passes are valid from 8:00am-6:00pm, Monday – Saturday.

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 was adopted, after final reading and public hearing thereon, at a meeting of the Town Council of the Town of Newton 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.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE NO. 2011-27**

**AN ORDINANCE FOR PROFESSIONAL SERVICES
FOR CALENDAR YEAR 2012**

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

WHEREAS, there exists a need for special counsel to be appointed to represent the Town of Newton with respect to municipal matters for calendar year 2012; and

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

WHEREAS, Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., has indicated that all such services will be rendered to the Town of Newton on the basis of a \$180.00 per hour charge, which the Newton Town Council deems fair and equitable for said professional services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids, and the contracts themselves, must be available for public inspection.

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

- 1) The Mayor and Clerk of the Town of Newton are hereby authorized and directed to execute a duplicate of this Ordinance, which shall act as the authorization and agreement between the Town of Newton and Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., providing their retention as Town Attorney in and on behalf of the Town of Newton for calendar year 2012.
- 2) The services to be rendered by Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., shall be on an hourly basis, on an “as needed” requirement, as sought by the Town of Newton at a rate of \$180.00 per hour.
- 3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because Sanford L. Hollander, Esq., of Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz, L.L.C., is a licensed attorney of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements and the candidate complies

with all requirements for appointment without public bidding under N.J.S. 19:44a-1, *et seq.*

- 4) Notice of this action shall be published once in the *New Jersey Herald*.

PUBLIC NOTICE is hereby given that the above Ordinance was passed on the first reading by the Town Council of the Town of Newton, Sussex County, New Jersey, at a regular meeting of said Council, held on December 28, 2011, and that a public hearing regarding the above will be held on January 9, 2012 at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00p.m. at which time, all persons interested both for and against said Ordinance shall be given an opportunity to be heard concerning same.

Lorraine A. Read

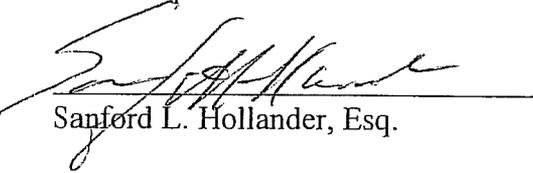
Municipal Clerk/Registrar

IT IS hereby certified that this is a true and accurate copy of an Ordinance adopted by the Town Council of the Town of Newton at a regular meeting held on January 9, 2012.

Lorraine A. Read

Municipal Clerk/Registrar

Date Approved: _____



Sanford L. Hollander, Esq.



TOWN OF NEWTON

RESOLUTION #281-2011

December 28, 2011 "Reimburse Town Employees for Vehicle Expenses"

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2012:

<u>Employee</u>	<u>Position</u>	<u>Estimated Miles/Qtr.</u>	<u>Quarterly Amount</u>
Debra Millikin	Deputy Town Manager	300 miles	\$166.50
Scott Holzhauer	Tax Assessor	200 miles	\$111.00
Brian Fox	Deputy Fire Chief	200 miles	\$111.00
Derek Wechtler	Assistant Fire Chief	200 miles	\$111.00
Kerry Deckert	Recreation Supervisor	150 miles	\$83.25

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return 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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #282-2011

December 28, 2011 **“Appointment of David B. Simmons, Jr., P.E., L.S., C.M.E., as Town Water Engineer for Calendar Year 2012”**

WHEREAS, water engineering services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of a qualified Water Engineer and received several responses; and

WHEREAS, David B. Simmons, P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc. has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that David B. Simmons, P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc., is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with David B. Simmons, of Harold E. Pellow & Associates, Inc., for services as Water Engineer for calendar year 2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. Simmons, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

CERTIFICATION

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

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #283-2011

December 28, 2011 "Appointment of Jessica C. Caldwell, P.P.,
A.I.C.P., as Town Planner for Calendar Year 2012"

WHEREAS, planning services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of a qualified Planner and received several responses; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc. has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that Ms. Jessica C. Caldwell, PP, AICP of Harold E. Pellow & Associates, Inc., is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Ms. Jessica Caldwell of Harold E. Pellow & Associates, Inc., for services as Town Planner for calendar year 2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ms. Caldwell, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

CERTIFICATION

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

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #284-2011

December 28, 2011 "Forgive Real Estate Taxes for 20 Trinity Street"

WHEREAS, BLD, LLC owns a certain property known as 20 Trinity Street, shown on the Newton Tax Map as Block 716, Lot 23; and

WHEREAS, Block 716, Lot 23 is being utilized by the Parking Authority of the Town of Newton and managed by said Parking Authority for public parking purposes under the Agreement between the Town of Newton and BLD, LLC; and

WHEREAS, the Town Newton's Tax Assessor has stated that the property does not meet the guidelines for tax exemption and that the taxes should be forgiven on an annual basis by the Tax Collector;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for the tax year 2011 in the amount of \$65.20 for Block 716 Lot 23 also known as 20 Trinity Street be forgiven; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to forgive said taxes in the amount of \$65.20 for the tax year 2011 on Block 716, Lot 23.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #285-2011

December 28, 2011 "Authorize the Cancellation of Erroneous 2010 Year End Penalty"

WHEREAS, on January 1, 2011 the Tax Assessor deleted Block 303, Lot 26.02 also known as 128 Water Street and owned by 206 & North Park Drive/Walgreens and re-established a new Block and Lot as the result of a subdivision; and

WHEREAS, Block 303, Lot 26.02 was assessed, according to N.J.S.A. 54:4-67 a 6% year end penalty in the amount of \$ 2,268.46; and

WHEREAS, this year end penalty was assessed in error since the records were transferred to the new Block 303, Lot 26.02; Qualifier CBLD and paid by the due date for said Block and Lot;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the Tax Collector remit (cancel) said year end penalty; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to remit (cancel) said year end penalty in the amount of \$ 2,268.46.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #286-2011

December 28, 2011 "Authorize Refund of Additional 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, Financial Institution for said property, has effected the redemption of Certificate #1307 in the amount of \$245,072.29 on December 13, 2011; and

WHEREAS, during an audit of the redemption amount it was determined that US Bank Cust/Sass Muni V dtr is due an additional amount of \$438.60 to complete this redemption;

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 an additional redemption amount of \$438.60; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$438.60 to US Bank Cust/Sass Muni V dtr, 50 South 16th 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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #287-2011

December 28, 2011 "Reappointment of Robert Caffrey to the Utility Advisory Board"

BE IT RESOLVED, by the Town Council of the Town of Newton that Robert Caffrey is hereby reappointed to a five-year term on the Utility Advisory Board, effective January 1, 2012 and continuing through December 31, 2016.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #288-2011

December 28, 2011 "Reappointment of Dr. John Ford to the Advisory Board of Health"

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. John Ford is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2012 and continuing through December 31, 2016.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #289-2011

December 28, 2011 "Reappointment of David Steinberg to the Historic Preservation Advisory Commission"

BE IT RESOLVED, by the Town Council of the Town of Newton that David Steinberg is hereby reappointed to a four (4) year term on the Historic Preservation Advisory Commission as a Class C member effective January 1, 2012 with said term continuing to December 31, 2015.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #290-2011

December 28, 2011 **“Reappointment of Kenneth Edwards to the
Newton Parking Authority”**

BE IT RESOLVED by the Town Council of the Town of Newton that Kenneth Edwards is hereby reappointed to a full five-year term on the Newton Parking Authority, effective January 1, 2012 and continuing through December 31, 2016.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #291-2011

December 28, 2011 **“Reappointment of Dr. Crystal Clark, Daniel Hayek, Evin Joice and John Zwahl to the Economic Development Advisory Commission”**

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. Crystal Clark, Daniel Hayek, Evin Joice and John Zwahl are each hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2012 and continuing through December 31, 2014.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #292-2011

December 28, 2011 "Reappointment of Daniel Flynn, Kent Hardmeyer and Barbara Mattingly to the Newton Planning Board"

BE IT RESOLVED, by the Town Council of the Town of Newton that Daniel Flynn, Kent Hardmeyer and Barbara Mattingly are each hereby reappointed to the Newton Planning Board, effective January 1, 2012 as follows:

- a. Daniel Flynn – Regular Member, four (4) year appointment expiring on December 31, 2015.
- b. Kent Hardmeyer – Alternate Member #2, two (2) year appointment expiring on December 31, 2013.
- c. Barbara Mattingly - Alternate Member #4, two (2) year appointment expiring on December 31, 2013.

CERTIFICATION

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

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #293-2011

December 28, 2011 "Appointment of the Chief Financial Officer for the Town of Newton"

WHEREAS, NJSA 40A:9-140.1 et seq. sets forth the establishment of the Chief Financial Officer position, qualifications, appointment, and reappointment; and

WHEREAS, Resolution #63-2008 appointed Dawn L. Babcock to serve as Chief Financial Officer for the Town of Newton effective April 28, 2008; and

WHEREAS, Dawn L. Babcock meets all the necessary qualifications to be reappointed as set forth by the Division of Local Government Services including holding Certified Municipal Finance Officer License #O-0105.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that Dawn L. Babcock is hereby reappointed to serve as Chief Financial Officer for the Town of Newton effective January 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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION # 294-2011

December 28, 2011 "To Cancel Current Appropriation Balances –
Unexpended Emergency Appropriation –
Hurricane Irene"

WHEREAS, the Town of Newton received approval from the Division of Local Government Services on November 1, 2011 for an Emergency Application – NJSA 40A:4-46 in the amount of \$65,000.00 for Hurricane Irene Damages as requested per Resolution #222-2011; and

WHEREAS, costs totaling \$32,830.62 have been charged to this emergency and there remains unexpended balances totaling \$32,169.38 as follows:

Road Repair-Hurricane Irene, Salaries and Wages A/C#1080199	\$ 7,816.13
Road Repair-Hurricane Irene, Other Expenses A/C# 1080299	\$24,353.25

WHEREAS, per NJSA 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the above listed unexpended balances of the Current Fund be canceled to Current Operations.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #295-2011

December 28, 2011 "Refund Homestead Rebate Credit fo Block 1108, Lot 9"

WHEREAS, Block 1108, Lot 9 also known as 92 Trinity Street and owned by Smith, Roy R. and Charlene are entitled to the Homestead Rebate Credit which was applied to the 2nd quarter 2011 Real Estate Taxes by the State of New Jersey; and

WHEREAS, Block 1108, Lot 9 was granted a Disabled Veteran Real Estate Tax exemption on said property effective March 17, 2010 by Scott Holzhauser, Tax Assessor; and

WHEREAS, on March 16, 2011 the Tax Collector received the Homestead Rebate Credit from the State of New Jersey and said credit was applied in accordance with the State's guidelines; and

WHEREAS, since this property is now tax exempt and no taxes are currently due the Homestead Rebate Credit in the amount of \$215.58 is to be refunded to Smith, Roy R. and Charlene;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$215.58 to be refunded to Smith, Roy R. and Charlene, 92 Trinity Street, Newton, NJ 07860.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #296-2011

December 28, 2011 "Appointment of Various Attorneys for Calendar Year 2012"

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S. 19:44A-20; and

WHEREAS, said professional services will be needed by the Town of Newton during calendar year 2012, and appropriate agreements for the appointment of each attorney have been prepared and executed by said attorneys; and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of each individual contract is one (1) year;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Jonathan E. McMeen, Esq., of Ladley, Clark & Ryan, LLC	Municipal Prosecutor
William Baker, Esq., of Scarinci & Hollenbeck, LLC	Environmental Attorney
Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC	Labor Relations Attorney
James P. Sloan, Esq. Attorney at Law	Municipal Public Defender

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution and advertised according to State Statute.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #297-2011

December 28, 2011 "Authorize Execution of Various Agreements to Provide 9-1-1 Dispatching Service for the Calendar Years 2012, 2013 and 2014"

WHEREAS, the Town of Newton as Public Safety Answering Point provides dispatching services for various Municipalities within the County of Sussex; and

WHEREAS, agreements have been negotiated between the Town of Newton and various municipalities for 9-1-1 dispatching services for calendar years 2012, 2013 and 2014, with said agreements outlining the obligations of each of the parties and stipulating certain payments to be made to the Town of Newton for providing dispatching services; and

WHEREAS, those various municipalities each desire to renew or entertain an their agreement with the Town of Newton for said services and agree to pay the following:

Municipality	2012	2013	2014
Branchville Borough	14,573.00	14,865.00	15,162.00
Frankford Township	76,186.00	77,710.00	79,264.00
Fredon Township	32,357.00	33,004.00	33,664.00
Hampton Township	59,434.00	60,623.00	61,835.00
Lafayette Township	36,000.00	36,720.00	37,454.40
Montague Township	47,617.00	48,569.00	49,540.00
Sandyston Township	18,704.00	19,078.00	19,460.00
Stillwater Township	55,000.00	56,100.00	57,222.00
Walpack Township	4,017.00	4,097.00	4,179.00

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement with each of the municipalities listed above to provide 9-1-1 Dispatching Services for the Calendar Years 2012, 2013 and 2014.

BE IT FURTHER RESOLVED that one fully executed original of each agreement shall be retained by the Town of Newton and the remaining originals shall be returned to the respective municipalities.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #298-2011

December 28, 2011 "To Cancel Public Assistance Trust Fund I Balance to the Current Fund"

WHEREAS, the Town of Newton had created and maintained a Public Assistance Trust Fund I to meet the needs of public assistance; and

WHEREAS, the County of Sussex assumed these responsibilities prior to the year 2004; and

WHEREAS, the balance in the account is \$7,384.12 and there has been no change in this balance since December 2003; and

WHEREAS, the Town Auditor has advised the Town Manager that it would be advisable to cancel this Trust fund since it is no longer used; and

WHEREAS, the Town of Newton includes a line item appropriation in its annual Current Budget of \$1.00 which would permit a transfer into this line item pursuant to state statutes should funding become necessary;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following Public Assistance I balance in the amount of \$7,384.12 to Current Fund Balance.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION # 299-2011

December 28, 2011 "To Cancel Current Appropriation Balances"

WHEREAS, the following Current Fund 2011 budget appropriation balances remain unexpended:

Fire Prevention Salaries and Wages A/C#1071100 \$8,300.00

WHEREAS, per NJSA 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the above listed unexpended balances of the Current Fund be canceled to Current Operations.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #300-2011

December 28, 2011 **“Authorize an Agreement with Holzhauer & Holenstein, LLC for Appraisal Services for Defense of State Level Tax Appeals for Calendar Year 2012”**

WHEREAS, various tax appeals have been filed with the State of New Jersey related to several real properties within the Town of Newton; and

WHEREAS, appraisal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, the Town of Newton advertised a Request for Proposals for the services of a qualified Appraiser; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC., has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that Michael Holenstein of Holzhauer & Holenstein, LLC., is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Michael Holenstein of Holzhauer & Holenstein, LLC., for services as Appraiser for calendar year 2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Michael Holenstein of Holzhauer & Holenstein, LLC.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

CERTIFICATION

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

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #301-2011

December 28, 2011 **“Reappointment of Municipal Judge, Hon. John E. Mulhern, Esq.”**

BE IT RESOLVED by the Town Council of the Town of Newton that the Hon. John E. Mulhern, Esq. be hereby reappointed to another 3-year term as Municipal Judge effective January 1, 2012 and continuing through December 31, 2014.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #302-2011

December 28, 2011 **“Authorize License Agreement with the Sussex County Chapter of the American Red Cross”**

WHEREAS, the Sussex County Chapter of the American Red Cross has requested to park three (3) of their emergency response vehicles at the Town of Newton Municipal Building parking lot located at 39 Trinity Street; and

WHEREAS, the American Red Cross must maintain current registration, insurance and inspection per motor vehicle standards and place the vehicles in specifically designated locations marked for the parking of these vehicles at the Municipal Building parking lot;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that a License Agreement be executed by the Mayor and Clerk to permit the parking of three (3) emergency response vehicles for the Sussex County Chapter of the American Red Cross at the designated locations at the Municipal Building parking lot.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #303-2011

December 28, 2011 "Appointment of Keith Mitchell of the Mitchell Insurance Agency as Insurance Agent"

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

WHEREAS, said insurance services will be needed during calendar year 2012;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Keith Mitchell, of the Mitchell Agency, 29 Trinity Street, Newton, NJ 07860 be named as agent of record effective January 1, 2012 for the following insurance policies:

- | | |
|----------------------------|------------------|
| a) Package | SIF2012-07860NEW |
| b) Workers' Compensation | WC1207860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFP 4331-2338D1 |
| e) Fire Life Insurance | G001047-0001 |

BE IT FURTHER RESOLVED, that the above named insurance agent is appointed to provide insurance services without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-1(1)(a) of the Local Public Contracts Law, because the services to be provided are of a nature requiring specific professional skills and knowledge; and

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

CERTIFICATION

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

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #304-2011

December 28, 2011 "Authorize Agreement for Certain Legal Services Adopted by the Town of Newton for Calendar Year 2012"

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds of the Town of Newton, in the County of Sussex, New Jersey (the "Town"), including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community and providing advice and assistance in connection with the Town's redevelopment activities; and

WHEREAS, such special bond counsel services can be provided only by a recognized Bond Counsel firm, and the law firm of McManimon & Scotland, L.L.C., Newark, New Jersey is so recognized by the financial community, and the firm has special background, experience and expertise in providing legal advice in connection with redevelopment activities; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised; now, therefore,

BE IT RESOLVED BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AS FOLLOWS:

1. The law firm of McManimon & Scotland, L.L.C., Newark, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds by the Town and advice and assistance in connection with the Town's redevelopment activities in accordance with an Agreement dated as of January 1, 2012 and submitted to the Town (the "Contract").
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the *NJ 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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #305-2011**

**December 28, 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 Penalty Charged Erroneously

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10457	39 Main Street	\$33.00

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #306-2011

December 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.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #307-2011

December 28, 2011 "To Cancel Outstanding Checks in Various Funds"

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

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

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

Current Fund

#27767 \$250.00 10/25/2010 Morris County Police Chief Assoc

Trust Fund

#2837 \$305.00 12/13/2010 Owl Contracting

Dog Trust Fund

#8520 \$ 10.00 2/14/2011 Manfred Haertig

Payroll Fund

#43135 \$771.81 7/24/2008 Brian Hough
#43596 \$161.43 9/04/2008 Erin Henegan
#43972 \$4.50 10/30/2008 Michael Willey
#2027 \$11.23 5/13/2010 Chris Nichols
\$948.97

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 Wednesday, December 28, 2011

Irene O'Connor
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #308-2011

December 28, 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>
<u>CURRENT</u>		
Group Health Insurance OE 1066201	Other Insurance OE 1069201	\$10,000.00
Group Health Insurance OE 1066201	Accumulated Absence OE 1094400	17,000.00
TOTAL CURRENT TRANSFERS		<u>\$27,000.00</u>

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #309-2011

December 28, 2011 **“Adoption of the Temporary Operating Budget and
Temporary Water and Sewer Budget for 2012”**

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2012; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the preceding year's Budget;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2012 Temporary Operating Budget and the 2012 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2012 Annual Municipal Budget and the 2012 Water and Sewer Utility Budget.

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 Wednesday, December 28, 2011.

Irene O'Connor
Deputy Municipal Clerk

2012 TOWN OF NEWTON TEMPORARY OPERATING BUDGET

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>2012 TEMPORARY BUDGET</u>
Town Manager's Office	S&W	1050101	\$ 30,000
	OE	1050226	18,000
Town Clerk's Office	S&W	1051101	30,000
	OE	1051201	3,000
Town Council	S&W	1052103	4,000
	OE	1052244	1,800
Human Resources	S&W	1053103	4,000
	OE	1053247	1,000
Elections	OE	1053244	2,500
Financial Administration	S&W	1054101	16,000
	OE	1054226	3,500
	AUDIT	1054300	1,000
Assessment of Taxes	S&W	1055103	10,000
	OE	1055216	3,000
Collection of Taxes	S&W	1056101	14,000
	OE	1056226	3,000
Legal Services and Costs	S&W	1058100	1
	OE	1058200	30,000
Municipal Court	S&W	1059101	36,000
	OE	1059226	3,000
Engineering Services	OE	1060216	5,000
Buildings and Grounds	S&W	1061101	1,000
	OE	1061255	30,000
Planning	S&W	1062100	11,000
	OE	1062216	6,000
Historic Commission	OE	1063201	300
Community Development	S&W	1064101	15,000
	OE	1064216	3,000

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>2012 TEMPORARY BUDGET</u>
Industrial Commission	OE	1065200	0
Shade Tree Commission	OE	1065300	475
Economic Dev. Commission	OE	1065400	1,000
Employee Group Insurance	OE	1066200	310,000
Health Benefit Waiver	OE	1066300	4,000
Workers' Compensation Ins.	OE	1067200	45,000
Surety Bond Premiums	OE	1068200	0
Liability and Other Insurance	OE	1069200	110,000
Fire	OE	1070212	5,000
Aid to Volunteer Fire Cos.	OE	1072200	0
Police	S&W	1074111	731,000
	OE	1074223	30,000
Communications Center	OE	1074326	0
Parking Meter Maintenance	S&W	1075100	2,000
	OE	1075271	0
First Aid Organization	OE	1076200	7,000
Inspection of Buildings	S&W	1077101	10,000
	OE	1077247	2,500
Emergency Management	S&W	1078100	1,300
	OE	1078246	2,000
Road Repair & Maintenance	S&W	1080101	180,000
	OE	1080259	15,000
Road Machinery Repair & Maintenance	OE	1080326	10,000
Snow Removal	S&W	1081101	40,000
	OE	1081239	50,000

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	2012 TEMPORARY BUDGET
Stormwater/Flood	OE	1082216	4,000
Recycling/Sanitation	S&W	1083101	500
	OE	1083269	10,000
Vehicle Maintenance	OE	1083380	25,000
Board of Health	OE	1084252	500
Occupational Health(PEOSHA)	S&W	1085100	1,000
	OE	1085200	1,000
Recreation	SW	1087100	4,000
	OE	1087200	1,000
Utilities/Bulk Purchases	OE	1089225	110,000
Swimming Pool	S&W	1090100	1,000
	OE	1090207	2,000
Parks and Playgrounds	S&W	1091101	25,000
	OE	1091218	8,000
Celebration of Public Events	OE	1092200	2,000
Senior Citizen Programs	S&W	1093100	8,000
	OE	1093272	500
Spring Street Contribution	OE	1094300	2,000
Length of Service Awards	OE	1094500	0
Aid to Dennis Mem. Library	OE	1094200	0
Recycling Tax O/S Cap	OE	1094550	200
Interlocal Parking Authority	S&W	1094710	18,000
Interlocal 911 – Cencom	S&W	1094730	150,000
	OE	1094746	32,000
Interlocal 911 – Misc Oper.	SW	1094770	5,000
Public Employee Retire. Sys.	OE	1098296	0
Police & Fire Retirement Sys.	OE	1098297	0
Def. Contrib. Retire System	OE	1098294	500
Social Security System	OE	1098298	62,300
Unemployment	OE	1098299	1,000

TOTAL 2012 TEMPORARY OPERATING BUDGET \$ 2,315,876
 (Subject to 26.25% increase)

APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE

Public & Private Programs Offset by Revenues:			
NJ Safe & Secure-Police	S&W	1094811	20,000
Capital Improvements	OE	1095200	100,000
Debt Service	OE	1096200	500,000

2012 TEMPORARY BUDGET CALCULATION

\$ 10,405,714.	Total 2011 Budget
1,296,122.	Less: Debt (principal & interest)
124,000.	Less: Capital Improvements
<u>163,198.</u>	Less: Public & Private Programs
\$8,822,394.	Amount on which % is applied
x <u>.2625</u>	Percentage increase allowed by state
\$ 2,315,878.	Allowable 2012 Temporary Budget

2012 TEMPORARY WATER AND SEWER BUDGET

	<u>2011 BUDGET</u>	<u>2012 TEMPORARY BUDGET</u>
Salaries and Wages	\$ 809,015	\$ 240,000
Other Expenses	1,641,620	400,000
Public Employee Retirement System	13,060	
Unemployment	4,000	0
Social Security System	<u>61,000</u>	<u>23,782</u>
	\$ 2,528,695	\$ 663,782
	x <u>.2625</u>	
	\$ 663,782	
TOTAL 2012 TEMPORARY WATER & SEWER BUDGET		\$ 663,782
TOTAL 2012 TEMPORARY W&S CAPITAL IMPR BUDGET		\$ 150,000
TOTAL 2012 TEMPORARY W&S DEBT SERVICE BUDGET		\$ 300,000