



AGENDA
NEWTON TOWN COUNCIL
MARCH 25, 2013
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**
- V. COUNCIL & MANAGER REPORTS**
- VI. OPEN TO THE PUBLIC**

- MARCH 11, 2013 REGULAR MEETING

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.

- VII. ORDINANCES**
- VIII. OLD BUSINESS**
- IX. CONSENT AGENDA**

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

- a. RESOLUTION #47-2013* APPROVE 2012 APPROPRIATION RESERVE TRANSFERS
- b. RESOLUTION #48-2013* AWARD PURCHASE CONTRACTS FOR THE ACQUISITION OF CHEMICALS
- c. RESOLUTION #49-2013* AWARD PURCHASE CONTRACTS FOR SLUDGE AND CHEMICAL WASTE TRUCKING
- d. RESOLUTION #50-2013* A RESOLUTION OPPOSING PROPOSED LEGISLATION, ASSEMBLY BILL A-3553, ESTABLISHING AN EARLY VOTING PROCESS FOR CERTAIN ELECTIONS
- e. RESOLUTION #51-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT

- X. INTERMISSION**
- XI. DISCUSSION**
 - a. DISRUPTIVE PROPERTIES
- XII. OPEN TO THE PUBLIC**
- XIII. COUNCIL & MANAGER COMMENTS**

XIV. EXECUTIVE SESSION

a. RESOLUTION #52-2013

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. POTENTIAL LITIGATION
2. CONTRACT NEGOTIATIONS

XV. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #47-2013

March 25, 2013

“Approve 2012 Appropriation Reserve Transfers”

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2012 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Group Insurance OE 1066205A	Accumulated Sick OE 1094400A	\$8,000.00
Road Repair OE 1080259A	Accumulated Sick OE 1094400A	\$5,000.00
Recycling OE 1083244A	Accumulated Sick OE 1094400A	\$2,000.00
TOTAL CURRENT TRANSFERS		<u>\$15,000.00</u>

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, March 25, 2013.

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #48-2013**

March 25, 2013 "Award Purchase Contracts for the Acquisition of Chemicals"

WHEREAS, specifications were prepared for the purchase of various chemicals needed to operate the Newton Wastewater Treatment Plant and the Newton Water Filtration Plant, and bids were subsequently solicited and publicly opened and read on Wednesday, March 20, 2013 as follows:

	Liquid Sodium Carbonate	Liquid Aluminum Sulfate	Liquid/Gas Sulfur Dioxide	Liquid Chlorine/Gas	CES PACI 2500/Del Pac 2950	Liquid Sodium Hydroxide	Liquid Hydrofluosilic Acid	Sodium Hypochlorite
Usalco 1120 Middle River Road Baltimore, MD 21220	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> per gal \$ <u>No Bid</u> per gal	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>4.84</u> gal \$ <u>77,440</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total
Univar 532 E. Emmaus Street Middletown, PA 18641	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>.80</u> lb \$ <u>8,760</u> total	\$ <u>7.49</u> lb \$ <u>8,201.55</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.89</u> gal \$ <u>10,395</u> total	\$ <u>5.65</u> gal \$ <u>7,062.50</u> total	\$ <u>1.79</u> gal \$ <u>13,425</u> total
Coyne Chemical Co. 3015 State Rd Croydon, PA 19021	\$ <u>0.84</u> gal \$ <u>75,600</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>1.2888</u> lb \$ <u>14,112.36</u> total	\$ <u>4.284</u> gal \$ <u>68,544</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>4.786</u> gal \$ <u>5,982.50</u> total	\$ <u>No Bid</u> \$ <u>No Bid</u> total
Main Pool & Chemical 501 Main Street Avoca, PA 18641	\$ <u>.83</u> gal \$ <u>74,700</u> total	\$ <u>1.08</u> 3,000 gal \$ <u>1.01</u> 5,000 gal \$ <u>3,240</u> 3,000 gal total \$ <u>5,050</u> 5,000 gal total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>3.24</u> gal * \$ <u>5,184</u> total	\$ <u>1.36</u> gal \$ <u>7,480</u> total	\$ <u>4.74</u> gal \$ <u>5,925</u> total	\$ <u>1.34</u> gal \$ <u>10,050</u> total

	Liquid Sodium Carbonate	Liquid Aluminum Sulfate	Liquid/Gas Sulfur Dioxide	Liquid Chlorine/Gas	CES PACI 2500/Del Pac 2950	Liquid Sodium Hydroxide	Liquid Hydrofluosilic Acid	Sodium Hypochlorite
JCI – Jones Chemical, Inc. 103 River Street Warwick, NY 10990	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>.67</u> lb \$ <u>7,336.50</u> total	\$ <u>.60</u> gal \$ <u>6,570</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total
Miracle Chemical Company 1151 B Highway 33 Farmingdale, NJ 07727	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>2,475</u> gal \$ <u>18,562.50</u> total			

WHEREAS, the bids for chemicals listed above were reviewed by the Qualified Purchasing Agent, Debra J. Millikin, and she has recommended the awards for the following purchase of chemicals based on submission of the low bids which are in the best interest of the Town of Newton; and

WHEREAS, the bid supplied by Main Pool Chemical for CES PACI 2500/Del pac 2950 is disqualified because it did not meet performance requirements under Section 1.06 or 1.06A of the Bid specifications requiring a jar test along with full plant trial in warm and cold temperatures prior to bid;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby awards bids for the purchase of chemicals as follows:

Chemical

Liquid Sodium Carbonate
Liquid Aluminum Sulfate
Liquid/Gas Sulfur Dioxide
Liquid Chlorine/Gas
CES PACI 2500
Liquid Sodium Hydroxide
Liquid Hydrofluosilic Acid
Sodium Hypochlorite

Bidder Receiving Award

Main Pool & Chemical
Main Pool & Chemical
JCI Jones
JCI Jones
Coyne Chemical Co.
Main Pool & Chemical
Main Pool & Chemical
Main Pool & Chemical

BE IT FURTHER RESOLVED that the Water and Sewer Supervisor is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #49-2013

March 25, 2013

“Award Purchase Contracts for Sludge and Chemical Waste Trucking”

WHEREAS, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services, and

WHEREAS, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton Wastewater Treatment Plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year; and

WHEREAS, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened and read on Wednesday, March 20, 2013 as follows:

	<u>Sludge Trucking</u>	<u>Chemical Waste Trucking</u>
Russell Reid 200 Smith Street PO Box 130 Keasbey, NJ 08832-0130	\$0.0586	\$0.05876
Earth Care Resource Management Corp. 99 Maple Grange Road Vernon, NJ 07462	\$0.0544	\$0.0395
R & D Trucking, Inc. 1874 Route 23 North West Milford, NJ 07480	\$0.032	\$0.033
Accurate Waste Removal Services, Inc. 226 Prospect Point Road Lake Hopatcong, NJ 07849	\$0.0345	\$0.025

WHEREAS, R&D Trucking, Inc., was the lowest bidder for sludge trucking and Accurate Waste Removal Services, Inc. was the low bidder for chemical waste trucking; and

WHEREAS, the Qualified Purchasing Agent recommend award for sludge trucking to R&D Trucking., and chemical waste trucking to Accurate Waste Removal Services, Inc;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking to R&D Trucking, Inc. and chemical waste trucking to Accurate Waste Removal Services, Inc. and that a certified copy of this resolution be forwarded to all bidders.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #50-2013

March 25, 2013

"A Resolution Opposing Proposed Legislation, Assembly Bill A-3553, Establishing an Early Voting Process for Certain Elections"

WHEREAS, Assembly Bill A-3553 proposes to expand the opportunities for registered voters to cast their ballots at an election within the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; but

WHEREAS, the said bill as it is currently drafted involves proposals that would increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, the opportunity for "Early Voting" already exists in the State of New Jersey through the Vote by Mail ballot process;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newton, in the County of Sussex does hereby oppose Assembly Bill A-3553 for the following reasons:

Current State Law provides that the County Clerk shall mail Sample Ballots for Primary Election on or before 12 noon on Wednesday preceding election (N.J.S.A. 19:23-34). The proposed Bill requires polling places to be open beginning 15 days before an election. This bill creates an inherent conflict between the date upon which the County Clerk is required to mail sample ballots and the date upon which sample ballots must be posted in polling places. It creates a situation in which the County Clerk will be obligated to mail sample ballots to voters, inviting them to come vote on Election Day, who will have already cast their votes, creating confusion for the average voter and citizen. It will also pressure county Clerks to have sample ballots available earlier than the statutory date upon which said sample ballots need to be provided to the general public via mail.

The requirement that a single polling place must be kept open ten hours a day, Monday through Saturday, and on Sundays for 8 hours, beginning 15 days before an election up until 2 days before an election will create additional expense on County Boards of Election, who will be required to staff this said polling place with poll workers who will be required to handle voters that come from every voting district within a municipality as opposed to a single voting district at each polling place on election day.

The Sussex County Board of Elections points out that the average age of poll workers in Sussex County is 72 years. The bill would require complete re-training of poll workers on how to handle paper ballots on the Early voting days as opposed to the electronic voting done on Election day; many current poll workers will not be interested or physically capable of staffing polling places for such extended periods of time for two straight weeks; hiring new poll workers and training them will be required to staff the early voting locations; costs will be incurred in transporting election materials to and from each early voting location every day in order to maintain chain of custody for protecting the integrity of the ballots cast; Overtime costs would be incurred for staffing the Board of Elections offices each day and each evening; all of which adds up to an estimated additional expense exceeding \$150,000 per election.

The Bill creates a conflict for Municipal clerks who are required, by law, to be in their offices during the hours that polls are open for an election. Additionally, many municipalities now rely on their Public Works employees to set up and take down polling places. This will create overtime issues on municipalities.

The Bill requires a central location be utilized the early voting polling place. In many instances, this will require the use of the municipal building for seven days a week, for two weeks prior to the election, for up to 12 hours a day. This creates an inherent conflict with already-scheduled court sessions, meetings of governing bodies, meetings of various boards such as Planning Boards, Zoning Boards, Recreation Commissions, and Boards of Health, which will require re-scheduling and postponing hearings on applications before those bodies, in turn creating inconvenience for the general public, and increased costs for the municipality.

The Sussex County Board of Elections estimates that, taking all factors into consideration, the Total cost of setting up and conducting the first early voting election would be \$680,000, and the cost of each early voting election thereafter would be \$198,000.

This represents an unfunded mandate, creating unnecessary additional burden and expense on the county and local levels of government, and provides no meaningful increase in the opportunity for New Jersey voters to "vote early" because current state law and established procedures allow a voter to download a Vote By Mail Ballot application, mail in that application, receive a Vote by Mail ballot, and cast their ballot, without ever having to leave their own home or business location.

BE IT FURTHER RESOLVED, that the Town Council of the Town of Newton does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of the Governor, the Sponsors of Bill A-3553, Senator Steven V. Oroho, Assemblywoman Alison Littell McHose, and Assemblyman Parker Space, the Sussex County Board of Elections, the Sussex County Board of Chosen Freeholders, and the New Jersey League of Municipalities.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #51-2013

March 25, 2013

“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 2012 and 2013 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.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #52-2013

March 25, 2013

“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
- (2) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on March 25, 2013, that an Executive Session closed to the public shall be held on March 25, 2013, 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.

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Municipal Clerk