

**RESOLUTION**  
Of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2018-165

Council Meeting Date: 06-25-2018

Date Adopted: 06-25-2018

TITLE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2018 BUDGET PURSUANT OF N.J.S. 40A:4-87 CHAPTER 159, P.L. 1948, MUNICIPAL COURT ALCOHOL EDUCATION

Councilperson Kapner submitted the following resolution, which was duly seconded by Councilperson Geoffroy.

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of item of revenue in the Budget of 2018 in the sum of \$1,025.25, which item is now available as revenue from the State of New Jersey, Alcohol Education Rehabilitation & Enforcement Fund.

BE IT FURTHER RESOLVED that that a like sum, be and the same is hereby appropriated under the captions of:

Municipal Court Alcohol Education Grant	\$ 1,025.25
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BE IT FURTHER RESOLVED, that this resolution be filed with the Director of Local Government Services.

APPROVED, this 25<sup>th</sup> day of June, 2018.

## RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GENNARO	X			
GEOFFROY	X			
KAPNER	X			
MADDEN			X	
MUÑOZ			X	
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 25<sup>th</sup> day of June, 2018.

Wendi B. Barry, Borough Clerk



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**GLENN A. GRANT, J.A.D.**  
Acting Administrative Director of the Courts

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**MEMORANDUM**

**To: Municipal Treasurer**  
**From: Glenn A. Grant, J.A.D.**   
**Subj: Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund – N.J.S.A. 26:2B-35(b)(3)**  
**Date: May 21, 2018**

A municipality is eligible to receive funds from the “Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund” if the number of DWI arrests made in the municipality during 2017 was greater than the number of DWI arrests made in the municipality during the statutorily assigned base year. N.J.S.A. 26:2B-35.

The Administrative Office of the Courts is responsible for collecting these statistics and calculating the amount each municipality receives from the Fund. An analysis of your municipality’s base year figure and its 2017 DWI arrests indicate that your municipality qualifies to receive such funds this year. The Department of the Treasury will soon issue a check to your municipality in accordance with the statutory formula in the amount set forth on the attached sheet. We have been advised by Treasury that those checks are to be mailed out to the municipalities during the week of June 11, 2018.

Those municipalities receiving funds should be cognizant that the statute expressly provides that these funds be used solely for the purpose of maintaining the Municipal Courts in their efforts to dispose of DWI cases. This includes “payments to municipal court judges, municipal prosecutors and other municipal court personnel for work performed in addition to regular employment hours.” N.J.S.A. 26:2B-35(b). To assist you in budgeting these funds, please refer to the attached August 20, 1985 memorandum from the Division of Local Government Services. That memorandum indicates that “municipalities may budget such funds as they would a categorical grant-in-aid” (see N.J.S.A. 40A:4-67). As with other such grants, “these funds are to be appropriated as an exception to the Cap Law.” As noted, however, use of these funds is restricted to the statutorily specified areas, i.e., for the maintenance of the Municipal Courts. The monies are not intended to replace amounts normally budgeted to fund the operation of a Municipal Court, but rather should be viewed as funding only for the court’s additional DWI-related work.

Additionally, please keep in mind the policy that I promulgated on May 18, 2009, requiring preapproval of the Assignment Judge before the expenditure of any DWI Fund monies (as well as P.O.A.A. monies). Please do not hesitate to contact your municipal court judge or municipal court administrator if you have any questions regarding the preapproval policy.

Any questions on this subject should be directed to Steven A. Somogyi, Assistant Director, Municipal Court Services Division, at (609) 815-2940 ext. 54850.

**Attachments**

- c: Chief Justice Stuart Rabner (w/o attachments)
- Assignment Judges (w/o attachments)
- Presiding Judges – Municipal Court (w/attachments)
- Municipal Court Judges (w/attachments)
- Timothy Cunningham, Director, Div. of Local Government Services (w/o attachments)
- Steven D. Bonville, Chief of Staff (w/o attachments)
- Jennifer M. Perez, Director (w/o attachments)
- Steven Somogyi, Assistant Director, MCSD (w/o attachments)
- Trial Court Administrators (w/o attachments)
- Melaney S. Payne, Special Assistant (w/o attachments)
- Anne Marie Fleury, Special Assistant (w/o attachments)
- Jessica Lewis Kelly, Special Assistant (w/o attachments)
- Tina LaLena, Chief, MCSD (w/o attachments)
- Jorge F. Carmona, Municipal Auditor, NJ Div. of Local Government Services (w/o attachments)
- Municipal Division Managers (w/attachments)
- Municipal Court Directors and Administrators (w/attachments)

Anticipated Money	Court Code	Municipality	DWI Filings Base Year	2017 DWI Filings	Difference
\$0.00	1917	SANDYSTON TWP	51	13	-38
\$73.23	1918	SPARTA TWP	75	76	1
\$0.00	1919	STANHOPE BORO	39	15	-24
\$0.00	1920	STILLWATER TWP	49	8	-41
\$0.00	1921	SUSSEX BORO	17	12	-5
\$0.00	1922	VERNON TWP	64	59	-5
\$219.70	1924	WANTAGE TWP	42	45	3
<b>\$3,954.55</b>		<b>SUSSEX COUNTY TOTAL</b>			
<b>UNION COUNTY</b>					
\$2,636.37	2001	BERKELEY HEIGHTS TWP	11	47	36
\$0.00	2002	CLARK TWP	74	64	-10
\$3,441.93	2003	CRANFORD TWP	48	95	47
\$2,856.07	2004	ELIZABETH CITY	111	150	39
\$0.00	2005	FANWOOD BORO	24	10	-14
\$0.00	2006	GARWOOD BORO	19	6	-13
\$366.16	2007	HILLSIDE TWP	43	48	5
\$146.46	2008	KENILWORTH BORO	29	31	2
\$0.00	2009	LINDEN CITY	166	141	-25
\$0.00	2010	MOUNTAINSIDE BORO	14	10	-4
\$1,025.25	2011	NEW PROVIDENCE BORO	17	31	14
\$0.00	2012	PLAINFIELD CITY	80	63	-17
\$0.00	2013	RAHWAY CITY	74	55	-19
\$1,464.65	2014	ROSELLE BORO	30	50	20
\$7,469.71	2015	ROSELLE PARK BORO	45	147	102
\$0.00	2016	SCOTCH PLAINS TWP	22	21	-1
\$1,904.04	2017	SPRINGFIELD TWP	55	81	26
\$512.63	2018	SUMMIT CITY	43	50	7
\$732.32	2019	UNION TWP	167	177	10
\$0.00	2020	WESTFIELD TOWN	63	50	-13
\$0.00	2021	WINFIELD TWP	3	1	-2
<b>\$22,555.59</b>		<b>UNION COUNTY TOTAL</b>			
<b>WARREN COUNTY</b>					
\$0.00	2101	ALLAMUCHY TWP	33	33	0
\$219.70	2102	ALPHA BORO	0	3	3
\$73.23	2103	BELVIDERE TOWN	9	10	1
\$0.00	2104	BLAIRSTOWN TWP	52	16	-36
\$0.00	2105	FRANKLIN TWP	29	20	-9