

March 25, 2013

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, Deputy Mayor Ricciardo, Mr. Flynn, Thomas S. Russo, Jr., Town Manager and Ursula Leo, Town Attorney. Mayor Diglio was excused.

Deputy Mayor Ricciardo 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, 2012."

Deputy Mayor Ricciardo led the Pledge of Allegiance to the flag and the Clerk called the roll and upon motion of Mr. Flynn, seconded by Mr. Elvidge and carried, the minutes of March 11, 2013 regular meeting was approved.

COUNCIL & MANAGER REPORTS

OPEN TO THE PUBLIC

Deputy Mayor Ricciardo 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."

There were no public comments at this time.

ORDINANCES

OLD BUSINESS - None

CONSENT AGENDA

Deputy Mayor Ricciardo 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 reviewed the various resolutions on the Consent Agenda.

RESOLUTION #47-2013*

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:

March 25, 2013

<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>

March 25, 2013

RESOLUTION #48-2013*

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>.749</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

March 25, 2013

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>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	\$2.475 gal \$18,562.50 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 trail 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:

March 25, 2013

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.

March 25, 2013

RESOLUTION #49-2013*

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.

RESOLUTION #50-2013*

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

March 25, 2013

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.

RESOLUTION #51-2013*

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.

TOWN BILLS

260.91	Quill Corporation	31639
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CAPITAL

Total TOWN BILLS \$565,449.35

WATER AND SEWER ACCOUNT

CAPITAL

Total WATER & SEWER BILLS \$97,796.40

TRUST

Total TRUST ACCOUNT BILLS \$1,849.77

A motion was made by Mr. Elvidge to approve the **COMBINED ACTION RESOLUTIONS**, seconded by Mrs. Becker and roll call resulted as follows:

Mrs. Becker	Yes	Mr. Elvidge	Yes
Deputy Mayor Ricciardo	Yes	Mr. Flynn	Yes
Mayor Diglio		Absent	

INTERMISSION - None

DISCUSSION

A. Disruptive Properties

Deputy Mayor Ricciardo advised that the issue of the Laundromat well permit has been withdrawn at the request of the interested party. No further action will be

taken.

OPEN TO THE PUBLIC

Deputy Mayor Ricciardo opened the hearing to the public.

Mr. Anwar Qarmout, 45 Woodside Avenue, inquired whether a liner could be placed within the cast iron pipe to avoid any further cracks or leaks and was advised by Mr. Simmons that the Town first has to determine what type of leak it is prior to determining the solution for same.

COUNCIL & MANAGER COMMENTS

Deputy Mayor Ricciardo requested an update on the repairs to the Newton Fire Museum and was advised that there was no update but Mr. Russo would follow up with Mr. Kosten.

Deputy Mayor Ricciardo inquired about leak at the municipal pool and was advised that the Town is getting repair estimates for the municipal pool and will keep Council updated on same.

EXECUTIVE SESSION

Mr. Russo read Resolution #52-2013 and Council entered into Executive Session at p.m.

Upon motion of Mr. Ricciardo, seconded by Mrs. Becker and carried, Council left Executive Session at p.m.

There being no further business to be conducted, upon motion of Mr. Flynn, seconded by Mrs. Becker and unanimously carried, the meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk