



AGENDA
NEWTON TOWN COUNCIL
ANNUAL REORGANIZATION MEETING

January 3, 2019

5:00pm

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. DESIGNATION OF TEMPORARY MAYOR

a. _____

V. NOMINATION AND SELECTION OF MAYOR

a. _____

VI. SWEARING-IN OF MAYOR

VII. NOMINATION AND SELECTION OF DEPUTY MAYOR

a. _____

VIII. COMMENTS BY TOWN MANAGER, COUNCIL MEMBERS, DEPUTY MAYOR AND MAYOR

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 #1-2019* | Designate Banks as Depositories for Calendar Year 2019 |
| b. | Resolution #2-2019* | Appoint the Town Manager as Hearing Officer in all Matters of Dispute Regarding the Town of Newton for Calendar Year 2019 |
| c. | Resolution #3-2019* | Designate Legal Newspapers for Calendar Year 2019 |
| d. | Resolution #4-2019* | Designate Newspapers that will Receive Notices Required by the NJ Open Public Meetings Act for 2019 |

- e. Resolution #5-2019* Establish Schedule of Town Council Meetings for 2019
- f. Resolution #6-2019* Establish the Rate of Interest to be Charged for Non-Payment of Taxes on or Before the Due Date
- g. Resolution #7-2019* Designate Officials to Sign Checks
- h. Resolution #8-2019* Designate the Chief Financial Officer and/or Finance Director as the Individual Authorized to Sell Bond Anticipation Notes
- i. Resolution #9-2019* Authorize the Tax Assessor, the Town Attorney and Town Manager to Act on the Behalf of the Town of Newton for Calendar Year 2019 with Regard to Tax Appeals
- j. Resolution #10-2019* Appointment of Mayor as a Class I Member of the Newton Planning Board
- k. Resolution #11-2019* Appointment of Town Council Representative as a Class III Member of the Newton Planning Board
- l. Resolution #12-2019* Authorize an Agreement with Holzhauer & Holenstein, LLC for Appraisal Services for Defense of State Level Tax Appeals in Calendar Year 2019
- m. Resolution #13-2019* Appointment of Members of the Town of Newton Ad Hoc Redevelopment Team
- n. Resolution #14-2019* Appointment of Jason Schlaffer as the Town Council Liaison to the Economic Development Advisory Commission
- o. Resolution #15-2019* Appointment Sandra Lee Diglio as the Town Council Liaison to the Historic Preservation Advisory Commission
- p. Resolution #16-2019* Designation of Theresa Schlosser as Tax Search Officer for the Town of Newton for the Calendar Year 2019
- q. Resolution #17-2019* Approve Bills and Vouchers for Payment
- r. Resolution #18-2019* To Confirm/Establish Petty Cash and Change Funds
- s. Resolution #19-2019* Appointment of Various Attorneys for Calendar Year 2019

- t. Resolution #20-2019* Authorize the Award of a Required Disclosure Contract for David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., as Water Engineer for the Town of Newton for Calendar Year 2019
- u. Resolution #21-2019* Resolution in Support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup
- v. Resolution #22-2019* Authorize the Award of a Required Disclosure Contract for McManimon, Scotland & Baumann, L.L.C. for Redevelopment and Bond Counsel for 2019
- w. Resolution #23-2019* Authorize the Award of a Required Disclosure Contract for J. Caldwell & Associates, LLC as Planner for the Town of Newton for Calendar Year 2019
- x. Resolution #24-2019* Appointment of Keith Mitchell of the Mitchell Insurance Agency as Insurance Agent for Calendar Year 2019
- y. Resolution #25-2019* Appointment of the Municipal Auditor for the Town of Newton for Calendar Year 2019
- z. Resolution #26-2019* Authorize the Execution of an Agreement for Auditing Services for Review of Statement of Assets Available for Benefits for LOSAP with Ferraioli, Wielkocz, Cerullo & Cuva
- aa. Resolution #27-2019* Appointment of Certain Board and Commission Members

X. APPOINTMENT

- a. Mayor's Appointment Class II Representative to the Newton Planning Board (*Appointment of Town Manager by the Mayor*)

XI. OPEN TO THE PUBLIC

XII. COUNCIL & MANAGER COMMENTS

XIII. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #1-2019

January 3, 2019

“Designate Banks as Depositories for Calendar Year 2019”

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 2019:

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
JP Morgan Chase Bank
New Jersey Cash Management Fund
SB One Bank (formerly Sussex Bank)
Lakeland Bank
First Hope Bank
Santander Bank, N.A.
TD Bank
Highland State Bank
Valley National Bank
Wells Fargo Bank, N.A.

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:

https://www.state.nj.us/dobi/division_banking/depositories/gudpa.htm

The Chief Financial Officer/Finance Director will review this site and provide the Town Auditor with a copy of this list.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year. This may also be satisfied electronically.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #2-2019

January 3, 2019

“Appoint the Town Manager as Hearing Officer in all Matters of Dispute Regarding the Town of Newton for Calendar Year 2019”

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 2019.

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 the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #3-2019

January 3, 2019

“Designate Legal Newspapers for Calendar Year 2019”

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 2019 calendar year:

New Jersey Herald

New Jersey Sunday Herald

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #4-2019

January 3, 2019

“Designate Newspapers that will Receive Notices Required by the NJ Open Public Meetings Act for 2019”

WHEREAS, Section 3D(2) of the Open Public Meetings Act, approved October 21, 1975 as Chapter 231, P.L. 1975, requires every public body to designate two (2) newspapers to receive notices required to be mailed, telephoned, telegraphed or hand delivered;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby designates the newspapers listed below as newspapers to receive notices required by the Open Public Meetings Act:

New Jersey Herald

New Jersey Sunday Herald

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #5-2019

January 3, 2019

“Establish Schedule of Public Town Council Meetings for 2019”

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 2019 indicates all public meetings of the Newton Town Council will be held on the second and fourth Mondays of each month, unless otherwise indicated, in the Council Chambers, 39 Trinity Street, Newton, New Jersey; and

Council Meetings

7:00pm

January	14	and	28	July	8	and	22
February	11	and	25	August	5		
March	11	and	25	September	11*	and	23
April	8	and	22	October	16*	and	28
May	13	and	29*	November	13*	and	25
June	10	and	24	December	9	and	23

*Held Wednesday

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 Alternative Press (TAPintoNewton), New Jersey Herald and the NJ Sunday Herald, and a copy be filed with the Municipal Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be mailed to any person requesting notices of meetings of the Town Council pursuant to N.J.S.A. 10:4-19 and whoever has paid the required fee for such notice.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #6-2019

January 3, 2019

“Establish the Rate of Interest to be Charged for Non-Payment of Taxes on or Before the Due Date”

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:6-67 has been amended to permit the fixing of said rate at eight percent (8%) per annum for the first \$1,500.00 of the delinquency and eighteen percent (18%) per annum for amounts in excess of \$1,500.00, and an additional penalty of six percent (6%) may be collected for delinquencies in excess of \$10,000.00 from property owners who fail to pay the delinquency prior to the end of the calendar year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to charge an eight percent (8%) per annum rate of interest on the first \$1,500.00 of taxes which become delinquent after the tax due date, and a rate of eighteen percent (18%) per annum interest on any amount of taxes due in excess of \$1,500.00 which becomes delinquent after the tax due date; and

BE IT FURTHER RESOLVED, that the Tax Collector is also authorized and directed to charge an additional penalty of six percent (6%) if a delinquency is in an amount in excess of \$10,000.00 and remains in arrears beyond December 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.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #7-2019

January 3, 2019

“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 2019.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #8-2019

January 3, 2019

“Designate Chief Financial Officer/Finance Director as the Individual Authorized to Sell Bond Anticipation Notes for Calendar Year 2019”

WHEREAS, it is necessary from time to time for the Town of Newton to sell Bond Anticipation Notes or other Notes for the benefit of the municipality; and

WHEREAS, the Chief Financial Officer/Finance Director is the individual responsible for maintaining the financial records of the Town of Newton;

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

- 1) The Chief Financial Officer/Finance Director is hereby authorized to sell Bond Anticipation Notes and directed to determine all matters in connection with said Notes not determined by this or subsequent Resolutions.
- 2) The Chief Financial Officer/Finance Director is directed to report in writing to the Governing Body at the meeting next succeeding the date when the sale or delivery of Notes pursuant to this Resolution is made. Such report is to include the amount, description, interest rate, maturity of the Notes sold, the price obtained, and the name of the purchaser.
- 3) This Resolution shall take effect immediately upon its adoption.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #9-2019

January 3, 2019

“Authorize the Tax Assessor, the Town Attorney and the Town Manager to Act on the Behalf of the Town of Newton for Calendar Year 2019 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 2019 Calendar Year.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #10-2019**

January 3, 2019

**"Appointment of Mayor as a Class I
Member of the Newton Planning Board"**

BE IT RESOLVED, by the Town Council of the Town of Newton that Mayor Helen R. Le Frois be and is hereby appointed to the Newton Planning Board as a Class I member for the calendar year 2019.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #11-2019

January 3, 2019

“Appointment of Town Council Representative as a Class III Member of the Newton Planning Board”

BE IT RESOLVED, by the Town Council of the Town of Newton that Deputy Mayor Daniel G. Flynn, be and is hereby appointed to the Newton Planning Board as a Class III member for calendar year 2019.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #12-2019

January 3, 2019

“Authorize an Agreement with Holzhauer & Holenstein, LLC for Appraisal Services for Defense of State Level Tax Appeals in Calendar Year 2019”

WHEREAS, the Town of Newton anticipates the need for a professional appraiser and consultant in connection with emerging and ongoing tax appeals litigation within the Town of Newton; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC has submitted a proposal for his continued appraisal services to defend such tax appeals, which is acceptable to the Newton Governing Body; and

WHEREAS, appraisal service 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 anticipated term of this contract is one (1) year, January 1, 2019 through December 31, 2019; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2019 Temporary and Permanent budgets, funds NOT TO EXCEED \$17,500.00 will be encumbered as follows:

1055218 TAX ASSESS - OE - CONSULTANT SERVICES

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the execution of an agreement with Holzhauer & Holenstein, LLC, for appraisal services as outlined in Mr. Holenstein's proposal dated December 20, 2018; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Holzhauer & Holenstein, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #13-2019**

January 3, 2019

**"Appointment of Members of the Town of
Newton Ad Hoc Redevelopment Team"**

WHEREAS, the Town of Newton acknowledges there are potential benefits to the Town of Newton to be gained through the process of redevelopment; and

WHEREAS, opportunities for beneficial redevelopment should be thoroughly, expeditiously and efficiently evaluated and pursued;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby appoints individuals in the positions listed below to an ad hoc Redevelopment Team to evaluate and pursue redevelopment opportunities in the Town of Newton for a one-year period from January 1, 2019 through December 31, 2019; and

BE IT FURTHER RESOLVED that individuals representing the following positions shall be members of the Redevelopment Team, with said meetings to be called by the Town Manager as needed:

Mayor; Deputy Mayor; Town Manager; Town Attorney; Town Planner; Town Engineer; Planning Board Chairperson; Redevelopment Counsel; and other professionals and/or staff as deemed necessary by the Town Manager; and

BE IT FURTHER RESOLVED, said Redevelopment Team is a purely advisory group working only in an analytical and advisory capacity and is: (a) not empowered to make any decisions; (b) has no effective authority; (c) is not empowered to act by vote; (d) is not governed by the Open Public Meetings Act; and (e) is not a "Redevelopment Agency" pursuant to N.J.S. 40A:12A-11.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #14-2019**

January 3, 2019

**"Appointment of Jason Schlaffer as the
Town Council Liaison to the Economic
Development Advisory Commission"**

BE IT RESOLVED, by the Town Council of the Town of Newton that Jason Schlaffer be and is hereby appointed to the Economic Development Advisory Commission as the Town Council liaison member for calendar year 2019.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #15-2019**

January 3, 2019

"Appointment of Sandra Lee Diglio as Town Council Liaison to the Historic Preservation Advisory Commission"

BE IT RESOLVED, by the Town Council of the Town of Newton that Sandra Lee Diglio be and is hereby appointed to the Historic Preservation Advisory Commission as the Town Council liaison member for calendar year 2019.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #16-2019

January 3, 2019

“Designation of Theresa Schlosser as Tax Search Officer for the Town of Newton for 2019”

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, Theresa Schlosser, 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 Theresa Schlosser as the Tax Search Officer for the Town of Newton for calendar year 2019.

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 the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #17-2019

January 3, 2019

“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 2018 and 2019 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

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #18-2019

January 3, 2019

**“To Confirm/Establish Petty Cash and
Change Funds for Calendar Year 2019”**

WHEREAS, the Town of Newton maintains the following petty cash funds, as approved and recorded with the Division of Local Government Services:

Finance	\$250.00	Treasurer (Max reimbursement \$25 Excludes tax)
Water & Sewer	\$50.00	Treasurer

WHEREAS, The Town of Newton maintains the following change funds:

Cashier	\$200.00	Tax Collector
Water & Sewer	\$200.00	Water Sewer Utility Collector
Clerk	\$100.00	Municipal Clerk
Court	\$100.00	Court Administrator
Court	\$100.00	Deputy Court Administrator
Police	\$10.00	Records Clerk
Recreation	\$350.00	Recreation Supervisor

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the aforementioned petty cash and change funds are established and confirmed.

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 the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #19-2019

January 3, 2019

"Appointment of Various Attorneys for Calendar Year 2019"

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 2019, 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:

Ursula H. Leo, Esq. of Laddey, Clark & Ryan, LLC	Municipal Attorney
Jonathan E. McMeen, Esq., of Laddey, Clark & Ryan, LLC	Municipal Prosecutor
Robert B. McBriar, Esq., of Schenck, Price, Smith & King, LLP	Tax Appeal & Municipal Conflict Attorney
Edward J. Buzak, Esq., of The Buzak Law Group, LLC	Environmental Attorney
James T. Prusinowski, Esq., of Trimboli & Prusinowski, LLC	Labor Relations Attorney
Daniel P. Agatino, J.D., PhD Gruber, Colabella, Liuzza & Thompson	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 the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #20-2019

January 3, 2019

“Authorize the Award of a Required Disclosure Contract for David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., as Water Engineer for the Town of Newton for Calendar Year 2019”

WHEREAS, the Town of Newton requires the services of a qualified Water Engineer for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2019 calendar year(s); and

WHEREAS, David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, David B. Simmons, Jr., has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies David B. Simmons, Jr. of Harold E. Pellow & Associates, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2019 Temporary and Permanent budgets, funds NOT TO EXCEED \$25,000.00 will be encumbered as follows:

2019 Water Sewer Utility Budget – Engineer Contractual #6051217

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with David B. Simmons, Jr., of Harold E. Pellow & Associates, Inc., not to exceed \$25,000 for the 2019 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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 the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #21-2019

January 3, 2019

“Resolution in Support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup”

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contributions from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits they provide to their employees; and

WHEREAS, municipalities cannot address other major cost drivers such as career-end sick leave payouts in excess of \$100,000, without relief from State government; and

WHEREAS, the State must bring pension and health care costs under control before they crowd out all other important spending needs, such as reinvestment in NJ Transit, making higher education more affordable and properly funding state aid to school districts to hold down property taxes;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby express our support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Assemblyman Parker Space and Assemblyman Harold J. Wirths of the 24th Legislative District, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, Governor Phil Murphy, the New Jersey Association of Counties and the New Jersey State League of Municipalities.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #22-2019

January 3, 2019

“Authorize the Award of a Required Disclosure Contract for McManimon, Scotland & Baumann, L.L.C. for Redevelopment and Bond Counsel for 2019”

WHEREAS, there exists a need for specialized legal services for the Town of Newton, in the County of Sussex, New Jersey in connection with (i) services related to public finance and (ii) services related to redevelopment, environmental, litigation or other non-public finance services, including the authorization and issuance of bonds by the Town; and

WHEREAS, such special legal services can be provided best by a recognized Bond Counsel firm, and the law firm of McManimon, Scotland & Baumann, L.L.C., Roseland, New Jersey is so recognized by the financial community; and

WHEREAS, subject to the Governing Body appropriating sufficient funds in the 2019 Budgets the Chief Financial Officer will certify funds pursuant to NJAC 5:30-5.5 (b2) open-end contract:

Amounts, not to exceed \$60,000, will be encumbered when services are ordered directly against the applicable General Capital ordinances, Water Sewer Capital ordinances, Trust escrow accounts, or the 2019 Current Budget – Community Development #1064217.

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 & Baumann, L.L.C., Roseland, New Jersey is hereby retained to provide the specialized legal services necessary in connection with (i) services related to public finance and (ii) services related to redevelopment, environmental, litigation or other non-public finance services, including the authorization and issuance of bonds by the Town in accordance with an Agreement dated as of January 1, 2019 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. The services to be rendered by McManimon, Scotland & Baumann, L.L.C., shall on an "as needed" requirement, as sought by the Town of Newton in an amount **not to exceed \$60,000.00.**

4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
5. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in New Jersey Herald.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #23-2019

January 3, 2019

“Authorize the Award of a Required Disclosure Contract for J. Caldwell & Associates, LLC as Planner for the Town of Newton for Calendar Year 2019”

WHEREAS, the Town of Newton requires the services of a qualified Planner for the Town of Newton on an annual basis; through a contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, Q.P.A., of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for the 2019 calendar year (s); and

WHEREAS, J. Caldwell & Associates, LLC, in the aggregate is expected to exceed the pay to play threshold of \$17,500.00; and

WHEREAS, J. Caldwell & Associates, LLC has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies J. Caldwell & Associates, LLC has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer hereby certifies that subject to the Governing Body appropriating sufficient funds in the 2019 Temporary and Permanent budgets, funds NOT TO EXCEED \$40,000.00 will be encumbered as follows:

2019 Current Budget – Community Devel. #1064216 & Planning Board #1062216
2019 Water Sewer Utility Budget – Consultant #6051216
Trust Escrow Accounts as applicable
General Capital – Redevelopment

“The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Town Manager to enter into a contract with J. Caldwell & Associates LLC, not to exceed \$40,000 for the 2019 calendar year; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #24-2019

January 3, 2019

“Appointment of Keith Mitchell of the Mitchell Insurance Agency as Insurance Agent for Calendar Year 2019”

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 2019;

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, 2019 for the following insurance policies:

- | | |
|-----------------------------|------------------|
| a) Package | SIF2019-07860NEW |
| b) Workers' Compensation | WC1907860NEW |
| c) Umbrella Policy | SIF2019-07860NEW |
| d) Fire Accident Insurance | VFP-4231-3258E-2 |
| e) Fire Life AD&D Insurance | G600592-0001 |

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

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #25-2019

January 3, 2019

“Appointment of the Municipal Auditor for the Town of Newton for Calendar Year 2019”

WHEREAS, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the anticipated term of this contract is for calendar year 2019; and

WHEREAS, auditing service 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, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 6, 2018 indicating they will provide the 2019 auditing services for \$28,000.00; additional services, should they be required, would be billed at amounts set forth in the contract with hourly rates not to exceed \$175.00 per hour; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkotz, Cerullo & Cuva, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that, subject to the availability and appropriation of sufficient funds in the 2019 budgets, funds will be provided in the 2019 Municipal Current Budget – Audit Services #1054300 \$14,000.00 and in the 2019 Water Sewer Utility Budget – Audit Services #6051205 \$14,000.00 to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. in the total amount of \$28,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be filed in the Municipal Clerk's office; 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 the reorganization meeting of said Governing Body conducted on Thursday, January 3, 2019.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #26-2019

January 3, 2019

“Authorize the Execution of an Agreement for Auditing Services for Review of Statement of Assets Available for Benefits for LOSAP with Ferraioli, Wielkocz, Cerullo & Cuva”

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2018; and

WHEREAS, auditing service 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, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkocz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification which certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2019;

WHEREAS, the Chief Financial Officer has certified that funds will be provided in the 2019 Municipal Current Budget – Audit Services #1054300 to support this agreement with Ferraioli, Wielkocz, Cerullo & Cuva, P.A in the amount not to exceed \$1,500.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the CFO are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #27-2019

January 3, 2019

“Appointment of Certain Board and Commission Members”

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the following appointments be made:

<u>Board/Commission</u>	<u>Name</u>	<u>Term</u>	<u>Expiration Date</u>
Advisory Board of Health	Dr. John Craddock	5 Years	December 31, 2023
Economic Development Advisory Commission	Xavier Izquierdo	3 Years	December 31, 2021
Economic Development Advisory Commission	Kevin Prendergast	3 Years	December 31, 2021
Historic Preservation Advisory Commission	Harry Kaplan, Class C	4 Years	December 31, 2022
Historic Preservation Advisory Commission	Robert Talty (Alternate)	2 Years	December 31, 2020
Newton Parking Authority	Jim Ciaravolo	5 Years	December 31, 2023
Planning Board	Barbara Vrahnos, (Alternate No. 1)	2 Years	December 31, 2020
Planning Board	Vicki Hall (Alternate No. 2)	2 Years	December 31, 2020
Utility Advisory Board	Ralph Carchia	5 Years	December 31, 2023

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Lorraine A. Read, RMC
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