

December 28, 2011

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

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

Mayor Le Frois led the Pledge of Allegiance to the flag and the Deputy Clerk called the roll and upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, the minutes of December 12, 2011 (Regular and Executive) meetings were approved as amended. Deputy Mayor Diglio noted that the Town Clerk's office was notified of the amendments and they were corrected accordingly.

OPEN TO THE PUBLIC

Mayor Le Frois read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes."

Mr. Jonathan Andrews, Springboard Shoppes, 145 Spring Street, read the following prepared statement:

"Hi, my name is Jonathan Andrews, owner of the Springboard Shoppes at 145 Spring Street.

THERE HAS BEEN GREAT SUPPORT FROM THE TOWN OF NEWTON ADMINISTRATIVE AND ELECTED OFFICIALS IN HELPING DOWNTOWN NEWTON TO FLOURISH.

I urge the Council to continue supporting this and to further minimize obstacles to growth. Here are two recent examples where "There must be a better way."

First, the Foodshed Alliance Farmers' Market. This will be a four hour weekly event in the downtown retail district. Did it really require engineering input, repeated questions about the adequacy of parking, representation by an attorney, and an expenditure of \$500-\$1000 by the non-profit to get permission to hold this event? There must be a better way. Such hurdles discourage innovation and are crippling to small start-ups.

Second, the move of PB&J stores from SpringBoard Shoppes to the former Newton Trophy building. The Historic Commission raised concerns about the very attractive exterior renovation plans. Progress was delayed and the owners had to spend significant unplanned dollars to receive a determination that plans could continue unchanged.

The biggest difficulty here is the complete absence of standards. The whim of whoever is sitting on the Board on a given night determines if a plan will be challenged.

Your ordinance 20-5 from August, 2001, in section 21-1.5c, m states:

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*"The historic preservation advisory commission shall be responsible:
m. To prepare and distribute a historic district guideline handbook to be
utilized for application reviews and foster appropriate rehabilitation within
the historic districts."*

11 years later there is no such 'handbook'.

*Difficulties with the historic commission are not new. Problems have occurred
before. There must be and is a better way - allow no more denials of approval by the
commission until the 'handbook' is prepared, approved by you and distributed.*

*The opportunity to continue to build downtown Newton is great. We have the
most attractive downtown setting in the County. We are county seat of a county that
Wikipedia says is the 36th most prosperous county in the US, and that the 2010 US census
says has a total income of over Five Billion dollars.*

*There is a strong nucleus of dedicated merchants and good support from many
building owners and businesses. Much more can be done to improve wayfinding, the
appearance of empty buildings, encouragement of new retailers, etc.*

*The unfortunate expenditure of 1/3 Million dollars on a Main Street program
which became dysfunctional (unpaid bills, unfiled taxes) does not change the fact that
the program generated this strong nucleus of local participants and supporters. It is too
bad that some of the scrutiny applied to the Foodshed Alliance was not used to save
that program.*

Going forward:

*Whether you decide to go outside the community to obtain expertise, to utilize
the talents that are already here, or to let things develop on their own,*

AT LEAST PLEASE

*Watch and act to prevent unnecessary hurdles which discourage and diminish
local entrepreneurial efforts.*

Thank you."

The Governing Body thanked Mr. Andrews.

Mr. Charles Briggs, 73 Pine Street, expressed his concern with the Martorana
construction project located behind the Quik Chek on Sparta Avenue, in particular, the
desecration of forestry and flooding. Mr. Briggs stated he had photographs on his
laptop of the construction site taken this past year and requested permission to show
them to the Governing Body.

Mr. Russo indicated that Mr. Briggs reached out to Kathy Citterbart, Zoning
Official, today and that Mrs. Citterbart placed a call to Mr. Paul Ferriero, Town Engineer.

William Hlnkes, Esq. Town Attorney, indicated that the Governing Body has no
authority as to what is happening at the site and reaching out to the Zoning Official
and Engineer is the correct procedure for Mr. Briggs to be taking. It was suggested that
Mr. Briggs burn a CD of the video and submit it to Ms. Citterbart.

PRESENTATIONS

Mayor Le Frois read the following statement announcing the winner of the 2011 Town of Newton Holiday Decorating Contest:

“The Mayor and Town Council would like to acknowledge their appreciation and applaud the efforts of the residents of this wonderful Town for their devotion to keeping the holiday spirit alive with the community.” Mayor Le Frois then announced the winner of the 2011 Newton Holiday Decorating Contest: Mr. and Mrs. Lehmer, 22 Douma Drive, Newton, NJ.

Mr. and Mrs. Lehmer thanked the Governing Body and wished the Governing Body a Happy New Year.

COUNCIL & MANAGER REPORTS

Mr. Russo reported that he received a memo from Kathy Citterbart, Zoning Official, dated December 22, 2011 regarding the Foodshed Alliance application. Ms. Citterbart indicated that the Planning Board approved the waiver of site plan fee for the applicant at the SpringBoard Shoppes and the Planning Board recommended that the \$100 application fee be waived. Mr. Russo requested guidance from the Governing Body for the waiver of site plan fee. After a brief discussion, Council agreed to waive the fee and directed Mr. Russo to put a resolution of same on the agenda at the January 9, 2012 Council meeting.

Mr. Russo indicated he was contacted by Charles Thom regarding the 2017 County Fire Parade. Mr. Thom questioned whether or not the Town will require the organizers to pay for the overtime that would be required.

After a length discussion, Council had no problem with waiving the fee however, Council indicated that they have no way to regulate what the 2017 Council's decision will be and further stated that perhaps at budget time a closer look at event overtime costs is needed.

Mr. Russo indicated that there will be no packet or newsletter this Friday and that Town Hall will be closed for New Year's Day on January 2, 2012.

Mr. Russo wished everyone a very safe, healthy, happy, and prosperous New Year.

ORDINANCES

Mayor Le Frois directed the Deputy Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE 2011-24

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

This ordinance amends the Code of the Town of Newton by deleting and repealing Chapter 3, Police Department, and replacing it with a new Chapter 3, entitled Police Department, to restructure its organization to serve the public in the most effective way;

BE IT ORDAINED by the Town Council of the Town of Newton as follows:

Section 1.

The Code of the Town of Newton is hereby amended by deleting and repealing Chapter 3, Police Department.

Section 2.

The Code of the Town of Newton is hereby amended by adding thereto chapter, to replace Chapter 3 hereinabove repealed, to be Chapter 3, Police Department to read as follows:

Police Department*

Sections:

- 3-1 Department Established; Composition.
- 3-2 Town Manager Designated as Appropriate Authority.
- 3-3 Chief of Police.
- 3-4 Duties of the Department.
- 3-5 Qualifications and Appointment of Members of Department.
- 3-6 Oath of Office/Term of Office.
- 3-7 Classification of Applicants and Order of Appointment Thereof.
- 3-8 Qualifications, Powers and Duties of Superior Officers, Patrol Officers, and Special Law Enforcement Officers.
- 3-9 Adult School Crossing Guards.
- 3-10 Rules and Regulations.
- 3-11 Disciplinary Action.
- 3-12 Hours of Employment.
- 3-13 Uniforms and Equipment.
- 3-14 Reserved.
- 3-15 Contracted Off-Duty Employment.
- 3-16 Disclaimer.

* The establishment, maintenance, regulation, and control of the municipal police department are provided for in N.J.S. 40A:14-118, et seq.

3-1 Department Established; Composition.

The Police Department of the Town of Newton is hereby established and shall consist of a Chief of Police, a maximum of two police Lieutenants, a maximum of five police Sergeants, a maximum of sixteen patrol officers, and such other special law enforcement officers, school crossing guards, and employees that the Town Manager shall from time to time appoint.

3-2 Town Manager Designated as Appropriate Authority.

The Town Manager is hereby designated as the "appropriate authority" as defined by N.J.S. 40A:15-118, with all powers enumerated therein, including the power to fix policies for the regulation and control of the Police Department. The Town Manager shall be responsible for the overall performance of the Police Department and shall adopt and promulgate rules and regulations for the government of the police force and for the discipline of its members.

3-3 Chief of Police.

The head of the Police Department shall be the Chief of Police who shall be appointed by the Town Manager and who shall carry out such duties as the Town Manager shall assign to the Chief. The Chief of Police shall be directly responsible to the Town Manager for the efficiency and routine day-to-day operations of the Police Department and shall have the authority to assign day-to-day duties to members and other personnel of the Department. The Chief shall have full charge and control of the apparatus and equipment of the department and its assignment and use, and shall be held responsible for its care, cleanliness, and safekeeping, and render a strict account thereof when called for by the Town Manager.

The Chief of Police shall, pursuant to the policies established by the Town Manager:

- a) Administer and enforce rules, regulations, and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b) Have, exercise, and discharge the functions, powers, and duties of the force;
- c) Prescribe the duties and assignments of all subordinates and other personnel;
- d) Delegate such authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision;
- e) Report at least monthly to the Town Manager in such form as shall be prescribed by the Town Manager on the operation of the force during the preceding month, and make such other reports as may be requested by the Town Manager;
- f) Recommend to the Town Manager from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will increase the efficiency of the department;
- g) Keep the records of the Police Department in such manner and form as may be prescribed by the Town Manager;
- h) Report, in writing, whatever information the Town Manager or the Chief of Police may deem necessary for the information of the Town Manager or Town Council or for the public benefit and the good of the Police Department; and
- i) Recommend to the Town Manager rules and regulations for the conduct and discipline of the members of the Police Department and amendments to the rules and regulations as necessary.

No person shall be appointed Chief of the Police Department unless, in addition to all statutory requirements, he or she has graduated high school with a diploma or equivalency, and has completed the municipal Police Academy course of the State of New Jersey or an acceptable equivalent course. He or she shall have a thorough knowledge of the criminal statutes and laws of the State of New Jersey and of the Ordinances of the Town of Newton, and shall have the ability to prepare reports and direct and administer the Police Department.

In the event the Chief of Police is absent or goes on voluntary temporary leave, he or she shall, if the Chief deems it necessary for the efficient operation of the force, designate a member of the Police Department to act as Chief of Police until the Chief of Police returns to duty. In case of death, removal, suspension, incompetency or resignation of the Chief of Police, or if the Town Manager determines that the Chief of Police is incapable of making such designation, the Town Manager shall designate the

person to act as Chief until the Chief of Police returns to duty or a successor is appointed. The person so designated shall be charged with and perform all the duties of the Chief of Police while so acting. Such temporary appointment shall not increase the compensation of the person so designated.

3-4 Duties of the Department.

The Police Department shall:

- a) Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Town, suppress riots, mobs, and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections, public meetings, and assemblages;
- b) Administer and enforce laws and ordinances to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons to protect the safety and facilitate the convenience of motorists and pedestrians;
- c) Remove or cause to be removed all nuisances in the public streets, parks, and other public places, inspect and observe all places of public amusement or assemblage, and all places of business requiring any state or municipal license or permit, and report thereon to the appropriate department;
- d) Provide proper police attendance and protection at fires and other emergencies;
- e) Provide for the attendance of its members in Court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state, county, and local governments; and
- f) Operate a training program to maintain and improve the efficiency of the members of the Department, subject to the budgetary approval of the Town Council.

3-5 Qualifications and Appointment of Members of Department.

Each applicant for a position in the Police Department shall possess the qualifications required by N.J.S. 40A:14-122. Except as otherwise provided by law, no person shall be appointed as a member of the Police Department unless he or she:

- a) Is a citizen of the United States;
- b) Is sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to his or her eligibility for membership in the retirement system;
- c) Is able to read, write, and speak the English language well and intelligently;
- d) Is of good moral character, and has not been convicted of any crime or criminal offense involving moral turpitude; and
- e) Has successfully undergone physical and psychological testing that is required of all full-time Police Officers in the Town of Newton and approved by the New Jersey Police Training Commission.

The minimum age for appointment shall be eighteen years and the maximum shall be thirty-five years old, except as set forth in N.J.S. 40A:14-127.1. With the approval of the Town Manager, the Chief of Police may establish additional qualifications and requirements relating to level or nature of experience, training, or particular expertise for applicants for particular positions that the Police Department seeks to fill. All such additional qualifications shall be clearly specified in advertisements for the open

position. Superior officers shall satisfy such additional qualifications as detailed hereafter. All appointments of new officers or employees of the Department and all promotions shall be made by the Town Manager, after receipt of reports or recommendations, if submitted, from the Chief of Police.

3-6 Oath of Office/Term of Office.

- a) Each member of the Police Department shall, before entering upon the performance of his or her duties, take and subscribe an oath to bear true faith and allegiance to the government established in the State, to support the Constitutions of the United State of America and the State of New Jersey, and to faithfully, impartially, and justly discharge and perform all duties of his or her office, which oath or affirmation shall be filed with the Municipal Clerk with ten days after appointment.

- b) The term of the regular police officers employed in the Department shall be for the time that good behavior and efficiency is maintained. Every newly appointed regular officer shall serve a probationary period, which shall run until the later of (i) twelve months from the start of employment as an officer; or (ii) six months of service after successful completion of the course at a New Jersey-certified police training academy unless otherwise required under applicable statute or regulation. No member shall serve as an officer or a member of the Department after attaining the age of sixty-five years. Probationary officers may be removed from employment by the Town Manager at any time during their probationary period or at its conclusion upon notice and an opportunity to be heard.

3-7 Classification of Applicants and Order of Appointment Thereof.

3-7.1 Classification of Applicants

- a) The following classes are hereby established for appointment of all members of the Police Department of the Town of Newton:
 - 1. Residents of the Town of Newton.
 - 2. Residents of other municipalities in the County of Sussex.
 - 3. Residents of any other County than Sussex in the State of NJ.
 - 4. All other qualified persons.

- b) Within each of the aforesaid classes, duly qualified applicants who are veterans shall be accorded all veterans' privileges as are provided by law. Persons discharged from the military service within six months prior to making application for membership in the Police Department of the Town of Newton who fulfill the requirements of N.J.S. 40A:14-123.1, and who, thereby, are entitled to appointment notwithstanding their failure to meet the New Jersey residency requirements at the time of their initial application, shall be placed in Class 3.

- c) The classes of qualified applicants as defined above shall be considered as separate and successive lists of eligibles, and the New Jersey Civil Service Commission shall be informed thereof so that certifications from said department when requested shall be made from said classes separately and successively.

- d) All applicants to be classified as Class 1 must be residents of the Town of Newton as of the date of application and must maintain continuous residence within the Town of Newton through the examination process, up to and including the date of appointment.

- e) The provisions of this section shall apply only to the initial appointments and not to promotional appointments of persons already members of the Police Department.

- f) In making temporary appointments, the Town Manager may utilize the classifications set forth in the subsections of this section, and shall classify accordingly all duly qualified applicants for the position to be temporarily filled.

3-7.2 Order of Appointment.

- a) The Town Manager shall first appoint to membership in the Police Department persons qualifying in Class 1 provided in the preceding subsection herein, and then those in each succeeding Class in the order listed in said foregoing subsection, and shall appoint a person or persons in any such Class only to a vacancy or vacancies remaining after all qualified applicants in the preceding Class or Classes have been appointed or have declined an offer of appointment.

3-8 Qualifications, Powers, and Duties of Superior Officers, Patrol Officers, and Special Law Enforcement Officers.

3-8.1 Police Lieutenant

No person shall be appointed to the position of Lieutenant unless, in addition to all statutory requirements, he or she has completed the municipal Police Academy course of the State of New Jersey, or an acceptable equivalent. The person shall have served as a Police Sergeant in the Town of Newton Police Department.

A Lieutenant shall have the following duties:

- a) Under supervision of the Chief of Police during an assigned tour of duty, has charge of a police division or performs specialized supervisory police duties and completes related work as required.
- b) Gives suitable police assignments and instruction to Sergeants and Police Officers; provides them with needed advice and assistance when difficult problems or maneuvers arise; checks their work to see that the proper procedures are followed; ensures that reasonable standards of workmanship, conduct, and output are maintained; and achieves desired police objectives as set forth by the Chief of Police.
- c) Directs criminal and non-criminal investigations, ensuring that proper police action is taken.

3-8.2 Police Sergeant

No person shall be appointed to the position of Sergeant in the Town of Newton Police Department unless, in addition to all statutory requirements, he or she has graduated high school with a diploma or equivalency, and has completed the municipal Police Academy course of the State of New Jersey or an acceptable equivalent course. The person shall have served as a Patrol Officer in the Town of Newton Police Department for at least three years.

A Sergeant shall have the following duties:

- a) Under supervision of a Police Lieutenant during an assigned tour of duty, a Police Sergeant has charge of police activities intended to provide assistance and protection for persons, to safeguard property, to assure observance of the laws, and to apprehend law-breakers; and does related supervisory work as required.
- b) Gives suitable assignments and instructions to the Patrol Officers on duty all or part of the assigned tour of duty; provides them with advice and assistance when difficult and unusual situations arise; and checks their work to see that proper procedures are followed and that reasonable standards of workmanship, conduct, and output are maintained; and that desired police objectives are achieved.
- c) Establishes and maintains helpful and cooperative relations with civic and business organizations, school officers, recreation and other groups, court

officers, and police authorities in other jurisdictions, and others interested in the maintenance of law and order.

- d) Notes conditions that are significant from a police standpoint, and takes appropriate action to ensure that persons and property are safeguarded and good order is maintained, and that patrol officers are doing their work properly.
- e) Sees that needed police protection is provided when there are fires, outbreaks, and other conditions which may result in disorder, and when large numbers of people congregate for any reason.
- f) Prepares and directs the preparation of reports.
- g) Directs criminal and non-criminal investigations and sees that appropriate police action is taken.

3-8.3 Patrol Officer

A candidate for Patrol Officer must meet the minimum standards for eligibility set forth in Section 3.5 above and is subject to such other age and probationary qualifications as set forth in this Ordinance.

A Patrol Officer, during an assigned tour of duty, on foot, bike, or in an automobile or other motorized vehicle, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, to apprehend law-breakers, investigate criminal activity, and does related work as required or assigned.

3-8.4 Special Law Enforcement Officer

A "Special Law Enforcement Officer" means any person appointed pursuant to N.J.S. 40A:14-146.8, et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department of the Town of Newton, or to provide assistance to the Police Department during unusual or emergency circumstances.

There shall be two classes of Special Law Enforcement Officers. The classifications shall be based upon the duties to be performed as follows:

Class One: Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the New Jersey Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.

Class Two: Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized by the Chief of Police only after the officer has been fully certified as successfully completing training as prescribed by the New Jersey Police Training Commission. The number of Class Two Special Law Enforcement Officers shall not exceed 25% of the total number of regular police officers in the Town of Newton as required by N.J.S. 40A:14-146.17.

- a) Pursuant to N.J.S. 40A:14-146.10, no person shall be appointed as a Special Police Officer unless the person:
 - 1. Is a resident of the State of New Jersey during the term of appointment;
 - 2. Is able to read, write, and speak the English language well and intelligently and has a high school diploma or its equivalent;

3. Is sound in body and of good health;
4. Is of good moral character;
5. Has not been convicted of any crime or criminal offense involving dishonesty or which would make him or her unfit to perform the duties of the office;
6. Has successfully undergone the same physical and psychological testing that is required of all full-time police officers in the Town of Newton; and
7. Has successfully completed a training course approved by the New Jersey Police Training Commission.

b) Special Police Officers may be appointed for terms not to exceed one year. Nothing herein shall be construed to require reappointment upon the expiration of the term.

3-9 Adult School Crossing Guards.

a) Pursuant to N.J.S. 40A:9-154.1, the Town Manager may, in his discretion, appoint persons at least 18 years of age as school crossing guards in such numbers as the Town Manager may deem appropriate. No person shall be appointed as a school crossing guard unless such person:

1. Is a citizen and resident of the State of Jersey;
2. Is sound in body and of good health;
3. Is of good moral character;
4. Has not been convicted of any criminal offense involving moral turpitude; and
5. Has been certified as eligible by the Chief of Police.

b) School crossing guards shall be appointed for terms not to exceed one year. The Town Manager may revoke such appointment for cause subject to the provisions of the New Jersey Civil Service Act. The powers and duties of a school crossing guard shall cease at the expiration or termination of the term which the guard was appointed. The Town Manager may choose not to reappoint an individual to the position of School Crossing Guard without notice or cause.

c) School crossing guards shall not be members of the Police Department, but shall be under the supervision and direction of the Chief of Police and shall comply with the rules and regulations applicable to the conduct and decorum of regular police officers. They shall perform their duties only in the Town of Newton.

d) School crossing guards are not authorized to carry or use firearms and shall not have the power of arrest.

e) Every school crossing guard shall receive such training and uniform as provided by law.

3-10 Rules and Regulations.

The Town Manager, as appointing authority, shall, from time to time as may seem necessary in his judgment, and pursuant to the authority of N.J.S. 40A:14-118, adopt and amend the rules and regulations for the conduct and discipline of the Police Department and members thereof. The Town Manager shall distribute copies of any newly adopted rule, regulation, or amendment promptly after its adoption to the Chief of Police. Any such rule, regulation, or amendment shall take effect thirty days after adoption unless the Town Manager shall declare in his adoption that an emergency

exists which requires a rule, regulation, or amendment to take effect immediately. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for any violations. All members and employees of the Police Department shall be subject to such rules, regulations, and penalties.

3-11 Disciplinary Action.

Departmental discipline is to be administered in accord with the rules and regulations of the Department as promulgated by the Town Manager and in accord with N.J.S. 40A:14-147, relevant provisions of the New Jersey Civil Service Act and regulations related thereto, and applicable court decisions.

3-12 Hours of Employment.

The regular hours of employment of uniformed members of the Police Department shall not exceed twelve consecutive hours in one day, nor eighty-four hours in any one pay period; provided that in the case of an emergency, the Chief of Police or his designee shall have full authorization to summon and keep on duty any and all such members during the period of emergency or staffing shortage.

3-13 Uniforms and Equipment.

Duty firearms, holsters, and magazine holders for members of the Police Department authorized to have such equipment shall be furnished by the Town and remain its property. The expense of obtaining all other required uniforms and equipment shall be borne by each officer. Only Special Law Enforcement Officers shall be furnished uniforms and related equipment by the Town, to be issued by the Chief of Police. Upon issuance of property to a member of the Department, the Chief of Police shall take a receipt from the member obtaining the property. Members receiving property from the Department shall be responsible for same and upon leaving the service for any cause shall turn in to the Chief of Police all property belonging to the Town. The reasonable value of any property including uniforms and equipment not returned shall be deducted from the amount of salary or wages due each member.

The members of the Police Department shall, when on duty, wear such uniforms and equipment, as shall be prescribed from time to time by the Chief of Police and shall at all times present a neat, clean, and respectable appearance.

3-14 Reserved.

3-15 Contracted Off-Duty Employment.

3-15.1 Purpose

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Newton Police Department and to authorize the outside employment of Town police while off duty, the Town hereby establishes a policy regarding the use of said officers.

- a) Members of the Police Department shall be permitted to accept police related employment from private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Town.
- b) Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

3-15.2 Escrow Accounts

- a) Any person or entity requesting the services of an off-duty law enforcement officer in the Newton Police Department shall estimate the number of hours

such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Town Treasurer by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Section 3-15.4 for the total estimated hours of service.

- b) Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Town Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.
- c) In the event the funds in such an escrow account should be depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.
- d) The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption in service.

3-15.3 Requests for Services

All requests to the Town for the services of off-duty law enforcement officers in the Newton Police Department for a period of one week or longer shall be forwarded to the Chief of Police for posting at least ten days before such services are required. Any law enforcement officers, when so employed by the Town, shall be treated as an employee of the Town provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as over-time.

3-15.4 Rates of Compensation; Administrative Fee; Payment for Services

- a) Rates of compensation for contracting the services of off-duty law enforcement officers shall be based on a rate of time and one-half of Top Step Patrolmen as currently establish by contract.
- b) An additional per hour fee is established to cover administrative costs, overhead, and out-of-pocket expenses of the Town of Newton in accordance with the hourly rate as currently set forth in the Town of Newton Fee Schedule.

3-16 Disclaimer.

All ordinances, codes or parts thereof inconsistent with any provisions of this new section are hereby repealed to the extent of such inconsistency. If any section or provision of this chapter shall be held invalid by any court of competent jurisdiction, the same shall not affect the other sections or provisions of this chapter, except so far as the section or provision so declared invalid, which shall be inseparable from the remainder of any portion thereof.

Section 4.

This Ordinance shall take effect upon its final passage and publication according to law.

Mayor Le Frois opened the hearing to the public. There being no one from the public to be heard, upon motion by Mr. Elvidge, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Ricciardo, who moved its adoption, seconded by Mr. Elvidge and roll call resulted as follows:

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

This ordinance will take effect after publication and adoption according to law. The Deputy Clerk will advertise the above Ordinance according to law.

Mayor Le Frois directed the Deputy Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE 2011-25

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2012

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to establish salaries, wages or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, as follows:

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2012 as shown in Schedules "A" and "B" attached hereto in accordance with Section 4-4.1 of the Town of Newton Revised General Ordinances.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Those employees at wage level 4 serving in the position of Deputy Court Administrator, may be compensated a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out requiring written certification.

Section 5. Those officers and employees at wage level 17 shall be paid their annual salary in equal quarterly payments during the last pay of each quarter.

Section 6. All Ordinances or parts of Ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 8. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective retroactive to January 1, 2012.

Mayor Le Frois opened the hearing to the public. There being no one from the public to be heard, upon motion by Mr. Elvidge, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its adoption, seconded by Deputy Mayor Diglio and roll call resulted as follows:

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

This ordinance will take effect after publication and adoption according to law. The Deputy Clerk will advertise the above Ordinance according to law.

Mayor Le Frois directed the Deputy Clerk to read aloud the following Ordinance relative to final adoption.

ORDINANCE 2011-26

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

BE IT ORDAINED, by the Town Council of the Town of Newton, that Chapter 10, Traffic, be amended as follows:

10-14.5f Additional Rules and Regulations

f. An Annual Merchant Pass will be available for Lot #5 Eastern Plaza, Lot #4 Central Plaza and Lot #3 Western Plaza parking lots only, for business owners on Spring Street who have a ground floor business located on Spring Street from Union Place to Main Street. The cost for such passes is set forth in subsection 21-1.5c. There will be a maximum allotment of 4 passes per business per year. Annual passes will be valid from 1/1 to 12/31; semi-annual passes are valid from 1/1 to 6/30 or 7/1 to 12/31 and all passes will need to be renewed upon expiration. Parking passes are valid from 8:00am-6:00pm, Monday – Saturday.

Mayor Le Frois opened the hearing to the public. There being no one from the public to be heard, upon motion by Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, the hearing was closed.

The aforementioned **ORDINANCE** was offered by Mr. Elvidge, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

December 28, 2011

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

This ordinance will take effect after publication and adoption according to law.

The Deputy Clerk will advertise the above Ordinance according to law.

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

ORDINANCE 2011-27

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2012

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

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

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on January 9, 2012.

OLD BUSINESS

There was no Old Business for discussion.

CONSENT AGENDA

Mayor Le Frois read the following statement:

"All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda."*

Mr. Russo provided an overview of the resolutions on the Consent Agenda. Ms. Dawn Babcock gave an overview of the correction to Resolution #299-2011. Deputy Mayor Diglio noted that the Town Clerk's office was notified of several minor corrections and they were corrected accordingly.

RESOLUTION #281-2011*

REIMBURSEMENT TOWN EMPLOYEES FOR VEHICLE EXPENSES

WHEREAS, certain Town of Newton employees use their private vehicles in connection with Town business; and

WHEREAS, such employees routinely use their vehicles for travel within Sussex County; and

WHEREAS, it is appropriate to reimburse said Town employees for use of their personal vehicles;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the employees listed below receive the following quarterly allowances for all vehicular trips within Sussex County effective January 1, 2012:

| <u>Employee</u> | <u>Position</u> | <u>Estimated Miles/Qtr.</u> | <u>Quarterly Amount</u> |
|-----------------|-----------------------|-----------------------------|-------------------------|
| Debra Millikin | Deputy Town Manager | 300 miles | \$166.50 |
| Scott Holzhauer | Tax Assessor | 200 miles | \$111.00 |
| Brian Fox | Deputy Fire Chief | 200 miles | \$111.00 |
| Derek Wechtler | Assistant Fire Chief | 200 miles | \$111.00 |
| Kerry Deckert | Recreation Supervisor | 150 miles | \$83.25 |

BE IT FURTHER RESOLVED that for out-of-town business trips, employees and officers of the Town of Newton who use their personal means of transportation shall be reimbursed, in accordance with the IRS standard allowance for business miles driven, in effect at the time of travel, from Newton to the point of destination and return during calendar year 2012.

RESOLUTION #282-2011*

APPOINTMENT OF DAVID B. SIMMONS, JR., P.E., L.S., C.M.E., AS TOWN WATER ENGINEER FOR CALENDAR YEAR 2012

WHEREAS, water engineering services 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 Town of Newton advertised a Request for Proposals for the services of a qualified Water Engineer and received several responses; and

WHEREAS, David B. Simmons, P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc. has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that David B. Simmons, P.E., L.S., C.M.E., of Harold E. Pellow & Associates, Inc., is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with David B. Simmons, of Harold E. Pellow & Associates, Inc., for services as Water Engineer for calendar year 2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. Simmons, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

December 28, 2011

RESOLUTION #283-2011*

**APPOINTMENT OF JESSICA C. CALDWELL, P.P., A.I.C.P., AS TOWN PLANNER FOR
CALENDAR YEAR 2012**

WHEREAS, planning services 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 Town of Newton advertised a Request for Proposals for the services of a qualified Planner and received several responses; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc. has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that Ms. Jessica C. Caldwell, PP, AICP of Harold E. Pellow & Associates, Inc., is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Ms. Jessica Caldwell of Harold E. Pellow & Associates, Inc., for services as Town Planner for calendar year 2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ms. Caldwell, at Harold E. Pellow & Associates, Inc.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #284-2011*

FORGIVE REAL ESTATE TAXES FOR 20 TRINITY STREET

WHEREAS, BLD, LLC owns a certain property known as 20 Trinity Street, shown on the Newton Tax Map as Block 716, Lot 23; and

WHEREAS, Block 716, Lot 23 is being utilized by the Parking Authority of the Town of Newton and managed by said Parking Authority for public parking purposes under the Agreement between the Town of Newton and BLD, LLC; and

WHEREAS, the Town of Newton's Tax Assessor has stated that the property does not meet the guidelines for tax exemption and that the taxes should be forgiven on an annual basis by the Tax Collector;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for the tax year 2011 in the amount of \$65.20 for Block 716 Lot 23 also known as 20 Trinity Street be forgiven; and

BE IT FURTHER RESOLVED, that the Tax Collector is here by authorized to forgive said taxes in the amount of \$65.20 for the tax year 2011 on Block 716, Lot 23.

RESOLUTION #285-2011*

AUTHORIZE THE CANCELLATION OF ERRONEOUS 2010 YEAR END PENALTY

WHEREAS, on January 1, 2011 the Tax Assessor deleted Block 303, Lot 26.02 also known as 128 Water Street and owned by 206 & North Park Drive/Walgreens and re-established a new Block and Lot as the result of a subdivision; and

WHEREAS, Block 303, Lot 26.02 was assessed, according to N.J.S.A. 54:4-67 a 6% year end penalty in the amount of \$ 2,268.46; and

December 28, 2011

WHEREAS, this year end penalty was assessed in error since the records were transferred to the new Block 303, Lot 26.02; Qualifier CBLD and paid by the due date for said Block and Lot;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the Tax Collector remit (cancel) said year end penalty; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to remit (cancel) said year end penalty in the amount of \$ 2,268.46.

RESOLUTION #286-2011*

AUTHORIZE REFUND OF ADDITIONAL REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 803, LOT 3

WHEREAS, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 803, Lot 3, also known as 20 E Clinton Street, for 2008 delinquent taxes and water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1307, and was sold to US Bank Cust/Sass Muni V dtr for 0% redemption rate and a premium in the amount of \$53,000.00; and

WHEREAS, Fulton Bank of New Jersey, Financial Institution for said property, has effected the redemption of Certificate #1307 in the amount of \$245,072.29 on December 13, 2011; and

WHEREAS, during an audit of the redemption amount it was determined that US Bank Cust/Sass Muni V dtr is due an additional amount of \$438.60 to complete this redemption;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust/Sass Muni V dtr is entitled to an additional redemption amount of \$438.60; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$438.60 to US Bank Cust/Sass Muni V dtr, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION #287-2011*

REAPPOINTMENT OF ROBERT CAFFREY TO THE UTILITY ADVISORY BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Robert Caffrey is hereby reappointed to a five-year term on the Utility Advisory Board, effective January 1, 2012 and continuing through December 31, 2016.

RESOLUTION #288-2011*

REAPPOINTMENT OF DR. JOHN FORD TO THE ADVISORY BOARD OF HEALTH

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. John Ford is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2012 and continuing through December 31, 2016.

RESOLUTION #289-2011*

REAPPOINTMENT OF DAVID STEINBERG TO THE HISTORIC PRESERVATION ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that David Steinberg is hereby reappointed to a four (4) year term on the Historic Preservation Advisory

December 28, 2011

Commission as a Class C member effective January 1, 2012 with said term continuing to December 31, 2015.

RESOLUTION #290-2011*

REAPPOINTMENT OF KENNETH EDWARDS TO THE NEWTON PARKING AUTHORITY

BE IT RESOLVED by the Town Council of the Town of Newton that Kenneth Edwards is hereby reappointed to a full five-year term on the Newton Parking Authority, effective January 1, 2012 and continuing through December 31, 2016.

RESOLUITON #291-2011*

REAPPOINTMENT OF DR. CRYSTAL CLARK, DANIEL HAYEK, EVIN JOICE AND JOHN ZWAHL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED, by the Town Council of the Town of Newton that Dr. Crystal Clark, Daniel Hayek, Evin Joice and John Zwahl are each hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2012 and continuing through December 31, 2014.

RESOLUTION #292-2011*

REAPPOINTMENT OF DANIEL FLYNN, KENT HARDMEYER AND BARBARA MATTINGLY TO THE NEWTON PLANNING BOARD

BE IT RESOLVED, by the Town Council of the Town of Newton that Daniel Flynn, Kent Hardmeyer and Barbara Mattingly are each hereby reappointed to the Newton Planning Board, effective January 1, 2012 as follows:

- a. Daniel Flynn – Regular Member, four (4) year appointment expiring on December 31, 2015.
- b. Kent Hardmeyer – Alternate Member #2, two (2) year appointment expiring on December 31, 2013.
- c. Barbara Mattingly - Alternate Member #4, two (2) year appointment expiring on December 31, 2013.

RESOLUTION #293-2011*

APPOINTMENT OF THE CHIEF FINANCIAL OFFICER FOR THE TOWN OF NEWTON

WHEREAS, NJSA 40A:9-140.1 et seq. sets forth the establishment of the Chief Financial Officer position, qualifications, appointment, and reappointment; and

WHEREAS, Resolution #63-2008 appointed Dawn L. Babcock to serve as Chief Financial Officer for the Town of Newton effective April 28, 2008; and

WHEREAS, Dawn L. Babcock meets all the necessary qualifications to be reappointed as set forth by the Division of Local Government Services including holding Certified Municipal Finance Officer License #O-0105.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton that Dawn L. Babcock is hereby reappointed to serve as Chief Financial Officer for the Town of Newton effective January 1, 2012.

RESOLUTION #294-2011*

TO CANCEL CURRENT APPROPRIATION BALANCES – UNEXPENDED EMERGENCY APPROPRIATION – HURRICANE IRENE

WHEREAS, the Town of Newton received approval from the Division of Local Government Services on November 1, 2011 for an Emergency Application – NJSA 40A:4-46 in the amount of \$65,000.00 for Hurricane Irene Damages as requested per Resolution #222-2011; and

December 28, 2011

WHEREAS, costs totaling \$32,830.62 have been charged to this emergency and there remains unexpended balances totaling \$32,169.38 as follows:

| | |
|---|-------------|
| Road Repair-Hurricane Irene, Salaries and Wages A/C#1080199 | \$ 7,816.13 |
| Road Repair-Hurricane Irene, Other Expenses A/C# 1080299 | \$24,353.25 |

WHEREAS, per NJSA 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the above listed unexpended balances of the Current Fund be canceled to Current Operations.

RESOLUTION #295-2011*

REFUND HOMESTEAD REBATE CREDIT

WHEREAS, Block 1108, Lot 9 also known as 92 Trinity Street and owned by Smith, Roy R. and Charlene are entitled to the Homestead Rebate Credit which was applied to the 2nd quarter 2011 Real Estate Taxes by the State of New Jersey; and

WHEREAS, Block 1108, Lot 9 was granted a Disabled Veteran Real Estate Tax exemption on said property effective March 17, 2010 by Scott Holzhauer, Tax Assessor; and

WHEREAS, on March 16, 2011 the Tax Collector received the Homestead Rebate Credit from the State of New Jersey and said credit was applied in accordance with the State's guidelines; and

WHEREAS, since this property is now tax exempt and no taxes are currently due the Homestead Rebate Credit in the amount of \$215.58 is to be refunded to Smith, Roy R. and Charlene;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$215.58 to be refunded to Smith, Roy R. and Charlene, 92 Trinity Street, Newton, NJ 07860.

RESOLUTION #296-2011*

APPOINTMENT OF VARIOUS ATTORNEYS FOR CALENDAR YEAR 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, said professional services will be needed by the Town of Newton during calendar year 2012, 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:

December 28, 2011

Jonathan E. McMeen, Esq., of
Laddey, Clark & Ryan, LLC

Municipal Prosecutor

William Baker, Esq., of
Scarinci & Hollenbeck, LLC

Environmental Attorney

Fredric M. Knapp, Esq., of
Knapp, Trimboli & Prusinowski, LLC

Labor Relations Attorney

James P. Sloan, Esq.
Attorney at Law

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.

RESOLUTION #297-2011*

AUTHORIZE EXECUTION OF AGREEMENTS TO PROVIDE 9-1-1 DISPATCHING SERVICES FOR CALENDAR YEARS 2012, 2013, AND 2014

WHEREAS, the Town of Newton as Pubic Safety Answering Point provides dispatching services for various Municipalities within the County of Sussex; and

WHEREAS, agreements have been negotiated between the Town of Newton and various municipalities for 9-1-1 dispatching services for calendar years 2012, 2013 and 2014, with said agreements outlining the obligations of each of the parties and stipulating certain payments to be made to the Town of Newton for providing dispatching services; and

WHEREAS, those various municipalities each desire to renew or entertain an their agreement with the Town of Newton for said services and agree to pay the following:

| Municipality | 2012 | 2013 | 2014 |
|---------------------|-------------|-------------|-------------|
| Branchville Borough | 14,573.00 | 14,865.00 | 15,162.00 |
| Frankford Township | 76,186.00 | 77,710.00 | 79,264.00 |
| Fredon Township | 32,357.00 | 33,004.00 | 33,664.00 |
| Hampton Township | 59,434.00 | 60,623.00 | 61,835.00 |
| Lafayette Township | 36,000.00 | 36,720.00 | 37,454.40 |
| Montague Township | 47,617.00 | 48,569.00 | 49,540.00 |
| Sandyston Township | 18,704.00 | 19,078.00 | 19,460.00 |
| Stillwater Township | 55,000.00 | 56,100.00 | 57,222.00 |
| Walpack Township | 4,017.00 | 4,097.00 | 4,179.00 |

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement with each of the municipalities listed above to provide 9-1-1 Dispatching Services for the Calendar Years 2012, 2013 and 2014.

BE IT FURTHER RESOLVED that one fully executed original of each agreement shall be retained by the Town of Newton and the remaining originals shall be returned to the respective municipalities.

RESOLUTION #298-2011*

TO CANCEL PUBLIC ASSISTANCE TRUST FUND 1 BALANCE TO THE CURRENT FUND

WHEREAS, the Town of Newton had created and maintained a Public Assistance Trust Fund I to meet the needs of public assistance; and

December 28, 2011

WHEREAS, the County of Sussex assumed these responsibilities prior to the year 2004; and

WHEREAS, the balance in the account is \$7,384.12 and there has been no change in this balance since December 2003; and

WHEREAS, the Town Auditor has advised the Town Manager that it would be advisable to cancel this Trust fund since it is no longer used; and

WHEREAS, the Town of Newton includes a line item appropriation in its annual Current Budget of \$1.00 which would permit a transfer into this line item pursuant to state statutes should funding become necessary;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that we hereby cancel the following Public Assistance I balance in the amount of \$7,384.12 to Current Fund Balance.

RESOLUTION #299-2011*

TO CANCEL CURRENT APPROPRIATION BALANCES

WHEREAS, the following Current Fund 2011 budget appropriation balances remain unexpended:

| | |
|---|-------------|
| Fire Prevention Salaries and Wages A/C#1071100 | \$8,300.00 |
| Interlocal Municipal Service Agreements – State | |
| Uniform Construction Code Agreement A/C#1094796 | \$10,000.00 |

WHEREAS, per NJSA 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the above listed unexpended balances of the Current Fund be canceled to Current Operations.

RESOLUTION #300-2011*

AUTHORIZE AN AGREEMENT WITH HOLZHAUER & HOLENSTEIN, LLC FOR APPRAISAL SERVICES FOR DEFENSE OF STATE LEVEL TAX APPEALS

WHEREAS, various tax appeals have been filed with the State of Newton Jersey related to several real properties within the Town of Newton; and

WHEREAS, appraisal services 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 Town of Newton advertised a Request for Proposals for the services of a qualified Appraiser; and

WHEREAS, Michael Holenstein of Holzhauer & Holenstein, LLC., has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of all submitted proposals by the RFP Review Committee, the Governing Body has determined that Michael Holenstein of Holzhauer & Holenstein, LLC., is the best candidate for the position; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Michael Holenstein of Holzhauer & Holenstein, LLC., for services as Appraiser for calendar year

2012; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Michael Holenstein of Holzhauer & Holenstein, LLC.; and

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #301-2011*

REAPPOINTMENT OF MUNICIPAL JUDGE, HON. JOHN E. MULHERN, ESQ.

BE IT RESOLVED by the Town Council of the Town of Newton that the Hon. John E. Mulhern, Esq. be hereby reappointed to another 3-year term as Municipal Judge effective January 1, 2012 and continuing through December 31, 2014.

RESOLUTION #302-2011*

AUTHORIZE LICENSE AGREEMENT WITH THE SUSSEX COUNTY CHAPTER OF THE RED CROSS

WHEREAS, the Sussex County Chapter of the American Red Cross has requested to park three (3) of their emergency response vehicles at the Town of Newton Municipal Building parking lot located at 39 Trinity Street; and

WHEREAS, the American Red Cross must maintain current registration, insurance and inspection per motor vehicle standards and place the vehicles in specifically designated locations marked for the parking of these vehicles at the Municipal Building parking lot;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that a License Agreement be executed by the Mayor and Clerk to permit the parking of three (3) emergency response vehicles for the Sussex County Chapter of the American Red Cross at the designated locations at the Municipal Building parking lot.

RESOLUTION #303-2011*

APPOINTMENT OF KEITH MITCHELL OF THE MITCHELL INSURANCE AGENCY AS INSURANCE AGENT

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 2012;

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, 2012 for the following insurance policies:

- | | |
|----------------------------|------------------|
| a) Package | SIF2012-07860NEW |
| b) Workers' Compensation | WC1207860NEW |
| c) Umbrella Policy | S1730038 |
| d) Fire Accident Insurance | VFP 4331-2338D1 |
| e) Fire Life Insurance | G001047-0001 |

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.

RESOLUTION #304-2011*

AUTHORIZE AGREEMENT FOR CERTAIN LEGAL SERVICES ADOPTED BY THE TOWN OF NEWTON FOR CALENDAR YEAR 2012

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds of the Town of Newton, in the County of Sussex, New Jersey (the "Town"), including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community and providing advice and assistance in connection with the Town's redevelopment activities; and

WHEREAS, such special bond counsel services can be provided only by a recognized Bond Counsel firm, and the law firm of McManimon & Scotland, L.L.C., Newark, New Jersey is so recognized by the financial community, and the firm has special background, experience and expertise in providing legal advice in connection with redevelopment activities; and

WHEREAS, funds are or will be available for this purpose; and

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, L.L.C., Newark, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds by the Town and advice and assistance in connection with the Town's redevelopment activities in accordance with an Agreement dated as of January 1, 2012 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. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Town.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the *NJ Herald*.

RESOLUTION #305-2011*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNT

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

Credit for Penalty Charged Erroneously

| <u>Account</u> | <u>Address</u> | <u>Amount</u> |
|----------------|----------------|---------------|
| 10457 | 39 Main Street | \$33.00 |

RESOLUTION #306-2011*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

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

TOWN BILLS

| | | |
|-----------|---------------------------------------|-------|
| 75.00 | The Plaza Restaurant | 29641 |
| 377.81 | Montague Tool & Supply | 29642 |
| 100.00 | MGL Printing Solutions | 29643 |
| 913.00 | Harold Pellow & Assoc., Inc. | 29644 |
| 333.54 | Aurora Electrical Supply | 29645 |
| 93.75 | Sussex Car Wash Inc. | 29646 |
| 1,798.32 | NUI Corporation | 29647 |
| 4,530.59 | JCP&L | 29648 |
| 118.30 | New Jersey Herald | 29649 |
| 4,399.83 | SCMUA | 29650 |
| 261.97 | Centurylink Communications, Inc. | 29651 |
| 8.27 | Centurylink Communications, Inc. | 29652 |
| 160.00 | Centurylink Communications, Inc. | 29653 |
| 2,783.40 | Centurylink Communications, Inc. | 29654 |
| 4,932.00 | Hollander, Strelzik, Pasculli, Hinkes | 29655 |
| 67.27 | Federal Express | 29656 |
| 1,054.88 | Hayek's Market Inc. | 29657 |
| 5,675.00 | Newton First Aid Squad | 29658 |
| 5,000.00 | Dog Reserve Account | 29659 |
| 950.95 | Willco, Inc. | 29660 |
| 94.70 | Treasurer, Petty Cash Fund | 29661 |
| 160.00 | NJLM | 29662 |
| 340.00 | Galls Incorporated | 29663 |
| 20,000.00 | Trust Account, Town of Newton | 29664 |
| 126.00 | Warnock Fleet & Leasing | 29665 |
| 345.00 | Rutgers Contin Ed Cook College | 29666 |
| 56.24 | Weis Markets | 29667 |
| 129.01 | Zee Medical | 29668 |
| 15,700.00 | SUI Account | 29669 |
| 1,227.15 | Dempsey Uniform & Supply, Inc. | 29670 |
| 18.98 | Debra Millikin | 29671 |
| 6.98 | Airgas East | 29672 |
| 575.70 | L-3 Comm. Mobile-Vision | 29673 |
| 45.99 | Sirchie Finger Print Labs | 29674 |
| 1,220.48 | Boonton Tire Supply | 29675 |
| 30.00 | Sussex & Warren Tax Col. Assoc. | 29676 |
| 1,522.35 | Verizon Wireless | 29677 |
| 619.00 | State Chemical | 29678 |
| 2,065.00 | Accurate Door, Inc. | 29679 |
| 187.71 | Petro-Mechanics, Inc. | 29680 |
| 69.15 | Walmart | 29681 |
| 75.42 | Mr. John | 29682 |
| 62.04 | Advance Auto Parts | 29683 |
| 2,278.35 | Fire & Safety Services, LTD. | 29684 |
| 17.94 | Carquest | 29685 |
| 646.09 | Rogo Fastener Co., Inc. | 29686 |
| 551.00 | Thomson West | 29687 |
| 956.19 | Sussex County Mailing Service | 29688 |
| 760.10 | Universal Uniform | 29689 |
| 1,896.33 | Staples Business Advantage | 29690 |
| 10.20 | Language Line Service | 29691 |

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| | | |
|--------------|-------------------------------------|--------|
| 354.90 | Dominick's Pizza | 29692 |
| 763.97 | Pinnacle Wireless FBO Unitek Global | 29693 |
| 3,062.93 | Rachles/Michele's Oil Company | 29694 |
| 698.19 | W.B. Mason | 29695 |
| 472.81 | Ferguson Enterprises, Inc. | 29696 |
| 168.00 | Jersey Central Power & Light | 29697 |
| 469.80 | Penteledata | 29698 |
| 1,893.43 | Woodruff Energy | 29699 |
| 151.76 | Action Data Services, Inc. | 29700 |
| 168.75 | Dowrite | 29701 |
| 736.30 | Eas by Ads | 29702 |
| 70.00 | Sonia Barria | 29703 |
| 935.52 | Standard Fusee Corp. | 29704 |
| 215.58 | Roy R. & Charlene Smith | 29705 |
| 462.28 | Trust Account, Town of Newton | 111066 |
| 1,099,099.00 | Newton Board of Education | 111067 |
| 201,720.61 | Payroll Account | 111086 |

CAPITAL

| | | |
|-----------|---------------------------------------|------|
| 73.50 | New Jersey Herald | 7832 |
| 1,044.00 | Hollander, Strelzik, Pasculli, Hinkes | 7833 |
| 7,708.47 | McManimon & Scotland | 7834 |
| 145.83 | Sherwin-Williams | 7835 |
| 1,633.52 | Tony's Concrete Constr. Co., Inc. | 7836 |
| 1,268.30 | W. B. Mason | 7837 |
| 801.21 | Glenco Supply Inc. | 7838 |
| 18,380.49 | Manor II Electric | 7839 |
| 125.44 | ASCAP Landscape & Construction Corp. | 7840 |

Total TOWN BILLS \$1,428,052.17

WATER AND SEWER ACCOUNT

| | | |
|------------|-------------------------------------|-------|
| 2,154.22 | MWH Americas, Inc. | 12590 |
| 575.60 | NUI Corporation | 12591 |
| 1,780.30 | JCP&L | 12592 |
| 384.25 | Pumping Services | 12593 |
| 774.50 | SCMUA | 12594 |
| 14.00 | Paul M. Havens | 12595 |
| 7,999.20 | Coyne Chemical Corp., Inc. | 12596 |
| 31.66 | Centurylink Communications, Inc. | 12597 |
| 1,245.54 | Centurylink Communications, Inc. | 12598 |
| 860.00 | Garden State Laboratories, Inc. | 12599 |
| 127.12 | Hamburg Plumbing Supply Co., Inc. | 12600 |
| 22,390.00 | Willco, Inc. | 12601 |
| 13.18 | Water & Sewer Petty Cash Fund | 12602 |
| 94.50 | American Water Works Assoc. | 12603 |
| 750.00 | Cosper Environmental Services, Inc. | 12604 |
| 252,959.15 | Water & Sewer Capital Account | 12605 |
| 51,178.00 | Water & Sewer Capital Account | 12606 |
| 20,000.00 | Trust Account, Town of Newton | 12607 |
| 10,037.19 | Sussex County Sheriff Dept. | 12608 |
| 4,000.00 | SUI Account | 12609 |
| 675.35 | Dempsey Uniform & Supply Inc. | 12610 |
| 143.49 | Airgas East | 12611 |
| 7,235.00 | Treasurer, State of New Jersey | 12612 |
| 2,265.00 | Albert L. Westra | 12613 |
| 169.88 | Verizon Wireless | 12614 |
| 370.00 | New Jersey Water Association | 12615 |
| 1,946.20 | Airmatic Compressor Systems, Inc. | 12616 |
| 957.95 | Process Tech Sales and Service | 12617 |
| 962.00 | Andy Matt, Inc. | 12618 |
| 3,812.80 | Accurate Waste Removal | 12619 |

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|-----------|--------------------------------------|--------|
| 139.90 | Penteledata | 12620 |
| 155.68 | One Call Concepts | 12621 |
| 560.48 | Woodruff Energy | 12622 |
| 866.99 | Capital Supply Const. Products, Inc. | 12623 |
| 496.29 | State of New Jersey-PWT | 12624 |
| 34,166.81 | Payroll Account | 116044 |

CAPITAL

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

Total WATER & SEWER BILLS \$445,715.22

TRUST ACCOUNT

| | | |
|-----------|---------------------------------------|------|
| 3,279.00 | Harold Pellow & Assoc., Inc. | 2960 |
| 1,764.00 | Hollander, Strelzik, Pasculli, Hinkes | 2961 |
| 20,000.00 | Current Account | 2962 |
| 965.00 | Current Account | 2963 |
| 990.00 | Vogel, Chait, Collins, Schneider, PC | 2964 |
| 230.00 | Ferriero Engineering Inc. | 2965 |

Total TRUST ACCOUNT BILLS \$27,228.00

DEVELOPER ESCROW ACCOUNT

| | | |
|----------|--------------------------------------|------|
| 1,017.25 | Harold Pellow & Assoc., Inc. | 1072 |
| 270.00 | Vogel, Chait, Collins, Schneider, PC | 1073 |

Total DOG RESERVE ACCOUNT BILLS \$1,287.25

RESOLUTION #307-2011*

TO CANCEL OUTSTANDING CHECKS IN VARIOUS FUNDS

WHEREAS, there are checks which have not been cashed in the following Town of Newton funds; and

WHEREAS, those checks have been reviewed to determine if they should be canceled to fund balance so as not to be required to escheat them to the State of New Jersey;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that the following outstanding checks are hereby canceled:

Current Fund

#27767 \$250.00 10/25/2010 Morris County Police Chief Assoc

Trust Fund

#2837 \$305.00 12/13/2010 Owl Contracting

Dog Trust Fund

#8520 \$ 10.00 2/14/2011 Manfred Haertig

Payroll Fund

#43135 \$771.81 7/24/2008 Brian Hough
 #43596 \$161.43 9/04/2008 Erin Henegan
 #43972 \$4.50 10/30/2008 Michael Willey
 #2027 \$11.23 5/13/2010 Chris Nichols
 \$948.97

RESOLUTION #308-2011*

APPROVE 2011 APPROPRIATION TRANSFERS

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

| <u>From</u> | <u>To</u> | <u>Amount</u> |
|--------------------------------------|-----------------------------------|---------------------------|
| <u>CURRENT</u> | | |
| Group Health Insurance OE 1066201 | Other Insurance OE 1069201 | \$10,000.00 |
| Group Health Insurance OE 1066201 | Accumulated Absence OE 1094400 | 17,000.00 |
| TOTAL CURRENT TRANSFERS | | <u>\$27,000.00</u> |

RESOLUTION #309-2011*

ADOPTION OF THE TEMPORARY OPERATING BUDGET AND TEMPORARY WATER AND SEWER BUDGET FOR 2011

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2012; and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the preceding year's Budget;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2012 Temporary Operating Budget and the 2012 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2012 Annual Municipal Budget and the 2012 Water and Sewer Utility Budget.

2012 TOWN OF NEWTON TEMPORARY OPERATING BUDGET

| <u>BUDGETARY ACCOUNT</u> | | <u>ACCOUNT NO.</u> | <u>2012 TEMPORARY BUDGET</u> |
|--------------------------|-------|--------------------|--------------------------------------|
| Town Manager's Office | S&W | 1050101 | \$ 30,000 |
| | OE | 1050226 | 18,000 |
| Town Clerk's Office | S&W | 1051101 | 30,000 |
| | OE | 1051201 | 3,000 |
| Town Council | S&W | 1052103 | 4,000 |
| | OE | 1052244 | 1,800 |
| Human Resources | S&W | 1053103 | 4,000 |
| | OE | 1053247 | 1,000 |
| Elections | OE | 1053244 | 2,500 |
| Financial Administration | S&W | 1054101 | 16,000 |
| | OE | 1054226 | 3,500 |
| | AUDIT | 1054300 | 1,000 |
| Assessment of Taxes | S&W | 1055103 | 10,000 |
| | OE | 1055216 | 3,000 |
| Collection of Taxes | S&W | 1056101 | 14,000 |
| | OE | 1056226 | 3,000 |
| Legal Services and Costs | S&W | 1058100 | 1 |
| | OE | 1058200 | 30,000 |
| Municipal Court | S&W | 1059101 | 36,000 |
| | OE | 1059226 | 3,000 |
| Engineering Services | OE | 1060216 | 5,000 |
| Buildings and Grounds | S&W | 1061101 | 1,000 |
| | OE | 1061255 | 30,000 |

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| | | | |
|--|-----|---------|---------|
| Planning | S&W | 1062100 | 11,000 |
| | OE | 1062216 | 6,000 |
| Historic Commission | OE | 1063201 | 300 |
| Community Development | S&W | 1064101 | 15,000 |
| | OE | 1064216 | 3,000 |
| Industrial Commission | OE | 1065200 | 0 |
| Shade Tree Commission | OE | 1065300 | 475 |
| Economic Dev. Commission | OE | 1065400 | 1,000 |
| Employee Group Insurance | OE | 1066200 | 310,000 |
| Health Benefit Waiver | OE | 1066300 | 4,000 |
| Workers' Compensation Ins. | OE | 1067200 | 45,000 |
| Surety Bond Premiums | OE | 1068200 | 0 |
| Liability and Other Insurance | OE | 1069200 | 110,000 |
| Fire | OE | 1070212 | 5,000 |
| Aid to Volunteer Fire Cos. | OE | 1072200 | 0 |
| Police | S&W | 1074111 | 731,000 |
| | OE | 1074223 | 30,000 |
| Communications Center | OE | 1074326 | 0 |
| Parking Meter Maintenance | S&W | 1075100 | 2,000 |
| | OE | 1075271 | 0 |
| First Aid Organization | OE | 1076200 | 7,000 |
| Inspection of Buildings | S&W | 1077101 | 10,000 |
| | OE | 1077247 | 2,500 |
| Emergency Management | S&W | 1078100 | 1,300 |
| | OE | 1078246 | 2,000 |
| Road Repair & Maintenance | S&W | 1080101 | 180,000 |
| | OE | 1080259 | 15,000 |
| Road Machinery Repair & Maintenance | OE | 1080326 | 10,000 |
| Snow Removal | S&W | 1081101 | 40,000 |
| | OE | 1081239 | 50,000 |
| Stormwater/Flood | OE | 1082216 | 4,000 |
| Recycling/Sanitation | S&W | 1083101 | 500 |
| | OE | 1083269 | 10,000 |
| Vehicle Maintenance | OE | 1083380 | 25,000 |
| Board of Health | OE | 1084252 | 500 |
| Occupational Health(PEOSHA) | S&W | 1085100 | 1,000 |
| | OE | 1085200 | 1,000 |
| Recreation | SW | 1087100 | 4,000 |
| | OE | 1087200 | 1,000 |
| Utilities/Bulk Purchases | OE | 1089225 | 110,000 |
| Swimming Pool | S&W | 1090100 | 1,000 |
| | OE | 1090207 | 2,000 |
| Parks and Playgrounds | S&W | 1091101 | 25,000 |
| | OE | 1091218 | 8,000 |
| Celebration of Public Events | OE | 1092200 | 2,000 |
| Senior Citizen Programs | S&W | 1093100 | 8,000 |
| | OE | 1093272 | 500 |
| Spring Street Contribution | OE | 1094300 | 2,000 |
| Length of Service Awards | OE | 1094500 | 0 |
| Aid to Dennis Mem. Library | OE | 1094200 | 0 |
| Recycling Tax O/S Cap | OE | 1094550 | 200 |
| Interlocal Parking Authority | S&W | 1094710 | 18,000 |
| Interlocal 911 – Cencom | S&W | 1094730 | 150,000 |
| | OE | 1094746 | 32,000 |
| Interlocal 911 – Misc Oper. | SW | 1094770 | 5,000 |
| Public Employee Retire. Sys. | OE | 1098296 | 0 |
| Police & Fire Retirement Sys. | OE | 1098297 | 0 |
| Def. Contrib. Retire System | OE | 1098294 | 500 |
| Social Security System | OE | 1098298 | 62,300 |
| Unemployment | OE | 1098299 | 1,000 |

TOTAL 2012 TEMPORARY OPERATING BUDGET \$ 2,315,876
 (Subject to 26.25% increase)

APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE

| | | | |
|-------------------------|---------------------------|---------|---------|
| | Public & Private Programs | | |
| Offset by Revenues: | | | |
| NJ Safe & Secure-Police | S&W | 1094811 | 20,000 |
| Capital Improvements | OE | 1095200 | 100,000 |
| Debt Service | OE | 1096200 | 500,000 |

2012 TEMPORARY BUDGET CALCULATION

| | |
|-----------------|--------------------------------------|
| \$ 10,405,714. | Total 2011 Budget |
| 1,296,122. | Less: Debt (principal & interest) |
| 124,000. | Less: Capital Improvements |
| <u>163,198.</u> | Less: Public & Private Programs |
| \$8,822,394. | Amount on which % is applied |
| | Percentage increase allowed by state |
| x <u>.2625</u> | |
| \$ 2,315,878. | Allowable 2012 Temporary Budget |

| | | |
|------------------------|----------------|---------------|
| Salaries and Wages | \$ 809,015 | \$ 240,000 |
| Other Expenses | 1,641,620 | 400,000 |
| Public Employee | | |
| Retirement System | 13,060 | |
| Unemployment | 4,000 | 0 |
| Social Security System | <u>61,000</u> | <u>23,782</u> |
| | \$ 2,528,695 | \$ 663,782 |
| | x <u>.2625</u> | |
| | \$ 663,782 | |

TOTAL 2012 TEMPORARY WATER & SEWER BUDGET \$ 663,782

TOTAL 2012 TEMPORARY W&S CAPITAL IMPR BUDGET \$ 150,000

TOTAL 2012 TEMPORARY W&S DEBT SERVICE BUDGET \$ 300,000

The Deputy Clerk presented an application for a Social Affair from Karen Ann Quinlan Memorial Foundation, 99 Sparta Avenue, Newton to be held on Sunday, January 22, 2012 from 6:00 p.m. to 10:00 p.m. at Krave Café & Caterers, 102 Sparta Avenue, Newton. It was noted that the Application was in order and signed by the Chief of the Police Department.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS WITH CORRECTIONS**, seconded by Deputy Mayor Diglio and roll call resulted as follows:

December 28, 2011

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

INTERMISSION (None)

DISCUSSION

Mr. Ricciardo had a question regarding the Fund Balance which was addressed by Mrs. Babcock, CFO.

OPEN TO THE PUBLIC

Mrs. Thea Unhoch, 17 Condit Street, Newton, indicated that several participants of the House Decorating contest suggested a prize for second and third place.

COUNCIL & MANAGER COMMENTS

Mayor Le Frois wished everyone a Happy New Year and thanked the members of the staff, volunteers, professional services for their dedicated work this year. Mayor Le Frois stated it was a great year, and 2012 will be just as productive.

Mayor Le Frois directed Mr. Russo to send the Council's regards to the staff for a wonderful, happy, safe, and prosperous new year.

There being no further business to be conducted, upon motion of Mr. Ricciardo, seconded by Deputy Mayor Diglio and unanimously carried, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Irene M. O'Connor
Deputy Municipal Clerk