



AGENDA
NEWTON TOWN COUNCIL
OCTOBER 10, 2012
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- SEPTEMBER 24, 2012 REGULAR MEETING
- SEPTEMBER 24, 2012 EXECUTIVE SESSION

V. OPEN TO THE PUBLIC

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

VI. COUNCIL & MANAGER REPORTS

- a. Forestry Stewardship Plan for Morris Lake - Doug Tavella

VII. ORDINANCES

- a. INTRODUCTION

ORDINANCE 2012-24

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$10,000 FOR GEAR BOX RECONDITIONING ON 2 RBC UNITS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

ORDINANCE 2012-25

AN ORDINANCE TO AMEND SECTION 213-7 AND SECTION 100-21 OF THE CODE OF THE TOWN OF NEWTON

VIII. OLD BUSINESS

IX. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #206-2012*

WATER SEWER CAPITAL BUDGET AMENDMENT

- b. RESOLUTION #207-2012*

AUTHORIZE REFUND OF REDEMPTION OF MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 24.02, LOT 10 (FORMERLY BLOCK 1309, LOT 13.01)

- c. RESOLUTION #208-2012* APPROVAL OF A SHARED SERVICES AGREEMENT WITH WATER DISTRICT NO. 1 STILLWATER TOWNSHIP TO PROVIDE QUALIFIED PURCHASING AGENT SERVICES
- d. RESOLUTION #209-2012* AUTHORIZE TAX COLLECTOR TO REMIT (CANCEL) TAXES ON 60 MERRIAM AVENUE
- e. RESOLUTION #210-2012* APPROVAL OF RIGHTS-OF-WAY USE AGREEMENT WITH CROSS RIVER FIBER, LLC A/K/A CROSS RIVER FIBER, INC.
- f. RESOLUTION #211-2012* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- g. RESOLUTION #212-2012* RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
- h. RESOLUTION #213-2012* A RESOLUTION TO BECOME AN OFFICIAL CAMPAIGN PARTNER FOR THE ENOUGH ABUSE CAMPAIGN
- i. RESOLUTION #214-2012* AWARD CONTRACT FOR THE PROPOSED STREETScape IMPROVEMENTS TO LOWER SPRING STREET PROJECT
- j. RESOLUTION #215-2012* APPROVE BILLS AND VOUCHERS FOR PAYMENT

X. INTERMISSION

XI. DISCUSSION

- a. FEE ORDINANCE

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #216-2012 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

- 1. CONTRACT NEGOTIATIONS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE #2012-24

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$10,000 FOR GEAR BOX RECONDITIONING ON 2 RBC UNITS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1. \$10,000 is hereby appropriated from the Capital Improvement Fund in the Water Sewer Capital Fund for the reconditioning of 2 gear boxes for 2 RBC units at the Wastewater Treatment Plant in the Town of Newton, including all costs necessary therefore or incidental thereto:

Section 2. The Water Sewer Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on October 10, 2012. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on October 22, 2012, and shall take effect according to law.

Lorraine A. Read, RMC
Newton Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2012-25

AN ORDINANCE TO AMEND SECTION 213-7 AND SECTION 100-21 OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, there is a need to supplement and enhance the regulations previously adopted to include changes and adjustments to the Code of the Town of Newton as follows;

Section 213-7

Delete Existing Section 213-7 in its entirety and Replace with the Following:

Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance

- A. Certificate of Compliance Required.** Every property owner in the Town of Newton of a structure containing one or two residential dwelling units must obtain a **Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance** (“Certificate of Compliance”) prior to a change in occupancy due to sale, re-sale, rental or re-rental. In each situation in which a property owner is required to obtain a Certificate of Occupancy, as required by the Uniform Construction Code, a Certificate of Compliance shall not be required in addition to the Certificate of Occupancy.
- B. Inspection.** Every property owner requiring a Certificate of Compliance shall: (i) request an inspection by the Town of Newton on the designated form; (ii) pay the required inspection fee and (iii) provide entry to the dwelling or dwelling unit and any assistance as may be required by the inspector. The Town Manager or the Town Manager’s designated agent shall conduct the inspection upon receipt of the inspection request and payment of the fee. If the inspection reveals compliance with the smoke detector and carbon monoxide alarm requirements set forth in N.J.A.C. 5:70-4.19, or its successor regulation, and the requirement for a portable fire extinguisher as required by N.J.S.A. 52:27D-198.1 et seq. , or its successor statute, then the Town of Newton shall issue a Certificate of Compliance to the property owner.
- C. Fee.** A fee as established in § 100-21 shall accompany all applications for inspection and certificates of compliance.

Section 100-21

Replace subsection A of Section 100-21 with the following

- A. Fee for application for inspection and Certificate of Compliance:**
- i. Request for Certificate of Compliance received more than 10 business days prior to change of occupant: \$50.00;
 - ii. Request for Certificate of Compliance received four to 10 business days prior to the change of occupant: \$100.00;
 - iii. Request for Certificate of Compliance received fewer than four business days prior to the change of occupant: \$150.00.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on October 10, 2012. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on October 22, 2012, and shall take effect according to law.

Lorraine A. Read, RMC
Newton Municipal Clerk

**3 YEAR WATER SEWER CAPITAL PROGRAM 2012 - 2014
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	BUDGET APPROPRIATIONS				BONDS AND NOTES					
	ESTIMATED COST	CURRENT YEAR 2012	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
GEAR BOX RECONDITIONING FOR 2 RBC UNITS AT WWTP	10,000	0	0	10,000	0	0	0	0	0	0
TOTAL ALL PROJECTS	10,000	0	0	10,000	0	0	0	0	0	0

Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution creating the capital budget section adopted by the Governing Body on the _____ day of _____, 2012.

Certified by me:

_____ Date
Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #207-2012

October 10, 2012

“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 24.02, Lot 10 (Formerly Block 1309, Lot 13.01)”

WHEREAS, at the Municipal Tax Sale held on October 29, 2008 a lien was sold on Block 24.02, Lot 10 (Formerly Block 1309, Lot 13.01), also known as 1 Grand Avenue, for 2007 delinquent real estate taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1284, was sold to Park Finance, LLC for 1% redemption fee; and

WHEREAS, Premium Title Service, Inc., the owner's title company, has effected the redemption of Certificate #1284 in the amount of \$10,351.70;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that Park Finance, LLC is entitled to a redemption in the amount of \$10,351.70; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check, in the amount of \$10,351.70 for the redemption of Certificate #1284 to Park Finance, LLC, Po Box 109, Cedar Knolls, NJ 07927.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #208-2012

October 10, 2012

“Approval of a Shared Services Agreement with Water District No. 1 Stillwater Township to Provide Qualified Purchasing Agent Services”

WHEREAS, Water District No. 1 Stillwater Township requires the services of a Qualified Purchasing Agent on an occasional and part-time basis; and

WHEREAS; the Town of Newton is able to provide the services of a Qualified Purchasing Agent on the terms required Water District No. 1 Stillwater Township; and

WHEREAS, the State of New Jersey encourages municipalities to enter into Shared Services Agreements;

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

1. The Town of Newton approves and authorizes the execution of a Shared Services Agreement with Water District No. 1 Stillwater Township for the provision of a Qualified Purchasing Agent, in the form attached hereto.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk

**SHARED SERVICES AGREEMENT
BETWEEN
THE TOWN OF NEWTON
AND
WATER DISTRICT No. 1, STILLWATER TOWNSHIP
FOR
QUALIFIED PURCHASING AGENT**

THIS AGREEMENT (the "Agreement") is made on the later of the two signature dates set forth below between the Town of Newton ("Newton"), a municipal corporation of the State of New Jersey, with offices at 39 Trinity Street, Newton, New Jersey 07860 and Water District No. 1 in the Township of Stillwater ("Water District"), a water district of the State of New Jersey, with a mailing address of P.O. Box 71, Stillwater, New Jersey 07875. The purpose of this Agreement is for Newton, through shared services, to provide to Water District the services of a Qualified Purchasing Agent, as defined by N.J.S. 40A:11-9. To this end, Newton and Water District agree as follows:

1. This Agreement is a "Shared Services Agreement" pursuant to N.J.S. 40A:65-4 et seq. The nature and value of services contracted in this Agreement excepts this Agreement from the bidding requirements of the Local Public Contracts Law, pursuant to, inter alia, N.J.S. 40A:11-3.
2. Water District hereby contracts with Newton for the provision of the services of a Qualified Purchasing Agent ("QPA"), as defined by N.J.S. 40A:11-9, as requested from time to time by Water District. Water District shall pay Newton for the services of the QPA on an hourly basis at a rate of ONE HUNDRED DOLLARS (\$100.00) per hour.
3. Newton shall supply the services of the QPA to Water District on an as-needed and as-requested basis.
4. Each party has the right to terminate this Agreement upon 30 days prior written notice to the other.
5. This Agreement shall be interpreted pursuant to the laws of the State of New Jersey. All amendments to this Agreement must be in writing.
6. When utilizing the QPA's services, Water District assumes entire responsibility and



TOWN OF NEWTON

RESOLUTION #209-2012

October 10, 2012

“Authorize Tax Collector to Remit (Cancel) Taxes on
60 Merriam Avenue”

WHEREAS, Block 17.02, Lot 29, also known as 60 Merriam Avenue, is owned by Mr. Donald Schulz, Sr., a veteran of the United States Military; and

WHEREAS, on September 26, 2012, Mr. Scott Holzhauer, Certified Tax Assessor for the Town of Newton, in accordance with N.J.S.A. 54:4-30 which allows for 100% exemption of property taxes for a veteran who is approved by the United States Veterans Administration, has exempted taxes effective July 26, 2012; and

WHEREAS, the Tax Collector of the Town of Newton must remit (cancel) taxes for a portion of the 3rd quarter 2012, the 4th quarter 2012 as well as the 1st and 2nd quarters of 2013 in the total amount of \$7,267.94;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that said taxes for this parcel be remitted (cancelled); and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to forgive said taxes in the amount of \$7,267.94.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #210-2012

October 10, 2012

“Approval of Rights-of-Way Use Agreement with Cross River Fiber, LLC a/k/a Cross River Fiber, Inc.”

WHEREAS, Cross River Fiber, LLC, a/k/a Cross River Fiber, Inc. and d/b/a Cross River Fiber NJ Inc. (“Cross River Fiber”) is a company approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011 and Docket No. TE12040297 on June 18, 2012 and intends to provide telecommunications services in accordance with those Orders and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Cross River Fiber seeks permission from the Town of Newton to place telecommunication facilities aerially on existing utility poles or in underground conduit in the public rights-of-way with the Town of Newton for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber requires, *inter alia*, the consent of the Town of Newton for the use of existing utility poles in the Town of Newton's public rights-of-way, pursuant to N.J.S. 48:3-19; and

WHEREAS, Cross River Fiber and the Town of Newton have negotiated a Rights-of-Way Use Agreement granting such consent to Cross River Fiber and permitting the Town of Newton to be reimbursed for the actual expenses of actual services related to granting this consent, such as the reimbursement of expended attorney fees, pursuant to the terms of said agreement and pursuant to N.J.S. 54:30A-124.a;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON as follows:

1. The Town of Newton approves the Rights-of-Way Use Agreement with Cross River Fiber in the form attached hereto.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk

RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT ("Use Agreement") is dated _____ (the "Effective Date"), and entered into by and between the Town of Newton ("Town"), a New Jersey municipal corporation, having its address at _____ and Cross River Fiber LLC, Cross River Fiber, Inc. d/b/a Cross River Fiber NJ Inc. (collectively referred to herein as "Cross River Fiber") with offices located at 382 Springfield Avenue, Suite 409, Summit, NJ 07901.

RECITALS

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011 and Docket No. TE12040297 on June 18, 2012 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Pursuant to such authority granted by the New Jersey Board of Public Utilities, Cross River Fiber may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Cross River Fiber proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within the Town for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

WHEREAS, it is in the best interests of the Town and its citizenry for the Town to grant consent to Cross River Fiber to occupy said Public Rights-of-Way within the Town for this purpose.

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Town for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the Town and Cross River Fiber hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Cross River Fiber" is the grantee of rights under this Use Agreement and is known as Cross River Fiber, their successors and assigns.
- c. "Town" is the grantor of rights under this Use Agreement and is known as the Town of Newton, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Public Rights-of-Way" means the space in, upon, above, along, across,, over, and through any public land, road, street or highway of the Town, including lands with public utility facilities as the same now or hereafter may exist, that are under the jurisdiction of the Town. This term shall not include county, state, or federal rights-of-way or any property owned by any person or agency other than the Town, except as provided by applicable Laws or pursuant to an agreement between the Town and any such person or agency.
- f. "Utility Pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto and any replacement thereof which are similar in construction and use.

Section 2: Grant of Consent.

The Town hereby grants Cross River Fiber its municipal consent for the non-exclusive use of the Public Rights-of-Way within the Town for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

Section 3: Public Purpose.

It is deemed to be in the best interests of the Town and its citizenry, particularly including commercial and industrial citizens, for the Town to grant consent to Cross River Fiber to occupy said Public Rights-of-Way within the Town for this purpose.

Section 4: Scope of Use Agreement.

Any and all rights expressly granted to Cross River Fiber under this Use Agreement, which shall be exercised at Cross River Fiber's sole cost and expense, shall be subject to the prior and continuing right of the Town under applicable laws to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such Public Rights-of-Way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in Cross River Fiber a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

The Town hereby authorizes and permits Cross River Fiber to enter upon the Public Rights-of-Way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Utility Poles or other structures owned by public utility companies, or others, or to be constructed by Cross River Fiber located within the Public Rights-of-Way as may be permitted by the property owner, as the case may be.

Section 5: Compliance with Ordinance

Cross River Fiber shall comply with all applicable existing ordinances of the Town as may be amended from time to time and with all future ordinances as may be enacted to the extent such ordinances are consistent with state and federal law.

39 Trinity Street,
Newton, New Jersey 07860
Attn: Municipal Clerk

Section 9. Liability Insurance

Cross River Fiber shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy amount in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, Cross River Fiber shall file with the Town Certificates of Insurance with endorsements evidencing the coverage provided by said liability and excess liability policies.

The Town shall notify Cross River Fiber within fifteen (15) days after the presentation of any claim or demand to the Town, either by suit or otherwise, made against the Town on account of any of Cross River Fiber or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.

Section 10. Assignment.

Cross River Fiber may not assign this Use Agreement without the written consent of the Town, which consent shall not be unreasonably withheld or delayed, except that Cross River Fiber shall have the right, upon notice to the Town, to assign this Use Agreement without the Town's consent if such assignment is approved by the BPU.

Section 11. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of

the successors and assigns of the parties hereto.

Section 12. Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 13. Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 14. Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 15. Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 16. Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

Section 17. Escrow.

Cross River Fiber agrees to establish an escrow account upon execution of this Agreement

for the benefit of the Town for all reasonable fees or other costs associated with this project, including legal fees associated with negotiation, implementation and application of the terms of this agreement. The escrow will be established and operated pursuant to an escrow established by N.J.S. 40:55D-53.1 and 53.2. The escrow amount shall be \$2,000. In the event the balance of said escrow is depleted below \$500.00, Cross River Fiber shall replenish said escrow amount to \$2,000.00 within 30 days of receipt of written notice from the Town. Funds shall not be withdrawn from this account except by vouchers, copies of which shall be supplied to Cross River Fiber.

Section 18. Reasonable Costs.

Cross River Fiber shall compensate fully the Town for all costs associated with the implementation of this Agreement, including, but not limited to expenses for traffic details and/or other police services at the rate of compensation set forth in the Town's Ordinance.

Section 19. Removal of Telecommunications Facilities

At such time as Cross River Fiber ceases to utilize its installed telecommunications facilities and/or upon the termination of this agreement, Cross River Fiber shall remove said facilities from all rights of way in the Town within six months of receipt of notice from the Town. This obligation flows to all successors and assigns of Cross River Fiber.

IN WITNESS WHEEOF, this Use Agreement has been executed as of the date set forth below.

Cross River Fiber LLC
Cross River Fiber Inc., d/b/a Cross River Fiber NJ Inc.

Vincenzo Clemente – President & CEO

Dated: _____

Town of Newton

[NAME – TITLE]

Dated: _____



**TOWN OF NEWTON
RESOLUTION #211-2012**

October 10, 2012

**“Authorize Credits Due Water and Sewer Utility
Accounts”**

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

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

Account should have been in final status:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6683	38 Hillside Ave.	\$75.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #212-2012

October 10, 2012

“Resolution Authorizing Disposal of Surplus Property”

WHEREAS, the Town of Newton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

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

- 1) The sale of surplus property shall be conducted through GovDeals pursuant to NJ State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available in the Clerk's Office of the Town of Newton.
- 2) The sale will be conducted online and the address of the auction site is govdeals.com.
- 3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- 4) A list of the surplus property to be sold is as follows:
 1. 2001 RAM 2500
Vin#: 3B6KF26Z81M564314
Odometer Reading: 85,000 MILES
Condition: Poor
 2. 1996 FORD L800
Vin# 1FDYK82E8TVA21413
Odometer Reading: 61,105
Condition: Poor
- 5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- 6) The Town of Newton reserves the right to accept or reject any bids submitted.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #213-2012

October 10, 2012

"A Resolution to Become an Official Campaign Partner for the Enough Abuse Campaign"

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that childhood sexual abuse is a serious problem in our society; and

WHEREAS, the Newton Town Council further recognizes that it is incumbent upon not only public officials, but the entire community, to take action to prevent such abuses in our community; and

WHEREAS, the Newton Town Council has committed community resources to the prevention of childhood sexual abuse through the training of police officers and recreation personnel;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton hereby recognizes the following:

1. We've had Enough Child Sexual Abuse in our community.
2. We join Project Self-Sufficiency, The Sussex County Family Success Center and other leading local agencies as an Official Campaign Partner for the Enough Abuse Campaign.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #214-2012

October 10, 2012

"Award Contract for the Proposed Streetscape Improvements to Lower Spring Street Project"

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Streetscape Improvements to Lower Spring Street Project on September 18, 2012 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Amount</u>
V & K Construction, Inc. 37 Bartha Avenue Edison, NJ 08817	\$292,937.00
Bello-Grande Contracting, LLC 174 Boulevard, Suite 3 Hasbrouck Heights, NJ 07604	\$299,224.00
Tony's Concrete Construction Co., Inc. 316 E. Kinney Street Newark, NJ 07105	\$305,503.53
JAK Construction Corp. T/A Diamond Construction 35 Beaverson Boulevard Brick, NJ 08723	\$394,290.33

WHEREAS, after review of the bid documents, the Town Engineer, Harold E. Pellow & Associates, Inc. and Newton's Qualified Purchasing Agent, Debra J. Millikin, recommend awarding the contract for the Proposed Streetscape Improvements to Lower Spring Street Project to V&K Construction, Inc., in the amount of \$292,937.00; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bid submitted for the Proposed Streetscape Improvements to Lower Spring Street Project be awarded to V&K Construction, Inc., in the amount of \$292,937.00 based on the recommendation of the Town Engineer, Harold E. Pellow & Associates, Inc., and the Town's Qualified Purchasing Agent, Debra J. Millikin.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 214-2012

APPROVING: V & K CONSTRUCTION, INC.

FOR THE PURPOSE OF: STREETScape IMPROVEMENTS LOWER SPRING
STREET PROJECT

IN THE AMOUNT OF: \$292,937.00

APPROPRIATED BY:

GENERAL CAPITAL FUND:	ORD. #2012-16	IMPROVEMENTS LOWER SPRING ST
	#3091216	\$267,718.30
GENERAL CAPITAL FUND:	ORD. #2012-22	IMPROVEMENTS LOWER SPRING ST
	#3091222	\$25,218.70

DATED THIS 10TH DAY OF OCTOBER, 2012

BY

VIRGINIA K. RAFTERY

TREASURER



TOWN OF NEWTON

RESOLUTION #215-2012

October 10, 2012 “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 2011 and 2012 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #216-2012

October 10, 2012

“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 authorized by N.J.S.A. 10:4-12b and designated below:

(1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on October 10, 2012, that an Executive Session closed to the public shall be held on October 10, 2012, at PM 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.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Wednesday, October 10, 2012.

Lorraine A. Read, RMC
Municipal Clerk