



AGENDA
NEWTON TOWN COUNCIL
MARCH 12, 2012
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- FEBRUARY 27, 2012 - REGULAR MEETING

V. OPEN TO THE PUBLIC

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

VI. COUNCIL & MANAGER REPORTS

VII. ORDINANCES

a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2012-5

AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE, BLOCK 22.09 LOT 7

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

ORDINANCE 2012-6

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED OCTOBER 30, 1997, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,417,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED NOVEMBER 30, 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$900,000 TO THE UNITED

STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED SEPTEMBER 25, 2003, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,660,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED AUGUST 27, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$5,300,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED MAY 21, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$545,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION ASSESSMENT BONDS OF THE TOWN, DATED OCTOBER 27, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

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

b. INTRODUCTION

ORDINANCE 2012-7

AN ORDINANCE TO AMEND CHAPTER 307, VEHICLES AND TRAFFIC OF THE CODE OF THE TOWN OF NEWTON, TO CREATE A LOADING ZONE IN LOT #1 – ADAMS STREET PARKING PLAZA

ORDINANCE 2012-8

AN ORDINANCE TO AMEND CHAPTER 100, FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

ORDINANCE 2012-9

AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A DEPARTMENT OF HUMAN RESOURCES

VIII. OLD BUSINESS

IX. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #43-2012* AUTHORIZE CHANGE IN MUNICIPAL BUILDING HOURS OF OPERATION FOR A TRIAL PERIOD FROM JUNE 4, 2012 TO AUGUST 31, 2012
- b. RESOLUTION #44-2012* APPROVE 2011 APPROPRIATION RESERVE TRANSFERS
- c. RESOLUTION #45-2012* AMEND AGREEMENT WITH FRED M. KNAPP, ESQ., AS LABOR RELATIONS LEGAL COUNSEL FOR 2012
- d. RESOLUTION #46-2012* ACCEPTANCE OF THE PROPOSED PURCHASE OF WATERMAIN PIPES AND FITTINGS FOR THE MERRIAM AVENUE WATERMAIN PROJECT
- e. RESOLUTION #47-2012* REAPPOINTMENT OF MR. HENRY CARR AND MS. HYL A JUNE FELLNER TO THE NEWTON HOUSING AUTHORITY
- f. RESOLUTION #48-2012* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- g. RESOLUTION #49 -2012* APPROVE BILLS AND VOUCHERS FOR PAYMENT

X. RESOLUTIONS

- a. RESOLUTION #50-2012 TO CANCEL TRUST ESCROW BALANCES UNDER \$10.00

XI. INTERMISSION

XII. DISCUSSION

- a. BLOCK/LOT CONVERSION – SCOTT J. HOLZHAUER

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. ADJOURNMENT

ORDINANCE NO. 2012-5

**AN ORDINANCE AUTHORIZING SALE BY PUBLIC AUCTION
OF MUNICIPAL LANDS NOT NEEDED FOR PUBLIC USE,
BLOCK 22.09 LOT 7**

WHEREAS, the Town of Newton has title to a certain parcel of real property described as Lot 7 in Block 22.09 on the Newton Tax Map, which parcel is not needed for public use; and

WHEREAS, the Governing Body has determined that said Block 22.09, Lot 7 (the "Parcel") be sold at public sale to the highest bidder, or, in the alternative, be sold separately at public sale to the highest bidder(s), subject to the following terms and conditions hereinafter set forth pursuant to N.J.S. 40A:12-13.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:

1. That the Parcel shall be offered for open public sale to the highest bidder at auction with a minimum bid of SIXTY THOUSAND DOLLARS (\$60,000.00), pursuant to N.J.S. 40A:12-13.

2. The sale shall be conducted in the Municipal Building of the Town of Newton, 39 Trinity Street, Newton, New Jersey, on April 23, 2012 at 10:00 a.m.

3. The Governing Body hereby appoints and designates the Newton Town Manager or such other person as the Town Manager shall designate, to conduct the sale of the Parcel on behalf of the Governing Body.

4. The Parcel placed for sale in this auction shall be auctioned with reservation. No bid shall be accepted in an amount less than SIXTY THOUSAND DOLLARS (\$60,000.00) for

the Parcel. The auctioneer shall commence the bidding at the auction at the required minimum required bid, beginning with the auction of the parcel. The Town of Newton reserves the right, in its sole discretion, to either accept or reject any bid it deems in the Town of Newton's best interests. The Town, in its sole discretion, may accept a lower bid for any reason it deems in the Town's best interests. No bid shall be considered finally accepted until the passage of a Resolution by the Town Council of the Town of Newton as set forth in Paragraph 10 hereof.

5. The highest bidder for the Parcel shall execute an Offer to Purchase in the form attached hereto at the conclusion of the bidding and pay a deposit by cash, bank check or cashier's check or attorney's trust account check in an amount equal to ten (10%) percent of the highest bid for the Parcel. The balance of the monies due pursuant to the highest bid and Offer to Purchase shall be paid in cash or certified check on delivery of the Deed, which shall be no later than June 15, 2012 at the offices of the Municipal Attorney, Hollander Strelzik Pasculli Pasculli Hinkes Gacquin Vandenberg & Hontz, LLC, 40 Park Place, Newton, NJ 07860, or at such other location as mutually agreed upon.

6. The municipality expressly disclaims any and all implied warranties of habitability or usability with respect to the Parcel. The highest bidder shall purchase the Parcel in an "as is" condition, having had an ample and sufficient opportunity to inspect said premises, examine its title, and review municipal ordinances and laws affecting the Parcel. No representations regarding the value, character, quality, habitability or condition thereof, including the environmental report conducted by Excel Environmental determining the Parcel to be "clean", have been made to any buyer on behalf of the Town of Newton, prior to making a bid. The highest bidder, after closing, shall be responsible for all present and future defects of any kind in any part of the Parcel. This agreement shall survive the closing of title.

7. The Parcel offered for sale in this auction is the same land and premise which the Town of Newton took title to by virtue of a certain Final Judgment of the Superior Court of New Jersey, dated December 13, 2006, and recorded in the Sussex County Clerk's Office in Book 3102, Page 210-214. A copy of said Judgment is attached hereto as **Schedule A**. The Town of Newton shall use in the deed of conveyance the description set forth in **Schedule A**. The highest bidder for the Parcel shall have the right, at its sole cost and expense, to obtain a new survey of that lot. Provided such survey depicts the Parcel and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

8. The conveyance of the lot shall be by Bargain and Sale Deed, and the Parcel shall be sold subject to covenants, restrictions, conditions, reservations of record, easements established of record, or by prescription, including but not limited to, Book 3102, Page 210-214, laws, municipal ordinances, water and sewer connection fees, if any, and such state of facts as an accurate survey or inspection of the premises may disclose.

9. The highest bid for the Parcel shall be separately accepted or rejected by a Resolution of the Governing Body no later than the second regular meeting of the Governing Body following the date of such auction sale. No bid may be withdrawn prior to such Resolution.

10. Notice of the auction sale of the Parcel shall be advertised in the New Jersey Herald at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

Public Notice is hereby given that the above Ordinance was passed on the first reading by the Town Council by the Town of Newton, Sussex County, New Jersey, at a Regular Meeting of said Council, held on February 27, 2012, and that it was adopted after a public hearing regarding the above was held on March 12, 2012, at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00 p.m.

Helen R. LeFrois

Mayor

Lorraine A. Read, RMC Municipal Clerk

**TOWN OF NEWTON
ORDINANCE 2012-6**

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED OCTOBER 30, 1997, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,417,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED NOVEMBER 30, 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$900,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED SEPTEMBER 25, 2003, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,660,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED AUGUST 27, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$5,300,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWN, DATED MAY 21, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$545,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND ALL OR A PORTION OF THE OUTSTANDING GENERAL OBLIGATION ASSESSMENT BONDS OF THE TOWN, DATED OCTOBER 27, 2008, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,000,000 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,000,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON,
IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members
thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding General Obligation Bonds of the Town, dated October 30, 1997, issued in the original principal amount of \$2,417,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated November 30, 1998, issued in the original principal amount of \$900,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated September 25, 2003, issued in the original principal amount of \$1,660,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated August 27, 2004, issued in the original principal amount of \$5,300,000 to the United States Department of Agriculture Rural Development, all or a portion of the outstanding General Obligation Bonds of the Town, dated May 21, 2008, issued in the original principal amount of \$545,000 to the United States Department of Agriculture Rural Development and all or a portion of the outstanding General Obligation Assessment Bonds of the Town, dated October 27, 2008, issued in the original principal amount of \$1,000,000 to the United States Department of Agriculture Rural Development (collectively, the "Prior Bonds" or the "Refunded Bonds"). The Prior Bonds may be redeemed at the option of the Town in whole or in part on any date (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$11,000,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the \$11,000,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$10,323,064.22 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Town as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the

Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Prior Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption and endorsement of the consent of the Local Finance Board upon a certified copy of this ordinance as finally adopted.

ORDINANCE 2012-6

NOTICE

Public Notice is hereby given that the above Ordinance was passed on the first reading by the Town Council by the Town of Newton, Sussex County, New Jersey, at a Regular Meeting of said Council, held on February 27, 2012, and that it was adopted after a public hearing regarding the above was held on March 12, 2012, at the Municipal Building, 39 Trinity Street, Newton, New Jersey at 7:00 pm and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE # 2012-7

AN ORDINANCE TO AMEND CHAPTER 307, VEHICLES AND TRAFFIC OF THE CODE OF THE TOWN OF NEWTON TO CREATE A LOADING ZONE IN LOT #1 – ADAMS STREET PARKING PLAZA

WHEREAS, there exists a need for more loading zones in the Downtown Business District; and

WHEREAS, Lot #1 – Adams Street Parking Plaza is the best place to create a loading zone at this time;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 307, entitled Vehicles and Traffic of the Code of the Town of Newton, be amended as follows:

§307-60. **Schedule X: Loading Zones** shall be supplemented to add a loading zone as follows:

Street	Side	Location
Lot # 1 –Adams Street Parking Plaza	South	Beginning 145 feet west of the Adam Street curblin and extending 38 feet west, running parallel with Spring Street

§307-67. **Schedule XVII: Handicapped Parking** shall be amended to remove two handicapped parking spaces as follows:

Street	Side	Location
Lot # 1 –Adams Street Parking Plaza	North	Beginning at a point 100 feet west of Adams Street Curb line and extending 45 feet west, running parallel with Spring Street

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, March 12, 2012. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday March 26, 2012 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 # 2012-8

AN ORDINANCE TO AMEND CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, the mission of the Newton Recreation Department is to provide outstanding recreational opportunities for our residents while minimizing the tax burden to our constituents; and

WHEREAS, the Newton Recreation Department recommends the following changes to the Newton Fee Schedule relative to the Town of Newton Swimming Pool:

§100-24.A (1)(c) Swim Team Participant

- (a) Newton swim team member fee shall be raised to \$50.00 per swimmer up to a maximum of \$100.00 per family.
- (b) Swim teams that are not affiliated with Newton will pay a fee of \$100.00 per swimmer up to a family max of \$200.00

§100-24. A. (3) Swimming Lessons:

- (a) Swimming Lessons – 9 lesson sessions with 6 classes each session
- (b) Sessions last 1 week, classes are 30 min. 4 days per week for a total of 120 minutes of instruction
- (c) Friday will be reserved for make-up lessons for inclement weather
- (d) Lesson fees will be established at \$30.00 per swimmer per session for members and \$40.00 per session for non-members
- (e) Learn to Swim Package: When you sign a student up for 4 sessions, the 5th is free (based upon availability in the appropriate class)

§100-24.A (4) Other Pool fees are as follows:

- (a) Lifeguard Training: \$275.00 per student
- (b) Birthday Parties: \$200.00 for the first 10 guests, \$5.00 each additional guest; Pizza, Soda and Ice Cream are additional charges
- (c) Scuba Discovery Class: \$100.00 per student per class
- (d) Water Aerobics: \$15.00/ 5 sessions for members, \$35.00/ 5 sessions for non-members (includes daily visit fee)

NOW, THEREFORE BE IT ORDAINED, that the Newton Town Council is in full support of the changes recommended by the Recreation Department to the Newton Municipal Pool fee schedule.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, March 12, 2012. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday March 26, 2012 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 #2012-9

AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE OF THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A DEPARTMENT OF HUMAN RESOURCES

WHEREAS, there exists a need to establish a Department of Human Resources for administration of payroll, benefits, and employee relations to better serve the citizens and employees of the Town of Newton;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 3, entitled Administrative Code of the Code of the Town of Newton, be amended as follows:

SECTION 1. Chapter 3, ARTICLE VI, Administrative Organization, Section 3-26, *Departments, boards and commissions* shall be amended to include the following:

- A. Departments
 - (11) Department of Human Resources

SECTION 2. Chapter 3, ARTICLE XXXIII, **Department of Human Resources** is hereby created to include the following:

§3-106. Establishment; organization.

There shall be a Department of Human Resources, the administrator of which shall be the Human Resources Coordinator. Within this Department, there shall be a Division of Payroll and a Division of Employee Benefits.

§3-107 Duties of Human Resources Coordinator.

The Human Resources Coordinator shall:

- A. Supervise the examination and analysis of all regular and supplemental payrolls submitted by various departments for payment to ensure accuracy of figures, correctness of entries, that deadlines are met, and for compliance with established payroll procedures.
- B. Direct computation of differential pay according to policy.
- C. Record and process all payments made to various health plans.
- D. Review and maintain personnel records for all employees.
- E. Evaluate human resource programs available and prepare reports on their effectiveness.
- F. Train supervisors in conducting evaluations.
- G. Coordinate and evaluate activities of all human resource components including federal/state employment projects to determine and project employment needs and priorities in the Town of Newton.
- H. Handle all other projects and assignments as per the direction and supervision of the Town Manager.

§3-108 Division of Payroll.

Within the Department of Human Resources there shall be a Division of Payroll. Under the supervision and direction of the Human Resources Coordinator the Division shall:

- A. Prepare regular, supplemental, and overtime payrolls, add or delete employees as required, and make other appropriate changes including union deductions, taxes, charities, pension, and so forth.

- B. Complete unemployment requests for wage and separation information .
- C. Perform clerical tasks involved in preparing payrolls of a simple, routine, and repetitive nature.

§3-109 Division of Benefits.

Within the Department of Human Resources there shall be a Division of Benefits. Under the supervision and direction of the Human Resources Coordinator the Division shall:

- A. Process pension membership applications, beneficiary changes, retirement and loan applications, as well as medical insurance applications and changes.
- B. Prepare reports of absences and vacations.
- C. Prepare and process personnel and/or payroll forms with responsibility for ensuring that all pertinent information has been included and is accurate.

SECTION 3. This ordinance shall take effect upon final adoption and will be published as required by law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, March 12, 2012. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday March 26, 2012 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

RESOLUTION #43-2012

March 12, 2012

“Authorize Change in Municipal Building Hours of Operation for a Trial Period from June 4, 2012 to August 31, 2012”

WHEREAS, the Town Manager, Town Council, and all municipal staff, strive to provide the best customer service possible to the residents and business owners of the community; and

WHEREAS, through an online survey, and other discussions, it has been determined the public would benefit from the Municipal Offices' being open late one night a week;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that we hereby authorize a change in the Municipal Building hours of operation for a trial period to be held June 4, 2012 through August 31, 2012 as follows:

Monday	8:30 am to 4:30 pm
Tuesday	8:30 am to 4:30 pm
Wednesday	8:30 am to 4:30 pm
Thursday	8:30 am to 6:30 pm
Friday	8:30 am to 2:30 pm

BE IT FURTHER RESOLVED, that said change in hours will be placed on the Town website, promoted on the Municipal Building entrance ways, noticed to our legal newspaper, and detailed in the Town's spring newsletter; and

BE IT FURTHER RESOLVED, that at the conclusion of said trial period, a new round of surveys will be conducted, and additional discussions held, to determine if said hours, or a modified version thereof, should continue beyond the dates stated above.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #44-2012

March 12, 2012

“Approve 2011 Appropriation Reserve Transfers”

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

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Aid to Volunteer Fire OE 1072200A	Fire OE 1070200A	\$20.00
Parking Meter SW 1075100A	Engineering OE 1060216A	\$1,600.00
Parking Meter SW 1075100A	Planning Board OE 1062216A	\$1,500.00
Social Security System OE 1098298A	DCRP – Pension OE 1098294A	\$300.00
Police SW 1074112A	Accum. Sick SW 1094400A	\$80,000.00
TOTAL CURRENT TRANSFERS		<u>\$83,420.00</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 Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #45-2012

March 12, 2011

**“Amend Agreement with Fred M. Knapp, Esq., as
Labor Relations Legal Counsel for 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, the Town Council appointed Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC as Labor Relations Attorney for calendar year 2012 by the adoption of Resolution #-296-2011 at their meeting on December 28, 2011; and

WHEREAS, said contract stipulated that the amount expended during the term of the contract is not to exceed \$17,500.00; and

WHEREAS, due to circumstances beyond the Town's control the costs for labor relations legal counsel will exceed the \$17,500.00 allocated; and

WHEREAS, both parties have agreed to increase the amount of the original contract to be increased by \$12,500.00 to a new amount not to exceed \$30,000.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to amend the agreement with Fredric M. Knapp, Esq., of Knapp, Trimboli & Prusinowski, LLC as the Town of Newton's Labor Relations Attorney for the remainder of calendar year 2012 for an amount not to exceed \$30,000.00;

BE IT FURTHER RESOLVED that a fully executed copy of said amended agreement be provided to Fredric M. Knapp, Esq. and filed in the Office of the Municipal Clerk.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 45-2012

APPROVING: FREDRIC KNAPP, ESQ.

FOR THE PURPOSE OF: SPECIAL COUNSEL FOR LABOR RELATIONS

IN THE AMOUNT OF: NOT TO EXCEED \$12,500.00
(AT HOURLY RATE OF \$150.00)

APPROPRIATED BY: CURRENT 2012 - LEGAL SERVICES AND COSTS
#1058204

DATED THIS 12TH DAY OF MARCH 2012

BY 
DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #46-2012

March 12, 2012

“Acceptance of the Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain Project”

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain Project to Brent Material Inc., in the amount of \$209,301.90 by Resolution #108-2011, which was adopted on May 23, 2011; and

WHEREAS, the Town Council approved Change Order No. 1 for Brent Material's portion of the project reducing their portion of the project by \$7,773.80 to a new contract total of \$201,528.10; and

WHEREAS, David Simmons, Jr., of Harold E. Pellow & Associates, Inc., the Project Engineer, has recommended in his letter dated October 25, 2011 that the project be accepted as complete by the Town Council so the final paperwork can be started;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby accepts the Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain project as complete based on the recommendation of the Town Engineer, so that the final paperwork can be started.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*
NJ - P.E., NJ - C.M.E.,
PA - P.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

JESSICA C. CALDWELL
NJ - P.P.; A.I.C.P.

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY
NJ - P.E.

October 25, 2011

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: David B. Simmons, Jr., P.E., L.S., C.M.E.

SUBJECT: Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain
HPA No. 10-125

Dear Mr. Russo:

All materials for the above referenced project have been delivered and are satisfactory. At this time, I recommend that the project be accepted by the Town Council. Once this project has been accepted by the Council, please notify this office so that we may prepare the final paperwork in order that Brent Material Company can secure a one (1) year Maintenance Bond.

Enclosed herewith please find the following paperwork in reference to the above project:

1. Town of Newton voucher in the amount of \$82,765.51 due Brent Material Co. for work completed through August 31, 2011.
2. Estimate Certificate No. 3 reflecting quantities used through August 31, 2011.
3. Three copies of Change Order No. 1 which reflect an adjustment of the amount of the original contract of \$209,301.90 by the addition of one Extra totaling \$1,585.00 and Supplemental work totaling \$2,177.06, and the subtraction of Reductions totaling \$11,535.86, resulting in an adjusted contract amount of \$201,528.10. Kindly have the Mayor sign and date all three copies on the line indicated *Presiding Officer*. Retain one copy for your file and *return the*

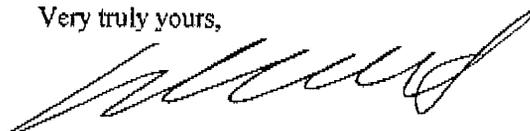
Mr. Thomas S. Russo, Jr.

Page 2

RE: Proposed Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain
October 25, 2011

remaining two copies to this office. We will forward one copy to Brent Material Company and retain one copy in our files.

Very truly yours,



David B. Simmons, Jr., P.E., L.S., C.M.E. for
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineers

DBS:mec

K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\10-125 - MERRIAM AVENUE WATERMAIN\CONSTRUCTION\RUSO6.DOC

Enclosures

cc: D. Millikin, Newton Deputy Town Manager
P. Baldwin, Newton Water & Sewer Superintendent
Brent Material Co.

HAROLD E. PELLOW & ASSOCIATES, INC.

Established 1969

17 PLAINS ROAD, AUGUSTA, NEW JERSEY 07822-2009 • TELEPHONE: 973-948-6463 • FAX: 973-948-2916
CERTIFICATE OF AUTHORIZATION NO. 24GA27959300



TOWN OF NEWTON

RESOLUTION #47-2012

March 12, 2012

“Reappointment of Mr. Henry Carr and Ms. Hyla June Fellner to the Newton Housing Authority”

BE IT RESOLVED by the Town Council of the Town of Newton that Mr. Henry Carr and Ms. Hyla June Fellner are hereby reappointed to a full five-year term each on the Newton Housing Authority, effective May 1, 2012 and continuing through April 30, 2017 based on the recommendation of the Housing Authority Executive Director, Dr. Kimberly Woodhull.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk

on for March/April

Council

HOUSING AUTHORITY *of the* **TOWN OF NEWTON**

32 LIBERTY STREET, NEWTON, NEW JERSEY 07860

Telephone: (973) 383-5191 • Fax: (973) 383-1181 • TDD: 800-545-1833 Ext.428

Email: info@newtonhousingauthority.com

February 13, 2012

Mr. Thomas S. Russo, Jr., Town Manager
Town of Newton
39 Trinity Street
Newton, NJ 07860

Dear Tom,

Hello. I am writing to request that the Town Council consider the reappointment of both Henry Carr and Hyla June Fellner to the Newton Housing Authority Board of Commissioners. Both terms expires in April. Both have expressed an interest in remaining on the Board. Both are vital assets to our board and regularly work to enhance the quality of life at Liberty Towers.

Please let me know if any additional information is needed to facilitate this request. Thanks for your anticipated consideration.

Sincerely,


Kimberly Woodhull, Ph.D.
Executive Director

RECEIVED
FEB 15 2012

BY:.....



**TOWN OF NEWTON
RESOLUTION #48-2012**

March 12, 2012

**"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:

Accounts Overestimated

<u>Account</u>	<u>Address</u>	<u>Amount</u>
10506	79 Main Street	\$2,142.00
11524	120 Woodside Ave.	\$2,414.90
201	118 Spring Street	\$340.98

Credit for Meter Read Incorrectly

10626	97 Main Street	\$29,070.00
-------	----------------	-------------

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 Monday, March 12, 2012

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #49-2012

March 12, 2012

“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 2011 and 2012 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #50-2012

March 12, 2012

“To Cancel Trust Escrow Balances under \$10.00”

WHEREAS, there are balances less than \$10.00 showing on the Trust trial balance as of December 31, 2011 in the following accounts:

#711453	Shaneco (1/06)	\$2.32
#711456	Shotwell (6/05)	\$.37
#711470	White Gate Homes (2/06)	\$.96

WHEREAS, a letter was sent to escrow applicants on August 2, 2011 advising applicants of a remaining balance and the opportunity to request a refund of the balance if the purpose had been completed; and

WHEREAS, it is desirable to clear these small balances and the Town is using the \$10.00 amount which is set forth in NJSA 40A:5-17.1 for cancellation of property tax amounts as a basis for authorizing the cancellation of these small trust escrow amounts;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the above listed balances totaling \$3.65 in the Trust 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 Monday, March 12, 2012.

Lorraine A. Read, RMC
Municipal Clerk