

December 12, 2011

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Deputy Mayor Diglio, Mayor Le Frois, Mr. Thomas S. Russo, Jr., Town Manager, and Mark Hontz, Esq., Town Attorney.

Mayor Le Frois made the following declaration that "in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 31, 2010."

Mayor Le Frois led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Deputy Mayor Diglio, seconded by Mr. Elvidge and carried, the minutes of November 28, 2011 (Regular and Executive) meetings were approved. Mr. Ricciardo abstained.

OPEN TO THE PUBLIC

Mayor Le Frois read the following statement:

"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."

There was no one from the public to be heard.

COUNCIL & MANAGER REPORTS

Mr. Russo thanked all that attended the Tree Lighting ceremony prior to the Council meeting. It was well attended and Santa was welcomed by all, Mr. Russo concluded.

Mr. Russo introduced Kerry Deckert, our new Recreation Supervisor, who began her position with the Town of Newton today. Mrs. Deckert addressed the Council and advised them of her extensive background in pool and recreation as well as previous positions she has held. Mrs. Deckert currently serves as a member of the Sandyston Recreation Commission where she and her family reside. Mrs. Deckert looks forward to working for the Town and thanked the Town Council for the opportunity.

Mr. Russo announced that Town Hall will be closing at 3:30 p.m. on Friday, December 16th for our annual Town Holiday party.

Mr. Russo advised that Town Hall will be closing at noon on Friday, December 23rd in celebration of Christmas Eve and will be closed on Monday, December 26th in celebration of Christmas Day. Mr. Russo noted that the next Council meeting will be

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held on Wednesday, December 28th.

ORDINANCES

Mayor Le Frois directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE 2011-24

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

The following **ORDINANCE** was offered by Mr. Ricciardo, who moved its introduction, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Mr. Ricciardo	Yes	Deputy Mayor Diglio	Yes
Mayor Le Frois	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 28, 2011.

Mayor Le Frois directed the Clerk to read aloud the following Ordinance relative to introduction of same.

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

The following **ORDINANCE** was offered by Mrs. Becker, who moved its introduction, seconded by Deputy Mayor Diglio and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Mr. Ricciardo	Yes	Deputy Mayor Diglio	Yes
Mayor Le Frois	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 28, 2011.

Mayor Le Frois directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE 2011-26

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

The following **ORDINANCE** was offered by Deputy Mayor Diglio, who moved its introduction, seconded by Mrs. Becker and roll call resulted as follows:

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Mrs. Becker	Yes	Mr. Elvidge	Yes
Mr. Ricciardo	Yes	Deputy Mayor Diglio	Yes
Mayor Le Frois	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on December 28, 2011.

OLD BUSINESS

There was no Old Business for discussion.

CONSENT AGENDA

Mayor Le Frois read the following statement:

"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."*

Mr. Russo provided an overview of the resolutions on the Consent Agenda.

RESOLUTION #251-2011*

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.

RESOLUTION #252-2011*

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:

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Class II

Donald Donofrio

Kyle J. Phlegar

John Tomasula

RESOLUTION #253-2011*

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.

RESOLUTION #254-2011*

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.

RESOLUTION #255-2011*

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

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excess of \$10,000.00 and remains in arrears beyond December 31st of each calendar year; and

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

RESOLUTION #256-2011*

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.

RESOLUTION #257-2011*

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

RESOLUTION #258-2011*

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

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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.

RESOLUTION #259-2011*

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.

RESOLUTION #260-2011*

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

RESOLUTION #261-2011*

DESIGNATE NEWSPAPERS THAT WILL RECEIVE NOTICES REQUIRED BY THE NEW JERSEY 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

RESOLUTION #262-2011*

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

RESOLUTION #263-2011*

APPOINTMENT OF PAUL BALDWIN AS MUNICIPAL REPRESENTATIVE TO THE SUSSEX COUNTY WATER QUALITY POLICY ADVISORY COMMITTEE

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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.

RESOLUTION #264-2011*

APPOINTMENT OF KENNETH JAEKAL 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.

RESOLUTION #265-2011*

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.

RESOLUTION #266-2011*

APPOINTMENT OF 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.

RESOLUTION #267-2011*

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.

RESOLUTION #268-2011*

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-

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RESOLUTION #269-2011*

**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.

RESOLUTION #270-2011*

**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.

RESOLUTION #271-2011*

**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.

RESOLUTION #272-2011*

**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 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #273-2011*

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.

RESOLUTION #274-2011*

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.

RESOLUTION #275-2011*

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>		
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
TOTAL CURRENT TRANSFERS		<u>\$4,870.00</u>

RESOLUTION #276-201*

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

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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. 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.

RESOLUTION #277-2011*

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.

TOWN BILLS

750.00	VOID	29316
40.00	Sussex County Economic	29553
833.99	Costco	29554
750.80	Custom Products Corp.	29555
60.00	200 Club of Sussex County	29556
1,008.00	E.A. Morse & Company	29557
1,124.30	Montague Tool & Supply	29558
886.00	Harold Pellow & Assoc., Inc.	29559
1,158.00	Camille Furgieuele	29560
5,025.27	G & G Diesel Service, Inc.	29561
8,077.93	JCP&L	29562
390.00	B & G Elevator, Inc.	29563
35.00	Centurylink Communications, Inc.	29564
205.00	Centurylink Communications, Inc.	29565
1,134.00	Hollander, Strelzik, Pasculli, Hinkes	29566
1,158.00	Arthur & Rita Frisbie	29567
1,158.00	John & Terry Iliff	29568
110,525.26	Capital Account	29569
75.00	Lock & Key World	29570
795.00	ZEP Manufacturing Company	29571
343.00	Scott Holzhauer	29572
214.00	Willco, Inc.	29573
1,861.63	Newton Citgo	29574
188.80	J & D Sales & Service	29575
37.50	Brock Kithcart	29576
2,054.46	Galls Incorporated	29577
203.00	Minisink Press, Inc.	29578
579.00	Donald Donofrio	29579
579.00	Jean Garris	29580
2,052.60	Good Year	29581
13.02	Sebring Auto Parts	29582
75.00	Kenneth A. Teets	29583
37.50	Kenneth A. Teets	29584
628.82	Debra Millikin	29585
261.33	Airgas East	29586
16.00	Ervin Lasso	29587
1,600.00	McCullough Tree Service	29588
579.00	Jean Richards	29589
656.38	Sirchie Finger Print Labs	29590
591.79	Boonton Tire Supply	29591
731.27	Vision Service Plan	29592
102.00	Jason Miller	29593
175.00	IAAO	29594
1,271.40	James & Nancy Ransnorth	29595
190.24	Verizon Wireless	29596
382.56	Petro-Mechanics, Inc.	29597
380.00	North Jersey Portable Toilets	29598
1,030.04	Cooper Electric Supply Co.	29599
79.99	Teresa Ann Oswin	29600
102.00	Brian Fox	29601
318.15	Kay Printing	29602

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37.98	Advance Auto Parts	29603
7,592.20	Fire & Safety Services, Ltd.	29604
579.00	Larry E. Romyns	29605
1,158.00	Thomas & Bulah Morris	29606
105.00	Scarinci & Hollenbeck, LLC	29607
12,950.00	Newton Fire Department	29608
1,200.00	Underwriters Laboratories, Inc.	29609
781.63	Staples Business Advantage	29610
490.00	Spectrum Communications	29611
318.00	Katherine Citterbart	29612
48.00	CSS Test	29613
44.64	Nestle Waters	29614
593.75	Pinnacle Wireless FBO Unitek Global	29615
3,747.54	Rachles/Michele's Oil Company	29616
5,469.09	Taylor Oil Company	29617
2,250.00	Laddey, Clark & Ryan, LLP	29618
1,158.00	Ronald Clouse	29619
3,670.00	General Code, LLC	29620
6,349.00	Grass Roots	29621
3,475.00	Tire King	29622
1,223.00	Garden State Highway Products	29623
1,343.09	Sparctech Solutions, LLC	29624
579.00	James J. Kilduff	29625
3,380.00	Knapp, Trimboli & Prusinowski, LLC	29626
1,890.38	Penguin Communication, LLC	29627
100,600.00	NJMEBF	29628
1,770.00	Chelbus Cleaning Co., Inc.	29629
7,178.72	Direct Energy Business	29630
25.77	Suzie Givone	29631
3,593.00	Waterway	29632
317.00	Action Data Services, Inc.	29633
1,200.00	Mainly Menus	29634
692.40	Michael A. Pandiscia	29635
1,195.60	Allsteel, Inc.	29636
20.60	Eas By Ads	29637
50.00	Gypsum Association	29638
35.00	J & J Enterprises	29639
775.00	CNP Fit Testing of NJ LLC	29640
13,082.28	Payroll Account	29641

CAPITAL

64.46	Quill Corporation	7821
15,452.09	Harold Pellow & Assoc., Inc.	7822
90.00	Hollander, Strelzik, Pasculli, Hinkes	7823
1,620.00	Vogel, Chait, Collins, Schneider, PC	7824
12,551.00	Access Control Technology	7825
1,116.00	General Code, LLC	7826
1,058.72	W.B. Mason	7827
440.69	Atlantic Tactical	7828
8,218.99	National Business Furniture	7829
6,727.60	Sign Bracket Store	7830
6,146.56	ASCAP Landscape & Construction Corp.	7831

Total TOWN BILLS \$572.601.12

WATER AND SEWER ACCOUNT

6,024.00	Harold Pellow & Assoc., Inc.	12563
553.32	CCP Industries	12564
4,128.10	JCP&L	12565
102.89	John Madden	12566
12,959.30	Pumping Services	12567
71.07	Sussex County Plumbing	12568

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4,795.06	Coyne Chemical Corp., Inc.	12569
125.85	Centurylink Communications, Inc.	12570
16,111.94	Capital Account	12571
12.00	Campbell's Small Engine	12572
396.00	Neopost Leasing	12573
164.50	American Water Works Assoc.	12574
7,442.43	Weldon Asphalt Company	12575
23.00	Ervin Lasso	12576
175.95	Vision Service Plan	12577
4,302.00	Passaic Valley Sewerage Comm.	12578
4,696.52	Dell Marketing L.P.	12579
2,408.00	John Smalley	12580
1,556.50	Main Pool & Chemical Company	12581
22,559.28	Town of Newton	12582
2,477.12	Suburban Energy Services	12583
11.35	Staples Business Advantage	12584
37.56	Lowe's	12585
138.17	Sussex County Rental Center	12586
16,023.00	NJMEBF	12587
10,934.67	Direct Energy Business	12588
200.00	NJ Dept. of Environmental Protection	12589
6,358.45	Payroll Account	116040
30,860.11	Payroll Account	116041
496.29	State of New Jersey -PWT	116042
192.24	Current Account	116043

CAPITAL

6,578.38	Harold Pellow & Assoc., Inc.	2193
5,000.00	Holzauer & Holenstein, LLC	2194
14.98	Payroll Account	116112
1,829.63	Payroll Account	116113

Total WATER & SEWER BILLS \$169,759.66

TRUST ACCOUNT

918.00	Harold Pellow & Assoc., Inc.	2956
1,333.33	James P. Sloan, P.C.	2957
708.39	Andover Subacute & Rehab Center	2958
2,522.40	Tom Litteer	2959

Total TRUST ACCOUNT BILLS \$5,482.12

DOG RESERVE ACCOUNT

236.50	Usher Publishing Company	8523
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Total DOG RESERVE ACCOUNT BILLS \$236.50

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)

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.

RESOLUTION #279-2011*

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.

The Clerk presented an application for an on-premise raffle (Pull Tab) from the Loyal Order of Moose Lodge #432, 4 Diller Avenue, Newton to be held from January 1, 2012 to December 31, 2012 at the Moose Lodge, 4 Diller Avenue, Newton. It was noted that the application was in order and accompanied by the prescribed fee.

A motion was made by Mr. Ricciardo to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Mr. Ricciardo	Yes	Deputy Mayor Diglio	Yes
	Mayor Le Frois	Yes	

INTERMISSION (None)

DISCUSSION

There were no discussions.

OPEN TO THE PUBLIC

There was no one from the public to be heard.

COUNCIL & MANAGER COMMENTS

Mr. Russo advised the Governing Body that the Chief Financial Officer has prepared a current delinquent property tax list and inquired whether Council would make some phone calls to certain property owners in order to obtain receipt of funds prior to year end. Ms. Babcock outlined the outstanding tax figures and noted the severity to the municipal budget for 2012 if funds are not received. After a brief discussion, Council agreed to make contact with some of the property owners regarding their delinquent taxes.

Mr. Russo reviewed a letter dated December 8, 2011 from Dawn Babcock, Chief Financial Officer, requesting reappointment as the Chief Financial Officer in the Town of Newton. Upon the recommendation of Mr. Russo and after a brief discussion, Council had no objection to the reappointment of Ms. Dawn Babcock as Chief Financial Officer and a resolution will appear on the next Council meeting.

Mr. Russo wished the Mayor and Town Council a Happy Hanukkah, Merry Christmas and Happy New Year!

Mayor Le Frois reminded the Council of the invitation to the Newton First Aid Squad Dinner to be held on January 7, 2012.

Councilman Ricciardo noted that he may be away on business at the next scheduled Council meeting but will advise accordingly.

EXECUTIVE SESSION

Mr. Russo read Resolution #280-2011 and Council entered into Executive Session at 7:21 p.m.

Council returned from Executive Session at 10:06 p.m.

COUNCIL & MANAGER COMMENTS

After a brief discussion, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, that a two percent (2%) salary increase be authorized to Mr. Russo, Town Manager, effective January 1, 2012 and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Mr. Ricciardo	Yes	Deputy Mayor Diglio	Yes
	Mayor Le Frois	Yes	

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There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Lorraine A. Read, RMC/CMR
Municipal Clerk