



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**MARCH 10, 2014**  
**7:00 P.M.**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**

- FEBRUARY 24, 2014 SPECIAL MEETING
- FEBRUARY 24, 2014 REGULAR MEETING
- FEBRUARY 24, 2014 EXECUTIVE MEETING

**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**

**VII. ORDINANCES**

- a. 2<sup>ND</sup> READING & PUBLIC HEARING**

ORDINANCE 2014-3

BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$135,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

- i. OPEN HEARING TO PUBLIC
- ii. CLOSE HEARING TO PUBLIC
- iii. ACT ON ORDINANCE

- b. INTRODUCTION**

ORDINANCE 2014-4

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$281,851.15 FOR SEWER TREATMENT PLANT MODIFICATIONS AND IMPROVEMENTS TO REPLACE CLARIFIER DRIVE AND TANK COVERS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

**VIII. OLD BUSINESS**

**IX. RESOLUTIONS**

- a. RESOLUTION #39-2014 AUTHORIZING WAIVING OF WATER AND SEWER UTILITY CHARGES FOR THE NEWTON VOLUNTEER FIRST AID SQUAD FOR CALENDAR YEAR 2014

**X. 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 #40-2014\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 22.04, LOT 1
- b. RESOLUTION #41-2014\* APPROVAL CHANGE ORDER NO. 1 FOR THE HOWARD STREET, MAPLE AVENUE, KELSEY AVENUE, AND HILLSIDE TERRACE PORTION OF THE PAVING OF VARIOUS STREETS PROJECT
- c. RESOLUTION #42-2014\* RESOLUTION CALLING ON THE LEGISLATURE TO MAKE PERMANENT THE 2% CAP ON INTEREST ARBITRATION
- d. RESOLUTION #43-2014\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- e. RESOLUTION #44-2014\* ESTABLISH SALARIES AND WAGES FOR CERTAIN TOWN OF NEWTON EMPLOYEES NOT COVERED BY BARGAINING AGREEMENTS
- f. RESOLUTION #45-2014\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- g. RESOLUTION #46-2014\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 22.01, LOT 23

**XI. INTERMISSION**

**XII. INTRODUCTION OF 2014 BUDGET**

- a. TOWN OF NEWTON MUNICIPAL AND WATER & SEWER UTILITY BUDGET

**XIII. DISCUSSION**

- a. SUNSETTING ORDINANCE - DRAFT

**XIV. OPEN TO THE PUBLIC**

**XV. COUNCIL & MANAGER COMMENTS**

**XVI. EXECUTIVE SESSION**

- a. RESOLUTION #47-2014 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

**XVII. RESOLUTION**

**a.** RESOLUTION #48-2014

AWARD BID FOR MAIN POOL FILTRATION SYSTEM  
RENOVATION AT MEMORY PARK SWIMMING POOL

**XVIII. ADJOURNMENT**

# TOWN OF NEWTON

## ORDINANCE 2014-3

### **BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$135,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$128,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Section 1.** The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$135,000, including the sum of \$6,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$128,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is pool improvements including the upgrade of

electric, filtration and circulation, lighting and ventilation systems, including engineering, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 5.** The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$128,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$27,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

**Section 7.** The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**Section 8.** Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 9.** The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in

connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the Rule) for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 10.** The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 11.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### **NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 24, 2014. It adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on March 10, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**ORDINANCE #2014-4**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$281,851.15 FOR SEWER TREATMENT PLANT MODIFICATIONS AND IMPROVEMENTS TO REPLACE CLARIFIER DRIVE AND TANK COVERS 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.** \$281,851.15 is hereby appropriated from the Water Sewer Capital Fund Reserve Balances:

Reserve for Sewer Rehabilitation	\$190,000.00
Reserve for Sewer Treatment Plant Modifications	\$ 91,851.15

for Improvements to the Sewer Treatment Plant in the Town of Newton including replacement of the primary settling tank drive and tank covers, 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 March 10, 2014. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on March 24, 2014, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #39-2014

March 10, 2014

### **“Authorizing Waiving of Water and Sewer Utility Charges for the Newton Volunteer First Aid Squad for Calendar Year 2014”**

**WHEREAS**, the Newton First Aid Squad, “NFAS”, is a not-for-profit entity, comprised solely of volunteers that provide emergency assistance to the Newton community; and

**WHEREAS**, the “NFAS” owns Block 22.01, Lot 24 also known as 66 Sussex Street, which houses their vehicles, equipment, and provides for a meeting place; and

**WHEREAS**, the “NFAS” operating expenses are funded through donations and fundraising efforts; and

**WHEREAS**, the Newton Town Council supports the efforts of the “NFAS” and would like to assist them, so they may continue to provide this valuable emergency service to the people of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby waives the water and sewer utility charges incurred at Block 22.01, Lot 24 by the Newton First Aid Squad for calendar year 2014.

### 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 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #40-2014

March 10, 2014

**“Authorize Refund of Redemption Monies to  
Outside Lien Holder for Block 22.04, Lot 1”**

**WHEREAS**, at the Municipal Tax Sale held on October 29, 2008 and a lien was sold on Block 22.04, Lot 1 (formerly 1308/13), also known as 81 Sparta Ave, for 2007 delinquent real estate taxes and water and sewer charges; and

**WHEREAS**, this lien which is known as Tax Sale Certificate #1283, was sold to US Bank Cust/Sass Muni V dtr for an 18% redemption fee; and

**WHEREAS**, Cono R. Aromando, owner of the property has effected redemption of Certificate #1283 in the amount of \$32,622.29 as well as foreclosure fees in the amount of \$1,312.55;

**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 the redemption in the amount of \$32,622.29 as well as the legal foreclosure fees in the amount \$1,312.55; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$32,622.29 for the redemption of Certificate #1283 as well as a check in the amount of \$1,312.55 for the legal foreclosure fees payable to US Bank Cust/Sass Muni V dtr., 50 S. 16<sup>th</sup> Street – Suite 1950, Philadelphia, PA 19102.

#### 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 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #41-2014

March 10, 2014

### **“Approve Change Order No. 1 for the Howard Street, Maple Avenue, Kelsey Avenue, and Hillside Terrace Portion of the Paving of Various Streets Project”**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #138-2013 on July 22, 2013 awarding the contract for the Paving of Various Streets project to Tilcon New York, Inc., 625 Mt. Hope Road , Wharton, New Jersey through Contract #6 Road Resurfacing in the Morris County Co-Op's portion for municipalities with regard to resurfacing of roads; and

**WHEREAS**, the Newton Town Council accepted the Howard Street, Maple Avenue, Kelsey Avenue, and Hillside Terrace portion of the Paving of Various Streets Project by the adoption of Resolution #236-2013 on December 9, 2013 based on the recommendation of the Town Engineer, Harold E. Pellow so the final paperwork could be started; and

**WHEREAS**, the Town Engineer in his letter dated February 20, 2014 recommends the approval of Change Order No. 1 for the Howard Street, Maple Avenue, Kelsey Avenue, and Hillside Terrace portion of the Paving of Various Streets Project. This change order will result in an \$3,357.73 increase in the contract amount to a new contract total of \$162,739.66; 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 it hereby approves Change Order No. 1 for the Howard Street, Maple Avenue, Kelsey Avenue, and Hillside Terrace portion of the Paving of Various Streets Project for a new contract total of \$162,739.66; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1 be attached to and made part of this resolution.

### **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 10, 2014.

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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 #: 41-2014

APPROVING: TILCON, NEW YORK

FOR THE PURPOSE OF: C.O.#1 PAVE VARIOUS STREETS  
(HOWARD, MAPLE, KELSEY, HILLSIDE)  
Thru Morris County Cooperative Pricing Council

IN THE AMOUNT OF: \$3,357.73

ORIGINAL CONTRACT AMOUNT	\$159,381.93
CHANGE ORDER #1	<u>\$ 3,357.73</u>
FINAL REVISED CONTRACT	\$162,739.66

APPROPRIATED BY: GENERAL CAPITAL -  
ORD.#2013-18 VARIOUS STS. #30913115 \$3,357.73

DATED THIS 10<sup>th</sup> DAY OF MARCH 2014

BY

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



**HAROLD E. PELLOW & ASSOCIATES, INC.**  
CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS  
*Established 1969*

HAROLD E. PELLOW, *PRESIDENT*  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
PA - P.E. & L.S.

ANN PELLOW WAGNER  
NJ - C.L.A., VA - C.L.A., PA - C.L.A.  
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*  
NJ - P.E., NJ - C.M.E.,  
PA - P.E.

THOMAS G. KNUTELSKY  
NJ - P.E.

February 20, 2014

**MEMORANDUM TO:** Mr. Thomas S. Russo, Jr., Newton Town Manager

**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer

**SUBJECT:** Milling and Paving Various Streets – **Tilcon New York, Inc.**  
*(Howard Street, Maple Avenue, Cedar Street, Kelsey Avenue & Hillside Terrace)*  
Town of Newton, Sussex County  
HPA Nos. 12-054, 12-055, 13-084, 13-085 & 13-086

**RECEIVED**  
FEB 26 2014

**BY:** .....

Dear Tom:

Enclosed herewith please find three (3) copies of Change Order No. 1 which reflect an adjustment of the amount of the original contract of \$159,381.93 by the addition of one Extra totaling \$1,749.12 and Supplemental items totaling \$15,179.50, and the subtraction of Reductions totaling \$13,570.89, resulting in an adjusted contract amount of \$162,739.66. Kindly have an authorized representative sign and date all three copies on the line indicated *Presiding Officer*. Retain one copy for your file and **return the remaining two copies to this office**. We will forward one copy to Tilcon New York, Inc. and retain one copy in our files.

Due to the fact that our office had not received the signed change order from Tilcon New York in order to meet the deadline for the February 24<sup>th</sup> Council meeting, Dawn Babcock informed our office (see attached email dated February 19, 2014) that payment will be processed to Tilcon New York at the March 10<sup>th</sup> meeting on P.O. #42138 for \$26,000.00, broken down as follows:

- \$13,000.00 Various Streets #30913115
- \$13,000.00 Howard Street #6191313

We have retained money for the hill on Cedar Street until it has been repaired in the spring by Tilcon.

Please ensure that the Contractor has provided all up-to-date payroll certifications prior to issuing payment for this project.

Very truly yours,

Harold E. Pellow, P.E., L.S.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineer

HEP:mac

K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\12-054 - HOWARD STREET IMPROVEMENTS\MILLING AND PAVING\2013\RUSSO3.DOC

Enclosures

cc: Dawn Babcock, Newton Finance Director/CFO  
Tilcon New York, Inc.

**Mariruth A. Cook**

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**From:** D. Babcock [dbabcock@newtontownhall.com]  
**Sent:** Wednesday, February 19, 2014 2:37 PM  
**To:** graftery@newtontownhall.com  
**Cc:** 'Debra Millikin'; Harold E. Pellow  
**Subject:** Tilcon payment

Ginny

Please process payment to Tilcon on PO#42138 for \$26,000

\$13,000 Various streets #30913115

\$13,000 Howard #6191313

Once H Pellow's office receives signed change orders the town will place on the next meeting (3/10/14) and process payment up to amount then certified by Harold.

*Dawn L. Babcock, CFO*

Town of Newton

39 Trinity Street

Newton, NJ 07860

973-383-3521 ext. 241

973-383-8961 (Fax)

**HAROLD E. PELLOW and ASSOCIATES, INC.**

*Consulting Engineers, Planners and Land Surveyors*

17 Plains Road

Augusta, NJ 07822-2009

**CHANGE ORDER NO. 1**

2/6/2014

<b>Project</b>	MILLING AND PAVING VARIOUS STREETS <i>(Howard Street, Maple Avenue, Cedar Street, Kelsey Avenue, &amp; Hillside Terrace - Added Oak St.)</i>
<b>Owner</b>	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
<b>County</b>	SUSSEX COUNTY
<b>Contractor</b>	TILCON NEW YORK, INC., 625 MT. HOPE ROAD, WHARTON, NJ 07885

<b>In accordance with the project Supplementary Specification, the following are changes in the contract.</b>	
<b>Location and Reason for Change</b> (Attach additional sheets if required) -	
<b>Location:</b>	Howard Street, Maple Avenue, Kelsey Avenue, Hillside Terrace & Oak Street
<b>Reason:</b>	All are as-built quantities.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<b>EXTRA</b>				
<i>Howard Street</i>				
4	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 1-1/2" THICK	24	TONS \$ 72.88	\$ 1,749.12
				Total Extra <i>Howard Street</i> : \$ 1,749.12
				<b>Total EXTRA: \$ 1,749.12</b>
<b>SUPPLEMENTAL</b>				
<i>Oak Street</i>				
1S	MILLING, 2-1/2" THICK	850	SQ. YD. \$ 3.75	\$ 3,187.50
2S	HOT MIX ASPHALT 9.5M64, 2-1/2" THICK	150	TONS \$ 68.88	\$ 10,332.00
3S	TRAFFIC CONTROL	20	HRS. \$ 83.00	\$ 1,660.00
				Total Supplemental <i>Oak Street</i> : \$ 15,179.50
				<b>Total SUPPLEMENTAL: \$ 15,179.50</b>
<b>REDUCTION</b>				
<i>Howard Street</i>				
5	HOT MIX ASPHALT 19.5M64 BASE COURSE, 2" THICK	11.1	TONS \$ 72.88	\$ 808.97
				Total Reduction <i>Howard Street</i> : \$ 808.97
<i>Maple Avenue</i>				
4	HOT MIX ASPHALT 19.5M64 SURFACE COURSE, 1-1/2" THICK	10	TONS \$ 72.88	\$ 728.80
5	HOT MIX ASPHALT 19.5M64 BASE COURSE, 2" THICK	12	TONS \$ 72.88	\$ 874.56
				Total Reduction <i>Maple Avenue</i> : \$ 1,603.36
<i>Kelsey Avenue</i>				
3	HOT MIX ASPHALT 19.5M64 SURFACE COURSE, 2" THICK	8	TONS \$ 68.88	\$ 551.04
				Total Reduction <i>Kelsey Avenue</i> : \$ 551.04
<i>Hillside Terrace</i>				
3	HOT MIX ASPHALT 19.5M64 SURFACE COURSE, 2" THICK	154	TONS \$ 68.88	\$ 10,607.52
				Total Reduction <i>Hillside Terrace</i> : \$ 10,607.52
				<b>Total REDUCTION: \$ 13,570.89</b>

AMOUNT OF ORIGINAL CONTRACT:	<u>\$159,381.93</u>	EXTRA:	<u>\$ 1,749.12</u>
ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1:	<u>\$162,739.66</u>	SUPPLEMENTAL:	<u>\$ 15,179.50</u>
% CHANGE IN CONTRACT:	<u>+ 2.11%</u>	REDUCTION:	<u>\$ 13,570.89</u>
[(+) Increase or (-) Decrease]		TOTAL CHANGE:	<u>\$ 3,357.73</u>

Harold E. Pellow                      2/7/14  
(Engineer)                                      (Date)

\_\_\_\_\_  
(Presiding Officer)                                      (Date)

[Signature]                                      2-18-14  
(Contractor)                                      (Date)



## TOWN OF NEWTON

### RESOLUTION #42-2014

March 10, 2014

### “Resolution Calling on the Legislature to Make Permanent the 2% Cap on Interest Arbitration Awards”

**WHEREAS**, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

**WHEREAS**, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

**WHEREAS**, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

**WHEREAS**, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

**WHEREAS**, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

**WHEREAS**, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

**WHEREAS**, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

**WHEREAS**, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

**WHEREAS**, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

**BE IT FURTHER RESOLVED**, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, Senator Steven Oroho, Assemblyman Parker Space, Assemblywoman Alison McHose, Governor Chris Christie, and the New Jersey State League of Municipalities.

**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 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON  
RESOLUTION #43-2014**

**March 10, 2014**

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

**WHEREAS**, the Water and Sewer Collector has determined 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 A METER WHICH WAS READ INCORRECTLY:**

<b><u>Account</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
10168	8 West Nelson Street	\$15.30

**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 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #44-2014

March 10, 2014

### **“Establish Salaries and Wages for Certain Town of Newton Employees Not Covered by Bargaining Agreements”**

**WHEREAS**, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2014 by Ordinance #2013-30; and

**WHEREAS**, the Town Manager, as part of his 2014 Town of Newton Preliminary Budget, has recommended a TWO PER CENT (2.0%) increase in salary for calendar year 2014 to be paid to certain Town of Newton employees, whose employment is not the subject of any bargaining agreement; and

**WHEREAS**, the Town Council has reached the following conclusions:

1. A TWO PERCENT (2.0%) increase in salary for certain full-time and part-time Town of Newton employees, whose employment is not the subject of any bargaining agreement, for calendar year 2014 is appropriate.
2. The Mayor, Deputy Mayor and Members of the Town Council have refused said salary increase.
3. The Police Chief has already received a TWO PERCENT (2.0%) increase according to his contract.
4. The salary increase of the Town Manager has been addressed separately by the Town Council.
5. Seasonal employees are excluded from any salary increase authorized by this resolution.
6. Said raises shall be retroactive to January 1, 2014.
7. Stipends received through payroll are not salary and shall not be entitled to the TWO PERCENT (2%) increase authorized by this resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the salaries and wages for the year 2014 for non-union Town of Newton employees, whose employment is not covered by bargaining agreements and with the aforementioned exceptions, shall be increased by TWO PERCENT (2%), retroactive to January 1, 2014.

### **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 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #45-2014

March 10, 2014

**"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 2013 and 2014 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, March 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #46-2014

March 10, 2014

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 22.01, Lot 23”**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 22.01, Lot 23 (formerly 1206/30), also known as 64 Sussex Street, for 2010 delinquent real estate taxes; and

**WHEREAS**, this lien which is known as Tax Sale Certificate #1365, was sold to ALMAR for a 0% redemption fee with a premium of \$4,100.00; and

**WHEREAS**, Gary Drake owner of the property has effected redemption of Certificate #1365 in the amount of \$17,846.06 as well as foreclosure fees in the amount of \$1,068.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that ALMAR is entitled to the redemption in the amount of \$17,846.06, the legal foreclosure fees in the amount \$1,068.00 as well as the premium in the amount of \$4,100.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$17,846.06 for the redemption of Certificate #1365 as well as checks in the amount of \$1,060.00 for the legal foreclosure fees and \$4,100.00 for the return of premium payable to ALMAR, 125 Rickey Blvd., #623, Bear, DE 19701.

#### 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 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #47-2014

March 10, 2014

**“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) Potential Litigation

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on March 10, 2014, that an Executive Session closed to the public shall be held on March 10, 2014, at \_\_\_\_\_ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item 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 Monday, March 10, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk