



AGENDA
NEWTON TOWN COUNCIL
SEPTEMBER 26, 2011
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- SEPTEMBER 14, 2011 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

a. PROCLAMATIONS

- i. NEWTON FIRE DEPARTMENT – 175 YEARS OF DEDICATED SERVICE**
- ii. GREATER NEWTON CHAMBER OF COMMERCE – TASTE OF NEWTON 2002-2011**

VII. ORDINANCES

a. INTRODUCTION

ORDINANCE 2011-19

AN ORDINANCE AMENDING CHAPTER 17, TREES AND SHRUBS, AT SECTION 17-7.1

ORDINANCE 2011-20

AN ORDINANCE TO AMEND CHAPTER 10 "TRAFFIC" OF NEWTON'S REVISED GENERAL ORDINANCES

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 #199-2011*

AMEND AGREEMENT WITH FRED M. KNAPP, ESQ., AS LABOR RELATIONS LEGAL COUNSEL

- b. RESOLUTION #200-2011* APPROVE FIREWORKS DISPLAY AT NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM
- c. RESOLUTION #201-2011* APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LOWER SPRING STREET STREETScape
- d. RESOLUTION #202-2011* APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SPRING STREET FROM ROUTE 206 TO LOWER SPRING STREET
- e. RESOLUTION #203-2011* APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE SUBMITTED BY HAROLD R. STORM, JR.
- f. RESOLUTION #204-2011* APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER'S LICENSE SUBMITTED BY HAROLD R. STORM, JR. T/A CHIPS TAXI, LIMO & COURIER
- g. RESOLUTION #205-2011* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 710, LOT 12.01
- h. RESOLUTION #206-2011* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- i. RESOLUTION #207-2011* EXTENDING TIME FOR PAYMENT OF 3RD QUARTER 2011 WATER AND SEWER BILLS
- j. RESOLUTION #2XX-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- k. APPLICATIONS* MEMBERSHIP APPLICATION (TRANSFER) TO THE NEWTON FIRE DEPARTMENT FROM CHARLES W. WEBER, JR., 21 JERSEY PLACE, NEWTON, NJ

X. INTERMISSION

XI. DISCUSSION

- a. PERSONNEL GUIDE

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Greater Newton Chamber of Commerce

Taste of Newton **2002-2011**

WHEREAS, the Greater Newton Chamber of Commerce is to be commended for its outstanding efforts in organizing and planning the 10th Annual *Taste of Newton*, which was held Monday, September 12, 2011; and

WHEREAS, it all started in 2002, with Tracey DeWaal, Peg Woods, Nancy Woods, and Jan McGovern organizing an evening in with local food vendors preparing sample signature dishes for an evening of good food and good cheer; and

WHEREAS, the first year started out with an effort to raise money to improve the decorating of the downtown shopping area with about 18 vendors and 250 attendees; and

WHEREAS, each year the event has grown with about 28 vendors this year and 425 attendees, this bringing together the community along with local restaurant owners for a festive evening with proceeds now benefiting local scholarship recipients;

NOW THEREFORE, We the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the Greater Newton Chamber of Commerce, its Board of Directors, Officers, Staff, Members, and this year's Chairpersons, Nancy Woods and Kristen Becker, for their enthusiasm, service and commitment to the Newton Community and for their success for the past 10 years of the *Taste of Newton*.

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Attest: _____

Date: _____ September 26, 2011 _____

Office of the Mayor

Newton, New Jersey

Proclamation

Newton Fire Department

175 Years of Dedicated Service

WHEREAS, the Newton Fire Department was established on December 8, 1835, and under the direction of their first Fire Chief, General Lyman Edwards, they acquired their first fire fighting apparatus, a crank engine called Phoenix I; and

WHEREAS, since its inception, the dedicated volunteers of the Newton Fire Department have prepared themselves to best protect and ensure the safety of the community by educating each and every member in fire safety; and

WHEREAS, through the years, the Newton Fire Department has come to the aid of many of the Town's residents and businesses, as well as provided mutual aid to neighboring municipalities, which has served as a source of comfort and security for our community;

NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim our **Congratulations** to the **Newton Fire Department** for their "**175 years of Dedicated Service**" to the Town of Newton and thank each and every one of them for their endless hours of volunteer commitment and support.

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Attest: _____

Date: _____ September 24, 2011 _____

**TOWN OF NEWTON
ORDINANCE NO. 2011-19**

**AN ORDINANCE AMENDING CHAPTER 17, TREES AND SHRUBS,
AT SECTION 17-7.1**

WHEREAS, the Town Council of the Town of Newton has, in the interest of public safety, investigated the process for notice to property owners for the removal of any tree or shrub along a public highway that is dangerous to the public safety; and

WHEREAS, the present Ordinance Section 17-7.1 provides for the provision of written notice to property owners for the removal of trees or shrubs along a public highway that pose a public safety danger “in the same manner as a summons may be served in accordance with the New Jersey Rules of Court”, which process must include an attempt at personal service by certain individuals, followed by certain mailings; and

WHEREAS, the Town Council’s recent experiences with storm damage and power outages dictate that trees and/or shrubs that pose a public safety danger along highways must be more expeditiously removed to protect the public safety, while still affording property owners the opportunity to responsibly and independently cure such public safety dangers on their properties;

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. Ordinance Section 17-7.1 is amended to read in its entirety as follows:

17-7.1 Removal required; Notice. In case any tree or shrub or any part thereof along the public highway shall become dangerous to the public safety, the owner of the property in front of which such tree or shrub is located shall remove the same, or the required part thereof, forthwith upon service of a written directive to that effect from the director of public works or his designee. The notice shall be sufficient if sent to the owner by regular and certified mail.

2. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.
3. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.
4. This ordinance will take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on the 26th day of September, 2011. Said Ordinance was adopted after public hearing the regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on the 12th day of October, 2011.

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

TOWN OF NEWTON

ORDINANCE #2011-20

**AN ORDINANCE TO AMEND CHAPTER 10 "TRAFFIC" OF NEWTON'S REVISED
GENERAL ORDINANCES**

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 10, entitled Traffic of the Revised General Ordinances of the Town of Newton be amended to include the following:

SCHEDULE III

PARKING TIME LIMITED ON CERTAIN STREETS

<u>Name of Street</u>	<u>Sides</u>	<u>Time Limit</u>	<u>Hours</u>	<u>Location</u>
Jefferson St.	West	15 minutes	All Times	Beginning 38 feet from South West corner of Jefferson Street and Spring Street and extending 37 feet South.
Spring Street	South	15 minutes	All Times	Beginning 53 feet from the South West corner of Spring Street and Main Street and extending 23 feet West.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, September 26, 2011. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Wednesday, October 12, 2011 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #199-2011

September 26, 2011 "Amend Agreement with Fred M. Knapp, Esq., as Labor Relations Legal Counsel"

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 2011 by the adoption of Resolution #249-2010 at their meeting on December 29, 2010; 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 2011 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, September 26, 2011.

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 #: 199-2011

APPROVING: FREDERIC 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 2011 - LEGAL SERVICES AND COSTS
#1058204

DATED THIS 26TH DAY OF SEPTEMBER, 2011

BY *Dawn L. Babcock*
DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #200-2011

September 26, 2011 "Approve Fireworks Display at Newton Medical Center, Atlantic Health System"

WHEREAS, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 19, 2011 as part of the annual "Festival of Lights"; and

WHEREAS, the Sussex County Fire Marshall, Joseph C. Inga, has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 19, 2011 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshall, Joseph C. Inga.

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, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #201-2011

September 26, 2011 “Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Lower Spring Street Streetscape”

WHEREAS, the Town of Newton is applying for funding in the amount of \$246,655.00 to complete the Lower Spring Streetscape under the NJDOT Municipal Aid 2012; and

WHEREAS, this project will beautify the Town, and will also help to promote a pedestrian friendly environment through quality of life enhancement; and

WHEREAS, the Town of Newton will assume the responsibility for maintenance of the proposed sidewalks, pavers and lights associated with this beautification project except for the removal of ice and snow from the sidewalks, due to the fact that local Ordinances place that responsibility with each individual property owner;

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Newton formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-NewtonTown-00191 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of same.

The Mayor, Town Manager and Municipal Clerk's and signatures serve to acknowledge that this resolution constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by this resolution.

Helen R. Le Frois
Mayor

Thomas S. Russo, Jr.
Town Manager

Lorraine A. Read
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, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #202-2011

September 26, 2011 “Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Resurfacing of Spring Street from Route 206 to Lower Spring Street”

WHEREAS, the Town of Newton is applying for funding in the amount of \$223,166.00 to resurface Spring Street from Route 206 to Lower Spring Street under NJDOT Municipal Aid 2012;

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Newton formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-NewtonTown-00307 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of same.

The Mayor, Town Manager and Municipal Clerk's and signatures serve to acknowledge that this resolution constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement as authorized by this resolution.

Helen R. Le Frois
Mayor

Thomas S. Russo, Jr.
Town Manager

Lorraine A. Read
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, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #203-2011

September 26, 2011 "Approval of a Renewal Application for Taxicab Driver's License Submitted by Harold R. Storm, Jr."

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**. "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police"; and

WHEREAS, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver's License application is complete and accurate; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver's License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ, 07860, driving for Chip's Taxi, Limo & Courier, which expires on May 31, 2012.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a meeting of said Governing Body conducted on Monday, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #204-2011

September 26, 2011 "Approval of a Renewal Application for Taxicab Owner's License Submitted by Harold R. Storm, Jr., t/a Chips Taxi, Limo & Courier"

WHEREAS, the Newton General Revised Ordinances require that under **9-2, License Required**, "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

WHEREAS, in accordance with **9-6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law"; and

WHEREAS, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ, 07860, t/a Chip's Taxi, Limo & Courier, which shall expire May 31, 2012; and

BE IT FURTHER RESOLVED, that the applicant must be in compliance with all aspects of **Chapter 9**, of the Newton Revised General Ordinances, as well as the provisions of N.J.R.S. 46:16.

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, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #205-2011

September 26, 2011 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 710, Lot 12.01"

WHEREAS, at the Municipal Tax Sale held on October 29, 2008 a lien was sold on Block 710, Lot 12.01, also known as 32 Halsted St., for 2007 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1262, was sold to ALMAR for 0% redemption fee with a premium of \$ 3,600.00; and

WHEREAS, Sussex Bank, the mortgage holder on said property has effected the redemption of Certificate #1262 in the amount of \$51,344.69.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that ALMAR is entitled to the redemption in the amount of \$51,344.69 as well as the premium of \$3,600.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue checks in the amount of \$51,344.69 for the redemption of Certificate #1262 along with the premium of \$3,600.00 to ALMAR, 2 Kiel Avenue #202, Kinnelon, NJ 07405.

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, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #206-2011**

**September 26, 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:

Accounts should have been inactive and not charged:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25414	7-10 Hillside Terrace	\$75.00

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, September 26, 2011

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #207-2011

September 26, 2011

**"EXTENDING TIME FOR PAYMENT OF 3rd
QUARTER 2011 WATER AND SEWER BILLS"**

WHEREAS, Section 15-4.3 of the Revised General Ordinances of the Town of Newton requires that the Water and Sewer Department of the Town of Newton prepare bills setting forth water, sewer and other department charges and send them to its customers through the U.S. Postal System. Bills that are not delivered by the U.S. Postal System shall, nevertheless, remain due and owed. The amount of such non-delivered bills shall, upon request, be made available to customers either in person, in writing or by telephone; and

WHEREAS, on August 31, 2011, the Water and Sewer Department of the Town of Newton delivered to the United States Postal Service at its Sparta, New Jersey office, 2,109, 3rd Quarter 2011 water and sewer bills for delivery to its water and sewer customers, and paid the Sparta Postmaster \$548.34 for said delivery; and

WHEREAS, the vast majority of said water and sewer bills were not delivered by the United States Postal Service and, upon diligent inquiry, it has been determined that the United States Postal Service has lost said bills; and

WHEREAS, Section 15-4.3(d) states that water and sewer bills not paid within thirty (30) days after September 1, 2011 are subject to a ten percent (10%) penalty; and

WHEREAS, it would be unjust to assess a penalty for failure to pay the September 1, 2011 water and sewer bills as a result of an error and failing to deliver said bills by the United States Postal Service;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that the Water and Sewer Department of the Town of Newton shall prepare and remail by first-class mail the bills setting forth 3rd Quarter 2011 water, sewer and other departmental charges, which bills shall be due no later than the due date set forth on said remailed bills which shall be no less than thirty (30) days after the date of said remailing. All bills not paid on or before 4:30pm on Friday, October 28, 2011 to the Newton Finance Office are subject to a ten percent (10%) penalty which shall be added to the amount of the bill and collected as other charges.

BE IT FURTHER RESOLVED by the Town Council of the Town of Newton that all other provisions of Section 15-4.3 of the Revised Ordinances of the Town of Newton shall remain in full force and effect.

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, September 26, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #208-2011

September 26, 2011 "Approve Bills and Vouchers for Payment"

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2010 and 2011 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, September 26, 2011.

Irene O'Connor
Deputy Municipal Clerk