

April 12, 2010

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:04 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mr. Russo read the following Resolution which authorized the Town Council to enter into Executive Session.

RESOLUTION #47-2010

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12"

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Contract Negotiations
- (2) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on April 12, 2010, that an Executive Session closed to the public shall be held on April 12, 2010, at 8:04PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

The aforementioned **RESOLUTION** was offered by Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried, the Town Council entered into Executive Session at 8:04 p.m.

EXECUTIVE SESSION

CONTRACT NEGOTIATIONS

Mr. Russo outlined the current status of the contract negotiations with the CWA, which represents the seven (7) full-time and eleven (11) part-time dispatchers. Mr. Russo noted that there are two pressing issues not yet resolved and is looking for guidance from the Town Council.

After a lengthy discussion, the consensus of the Governing Body was to move forward with the current plan which was proposed at the March 23, 2010 meeting with the CWA

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Negotiating Team.

Mr. Russo also noted that there are two other issues which he has addressed with Mr. Fred Knapp, Esq., Labor Attorney and is confident Mr. Knapp will navigate these issues effectively.

PERSONNEL

Mr. Mark Hontz, Esq., Town Attorney was present during the personnel issue. Mr. Russo outlined the course of action taken with regard to the personnel layoffs which were required based on the fiscal challenges facing Newton with the recent 17.5% State Aid cut, as well as a second consecutive year of decline in our ratable base. Two employees were served with "RICE NOTICES" and were given the opportunity to indicate whether they wished to be present for the Executive Session discussion and both employees indicated in the affirmative.

Council requested individual discussions with each employee. Mrs. Lynn Dee Frost, Technical Assistant to the Construction Official, met with the Town Council. Council had several questions which were addressed by Mrs. Frost. After a brief discussion, Council thanked Mrs. Frost for her appearance.

Mr. Robert Bittle, Construction Official, met with the Council. Council had several questions which were addressed by Mr. Bittle. After a brief discussion, Council thanked Mr. Bittle for his appearance.

Mr. Russo handed out several documents which would assist in the discussion of personnel.

Mr. Russo reviewed and discussed with the Governing Body the three options surrounding the course of action on personnel changes. Three options are: 1) No changes to personnel; 2) Agree with a layoff plan which makes one or both positions part-time in status; or 3) Outsourcing these two positions via a shared services agreement with Hardyston Township.

Mr. Russo provided documentation on the outsourcing option and outlined several bullet-points provided in the initial shared services proposal submitted by the Township of Hardyston.

- Hardyston Township will provide Newton with the services of a construction official and building inspector, together with appropriate technical clerical assistance.
- The Hardyston Construction Official/Building Inspector will conduct operations from the Hardyston Township Municipal Building, but will physically operate within the Town of Newton, within the office and in the field, two half days per week. The duration of

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posted office hours would need to be defined by the two municipalities to insure adequate time for inspections outside of the office. The Construction Official and his staff however, will be available to the public and Newton employees during normal business hours 40 hours per week by phone or in person at the Hardyston Township Municipal Building.

- Hardyston Township will be responsible to provide all services relative to the enforcement of the Uniform Construction Code. The services under this proposal do not include work relating to continuing certificate of occupancy or habitability, State housing inspections or property maintenance code enforcement or zoning enforcement.
- The proposed contract cost for construction official/building inspector services, together with clerical and technical assistance relative to the enforcement of the Uniform Construction Code as it relates to construction and building is \$77,200 per year. Mr. Russo noted that this would be pro-rated for 2010.
- Hardyston Township will collect all permit fees. Fees relative to construction will be paid directly to Hardyston Township. All fees for construction collected by Hardyston will be credited towards Newton's contract cost for services. Whatever balance remains due on November 30th of each year will be billed to Newton to be payable before December 31. Should fees be collected in excess of the contract amount, Hardyston Township will retain the first 20% of the contract amount in order to offset expected increased costs to provide expended services, under these types of unusual circumstances and the fees collected in excess of 20% over the contract amount would be split 50/50. As we discussed, it would be our goal to insure that Newton would receive adequate service and an isolated large project could require short-term expansion of staffing to do so. This would obviously require temporary expansion of our inspection capabilities, creating additional short-term cost.
- Fees for fire, electric and plumbing permits will be made payable to Hardyston. Since the technical assistance staff will be required to provide the administrative work relating to fire, electrical and plumbing inspections, phone calls, filing, etc., Newton will be charged an administrative fee of 15% of all permit fees collected relating to these three sub-codes. Based on 2009 permitting activity, your cost to Hardyston for these services would have been approximately \$5,000.00.

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- Hardyston Township will provide for all operational needs of the department, including, but not limited to office space, equipment, software licensing, maintenance of all code books, general office supplies, copier and faxing capability, telephone, vehicle and/or mileage reimbursements for employees, gasoline and vehicle maintenance.
- Newton will continue to provide office space for the construction official during his hours of physical service in the Town of Newton.

Mr. Russo noted that the Construction Official in Hardyston provided a quick analysis and indicated that Newton's construction department's cost average is \$180 per building inspection, compared to Hardyston's cost average of \$121 per inspection.

To assist in making a quality decision, Mr. Russo distributed copies of the logistical questions and answers as well as the frequently asked questions (FAQ's), which would help in addressing the public.

After a lengthy deliberation, the consensus of the Council was to outsource the Construction Department through a shared services agreement with Hardyston Township. Mr. Russo will process the necessary paperwork as well as notify the effected employees.

Mr. Russo discussed a potential developer who has been working with the Town on the purchase of a property on Spring Street. After a brief discussion, Mr. Hontz, Esq. was asked to review some items pertaining to the outstanding fines as noted by Mr. Bittle.

There being no further business to be conducted in Executive Session, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and unanimously carried, Council left Executive Session at 9:56 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk