



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**JUNE 23, 2014**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- JUNE 9, 2014 REGULAR 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. PRESENTATIONS**

- a. VICTORY ARCH
- b. MAYOR JOSEPH A. RICCIARDO

**VII. COUNCIL & MANAGER REPORTS**

- a. UTILITY BOARD APPEAL

**VIII. ORDINANCES**

- a. 2<sup>ND</sup> READING & PUBLIC HEARING  
ORDINANCE 2014-11

AN ORDINANCE OF THE TOWN OF NEWTON REJECTING THE RECOMMENDATIONS OF THE TOWN OF NEWTON HISTORIC PRESERVATION ADVISORY COMMISSION TO DESIGNATE HORTON MANSION AS A LOCAL HISTORICAL LANDMARK PURSUANT TO NEWTON TOWN CODE SECTION 139-9

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

ORDINANCE 2014-12

REFUNDING BOND ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN, DATED FEBRUARY 1, 2004, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,775,000, AND/OR ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS OF THE TOWN DATED APRIL 1, 2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$4,041,000, APPROPRIATING \$4,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,250,000 REFUNDING BONDS OF THE TOWN FOR FINANCING THE COST THEREOF

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

ORDINANCE 2014-13

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PUBLIC LANDS IN THE TOWN OF NEWTON BY PUBLIC AUCTION

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

**IX. OLD BUSINESS**

**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 #110-2014\*      AUTHORIZE THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED BY MICHAEL FITZPATRICK & SON, INC., FOR THE RELOCATION OF NEWTON OWNED WATER TRANSMISSION MAINS LOCATED IN SPARTA, NEW JERSEY
- b. RESOLUTION #111-2014\*      RENEWAL OF CLUB LICENSES
- c. RESOLUTION #112-2014\*      RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES
- d. RESOLUTION #113-2014\*      RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES
- e. RESOLUTION #114-2014\*      AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES FOR THE ROOF REPLACEMENT AT THE WASTEWATER TREATMENT PLANT
- f. RESOLUTION #115-2014\*      AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES FOR THE REPLACEMENT OF PRIMARY SETTLING TANK DRIVE AND COVERS AT THE WASTEWATER TREATMENT PLANT

- g.** RESOLUTION #116-2014\* SUPPORT SUBMISSION OF APPLICATION FOR NJDOT SAFE ROUTES TO SCHOOL PROGRAM
- h.** RESOLUTION #117-2014\* RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$4,250,000 PRINCIPAL AMOUNT OF REFUNDING BONDS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND PROVIDING FOR THE SALE AND DELIVERY OF SUCH BONDS
- i.** RESOLUTION #118-2014\* REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 22.05, LOT 13
- j.** RESOLUTION #119-2014\* REFUND OF MONIES FOR TAXES, DUE TO A STATE TAX COURT JUDGMENT FOR BLOCK 1.01, LOT 19
- k.** RESOLUTION #120-2014\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- l.** RESOLUTION #121-2014\* PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1915-33-001-005
- m.** RESOLUTION #122-2014\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- n.** APPLICATIONS\* AN APPLICATION FOR AN ON-PREMISE RAFFLE (50/50 & RAFFLE) FROM THE NEWTON FIRE DEPARTMENT AUXILIARY TO BE HELD ON NOVEMBER 20, 2014 AT 8:00PM AT 56 WOODSIDE AVENUE, NEWTON

## **XI. DISCUSSION**

- a) SPRING STREET – HAROLD PELLOW
- b) FREE SATURDAY PARKING ORDINANCE – DRAFT
- c) ZONING PERMIT ORDINANCE - DRAFT

## **XII. OPEN TO THE PUBLIC**

## **XIII. COUNCIL & MANAGER COMMENTS**

## **XIV. EXECUTIVE SESSION**

- a.** RESOLUTION #123-2014 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. CONTRACT NEGOTIATIONS

## **XV. ADJOURNMENT**

**TOWN OF NEWTON  
ORDINANCE 2014-11**

**AN ORDINANCE OF THE TOWN OF NEWTON REJECTING THE  
RECOMMENDATIONS OF THE TOWN OF NEWTON HISTORIC PRESERVATION  
ADVISORY COMMISSION TO DESIGNATE HORTON MANSION AS A LOCAL  
HISTORIC LANDMARK PURSUANT TO NEWTON TOWN CODE SECTION 139-9**

**WHEREAS**, the Historic Preservation Advisory Commission (“Commission”) of the Town of Newton considered the request of the Sussex County Historical Society to designate the Horton Mansion located on the campus of the Sussex County Community College, also known as Lot 19, Block 3.01, Slate Hill Road in Newton, New Jersey as a local historic landmark building pursuant to Newton Town Code Section 139-9; and

**WHEREAS**, the Commission held a public hearing on April 2, 2014 and recommended landmark designation for Horton House and directed the Commission’s secretary to issue a report and provide notice of the decision pursuant to the Newton Town Code; and

**WHEREAS**, the Commission Secretary prepared a report, which was delivered to the Town Manager, Town Council, Planning Board and Town Clerk, and the Commission’s recommendations were appropriately published on April 13, 2014; and

**WHEREAS**, the Town Council considered the Commission’s recommendation that the Horton House be designated as a local historic landmark building at the Council’s April 21, 2014 public meeting; and

**WHEREAS**, at the April 21, 2014 public meeting, many residents and concerned citizens spoke both in favor of and in opposition to the inclusion of the Horton House as a historic landmark; and

**WHEREAS**, pursuant to Town Code Section 139-9.C, the Town Council is required to consider the proposed designation and approve, reject or modify such recommendation by ordinance; and

**WHEREAS**, the majority of the Town Council rejects the Commission’s recommendation to include Horton Mansion as a historic landmark building;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey that:

The recommendation of the Historic Preservation Advisory Commission of the Town of Newton to designate the Horton House as a local historic landmark building is hereby rejected.

**Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Effective Date.** This Ordinance will take effect after publication and passage according to 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 Wednesday, May 28, 2014. It adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, June 23, 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 2014-12**

**REFUNDING BOND ORDINANCE OF THE TOWN OF  
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY,  
PROVIDING FOR THE REFUNDING OF ALL OR A  
PORTION OF THE OUTSTANDING CALLABLE GENERAL  
OBLIGATION REFUNDING BONDS OF THE TOWN, DATED  
FEBRUARY 1, 2004, ISSUED IN THE ORIGINAL PRINCIPAL  
AMOUNT OF \$2,775,000, AND/OR ALL OR A PORTION OF  
THE OUTSTANDING CALLABLE GENERAL  
IMPROVEMENT BONDS OF THE TOWN DATED APRIL 1,  
2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF  
\$4,041,000, APPROPRIATING \$4,250,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$4,250,000 REFUNDING  
BONDS OF THE TOWN FOR FINANCING 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 Town of Newton, in the County of Sussex, New Jersey (the "Town") is hereby authorized to refund all or a portion of the outstanding callable General Obligation Refunding Bonds of the Town issued in the original principal amount of \$2,775,000 and dated February 1, 2004 (the "2004 Bonds") and/or to refund all or a portion of the outstanding callable General Improvement Bonds of the Town originally issued in the principal amount of \$4,041,000 and dated April 1, 2006 (the "2006 Bonds") (the 2004 Bonds and the 2006 Bonds are collectively referred to herein as the "Prior Bonds").

The 2004 Bonds maturing on or after October 1, 2015 (the "2004 Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after October 1, 2014 (the "2004 Redemption Date") at a redemption price equal to the par amount of the 2004 Refunded Bonds to be redeemed plus accrued interest, if any, to the 2004 Redemption Date.

The 2006 Bonds maturing on or after April 1, 2017 (the "2006 Refunded Bonds") may be redeemed at the option of the Town in whole or in part on any date on or after April 1, 2016 (the

"2006 Redemption Date") at a redemption price equal to the par amount of the 2006 Refunded Bonds to be redeemed plus accrued interest, if any, to the 2006 Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$4,250,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. 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 \$4,250,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$3,701,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Town.

Section 6. No Local Finance Board approval is required as the issuance of the Refunding Bonds will comply with the requirements of N.J.A.C. 5:30-2.5.

Section 7. The Mayor, the Chief Financial Officer, the Town Clerk and other appropriate representatives of the Town are hereby authorized to prepare such documents, to publish such

notices and to take such other actions as are necessary or desirable to enable the Town to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the Prior Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption.

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on June 9, 2014. It adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on June 23, 2014, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS  
IN THE TOWN OF NEWTON BY PUBLIC AUCTION**

**ORDINANCE #2014-13**

**WHEREAS**, the Town of Newton has determined that three (3) certain municipally owned properties, as listed on Schedule "A" attached, as shown on the Town of Newton Tax Map ("Property"), are no longer necessary for municipal purposes and as such shall be sold at public auction sale in accordance with N.J.S.A. 40A:12-13; and

**WHEREAS**, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use by public sale;

**NOW, THEREFORE, BE IT ORDAINED** by the Newton Town Council that the Property shall be sold at public auction, pursuant to N.J.S.A. 40A:12-13; and

**BE IT FURTHER ORDAINED**, the following terms and conditions shall apply:

1. The Town Council reserves the right to reject all bids.
2. The minimum bid the Town will consider for each parcel is provided on Schedule "A" attached, plus for each parcel:
  - A. the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney;
  - B. the costs of notice for publication; and
  - C. \$450 for Town attorney fees related to the Property transfer.
3. The Property shall be sold at public auction, to the highest bidder of each parcel, on July 30, 2014, at 3:00 p.m.
4. The Governing Body hereby appoints and designates the Newton Town Manager or his designee, to conduct the sale of the Property on behalf of the Governing Body.
5. Notice of the auction sale of the Property shall be advertised in the *New Jersey Herald* newspaper at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.

**6. Potential Bidders are advised:**

- A. To conduct all necessary title searches prior to the date of the sale.
- B. That the description of the Property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Town of Newton as to the conditions of the Property, including habitability or usability; the Property is being sold in its present condition "as is".
- C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Town of Newton.
- D. That no employee, agent or officer of the Town of Newton has any authority to waive, modify or amend any of the conditions of the sale.
- E. That offers for the Property must be made for a sum equal or greater to the minimum bid price listed on Schedule "A", attached to this Ordinance.
- F. The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription, and as set forth herein, and without representation as to character of title of the Property to be conveyed.
- G. The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

**7. Additional Terms the Successful Bidder must comply with:**

- A. Bidder shall deposit cash, bank check or cashier's check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Town will re-auction the Property at the same sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

- B. Pay at the time of closing, no later than October 30, 2014, at the office of the Town of Newton, or at such other location as mutually agreed upon, via cash or certified check:
    - (1) The balance of the purchase price;
    - (2) The cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice of publication; and \$450 for Town attorney fees related to the Property transfer.
  - C. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
  - D. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
  - E. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
  - F. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
  - G. That the title shall close on or before October 30, 2014, and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
  - H. The Town reserves the right to withdraw the offer of sale and reject any and all bids.
  - I. All sales are subject to final approval by the Town Council.
  - J. Parties interested in submitting bids and who require additional information, should contact Thomas S. Russo, Jr., Town Manager, Town of Newton, Municipal Building, 39 Trinity Street, Newton, New Jersey 07860.
  - K. Execution of Acceptance of Offer to Sell Property by the Town of Newton, in the form attached hereto.
8. The Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason, and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Town, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be

the obligation of the successful purchaser to examine title to the Property prior to the closing. In the event of closing and later finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.

9. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.
10. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

This Ordinance shall take effect upon final passage, approval and publication as required by law.

ATTEST:

\_\_\_\_\_  
Joseph A. Ricciardo, Mayor

\_\_\_\_\_  
Lorraine A. Read, Municipal Clerk

NOTICE is given that this ordinance was introduced and passed upon first reading at a meeting of the Mayor and Town Council of the Town of Newton, in the County of Sussex, New Jersey, held on June 9, 2014. It was adopted after public hearing at a meeting of the Mayor and Town Council held in the Newton Town Municipal Building, 39 Trinity Street, Newton, New Jersey 07860, June 23, 2014, at 7:00 o'clock P.M.

\_\_\_\_\_  
Lorraine A. Read, RMC  
Municipal Clerk

## SCHEDULE "A"

<b>Block/Lot</b>	<b>Street Address</b>	<b>Size</b>	<b>Status of Property</b>	<b>Minimum Bid</b>	<b>Zone</b>
<b>22.09/7 (formerly 1208/11)</b>	<b>27 Orchard St</b>	<b>0.344 acres</b>	<b>vacant land</b>	<b>\$57,800</b>	<b>T-3</b>
<b>19.01/6 (formerly 1302/2.01)</b>	<b>7 Stuart St</b>	<b>0.2818 acres</b>	<b>1801 sq ft masonry building</b>	<b>\$156,700</b>	<b>T-3</b>
<b>16.02/2 (formerly 901/12)</b>	<b>215 Woodside Avenue</b>	<b>3.867 acres</b>	<b>vacant land</b>	<b>\$147,800</b>	<b>T-3</b>

MDC

N:\USERS\Clients\7562-1 Newton General - UHL\Sale of Property\2014.04.30 Ordinance authorizing sale-3 parcels.doc  
6/18/14



## TOWN OF NEWTON

### RESOLUTION #110-2014

June 23, 2014

#### **“Authorize Release of the Performance Guarantee Posted by Michael Fitzpatrick & Son, Inc., for the Relocation of Newton Owned Water Transmission Mains located in Sparta, New Jersey”**

**WHEREAS**, Jersey Investors Growth, Co., L.P. and 56 Main Street Associates, LLC entered into an Amended and Restated Waterline Easement Agreement with the Town of Newton to relocate Newton-owned water transmission mains to install a connector road between Main Street and County Route 517 Bypass in Sparta, New Jersey for the Sparta Town Center Project; and

**WHEREAS**, as a condition of said agreement, Michael Fitzpatrick & Son, Inc. of Oak Ridge, New Jersey, the contractor for the project, was required to post a Performance Guarantee in the amount of \$84,858.00 in assumption of repairs in the event of a water break during construction; and

**WHEREAS**, in a letter dated June 12, 2014, David B. Simmons, Jr., PE of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended the Performance Guarantee in the amount of \$84,858.00, currently on file with the Town of Newton be released, subject to the following conditions:

1. Posting of a two-year Maintenance Bond running from the date of acceptance of the connector road by Sparta Township, which was November 27, 2012 in the amount of \$84,858.00. The Maintenance Bond shall run from November 27, 2012 to November 27, 2014.
2. Payment of all engineering and legal fees associated with this project.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$84,858.00 posted by Michael Fitzpatrick & Son, Inc., with the Town of Newton, related to the development of a connector road between Main Street and County Route 517 Bypass in Sparta, New Jersey based on the recommendation and conditions of the Town Engineer.

#### **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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



# HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

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NJ - P.E., NJ - C.M.E.,  
PA - P.E.

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.,  
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THOMAS G. KNUTELSKY  
NJ - P.E.

June 12, 2014

**FAX: (973) 383-8961**

**MEMORANDUM TO:** Mrs. Debra Millikin, Newton Deputy Town Manager

**FROM:** David B. Simmons, Jr., P.E., L.S., C.M.E.

**SUBJECT:** Newton Watermains Crossing Sparta Town Center  
Block 19.03, Tax Lot 48  
Sparta Township, Sussex County, New Jersey  
HPA No. 11-030

Dear Mrs. Millikin:

Per your request, I have reviewed the agreement regarding the relocation of the Town of Newton's 10" and 16" water transmission mains at the site in Sparta Township captioned above, and have the following comments:

1. The sections of 10" and 16" water transmission mains have been successfully relocated and are acceptable to the Newton Water & Sewer Utility. (See enclosed email from Newton Water & Sewer Superintendent Paul Baldwin dated June 12, 2014.)
2. The final wearing surface has been installed on Town Center Drive.
3. The Township of Sparta passed Sparta Ordinance #12-18 on November 27, 2012 to accept the dedication of Town Center Drive (copy of ordinance enclosed).
4. The Amended and Restated Waterline Easement Agreement dated July 11, 2011 between Jersey Investors Growth Co., L.P., 56 Main Street Associates, LLC, and the Town of Newton was executed and recorded in the Sussex County Clerk's Office in Book 3327 of Deeds, pages 838, etc. on January 7, 2014.

Therefore, based on the conditions as outlined in Schedule A of the Agreement, I recommend that Performance Bond #B1103066 in the amount of \$84,858.00 (copy enclosed) be released, subject to the following:

- a. Posting a two-year maintenance bond running from the date of acceptance of the connector road by Sparta Township, which was November 27, 2012. The maintenance

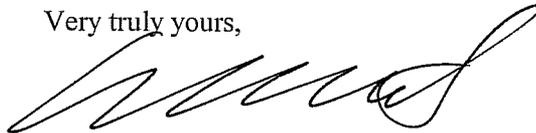
**Mrs. Debra Millikin**  
**RE: Newton Watermains Crossing Sparta Town Center**  
**Block 19.03, Tax Lot 48**  
**Sparta Township, Sussex County**  
**June 12, 2014**

**Page 2**

bond in the amount of \$84,858.00 shall run from November 27, 2012 to November 27, 2014.

- b. Payment of all engineering and legal fees associated with this project.

Very truly yours,



David B. Simmons, Jr., P.E., L.S., C.M.E. for  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineers

DBS:mac

K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\11-030 - JERSEY GROWTH INVESTORS WATER TRANSMISSION MAIN CROSSING\MILLIKIN1.DOC

Enclosures

cc: Via Fax Only w/Enclosures  
P. Baldwin, Newton Water & Sewer Superintendent (973) 383-8961  
S. Hollander, Esq. (973) 383-4922

**David B. Simmons**

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**From:** Paul Baldwin [pbaldwin@newtontownhall.com]  
**Sent:** Thursday, June 12, 2014 4:01 PM  
**To:** David B. Simmons  
**Subject:** RE: Newton - Relocated Transmission Mains - Jersey Investors Growth/56 Main Street Associates, LLC

looks ok to me

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**From:** David B. Simmons [mailto:DSimmons@hpellow.com]  
**Sent:** Wednesday, June 11, 2014 8:58 AM  
**To:** pbaldwin@newtontownhall.com  
**Cc:** dmillikin@newtontownhall.com  
**Subject:** Newton - Relocated Transmission Mains - Jersey Investors Growth/56 Main Street Associates, LLC

6/11/14

Paul.....

The property owners of the Town Center Drive properties in Sparta Township have requested that their performance bonds be released for the relocated sections of 10" and 16" Newton transmission mains that their contractor installed. The properties involved in Sparta include Block 19.03 Tax Lot 48.02, Block 19.01 Tax Lots 11, 12, & 13, Block 19.03 Lot 48.01, and the Town Center Drive crossing.

Please advise if there are any outstanding issues regarding the work that was done regarding the relocation of these two mains, or if all work is acceptable.

Thank you...

David B. Simmons, Jr. for  
HAROLD E. PELLOW & ASSOCIATES, INC.  
Town of Newton Engineers

6/12/2014

**AN ORDINANCE OF THE TOWNSHIP OF SPARTA TO ACCEPT THE DEDICATION OF TOWN CENTER DRIVE AS A PUBLIC STREET IN THE TOWNSHIP OF SPARTA**

WHEREAS, heretofore to wit: the Planning Board of the Township of Sparta approved a subdivision shown on maps entitled: "Sparta Town Center, Tax Lot 19.03, Block 48, Sparta Township, Sussex County, N.J., Final Plat" prepared by Omland Engineering Associates, Inc., with the last revision date being April 20, 2012 and said map was duly filed in the office of the Clerk of the County of Sussex on August 6, 2012 as Map No. 1467; and

WHEREAS, by virtue of the filing of the map as aforesaid, the street rights-of-way, drainage easements, sight triangle easements, water main easements and any turnarounds were dedicated to public use; and

WHEREAS, the Township Council of the Township of Sparta deems it advisable and in the best interests of the Township to accept the street, easements and turnarounds so dedicated.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta as follows:

SECTION 1. The street and road, as designated and delineated on the map entitled "Sparta Town Center, Tax Lot 19.03, Block 48, Sparta Township, Sussex County, N.J., Final Plat" prepared by Omland Engineering Associates, Inc with the last revision date being April 20, 2012 and Map No. 1467 is hereby accepted as a public street of the Township of Sparta.

SECTION 2. This ordinance shall take effect after publication and passage according to law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed at first reading at a meeting of the Township Council of the Township of Sparta held on October 23, 2012 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and will be considered for final passage at a meeting to held on Tuesday, November 27, 2012 at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

MARY J. COE, RMC  
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on October 23, 2012. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on November 27, 2012 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

MARY J. COE, R.M.C.  
MUNICIPAL CLERK

**David B. Simmons**

---

**From:** Eric Powell [Eric.Powell@spartanj.org]  
**Sent:** Thursday, June 05, 2014 12:01 PM  
**To:** David B. Simmons  
**Subject:** Copy of Town Center Drive resolution

See attached. Let me know if you need anything else.

Eric

Eric G. Powell, PE, CME  
Township Engineer  
Township of Sparta  
65 Main Street  
Sparta, New Jersey 07871  
Sussex County, New Jersey  
ph. 973-726-3607  
fax 973-726-3653

This e-mail is for the sole use of the intended recipient and may contain confidential and/or privileged information. Any authorized use, review, distribution, or disclosure is prohibited without the prior written consent of the person/entity that drafted this communication. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Selective Insurance Company of America  
40 Wantage Avenue  
Branchville, New Jersey 07890  
973-948-3000

**Water Main Bond Bond No. B1103066**

KNOW ALL MEN BY THESE PRESENTS, That we  
Michael Fitzpatrick & Son, Inc

of P.O. Box 430, Oak Ridge, NJ 07438

as principal, and SELECTIVE INSURANCE COMPANY OF AMERICA, a New Jersey Corporation with its principal office at Branchville, NJ, as Surety, are held and firmly bound unto  
Newton Township Water Authority

of 39 Trinity Street, Newton, NJ  
in the sum of Eighty Four Thousand Eight Hundred Fifty Eight Dollars & XX/00  
Dollars(\$ 84,858.00 )

for the payment of which sum, well and truly to be made, we bind ourselves, our personal representatives, successors and assigns, jointly and severally, firmly by these presents.

The Condition of the obligation is such that, whereas, the above bounden  
Michael Fitzpatrick & Son, Inc is required to post an bond to Newton Township Water Authority

for obligation set forth in the Engineers letter dates 3-28-11 titled Jersey Investors Project, Sparta  
Township, Connector Road Between Main St. and Rte 517 By Pass, Crossing (2) Newton Water  
Transmission Mains Assumption of repairs in the event of a water main brake. (attached hereto)

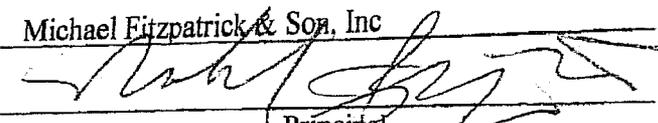
but before so Allowing, the Newton Township Water Authority desires a guarantee that certain work be performed in the event of a water main break in accordance with the Engineers letter dated 3-28-11 by Howard E. Pellow & Associates, Inc Engineer's Letter of Assumption.

NOW, if the said Principal shall well and faithfully do and perform the things agreed to be done and performed according to the, attached engineer's estimated of work in the event of a water main break, dated 3/28/2011 prepared by Howard E. Pellow & Associates, Inc.; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

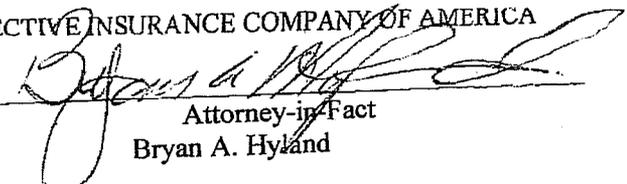
The obligation of this bond shall automatically cease upon acceptance of the work by the Obligee Or Engineer, completion of the work or resumption of normal use.

Signed, Sealed and Dated this 6th day of July, 2011 .

Michael Fitzpatrick & Son, Inc

  
Principal

SELECTIVE INSURANCE COMPANY OF AMERICA

By: 

Attorney-in-Fact

Bryan A. Hyland



# HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1959

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

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

ANN PELLOW WAGNER  
NJ - C.L.A., VA - C.L.A., PA - C.L.A.  
(528/84 - 727/89)

JESSICA C. CALDWELL  
NJ - P.P.: A.I.C.P.

MATTHEW J. MORRIS  
NJ - L.L.A., NJ - P.P.

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.

THOMAS G. KNUTELSKY  
NJ - P.E.

## Jersey Investors Growth Project Sparta Township Connector Road Between Main Street & Route 517 Bypass

Bond estimate for repair of Two (2) Newton Water Transmission Mains if Broken by Contractor

**3-28-11**

### A. Assumptions

1. Break would occur at night on a holiday.
2. Break would wash out both the 16-inch diameter and 10-inch diameter mains.
3. Outside contractor would be doing the repairs.
4. Newton Water & Sewer Utility would be on site the entire time.
5. Sparta Township Water Utility would be needed to transfer to Sparta water through the interconnect.
6. Three (3) lengths each of watermain (54 LF) is washed out in the break.
7. 300,000 gallons of Newton finished water is lost in the break.
8. Newton uses approximately 1,000,000 gal./day of water.

### B. Cost Estimates

#### 1. Initial Response

Newton Water & Sewer Utility is notified of break and responds to shut down gate valves and transfer over to Sparta interconnect:

Supt.:	4 hrs. @ \$45.00.....	\$ 180.00
Foreman:	4 hrs. @ \$38.00.....	\$ 152.00
Utility Man #1:	4 hrs. @ \$30.00.....	\$ 120.00
Utility Man #2:	4 hrs. @ \$30.00.....	\$ 120.00
Res. Caretaker:	4 hrs. @ \$30.00.....	\$ 120.00

Supt. Truck:	4 hrs. @ \$75.00.....	\$ 300.00
Foreman Truck:	4 hrs. @ \$75.00.....	\$ 300.00
Utility Truck:	4 hrs. @ \$75.00.....	<u>\$ 300.00</u>
		\$1,592.00

Sparta Water Utility is notified and dispatches to transfer water from Sparta to Newton:

Supt.:	4 hrs. @ \$45.00.....	\$ 180.00
Foreman:	4 hrs. @ \$38.00.....	\$ 152.00
Utility Man #1:	4 hrs. @ \$30.00.....	\$ 120.00
Utility Man #2:	4 hrs. @ \$30.00.....	\$ 120.00
Supt. Truck:	4 hrs. @ \$75.00.....	\$ 300.00
Foreman Truck:	4 hrs. @ \$75.00.....	\$ 300.00
Utility Truck:	4 hrs. @ \$75.00.....	<u>\$ 300.00</u>
		\$1,472.00

2. Repair/Replacement of 16-inch & 10-inch Watermains

Dispatch trucks to obtain pipe and materials:

a.	Truck to Maryland to get PCCP x DIP Adapters:	
	10 hrs. @ \$150.00.....	\$1,500.00
b.	Truck and trailer to get pipe at foundry:	
	6 hrs. @ \$200.00.....	\$1,200.00

3. Material Cost

Assume: 18-foot lengths each pipe  
3 lengths needed  
Total 54 LF each pipe

10" CI. 54 DCL - 54 LF @ \$35.00/LF	=	\$1,890.00
16" CI. 54 DCL - 54 LF @ \$60.00/LF	=	\$3,240.00
10" MJ Solid Sleeve - 2 Units @ \$400.00	=	\$ 800.00
16" MJ Solid Sleeve - 1 Unit @ \$1,000.00	=	\$1,000.00
16" x 10" PCCP - DIP Adapt. - 2 Units @ \$1,000.00	=	\$2,000.00

3/4" Stone

Assume Exc. 20' wide x 60' long x 2' deep = 2,400 ft.<sup>3</sup>

<u>2,400 CF</u> x 2 ton/CY x \$25.00/ton	=	\$4,444.00
<u>27 CF/CY</u>		

**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Established 1969

17 PLAINS ROAD, AUGUSTA, NEW JERSEY 07822-2009 • TELEPHONE: 973-948-6463 • FAX: 973-948-2918  
CERTIFICATE OF AUTHORIZATION NO. 24GA27858300

Concrete Sand

Assume 20' wide x 60' long x 3' deep = 3,600 ft<sup>3</sup>

$$\frac{3,600 \text{ CF}}{27 \text{ CF/CY}} \times 1.5 \text{ ton/CY} \times \$25.00/\text{ton} = \$5,000.00$$

Dense Graded Aggregate

Assume 20' wide x 60' long x 3' deep = 3,600 ft<sup>3</sup>

$$\frac{3,600 \text{ CF}}{27 \text{ CF/CY}} \times 2 \text{ ton/CY} \times \$25.00/\text{ton} = \$6,667.00$$

Concrete

Assume 9 CY load needed for misc. thrust blocks/encasement.

Collar around each connection end of 16-inch main and 10-inch main.

$$\frac{3.5' \times 3.5' \times 5'}{27 \text{ ft}^3/\text{CY}} = 2.3 \text{ CY each end}$$

$$4 \text{ connections} \times 2.3 \text{ CY/conn.} = 9.2 \text{ Cy (9)}$$

I-Beam

Assume 1 I-beam is needed for each main for stability.

2 - I-beams each 10 ft. long.

Steel Cable and Clamps

Assume 20 ft. cable is needed for each I-beam connection.

$$2 \text{ connections} \times 20 \text{ ft./conn.} = 40 \text{ LF}$$

Silt Fence

Assume 100 LF silt fence to protect wetland areas.

$$100 \text{ LF} @ \$5.00/\text{ft.} = \$ 500.00$$

Hay Bales

Assume 20 hay bales to protect wetland areas.

$$20 \text{ bales} @ \$25.00/\text{bale} = \$ 500.00$$

**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Established 1959

17 PLAINS ROAD, AUGUSTA, NEW JERSEY 07822-2009 • TELEPHONE: 973-948-8463 • FAX: 973-948-2916  
CERTIFICATE OF AUTHORIZATION NO. 24GA27859300

4. Contractor Repair

Assume:

- 8 hours to stabilize and prep area
- 8 hours to install new mains and fittings
- 8 hours to finish restoring site

For each day on the job, assume the following equipment:

<u>Equipment w/Operator if Needed</u>	<u>Hourly Rate \$</u>
Excavator	\$200.00
Backhoe	\$150.00
Dump Truck	\$125.00
Utility Truck	\$100.00
Pick-up	\$100.00
Generator	\$ 10.00
Air Compressor	\$ 10.00
Pump with Hoses	\$ 10.00
Area Lights	<u>\$ 10.00</u>
	<b>\$715.00/hr.</b>

\$715.0/hr. x 24 hrs. = \$17,160.00 per 24-hour day

5. Subcontractors

a. Welder

Assume 8 hrs. work needed for misc. welding on 16-inch PCCP:

8 hrs. @ \$150.00..... \$1,200.00

b. Hanson Pressure Pipe

Assume 4 hrs. work needed for field rep. to inspect the PCCP and make recommendations:

4 hrs. @ \$100.00..... \$ 400.00

6. Water

a. Newton lost water from filtration plant clear well plus downstream mains:

- Clear Well 200,000 gallons ±
- Downstream Main 100,000 gallons ± \*
- 300,000 gallons ±

\* 20" diameter main, approximately 1 mile long:

$$[3.14 (20/12)^2] \text{ ft.}^2 \times 5,300 \text{ LF} \times 7.48 \text{ gal./CF}^3 = 86,792 \text{ gal., say } 100,000 \text{ gal.}$$

300,000 gal. x \$9.75/thous..... \$2,925.00

b. Water from Sparta Township:

Assume 1,000,000 gal./day to be purchased from Sparta at rate of \$4.50 per thousand.

1,000,000 gal. x \$4.50/thous..... \$4,500.00

7. Transfer Back to Newton Water

Use same time and staffing as "Initial Response", due to purging air from transmission mains, etc.

8. Disposal Costs

Assume: 54 LF of 10" CI Pipe  
54 LF of 16" PCC Pipe

To Dispose of

For Approx. Wt.:

10" DIP CI. 54 = 784 lb./18' length  
16" DIP CI. 54 = 1,409 lb./18' length

3 - 10" lengths x 784 #/length = 2,352 #  
3 - 16" lengths x 1,409 #/18' length = 4,227 #  
6,579 #

6,579 lb. = 3.3 tons @ \$120.00/ton = \$396.00  
2,000 lb./ton

Say \$500.00 for disposal.

9. Newton Water Utility On Site

Full 24-hour repair: 24 hrs.  
• Initial Response - 4  
• Transfer back to Newton Water - 4  
Remaining Time on Site = 16 hrs.

Rate for initial response for men and vehicles was \$1,592.00 for 4 hrs., or \$398.00/hr.

16 hrs. x \$398.00/hr. = \$6,368.00

10. Total Coliform Water Tests

Assume 5 samples required once transmission mains are put back in service.

**HAROLD E. PELLOW & ASSOCIATES, INC.**  
*Established 1968*

## C. Summary

ITEM NO.	DESCRIPTION	UNIT MEASURE	QUANTITY	UNIT PRICE	AMOUNT	
1	Initial Response by Newton & Sparta Water Utilities to Break	L.S.	L.S.	\$3,100.00	\$3,100.00	
2	Dispatch Truck & Trailer to Pick Up Replacement Pipe at Foundry	Hour	6	\$200.00	\$1,200.00	
3	Dispatch Truck to Pick Up Replacement Adapters in Maryland	Hour	10	\$150.00	\$1,500.00	
4	10" Class 54 DCL Watermain	Lin. Ft.	54	\$35.00	\$1,890.00	
5	16" Class 54 DCL Watermain	Lin. Ft.	54	\$60.00	\$3,240.00	
6	10" MJ Solid Sleeve	Unit	2	\$400.00	\$800.00	
7	16" MJ Solid Sleeve	Unit	1	\$1,000.00	\$1,000.00	
8	16" x 10" PCCP Adapter to Ductile Iron	Unit	2	\$1,000.00	\$2,000.00	
9	3/4" Foundation Stone	Ton	180	\$25.00	\$4,500.00	
10	Concrete Sand	Ton	200	\$25.00	\$5,000.00	
11	Dense Graded Aggregate	Ton	270	\$25.00	\$6,750.00	
12	Concrete for Thrust Blocks & Encasement	Cu. Yd.	9	\$100.00	\$900.00	
13	I-Beam - 10' Long	Unit	2	\$500.00	\$1,000.00	
14	Steel Cable with Clamps	Lin. Ft.	40	\$10.00	\$400.00	
15	Silt Fence	Lin. Ft.	100	\$5.00	\$500.00	
16	Hay Bales	Unit	20	\$25.00	\$500.00	
17	Contractor Repair Crew & Equipment, Including: <ul style="list-style-type: none"> <li>• Excavator</li> <li>• Backhoe</li> <li>• Tandem Dump Truck</li> <li>• Utility Truck</li> <li>• Pickup</li> <li>• Generator</li> <li>• Air Compressor</li> <li>• Pump with Hoses</li> <li>• Area Lights</li> <li>• Misc. Equipment &amp; Tools</li> </ul>	Hour	24	\$715.00	\$17,160.00	
18	Welder	Hour	8	\$150.00	\$1,200.00	
19	Hanson Pressure Pipe Field Representative	Hour	4	\$100.00	\$400.00	
20	Newton Water Utility Staff On Site with Vehicles	Hour	16	\$400.00	\$6,400.00	
21	Lost Water from Newton Filtration Plant & Mains	Thousand Gallons	300	\$9.75	\$2,925.00	
22	Water Purchased from Sparta Township During Break & Repair	Thousand Gallons	1,000	\$4.50	\$4,500.00	
23	Transfer Back to Newton Water by Newton & Sparta Water Utilities	L.S.	L.S.	\$3,100.00	\$3,100.00	
24	Disposal of Waste Material - Concrete and Cast Iron Pipe	L.S.	L.S.	\$500.00	\$500.00	
25	Total Coliform Water Tests	Unit	5	\$50.00	\$250.00	
					\$70,715.00	
					20% OF TOTAL:	\$14,143.00
					\$84,858.00	

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

Established 1889

17 PLAINS ROAD, AUGUSTA, NEW JERSEY 07822-2009 • TELEPHONE: 973-948-8463 • FAX: 973-948-2916  
 CERTIFICATE OF AUTHORIZATION NO. 24GA27959300



Selective Insurance Company of America  
40 Wantage Avenue  
Branchville, New Jersey 07890  
973-948-3000

Bond No. B 1103066

**POWER OF ATTORNEY**

Site Plan

**SELECTIVE INSURANCE COMPANY OF AMERICA**, a New Jersey corporation having its principal office at 40 Wantage Avenue, in Branchville, State of New Jersey ("SICA"), pursuant to Article VII, Section 1 of its By-Laws, which state in pertinent part:

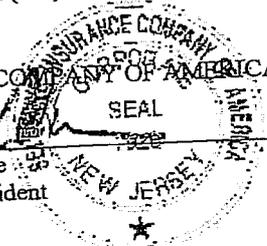
The Chairman of the Board, President, Chief Executive Officer, any Executive Vice President, any Senior Vice President or any Corporate Secretary may, from time to time, appoint attorneys in fact, and agents to act for and on behalf of the Corporation and they may give such appointee such authority, as his/her certificate of authority may prescribe, to sign with the Corporation's name and seal with the Corporation's seal, bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any of said Officers may, at any time, remove any such appointee and revoke the power and authority given him/her.

does hereby appoint **Bryan A. Hyland**

, its true and lawful attorney(s)-in-fact, full authority to execute on SICA's behalf fidelity and surety bonds or undertakings and other documents of a similar character issued by SICA in the course of its business, and to bind SICA thereby as fully as if such instruments had been duly executed by SICA's regularly elected officers at its principal office, in amounts or penalties not exceeding the sum of: **Eighty Four Thousand Eight Hundred Fifty Eight Dollars (\$84,858.00)**

Signed this 7th day of July, 2011

By: [Signature]  
Antonio C. Albanese  
Its Senior Vice President



CERTIFIED COPY

STATE OF NEW JERSEY :

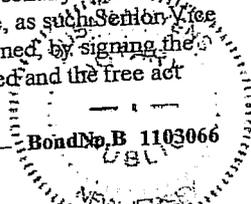
:ss. Branchville

COUNTY OF SUSSEX :

On this 7th day of July, 2011, before me, the undersigned officer, personally appeared Antonio C. Albanese, who acknowledged himself to be the Senior Vice President of SICA, and that he, as such Senior Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Senior Vice President and that the same was his free act and deed and the free act and deed of SICA.

SUSAN NEYENS  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 12/12/2012

Notary Public



The power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of SICA at a meeting duly called and held on the 6th of February 1987, to wit:

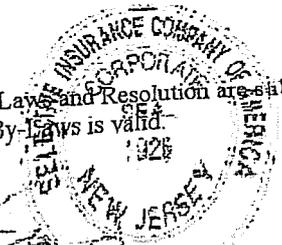
"RESOLVED, the Board of Directors of Selective Insurance Company of America authorizes and approves the use of a facsimile corporate seal, facsimile signatures of corporate officers and notarial acknowledgements thereof on powers of attorney for the execution of bonds, recognizances, contracts of indemnity and other writing obligatory in the nature of a bond, recognizance or conditional undertaking."

**CERTIFICATION**

I do hereby certify as SICA's Corporate Secretary that the foregoing extract of SICA's By-Laws and Resolution are still in force and effect and this Power of Attorney issued pursuant to and in accordance with the By-Laws is valid.

Signed this 7th day of July, 2011

[Signature]  
Michael H. Lanza, SICA Corporate Secretary



Important Notice: If the bond number embedded within the Notary Seal does not match the number in the upper right-hand corner of this Power of Attorney, contact us at 973-948-3000.



**SELECTIVE**®

Selective Insurance Company of America  
40 Wantage Avenue  
Branchville, New Jersey 07890  
973-948-3000

BondNo.B 1103066

Site Plan

**STATEMENT OF FINANCIAL CONDITION**

I hereby certify that the following information is contained in the Annual Statement of Selective Insurance Company of America ("SICA") to the New Jersey Department of Banking and Insurance as of December 31, 2010:

<u>ADMITTED ASSETS (in thousands)</u>		<u>LIABILITIES AND SURPLUS (in thousands)</u>	
Bonds	\$ 1,680,252	Reserve for losses and loss expenses	\$1,243,967
Preferred stocks at convention value	0	Reserve for unearned premiums	353,068
Common stocks at convention values	38,328	Provision for unauthorized reinsurance	452
Subsidiary common stock at convention values	0	Commissions payable and contingent commissions	21,577
Short-term investments	60,901	Other accrued expenses	15,581
Mortgage loans on real estate (including collateral loans)	38,785	Other liabilities	<u>160,975</u>
Other invested assets	113,443	Total liabilities	1,795,620
Interest and dividends due or accrued	17,965		
Premiums receivable	271,538	Surplus as regards policyholders	<u>542,611</u>
Other admitted assets	<u>117,019</u>		
Total admitted assets	\$ <u>2,338,231</u>	Total liabilities and surplus as regards policyholders	\$ <u>2,338,231</u>

I further certify that the following is a true and exact excerpt from Article VII, Section 1 of the By-Laws of SICA, which is still valid and existing.

The Chairman of the Board, President, Chief Executive Officer, any Executive Vice President, any Senior Vice President or any Corporate Secretary may, from time to time, appoint attorneys in fact, and agents to act for and on behalf of the Corporation and they may give such appointee such authority, as his/her certificate of authority may prescribe, to sign with the Corporation's name and seal with the Corporation's seal, bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any of said Officers may, at any time, remove any such appointee and revoke the power and authority given him/her.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix the seal of SICA, this 23 day of February, 2011.

Michael H. Lanza  
SICA Corporate Secretary



STATE OF NEW JERSEY :

:ss. Branchville

COUNTY OF SUSSEX :

On this 23 day of February, 2011, before me, the undersigned officer, personally appeared Michael H. Lanza, who acknowledged himself to be the Corporate Secretary of SICA, and that he, as such Corporate Secretary, being authorized to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as Corporate Secretary.

Notary Public  
My Commission Expires:



## TOWN OF NEWTON

### RESOLUTION #111-2014

June 23, 2014

“Renewal of Club Licenses”

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Club Licenses be renewed for the licensing year 2014-2015, effective July 1, 2014:

**No. 1915-31-014-001** be issued to Newton Memorial Post 5360, Veterans of Foreign Wars, t/a Newton Memorial Post 5360, V.F.W., 85 Mill Street, Newton, New Jersey; and

**No. 1915-31-013-002** be issued to Loyal Order of Moose Newton Lodge #432, t/a Loyal Order of Moose Newton Lodge #432, 4 Diller Avenue, Newton, New Jersey.

### 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, June 23, 2014.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #112-2014

June 23, 2014

### “Renewal of Plenary Retail Consumption Licenses”

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Consumption Licenses are renewed for licensing year 2014-2015, effective July 1, 2014:

**No. 1915-33-001-005** be issued to Chun Bo, Inc., t/a Chun Bo Chinese Restaurant, 66 Sparta Avenue, Newton, New Jersey; and

**No. 1915-33-002-009** be issued to B&M LLC, t/a O'Reillys Pub & Grill, 271 Spring Street, Newton, New Jersey; and

**No. 1915-33-003-007** be issued to Big Tadew, LLC, t/a Andre's Restaurant, 188-190 Spring Street, Newton, New Jersey; and

**No. 1915-33-007-005** be issued to Apple Food Service of Newton, LLC., t/a Applebee's Neighborhood Grill & Bar, 6 North Park Drive, Newton, New Jersey; and

**No. 1915-33-008-004** be issued to F. Roger Pierson Enterprises, Inc., t/a Trinity, 173 Spring Street, Newton, New Jersey; and

**No. 1915-33-011-008** be issued to The County Seat Restaurant, LLC, t/a The County Seat Dining Cocktails & Caterers, 64 Water Street, Newton, New Jersey; and

**No. 1915-33-006-011** be issued to Thordon Inc., t/a Tuscany Bistro, 216 Woodside Avenue, Newton, New Jersey;

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Newton, County of Sussex State of New Jersey, that the following Plenary Retail Consumption License w/Broad Package Privilege be renewed for licensing year 2014-2015, effective July 1, 2014:

**No. 1915-32-005-011** be issued to Newton Bar & Liquors, Inc., t/a Shop Rite Liquors of Newton, 127 Water Street, (Route 206 N.) Newton, New Jersey.

### 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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #113-2014

June 23, 2014

**“Renewal of Plenary Retail Distribution Licenses”**

**BE IT RESOLVED** by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that the following Plenary Retail Distribution Licenses be renewed for the licensing year 2014-2015, effective July 1, 2014:

**No. 1915-44-010-003** be issued to Bia Krishna, Inc., t/a Seplow's Liquors, 5 Woodside Avenue, Newton, New Jersey; and

**No. 1915-44-004-012** be issued to HV Patel Corporation, t/a Spring Liquors, 110 Spring Street, Newton, New Jersey.

### 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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



June 23, 2014

## TOWN OF NEWTON

### RESOLUTION #114-2014

#### **“Authorize Award of a Non-Fair and Open Contract for Engineering Services for the Roof Replacement at the Wastewater Treatment Plant”**

**WHEREAS**, the Town of Newton has a need to acquire the services of Hatch Mott MacDonald for a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for engineering services for the roof replacement at the Wastewater Treatment Plant located on Townsend Street; and

**WHEREAS**, Hatch Mott MacDonald has submitted a proposal, dated May 27, 2014, outlining the services to be provided for an amount not to exceed \$47,400.00; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Hatch Mott MacDonald, for the engineering services for the roof replacement at the Wastewater Treatment Plant located on Townsend Street, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

#### **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, June 23, 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 #: 114-2014

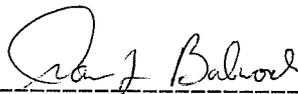
APPROVING: HATCH MOTT MACDONALD

FOR THE PURPOSE OF: ENGINEERING – ROOF REPLACEMENT AT  
WASTEWATER TREATMENT PLANT

IN THE AMOUNT OF: NOT TO EXCEED \$47,400.00

APPROPRIATED BY: 2014 WATER SEWER UTILITY FUND –  
CAPITAL IMPROVEMENT FUND – SEWER TREATMENT PLANT BUILDING ROOFS  
#6089328

DATED THIS 23<sup>RD</sup> DAY OF JUNE, 2014

BY  \_\_\_\_\_

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



**Hatch Mott  
MacDonald**

**Hatch Mott MacDonald**  
111 Wood Avenue South  
Iselin, New Jersey 08830-4112

www.hatchmott.com

May 27, 2014

MAY 29 2014

Ms. Debra J. Millikin  
Deputy Town Manager  
Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

**Re: Roof Replacements at Wastewater Treatment Plant  
Proposal for Professional Services  
HMM Project No. 341634**

Dear Ms. Millikin:

Per your request, Hatch Mott MacDonald (HMM) is pleased to submit this proposal for professional engineering services related to the roof replacements at the Newton Wastewater Treatment Plant (WWTP). As described in the Wastewater System Capital Improvements Plan, the existing roofs are leaking in numerous locations and have reached the end of their expected life spans and should be replaced. They appear to have all been constructed, replaced or installed prior to 1990. These roofs include the Service Building, Inlet Building, Thickener Building, Garage, Digester Control Building and Control Building.

### **Project Background and Understanding**

The major buildings at the Wastewater Treatment Plant consist of the Service Building, the Inlet Building, the Control Building, the Digester Control Building, the Thickener Building, and Garage. The Service Building, Inlet Building, and Thickener Building were constructed in 1990 with the last significant upgrade to the Wastewater Treatment Plant. The roofs on these buildings are original to the 1990 construction. Based on available record drawings, the roof of the pre-existing Garage structure was replaced during 1990 upgrade. The roofs for the Control Building and the Digester Control Building appear to pre-date the 1990 upgrade.

The Service Building, Inlet Building, and Digester Control Building have low slope roofs with tapered insulation on precast concrete plank roof decks. The Thickener Building and Garage have low slope roofs with tapered insulation on metal decks. The Control Building has a hipped shingle roof.

### **Scope of Work**

HMM proposes the following scope of work to provide professional engineering services to assist the Town with the roof replacements at the WWTP. We have divided the project into four phases of work, namely:

1. Preliminary Design



2. Detailed Design
3. Bid Phase Services
4. Construction Phase Services

### **Task 1: Preliminary Design**

Under this task, HMM will conduct the investigations and evaluations necessary to develop the basis for the preparation of the construction contract documents for public bidding, including the following activities:

- ◆ Review available existing construction documents and other historical data related to the existing roof and building construction. Review existing drawing records to determine which documents are pertinent to the project.
- ◆ Visual inspection and notation of the roofing systems:
  - Existing drainage patterns; existing debris and overall condition; existing structural elements and decking.
- ◆ Visual inspection of all flashing, terminations and expansion joints of the roofing systems: adjacent walls/windows; roof penetrations; and gutters and leaders.
- ◆ Visual inspection of underside of roof decks and structure.
- ◆ Visual inspection of the existing exterior adjacent walls.
- ◆ Roof core cuts to determine roof composition and test for the presence of asbestos-containing building materials.
- ◆ Prepare wind uplift and drainage calculations for conformance with Building Code requirements.
- ◆ Prepare preliminary report and construction plans, including cost estimate.
- ◆ Meet with the Town, review alternatives and recommendations, and finalize selections for detailed design.

### **Task 2: Detailed Design**

We propose to perform the following detailed design phase tasks:

- ◆ Prepare Contract Drawings including roof plans, construction details and other drawings as necessary to fully depict the extent of work and methods of construction.
- ◆ Prepare front end documents (bidding requirements and contract conditions) and Technical Specifications, as required, to provide all general, material and installation requirements to fully implement the work of this project.
- ◆ Attend one progress meeting with the Town when the Contract Documents are near completion.
- ◆ Prepare an updated construction cost estimate.

### **Task 3: Bid Phase Services**

Following completion of the contract plans and specifications, HMM will assist the Town with the public bidding of the construction contract, including the following tasks:

- ◆ Arrange for the distribution of the contract plans and specifications to prospective bidders. We have assumed that the bid documents will be distributed through [www.bidset.com](http://www.bidset.com), the NAPCO on-line bid document management and ordering website. With this system, it will be possible for prospective bidders to review the contract documents online and order and pay for the full-size drawings and specifications through the website or by calling a



toll-free number. The printing and shipping costs will be collected directly by the printing company.

- ◆ Prepare the Notice to Bidders and assist with advertising the project in the local newspapers and trade journals. We have assumed that the Town will directly pay for the cost of publication and obtain proof of publication for its records.
- ◆ Conduct a pre-bid meeting with potential bidders.
- ◆ Review bidder questions and prepare up to two (2) addenda, if necessary.
- ◆ Attend the bid opening conference.
- ◆ Evaluate the three (3) lowest bid packages concurrent with legal review by the Town Attorney.
- ◆ Prepare a bid summary tabulation and a Recommendation of Award letter to the Town.
- ◆ Issue a Notice of Award to the successful bidder, upon award of the contract by the Town.

#### **Task 4: Construction Phase Services**

Following the issuance of the Notice of Award, HMM proposes to assist the Town with the construction phase of the project by performing the following tasks:

- ◆ Conduct a preconstruction conference.
- ◆ Review contractor's overall construction schedule and breakdown of contract values for payment.
- ◆ Review contract submittals and shop drawings.
- ◆ Respond to Contractor Requests-for-Information (RFI).
- ◆ Provide part-time onsite inspection, on an as-needed basis. We have estimated our costs based on one (1) site visit every week over an 8 to 10 week period, including visits to develop punch list items and verify completion of the work. Thus, we have assumed approximately 60 hours of onsite inspection. This can be adjusted based on project needs.
- ◆ Evaluate Contractor's monthly progress payment requests and recommend payment by the Town.
- ◆ Attend up to three (3) progress meetings. We have assumed that progress meetings would be scheduled on the same day as site inspections. Meeting minutes will be prepared for record purposes.
- ◆ Assist with documentation as required for formal project closeout, including review of Contractor's Maintenance Bond, and preparing Final Payment documents.

We estimate that a period of 120 days will be required for construction. This period includes time for the preparation, review, and approval of the shop drawings, the manufacturer and delivery of the materials and equipment, field installation and construction, and contract close-out. The actual field construction period is estimated to be 8 to 10 weeks. Please note that HMM's level of construction observation and contract administration will largely depend on the performance and efficiency of the construction contractor and its subcontractors and equipment suppliers.

#### **Permits**

It is HMM's opinion that the Town will not be required to obtain permits from State or County agencies for this project. Filing for any applicable local building permit for the work will be responsibility of the Contractor.



**Opinion of Probable Construction Cost**

Our conceptual / budget level estimate of the construction cost is \$200,000. This estimate is made with limited information on the project details and is based on initial budgetary pricing provided by manufacturers, historical pricing, and other factors. The construction cost estimate will be updated during the design development phases.

**Recommended Engineering Budget**

HMM proposes to perform the tasks described in this proposal for the not to exceed costs, as follows:

1. Preliminary Design	\$	8,500
2. Detailed Design		10,200
3. Bid Phase Services		5,400
4. Construction Phase Services		<u>23,300</u>
Total	\$	\$47,400

All work will be billed on a time and materials basis, in accordance with our hourly rate schedule for the Town of Newton prevailing at the time the work is performed.

We propose to undertake Tasks 1 through 3 on a time and material not-to-exceed basis. Task 4 – Construction Phase Services, is proposed to be undertaken on a reimbursable basis as these services are directly influenced by the performance of the construction contractor.

We will advise the Town when billings on the project approach 80 percent of the Task 4 budget. At that point, we will advise the Town if there are adequate funds to complete the project. If not, we will provide the Town with an estimate to complete the work at which time the Town can either appropriate additional funds or modify the scope to complete the work within the current authorization. In either event, we would provide an estimate for the costs of the extra work and obtain authorization from the Town prior to proceeding.

**Project Team**

Our proposed Project Manager, Robert K. Fritz, RRC, RWC, AIA, Vice President, is a Registered Roof Consultant and Registered Waterproofing Consultant with over 25 years of comprehensive experience in all aspects of buildings and facilities design. Mr. Fritz has a focused interest in maintenance master planning including roof and building envelope and window diagnostic investigations, historic restoration, analysis reports, repair or replacement phasing, and implementation design packages. In addition to his architectural expertise, he is responsible for project administration and design, feasibility studies, consultant coordination, construction documents preparation, quality control, and technical review of various architectural and engineering projects.

Another key member of the Project Team will be Christopher Klammer. Mr. Klammer has over 15 years' experience providing inspections, design, and construction administration services for roofing repair/replacement systems. Mr. Klammer recently provided design and on-site construction administration services for the replacement of the existing roof framing, decking, and drainage systems for the Army ROTC building at



## Hatch Mott MacDonald

Rutgers' College Avenue Campus. He also provided investigations, analysis, and construction phase services to evaluate and rehabilitate the existing roofing and roof drainage systems at numerous other Rutgers buildings.

As members of RCI Inc., an international association of professional consultants, architects, and engineers specializing in the specification and design of roofing, waterproofing and exterior wall, we are committed to the advancement of the profession of roof consulting. Together with our comprehensive experience in roof consulting and our investigative engineering, we offer extensive roofing services. Our comprehensive experience in entire building diagnostic investigations often aids us in determining the actual source of water infiltration into a building as many of the so-called "roof leaks" can actually be originating through an adjacent masonry or curtain wall, window penetrations, doors, mechanical equipment penetrations or electrical conduits.

We are familiar with and have previously designed roof replacements in accordance with the National Roofing Contractors Association's (NCRCA) Roofing and Waterproofing Manual; SMACNA Architectural Sheet Metal Manual; Single-Ply Roofing Institute (SPRI) Guidelines; National Slate Association's Slate Roof Guidelines; the Secretary of the Interior's Standards for the Treatment of Historic Properties; and the Preservation Briefs as published by the National Park Service.

### Exclusions

Our recommended budget does not include:

- ◆ Services for additional scope of work items not specifically identified above;
- ◆ Building Department filing or permit fees;
- ◆ Exterior wall repairs and other non-roof related recommendations that may result from our detailed inspections and analysis.

### Summary

HMM is prepared to schedule the work upon receiving the Town's authorization to proceed and we look forward to working with the Town on this project. Should you have any questions or wish to discuss the proposal in further detail, please call me at 973-912-2571.

Very truly yours,

Hatch Mott MacDonald

A handwritten signature in black ink, appearing to read "John J. Scheri".

John J. Scheri, PE, BCEE  
Vice President  
T 973-912-2571 F 973-912-2455  
john.scheri@hatchmott.com

cc: R. Fritz, A. Gagliostro – HMM  
File – 341634, WWD050P00XM01



## TOWN OF NEWTON

### RESOLUTION #115-2014

June 23, 2014

### **“Authorize Award of a Non-Fair and Open Contract for Engineering Services for the Replacement of Primary Settling Tank Drive and Covers at the Wastewater Treatment Plant”**

**WHEREAS**, the Town of Newton has a need to acquire the services of Hatch Mott MacDonald for a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for engineering services for the replacement of the primary settling tank drive and covers at the Wastewater Treatment Plant located on Townsend Street; and

**WHEREAS**, Hatch Mott MacDonald has submitted a proposal, dated May 22, 2014, outlining the services to be provided for an amount not to exceed \$61,800; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with Hatch Mott MacDonald, for the engineering services for the replacement of the primary settling tank drive and covers at the Wastewater Treatment Plant located on Townsend Street, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

### **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, June 23, 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 #: 115-2014

APPROVING: HATCH MOTT MACDONALD

FOR THE PURPOSE OF: ENGINEERING - REPLACE PRIMARY SETTLING  
TANK DRIVE AND COVERS AT WASTEWATER TREATMENT PLANT

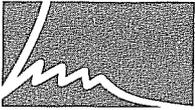
IN THE AMOUNT OF: NOT TO EXCEED \$61,800.00

APPROPRIATED BY: WATER SEWER CAPITAL FUND -  
SEWER TREATMENT PLANT CLARIFIER/TANK COVERS #6191404

DATED THIS 23<sup>RD</sup> DAY OF JUNE, 2014

BY *Dawn L. Babcock*

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



**Hatch Mott  
MacDonald**

**Hatch Mott MacDonald**  
111 Wood Avenue South  
Iselin, New Jersey 08830-4112

www.hatchmott.com

May 22, 2014

MAY 29 2014

Ms. Debra J. Millikin  
Deputy Town Manager  
Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

**Re: Wastewater Treatment Plant  
Replacement of Primary Settling Tank Drive and Covers  
Proposal for Professional Engineering Services  
HMM Project No. 339823**

Dear Ms. Millikin:

Per your request, Hatch Mott MacDonald (HMM) is pleased to submit this proposal for professional engineering services related to the improvements to the Primary Settling Tank drive and covers at the Newton Wastewater Treatment Plant (WWTP). As described in the Wastewater System Capital Improvements Plan, the existing sludge collector drive associated with the Primary Settling Tanks requires replacement to restore the system's reliability as the existing drive is over 40 years and spare parts for the unit are no longer available. Under current conditions, repairs to the existing collector drive often require special fabrication of parts and these custom repairs are costly and difficult to implement.

The other component of this project is the replacement of the existing wood planks that cover the majority of the open top primary tanks. The wood planks were installed as a measure to control the release of foul odors from the tanks. However, the planks have become warped and represent a safety hazard to operators and site visitors. The existing wood planks are to be removed and replaced with a removable flat cover system designed for the application.

### **Project Background and Understanding**

The Newton WWTP has two Primary Settling Tanks (PST) that serve to remove suspended material from the influent wastewater by gravity clarification. These tanks were constructed prior to 1953 and consist of below-grade, rectangular concrete structures arranged as parallel units. The tanks are located adjacent to the Inlet Building, with the top of the tanks being situated approximately 6-inches above grade. Each tank is approximately 50 feet long by 12 feet wide, with a total depth of approximately 12.3 feet (approximately 10 feet of side water depth and an additional 2.3 feet of freeboard).

Each tank has a chain and flight sludge collector mechanism, which consists of plastic flights mounted transversely on carrier chains to move the settled sludge along the bottom of the tank. Currently, a single collector drive unit moves the sludge collector mechanisms in each tank. Although some of the internal components, such as the flights



and carrier chains, have been replaced since the 1990 plant upgrade, the drive unit is over 40 years old and spare parts for the unit are no longer manufactured.

Approximately two thirds of the primary tanks are covered by wood planks that run across the width of the tanks. The wood planks appear to have been installed to minimize the odors released from the tanks. The effluent end of each tank is not covered so that the rotating scum trough can be operated and the effluent discharge can be monitored. The existing wood planks are in poor condition and they present a significant safety hazard should the planks fail as they continue to deteriorate.

Under this project, the existing sludge collector drive unit will be replaced. The provision of a designated drive unit for each primary tank versus a modern “in-kind” replacement will be investigated to increase system reliability. Each drive unit would include a new motor, coupling, gear reducer, drive sprockets and chains, and overload protection device. Converting the tanks to dedicated single drive arrangements will likely require modification to the primary tanks for the drive chain penetrations and head shaft upgrades. Modifications to the electrical system to provide power to the drive motors will also be necessary.

To address the safety concerns with the wood plank covers, removable covers designed to span the width of the primary settling tanks will be provided to replace the existing planks. The covers will be flat and constructed of either aluminum or fiberglass. New railings around the tank effluent end will also be considered.

### **Scope of Work**

HMM proposes the following scope of work to provide professional engineering services to assist the Town with the replacement of the Primary Settling Tank drive and covers. We have divided the project into four phases of work, namely:

1. Preliminary Design
2. Detailed Design
3. Bid Phase Services
4. Construction Phase Services

### **Task 1: Preliminary Design**

Under this task, HMM will conduct the investigations and evaluations necessary to develop the basis for the preparation of the construction contract documents for public bidding, including the following activities:

- ◆ Conduct a site visit to the treatment plant and take measurements of the primary tanks. Obtain make and model information for the existing equipment.
- ◆ Investigate the existing electrical power distribution to the sludge collector drive.
- ◆ Investigate the existing concrete slab recesses and penetrations for the collector mechanism driven sprockets.
- ◆ Analyze alternatives for sludge collector drive arrangements, including double tank with a common single shaft drive and double tank with separate drives. Determine slab openings and wall recess sizes required under the alternatives and identify modifications that would be needed to the existing tank structure.
- ◆ Evaluate alternatives for the tank cover systems, including fiberglass and aluminum materials, plank and panel designs, and load carrying capacities.



- ◆ Meet with the Town, review alternatives and recommendations, and finalize selections for detailed design.
- ◆ Prepare and submit Preliminary Design Memorandum.

### **Task 2: Detailed Design**

We propose to perform the following detailed design phase tasks:

- ◆ Prepare Contract Drawings for the replacement of the Primary Settling Tank Drive and Covers.
- ◆ Prepare front end documents (bidding requirements and contract conditions) and Technical Specifications.
- ◆ Attend one progress meeting with the Town when the Contract Documents are near completion.
- ◆ Prepare an updated construction cost estimate.

### **Task 3: Bid Phase Services**

Following completion of the contract plans and specifications, HMM will assist the Town with the public bidding of the construction contract, including the following tasks:

- ◆ Arrange for the distribution of the contract plans and specifications to prospective bidders. We have assumed that the bid documents will be distributed through [www.bidset.com](http://www.bidset.com), the NAPCO on-line bid document management and ordering website. With this system, it will be possible for prospective bidders to review the contract documents online and order and pay for the full-size drawings and specifications through the website or by calling a toll-free number. The printing and shipping costs will be collected directly by the printing company.
- ◆ Prepare the Notice to Bidders and assist with advertising the project in the local newspapers and trade journals. We have assumed that the Town will directly pay for the cost of publication and obtain proof of publication for its records.
- ◆ Conduct a pre-bid meeting with potential bidders.
- ◆ Review bidder questions and prepare up to two (2) addenda, if necessary.
- ◆ Attend the bid opening conference.
- ◆ Evaluate the three (3) lowest bid packages concurrent with legal review by the Town Attorney.
- ◆ Prepare a bid summary tabulation and a Recommendation of Award letter to the Town.
- ◆ Issue a Notice of Award to the successful bidder, upon award of the contract by the Town.

### **Task 4: Construction Phase Services**

Following the issuance of the Notice of Award, HMM proposes to assist the Town with the construction phase of the project by performing the following tasks:

- ◆ Attend a preconstruction conference.
- ◆ Review contractor's overall construction schedule and breakdown of contract values for payment.
- ◆ Review contract submittals and shop drawings.
- ◆ Provide part-time onsite inspection, on an as-needed basis. We have estimated our costs based on up to two (2) site visits per week over a 5 week period, including visits to develop punch list items and verify completion of the work.



Thus, we have assumed approximately 80 hours of onsite inspection. This can be adjusted based on week-to-week project needs.

- ◆ Evaluate Contractor’s monthly progress payment requests and recommend payment by the Town.
- ◆ Attend up to three (3) progress meetings.
- ◆ Provide onsite assistance with equipment startup.
- ◆ Assist with documentation as required for formal project closeout, including review of Contractor’s Maintenance Bond, and preparing Final Payment documents.

We estimate that a period of 6 months will be required for construction. This period includes time for the preparation, review, and approval of the shop drawings, the manufacturer and delivery of the materials and equipment, field installation and construction, system testing and startup, and contract close-out. The actual field construction period is estimated to be 5 weeks. Please note that HMM’s level of construction observation and contract administration will largely depend on the performance and efficiency of the construction contractor and its subcontractors and equipment suppliers.

**Permits**

It is HMM’s opinion that the Town will not be required to obtain permits from the New Jersey Department of Environmental Protection or the County Soil Conservation District for this project because the scope is limited to the replacement of existing equipment, with no change in function, increase in capacity, or disturbance to the site. Bypass of the primary tanks necessary to perform the construction work will require that the Town provide notifications to the NJDEP. Filing for any applicable local building permit for the work will be responsibility of the Contractor.

**Opinion of Probable Construction Cost**

Our conceptual / budget level estimate of the construction cost is \$220,000. This estimate is made with limited information on the project details and is based on initial budgetary pricing provided by manufacturers, historical pricing, and other factors. The construction cost estimate will be updated during the design development phases.

**Recommended Engineering Budget**

HMM proposes to perform the tasks described in this proposal for the not to exceed costs, as follows:

1. Preliminary Design	\$	11,400
2. Detailed Design		20,900
3. Bid Phase Services		6,200
4. Construction Phase Services		<u>23,300</u>
Total	\$	61,800

All work will be billed on a time and materials basis, in accordance with our hourly rate schedule for the Town of Newton prevailing at the time the work is performed.



**Hatch Mott  
MacDonald**

We propose to undertake Tasks 1 through 3 on a time and material not-to-exceed basis. Task 4 – Construction Phase Services, is proposed to be undertaken on a reimbursable basis as these services are directly influenced by the performance of the construction contractor.

We will advise the Town when billings on the project approach 80 percent of the Task 4 budget. At that point, we will advise the Town if there are adequate funds to complete the project. If not, we will provide the Town with an estimate to complete the work at which time the Town can either appropriate additional funds or modify the scope to complete the work within the current authorization. In either event, we would provide an estimate for the costs of the extra work and obtain authorization from the Town prior to proceeding.

### **Summary**

With the renewal of worn and dated equipment, this project will reduce the likelihood of equipment failure and the associated process shutdowns. The new equipment will increase the reliability and efficiency of the primary tank operations. Reduced maintenance requirements and dependable operations will improve the overall plant performance and lower maintenance costs. Furthermore, the installation of the new covers will provide a safer work environment for the staff.

HMM is prepared to schedule the work upon receiving the Town's authorization to proceed and we look forward to working with the Town on this project. Should you have any questions or wish to discuss the proposal in further detail, please call me at 973-912-2571.

Very truly yours,

Hatch Mott MacDonald

  
John J. Scheri, PE, BCEE  
Vice President  
T 973-912-2571 F 973-912-2455  
john.scheri@hatchmott.com

cc: J. Rantzer, A. Gagliostro – HMM  
File – 339823, WWD050P00XC01



**TOWN OF NEWTON**  
**RESOLUTION #116-2014**

**June 23, 2014**

**“Support Submission of Application for NJDOT  
Safe Routes to School Program”**

**WHEREAS**, the Town of Newton is applying for funding in the amount for \$68,010.00 to conduct crosswalk sting enforcement and pedestrian safety signage along the school route to Merriam Avenue School and Halsted Street Middle School, within the Town of Newton; and

**WHEREAS**, the project will help to continue the promotion of pedestrian safety for the school children in the Town;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, the Town Manager, and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

**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, June 23, 2014.

---

Lorraine A. Read, RMC  
Municipal Clerk



June 23, 2014

## TOWN OF NEWTON

### RESOLUTION #117-2014

**“Resolution Determining the Form and Other Details of Not to Exceed \$4,250,000 Principal Amount of Refunding Bonds of the Town of Newton, in the County of Sussex, New Jersey and Providing for the Sale and Delivery of Such Bonds”**

**BE IT RESOLVED 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 Town of Newton, in the County of Sussex, New Jersey (referred herein as the “Town”) hereby authorizes the sale, in one or more series, of an amount not to exceed \$4,250,000 Refunding Bonds (the “Bonds”) by virtue of its final adoption by a two-thirds majority of its full membership on June 23, 2014 of a bond ordinance entitled, “Refunding Bond Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Providing for the Refunding of All or a Portion of the Outstanding Callable General Obligation Refunding Bonds of the Town, Dated February 1, 2004, Issued in the Original Principal Amount of \$2,775,000, and/or All or a Portion of the Outstanding Callable General Improvement Bonds of the Town, Dated April 1, 2006, Issued in the Original Principal Amount of \$4,041,000, Appropriating \$4,250,000 Therefor and Authorizing the Issuance of \$4,250,000 Refunding Bonds of the Town for Financing the Cost Thereof” (the “Bond Ordinance”).

**Section 2.** The Bonds are hereby authorized to be sold to Roosevelt & Cross, Inc. (referred to herein as the “Underwriter”) in accordance with the purchase contract to be entered into by and between the Underwriter and the Town (the “Purchase Contract”) pursuant to this resolution. The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest, if any, from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor and/or Chief Financial Officer is hereby authorized to enter into the Purchase Contract on behalf of the Town with the Underwriter in a form satisfactory to McManimon, Scotland & Baumann, LLC, Bond Counsel for the Town (“Bond Counsel”) for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution. The signature of the Mayor and/or Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

**Section 3.** The Bonds are being issued to incur interest cost savings by redeeming all or a portion of the callable outstanding General Obligation Refunding Bonds of the Town originally issued in the principal amount of \$2,775,000 dated February 1, 2004, which bonds maturing on or after October 1, 2015 (the "2004 Refunded Bonds") are redeemable at the option of the Town in whole or in part on any date on or after October 1, 2014 at par (the "2004 Redemption Price"), plus in each case accrued interest, if any, to the date fixed for redemption and/or by redeeming all or a portion of the callable outstanding General Improvement Bonds of the Town originally issued in the principal amount of \$4,041,000 dated April 1, 2006, which bonds maturing on or after April 1, 2017 (the "2006 Refunded Bonds") are redeemable at the option of the Town in whole or in part on any date on or after April 1, 2016 at par (the "2006 Redemption Price"), plus in each case accrued interest, if any, to the date fixed for redemption. The 2004 Refunded Bonds and the 2006 Refunded Bonds may be collectively referred to herein as the "Refunded Bonds." The 2004 Redemption Date and the 2006 Redemption Date may be collectively referred to herein as the "Redemption Date." The 2004 Redemption Price and the 2006 Redemption Price may be collectively referred to herein as the "Redemption Price."

**Section 4.** The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount determined to be necessary to pay costs of issuance and to provide for payment of the Redemption Price of the Refunded Bonds on the Redemption Date, and the interest due on the Refunded Bonds through the Redemption Date;

(B) The Bonds shall be dated such date as established in the Purchase Contract;

(C) The Bonds shall mature in the principal amounts on or about October 1, 2014 and on or about April 1 of each year thereafter or as otherwise set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each April 1 and October 1 until maturity or earlier redemption, commencing on or about October 1, 2014 or as otherwise set forth in the Purchase Contract;

(D) The Bonds shall be issued in the form of one bond for each maturity except if all or any portion of the Bonds are issued as term bonds;

(E) The Bonds shall be numbered consecutively from R-1 upward and shall mature in such principal amounts with such mandatory call features and with such mandatory sinking fund payments as set forth below and as determined in the Purchase Contract;

(F) The Bonds may be subject to optional redemption or not as set forth in the Purchase Contract;

(G) Depending on market conditions at the time of the sale, the Bonds may be issued in one or more series as determined by the Chief Financial Officer, in consultation with Bond Counsel and Phoenix Advisors, LLC (the "Financial Advisor").

**Section 5.** The Bonds shall be substantially in the form set forth in Exhibit A attached hereto, with such additions, deletions and omissions as may be necessary for the Town to conform the Bonds to the requirements of the Purchase Contract.

**Section 6.** The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Town Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Town Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

**Section 7.** Bond Counsel and the Financial Advisor are authorized to arrange for the printing of the Bonds. The proper officials of the Town are hereby authorized and directed to execute the Bonds and to deliver them to the Underwriter in exchange for payment, including accrued interest from their date to the date of delivery, if any.

**Section 8.** The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

**Section 9.** In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Town and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Town shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

**Section 10.** The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Town authorizes the Chief Financial Officer to act and determine on behalf of the Town whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

**Section 11.** Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Town shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2014, electronically to the Municipal Securities Rulemaking Town's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Town consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Town and certain financial information and operating data consisting of (1) Town and overlapping indebtedness including a schedule of outstanding debt issued by the Town; (2) the Town's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) If any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;

- (4)     Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5)     Substitution of credit or liquidity providers, or their failure to perform;
- (6)     Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7)     Modifications to rights of security holders, if material;
- (8)     Bond calls, if material, and tender offers;
- (9)     Defeasances;
- (10)    Release, substitution, or sale of property securing repayment of the securities, if material;
- (11)    Rating changes;
- (12)    Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13)    The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14)    Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization,

arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) Notice of failure of the Town to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA;

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided;

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Town prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule;

(f) In the event that the Town fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Town shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

**Section 12.** The Town hereby approves the preparation and the distribution of the Preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Town by the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds, and the Chief Financial Officer is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter within the earliest of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds. Bond Counsel and/or the Town's Financial Advisor are further authorized to arrange on behalf of the Town for a rating for the Bonds from Standard & Poor's and/or Moody's Investors Service, and all such actions taken to date are hereby ratified.

**Section 13.** The Chief Financial Officer, with the advice of the Bond Counsel and the Financial Advisor, is authorized to arrange for bond insurance if advantageous based on the

advice of the Financial Advisor to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Town necessary to do so.

**Section 14.** The Chief Financial Officer, with the advice of Bond Counsel, shall arrange for paying agent services or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

**Section 15.** The Chief Financial Officer is also authorized and directed to pay the costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount outlined in the Bond Ordinance.

**Section 16.** The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the Redemption Date, at par, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. Bond Counsel and/or the Financial Advisor on behalf of the Town are authorized to reserve and purchase open market treasury securities and/or United State Treasury—State and Local Government Series (SLGs) for deposit with the escrow agent if required. All of the principal amount and interest earnings on the open market treasury securities and/or SLGs, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Price on the Refunded Bonds on the Redemption Date. The Town hereby authorizes the Chief Financial Officer to select a bank to serve as escrow agent and authorizes the Mayor and/or the Chief Financial Officer to enter into an Escrow Deposit Agreement with such escrow agent in order to provide instructions regarding the deposit of the open market treasury securities and/or SLGs and cash, if any.

**Section 17.** The Town hereby authorizes Ferraioli, Wielkocz, Cerullo & Cuva, P.A. to serve as verification agent to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Prices on the Redemption Date; and (ii) the calculations of yield supporting the conclusion of Bond Counsel that the Bonds are not "arbitrage bonds" as such meaning is set forth in the Code.

**Section 18.** The Mayor, Chief Financial Officer and other appropriate representatives of the Town are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Town and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements, and documents as may be necessary and appropriate and the transactions contemplated thereby.

**Section 19.** This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

	AYE:	NAY:
Kristen S. Becker	_____	_____
Sandra Lee Diglio	_____	_____
E. Kevin Elvidge	_____	_____
Daniel G. Flynn	_____	_____
Joseph A. Ricciardo	_____	_____

**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, June 23, 2014.

\_\_\_\_\_  
Lorraine A. Read, RMC  
Municipal Clerk



June 17, 2014

Dawn L. Babcock  
Chief Financial Officer  
Town of Newton  
39 Trinity Street  
Newton, NJ 07860

**Re: Refunding of 2004 General Obligation Refunding Bonds and 2006 General Improvement Bonds**

Dear Dawn:

Enclosed please find a form of resolution to be adopted on June 23, 2014 determining the form and other details of an amount not to exceed \$4,250,000 Refunding Bonds and providing for the sale and delivery of the Bonds to Roosevelt & Cross, Inc. This resolution should be adopted after the public hearing and final adoption of the \$4,250,000 refunding bond ordinance which was introduced on June 9, 2014. Adoption of the resolution should be by not less than two-thirds of the full membership of the Town Council.

Please return a certified copy of the adopted form and sale resolution to me for my records. By copy of this I am also requesting the Clerk to send us the completed record of proceedings certificates with respect to the refunding bond ordinance.

If you have any questions, please call me.

Very truly yours,

*Charles Anthony Solimine*

Charles Anthony Solimine

CAS/ta  
Enclosures

cc: Thomas S. Russo, Jr., Town Manager, w/encl.  
Lorraine A. Read, Clerk, w/encl.  
Terri Oswin, w/encl.  
Debra Millikin, w/encl.  
Ursula H. Leo, Esq., w/encl.  
Thomas M. Ferry, C.P.A., w/encl.  
Anthony P. Inverso, w/encl.



**TOWN OF NEWTON**  
**RESOLUTION #118-2014**

**June 23, 2014**

**“Refund of Monies for Taxes, Due to a State Tax Court Judgment for Block 22.05, Lot 13”**

**WHEREAS**, Michael A. Vespasiano, Esq., the attorney representing Martorana Enterprises, LLC owner of Block 22.05, Lot 13 also known as 104 Sparta Avenue, Newton, New Jersey filed a State Tax Court Appeal to lower the 2012 and 2013 assessment on said block and lot; and

**WHEREAS**, the Newton Tax Office received a Judgment on June 13, 2014, which has been issued by the New Jersey State Tax Court ordering a reduction in the assessment for the tax years 2012 and 2013 for Block 22.05, Lot 13. This order has resulted in a refund of monies in the total amount of \$42,034.99;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Michael A. Vespasiano, Esq, representing Martorana Enterprises, LLC is entitled to a refund in the amount of \$42,034.99; and

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$42,034.99 to, Michael A. Vespasiano, Esq, representing Martorana Enterprises, LLC, 331 Main Street, Chatham, NJ 07928.

**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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #119-2014**

**June 23, 2014**

**"Refund of Monies for Taxes, Due to a State Tax Court Judgment for Block 1.01, Lot 19"**

**WHEREAS**, Saul A. Wolfe, Esq., representing Sussex Nine, Inc. owner of Block 1.01, Lot 19 also known as 249 High Street, filed a State Tax Court Appeal to lower the 2013 assessment on said block and lot; and

**WHEREAS**, the Newton Tax Office received, a Judgment on June 12, 2014, which has been issued by the New Jersey State Tax Court ordering a reduction in assessment for the tax year 2013 for Block 1.01, Lot 19. This order has resulted in a refund of monies in the total amount of \$16,570.57;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Saul A. Wolfe, Esq., representing Sussex Nine, Inc. is entitled to a refund in the amount of \$16,570.57; and

**BE IT FURTHER RESOLVED**, that the Treasurer is authorized to issue a check in the amount of \$16,570.57 to, Sussex Nine Inc C/O Barnhill Conv., C/O Saul A. Wolfe, 293 Eisenhower Parkway, Livingston, NJ 07039.

**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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #120-2014

June 23, 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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #121-2014

June 23, 2014

### "Person-to-Person Transfer of Plenary Retail Consumption License No. 1915-33-001-005"

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1915-33-001-005, heretofore issued to Chun Bo Inc., t/a Chun Bo, for premises located at 66 Sparta Avenue, Newton, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE BE IT RESOLVED**, that the Newton Governing Body does hereby approve, effective July 1, 2014, the transfer of the aforesaid Plenary Retail Consumption License to Chenlin Chun Bo Inc. t/a Chun Bo and does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Chenlin Chun Bo Inc., effective July 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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #122-2014**

**June 23, 2014**

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

**WHEREAS**, the Water and Sewer Collector has determined that the following Water and Sewer Utility Account is due a credit for the reason 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 account for amount billed incorrectly due to the reason(s) stated:

**CREDIT FOR METER READ INCORRECTLY:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12630	80 Madison St.	\$308.51

**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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #123-2014

June 23, 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) Contract Negotiations

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on June 23, 2014, that an Executive Session closed to the public shall be held on June 23, 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, June 23, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk

**AGENDA ITEMS**

**For June 23, 2014 Council Meeting**

**Minutes:** - June 9, 2014 - Regular

An application for an on-premise raffle (50-50 & Raffle) from the Newton Fire Department Auxiliary to be held on November 20, 2014 at 8:00 p.m. at 56 Woodside Avenue, Newton.

## List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
33712	39 - QUILL CORPORATION	PO 44215 2ND FLR OFFICE SUPP'S	614.46	614.46
33713	43 - STAPLES CREDIT PLAN, INC.	PO 44294 INK	110.48	110.48
33714	57 - PRINTING CENTER, INC	PO 44337 PRIMARY ELECTION BALLOTS	3,256.75	3,256.75
33715	102 - SUSSEX CAR WASH INC	PO 43570 MAY CAR WASH POLICE	195.00	195.00
33716	106 - ELIZABETHTOWN GAS	PO 44285 MAY NAT GAS	741.94	741.94
33717	109 - FURGIUELE, CAMILLE	PO 43852 MEDICARE PART B REIMB	734.30	734.30
33718	110 - G & G DIESEL SERVICE INC	PO 44278 TRK #14 REPAIR	683.20	683.20
33719	116 - NEW JERSEY HERALD, INC.	PO 44329 APRIL ADVERTISING	93.00	93.00
33720	126 - SCMUA	PO 44310 JUNE TRASH REMOVAL	444.96	444.96
33721	133 - TEETS, MICHAEL D	PO 43444 QTRLY MILEAGE	112.00	112.00
33722	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43391 MAY LONG DISTANCE	223.35	223.35
33723	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 44319 JUNE LOCAL PHONE SVC	3,064.20	3,064.20
33724	164 - HOLLANDER, STRELZIK, PASCULLI, HINKES	PO 40905 DEC LEGAL	144.00	
		PO 43198 DEC LEGAL SVC'S	783.25	
		PO 44315 MAY LEGAL	1,666.00	2,593.25
33725	172 - FRISBIE, ARTHUR & RITA	PO 43851 MEDICARE PART B REIMB	1,258.80	1,258.80
33726	173 - ILIFF, JOHN AND TERRY	PO 43841 MEDICARE PART B REIMB	1,258.80	1,258.80
33727	192 - CAMPBELL'S SMALL ENGINE INC.	PO 43986 BATTERY/TAP HEAD/GLASSES	344.19	344.19
33728	197 - FIRE FIGHTERS EQUIPMENT CO. INC.	PO 44184 GAS METERS CHARGER VOLTAGE DETECTIO	2,271.50	2,271.50
33729	206 - LOCK & KEY WORLD	PO 44312 ALARM KEYS CENCOM	4.00	4.00
33730	229 - SUSSEX COUNTY ECONOMIC	PO 44160 10th Annual Awards Luncheon	125.00	125.00
33731	240 - NEWTON FIRST AID SQUAD	PO 43858 2014 CONTRIBUTION	6,043.50	6,043.50
33732	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 44269 APR ARMORY/REDEVELOPMENT SVC'S	619.50	619.50
33733	272 - HOLZHAUER, SCOTT	PO 43443 QTRLY MILEAGE	112.00	112.00
33734	282 - WILLCO, INC.	PO 44308 ADJ DAMPER & GREASED & AIR FLOW CLE	350.00	350.00
33735	285 - SLOAN, JAMES P, P.C., INC.	PO 43097 2014 PUBLIC DEFENDER	758.50	758.50
33736	313 - TREASURER, STATE NJ/727 FUND	GREEN ACRES LOAN PRINCIPAL	9,745.46	9,745.46
33737	336 - NEWTON TROPHY	PO 43772 MISS NEWTON CONTEST	170.75	
		PO 44171 PLAQUE FOR JOSEPH RICCIARDO	121.47	292.22
33738	365 - KITHCART, BROCK	PO 43465 QTR PHONE STIPEND	37.50	37.50
33739	373 - GALLS INCORPORATED	PO 44301 HELMET COVER	27.95	27.95
33740	409 - MINISINK PRESS INC	PO 43924 LETTERHEAD; BAIL RECOGNIZANCE FORMS	633.00	
		PO 44275 DOOR TAGS FOR CODE ENFORCEMENT	125.00	758.00
33741	448 - GARRIS, JEAN	PO 43842 MEDICARE PART B REIMB	629.40	629.40
33742	611 - SEBRING AUTO PARTS, INC.	PO 44311 RAINX ACCT #46	3.74	3.74
33743	628 - SUSSEX COUNTY FIRE ACADEMY	PO 44052 FIRE FIGHTER THREE CLASS A RAZZANO	30.00	30.00
33744	643 - SHERWIN-WILLIAMS, INC.	PO 44268 POOL PAINT ACCT #5122-*3815-5	228.64	228.64
33745	718 - STAMP FULFILLMENT	PO 44214 2014 PRE-STAMPED ENVELOPES ACCT #E9	2,951.00	2,951.00
33746	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 44306 MAY UNIFORM & MAT RENATLS	585.28	585.28
33747	874 - MILLIKIN, DEBRA	PO 43446 QTRLY MILEAGE	140.00	140.00
33748	1112 - RICHARDS, JEAN	PO 43843 MEDICARE PART B REIMB	629.40	629.40
33749	1132 - BOONTON TIRE SUPPLY INC.	PO 43243 POLICE VEH MAINT	1,225.20	
		PO 44025 FIRE CHIEF VEH TIRES BATTERY & OIL	737.71	1,962.91
33750	1141 - MCGUIRE, INC.	PO 44281 TRK #15 REPAIRS	2,287.91	2,287.91
33751	1163 - RUTGERS CENTER FOR GOV'T SERV., INC	PO 44191 PURCHASING 3 T VILLVERDE (6/13-7/1	917.00	917.00
33752	1212 - STATEWIDE INSURANCE FUND	PO 43894 3RD QTR OF 4 INS ALL LINES/W/C/UMBR	53,775.32	53,775.32
33753	1215 - SUSSEX & WARREN TAX COL.ASSO	PO 44250 TCTA QTR MTG ROTH/BABCOCK/RAFTERY	50.00	50.00
33754	1231 - MILLER, JASON	PO 43488 QTRLY MILEAGE	112.00	112.00
33755	1274 - RANSNORTH, JAMES & NANCY	PO 43853 MEDICARE PART B REIMB	944.10	944.10
33756	1280 - VERIZON WIRELESS, INC.	PO 44277 MAY CELL PHONES	1,420.58	1,420.58
33757	1500 - WALMART	PO 44280 WHEEL COVERS POLICE	17.92	17.92
33758	1528 - MR. JOHN, INC.	PO 43301 RECYCLING PORT A JOHN MAY	76.30	76.30
33759	1547 - PEACHTREE BUSINESS PRODUCTS, LLC.	PO 44241 DOG WASTE BAGS CUST #1041719300	479.94	479.94
33760	1608 - GOLD TYPE BUSINESS MACHINES	PO 44182 DOCKING STA & INFO-COP LICENSE RENE	2,705.04	2,705.04
33761	1621 - NJ DIV ALCOHOL BEVERAGE CONTR	PO 44242 (13) LIQUOR LICENSES 2014-2015	39.00	39.00
33762	1751 - TERESA ANN OSWIN	PO 43463 QTR PHONE STIPEND	37.50	37.50
33763	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 44293 PB CONSULT-MAY	750.00	750.00
33764	1866 - HOME DEPOT, INC.	PO 44026 BLANKET: SUPPLIES B&G/PARKS	41.66	
		PO 44330 POOL CLEANING SUPP'S	542.92	
		PO 44332 BUNGEE CORDS & BANANA TAP	19.90	
		PO 44320 ARCHWAY SUPP'S	19.89	624.37
33765	1883 - ROMYNS, LARRY E.	PO 43844 MEDICARE PART B REIMB	629.40	629.40

## List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
33766	1884 - MORRIS, THOMAS & BULAH	PO 43866 MEDICARE PART B REIMB	1,258.80	1,258.80
33767	2137 - PAINT SPOT	PO 44262 POOL PAINT	88.17	88.17
33768	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 44091 OFFICE SUPPLIES	21.99	
		PO 44159 BLANKET PO POLICE/CENCOM OFFICE SUP	651.39	
		PO 44179 GRND FLR COPY PAPER & TONER	313.43	986.81
33769	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 44264 3-PART RECEIPT BOOKS	15.98	15.98
33770	2290 - DOUGLAS CUMMINS	PO 43845 MEDICARE PART B REIMB	629.40	629.40
33771	2310 - SUSSEX COUNTY ENGINEERING DIVISION	PO 44252 MAINT N-1 & N-2 TRAFFIC SIGNALS	176.24	176.24
33772	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 43988 BLANKET: GAS ACCT #40382 APR	3,042.06	3,042.06
33773	2479 - TAYLOR OIL CO., INC.	PO 43989 BLANKET: DIESEL ACCT #62714 MAY	2,339.24	2,339.24
33774	2493 - STRUTURAL METAL FABRICATORS, INC.	PO 44133 TRK #2 REPAIRS	343.34	343.34
33775	2532 - LADDEY, CLARK & RYAN, LLP	PO 43120 2014 PROSECUTOR \$27,000/12 = \$2,	2,250.00	2,250.00
33776	2532 - LADDEY, CLARK & RYAN, LLP	PO 44339 MAY LEGAL	6,866.83	6,866.83
33777	2551 - RONALD CLOUSE	PO 43846 MEDICARE PART B REIMB	1,258.80	1,258.80
33778	2627 - THOMAS S RUSSO JR	REIMB PARKING 6/17 CONFERENCE	12.00	12.00
33779	2741 - JERSEY CENTRAL POWER & LIGHT, INC.	PO 43564 MAY ELECTRIC PARK N RIDE ACCT #10	847.15	847.15
33780	2767 - JAMES J KILDUFF	PO 43847 MEDICARE PART B REIMB	629.40	629.40
33781	2780 - ENFORSYS POLICE SYSTEM, INC.	PO 44158 MAINT AGREEMENT POLICE RECORD SYS (	12,000.00	12,000.00
33782	2781 - TRIMBOLI & PRUSINOWSKI, LLC.	PO 43307 2014 LABOR ATTORNEY	1,305.00	1,305.00
33783	2788 - PENTELEDATA	PO 43231 INTERNET MAY	564.75	564.75
33784	2860 - RUTGERS, CENTER FOR GOVERNMENT SERV	PO 44090 6/13 PLAN & ZONING CONF. K CITTERBA	205.00	
		PO 44286 6/13 ADD'L REGIS FEE K.CITTERBART	30.00	235.00
33785	2865 - STEVE MILLS	PO 43848 MEDICARE PART B REIMB	629.40	629.40
33786	3047 - MICHAEL A PANDISCIA	PO 43849 MEDICARE PART B REIMB	629.40	629.40
33787	3164 - KERRY DECKERT	PO 43445 QTRLY MILEAGE	84.00	
		PO 43464 QTR PHONE STIPEND	37.50	121.50
33788	3233 - FASTENAL COMPANY, INC.	PO 43500 PLOW CAPS	31.44	
		PO 43763 ICE MELT CUST #NJSPA0642	378.97	
		PO 44259 SAFETY GEAR #NJSPA0642	534.06	944.47
33789	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 44261 MAY SID & COAH	805.00	805.00
33790	3240 - MORPHOTRAK, INC.	PO 43687 LIVESCAN FINGERPRINT SYSTEM MAINTEN	2,633.69	2,633.69
33791	3319 - TRACY VILLAVERDE	PO 44265 REIMB MILEAGE PURCHASING COURSE (46	258.72	258.72
33792	3366 - SOMERSET COUNTY POLICE ACADEMY	PO 44188 DRUG COURSE FOR PTL. FLANAGAN	100.00	100.00
33793	3428 - Community Resouce Partners, LLC	PO 43932 MARKETING CONSULTANT THRU 7/16/14	2,500.00	2,500.00
33794	3444 - USA HOISTCO., INC.	PO 43241 ELEVATOR MAINT POLICE SIDE JUNE	205.00	205.00
33795	3450 - MORRIS ASPHALT CO.	PO 44216 BLACK TOP (4.047 TONS)	267.10	267.10
33796	3492 - CINTAS FIRE PROTECTION	PO 44249 PD VEHICLE EXTINGUISHER INSPECTION	200.79	200.79
33797	3520 - SOME'S WORLD-WIDE UNIFORMS	PO 44207 CITATION BARS/HOLDERS acct #10706	108.00	108.00
33798	3525 - HUMMINGBIRD HOUSE	PO 44267 6/5 LUNCH MEETING FAMILY PARTNERS	48.46	48.46
33799	3528 - Miracle Chemical Co	PO 44220 BLANKET: POOL CHLORINE	446.25	446.25
33800	3548 - STS Tire & Auto	PO 44155 TIRES	493.72	493.72
33801	3556 - MICHAEL A VESPASIANO ATTYN TRUST AC	PO 44305 STATE TAX APPEAL REFUND 2012 & 13 1	42,034.99	42,034.99
TOTAL				196,176.02

Total to be paid from Fund 10 CURRENT FUND

196,176.02

196,176.02

## Checks Previously Disbursed

141042	NEWTON BOARD OF EDUCATION	Newton School Tax June 2014	981,859.18	6/18/2014
141041	PAYROLL ACCOUNT	6/19 CURRENT PAYROLL	215,063.00	6/19/2014
			-----	
			1,196,922.18	

Total paid from Fund 10 CURRENT FUND

1,196,922.18

### List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
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1,196,922.18

Total for this Bills List: **1,393,098.20**

## List of Bills - (110001) CASH FEDERAL/STATE GRANTS

Check#	Vendor	Description	Payment	Check Total
1212	639 - NEWTON JUNIOR ATHLETIC LEAGUE	PO 44203 PAG- Cheerleading Mackenzie G.	85.00	85.00
1213	1866 - HOME DEPOT, INC.	PO 44176 PLANTS & SUPP'S NHN DAY 5/3	666.16	666.16
1214	2301 - SCREEN CREATION PLUS	PO 44074 FRESHMAN ORIENTATION-NHS	366.00	366.00
1215	3425 - TOWN OF NEWTON POOL	PO 44202 PAG- Pool Membership	200.00	200.00
1216	3554 - PARTY KING ENTERTAINMENT	PO 44256 PARTIAL PYMNT TOWARD PROJ GRADUATIO	1,000.00	1,000.00
TOTAL				2,317.16

Total to be paid from Fund 11 FEDERAL/STATE GRANTS	2,317.16
	2,317.16

**List of Bills - (210001) CASH - DOG RESERVE - LAKELAND #493  
DOG RESERVE**

Check#	Vendor	Description	Payment	Check Total
8542	164 - HOLLANDER,STRELZIK,PASCULLI, HINKES	PO 43198 DEC LEGAL SVC'S	72.00	72.00
	TOTAL			----- 72.00
Total to be paid from Fund 21 DOG RESERVE			72.00	
			<u>72.00</u>	
			72.00	

## List of Bills - (300001) CASH - CAPITAL - LAKELAND #450 CAPITAL

Check#	Vendor	Description	Payment	Check Total
8292	116 - NEW JERSEY HERALD, INC.	PO 44329 APRIL ADVERTISING	221.04	221.04
8293	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 44269 APR ARMORY/REDEVELOPMENT SVC'S	3,797.81	3,797.81
8294	281 - CARPET GALLERY	PO 44061 NEW FLOORS AT FIRE HOUSE #1	8,308.00	8,308.00
8295	2532 - LADDEY, CLARK & RYAN, LLP	PO 44339 MAY LEGAL	224.00	224.00
8296	2765 - CODE 96 LLC	PO 44157 NETWORK SWITCHES	2,398.00	2,398.00
8297	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 44261 MAY SID & COAH	603.75	603.75
TOTAL				----- 15,552.60

Total to be paid from Fund 30 CAPITAL

15,552.60

15,552.60

## List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426 WATER/SEWER UTILITY

Check#	Vendor	Description	Payment	Check Total
14296	53 - MONTAGUE TOOL & SUPPLY, INC.	PO 44334 HEX NUTS	10.27	10.27
14297	55 - SCHEMIDT'S WHOLESALE, INC	PO 44274 BLANKET: METER/HYDRANT REPAIR/MAINT	236.87	
		PO 44318 METERS	5,062.50	5,299.37
14298	77 - CCP INDUSTRIES, INC.	PO 44297 BULK PAPER SUPP. & WASP KILLER	687.91	687.91
14299	98 - AURORA ELECTRICAL SUPPLY, LLC.	PO 44260 BULB	24.19	24.19
14300	106 - ELIZABETHTOWN GAS	PO 44285 MAY NAT GAS	385.57	385.57
14301	116 - NEW JERSEY HERALD, INC.	PO 44329 APRIL ADVERTISING	125.10	125.10
14302	121 - PUMPING SERVICES, INC.	PO 44328 HIGH ST PUMP STA REPAIR	525.00	525.00
14303	126 - SCMUA	PO 44310 JUNE TRASH REMOVAL	208.15	208.15
14304	155 - COYNE CHEMICAL CORP., INC.	PO 43959 BID: CES PACL @\$4.683 (9X\$8300=\$74,	9,277.02	
		PO 43958 BID: SODA ASH-LIQ SODIUM CARBONATE	2,967.80	12,244.82
14305	163 - CENTURLINK COMMUNICATIONS, INC.	PO 44319 JUNE LOCAL PHONE SVC	1,251.63	1,251.63
14306	192 - CAMPBELL'S SMALL ENGINE INC.	PO 44224 STIHL TRIMMER & STIH BACKPACK BLOWE	910.00	910.00
14307	200 - GARDEN STATE LABORATORIES INC	PO 44335 DRINKING/WASTE WTR TESTING	975.00	975.00
14308	229 - SUSSEX COUNTY ECONOMIC	PO 44160 10th Annual Awards Luncheon	25.00	25.00
14309	232 - HAMBURG PLUMBING SUPPLY CO INC	PO 44181 MANHOLE COVER & TAR STRIP	676.45	
		PO 44257 TOILET & OUTLET RING	643.08	
		PO 44273 BLANKET WATER DSTRIB MAINT/REPAIR	615.00	1,934.53
14310	366 - WAGNER, WILLIAM	PO 43855 MEDICARE PART B REIMB	629.40	629.40
14311	718 - STAMP FULFILLMENT	PO 44214 2014 PRE-STAMPED ENVELOPES ACCT #E9	2,655.90	2,655.90
14312	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 44306 MAY UNIFORM & MAT RENATLS	276.01	276.01
14313	921 - AIRGAS EAST	PO 44303 ACETYLENE, ARGON, OXYGEN & CARBON D	215.17	215.17
14314	1212 - STATEWIDE INSURANCE FUND	PO 43894 3RD QTR OF 4 INS ALL LINES/W/C/UMBR	48,915.15	48,915.15
14315	1264 - WESTRA, ALBERT L.	PO 44246 SIDEWALK/CURB WEST END HALSTED WTR	1,560.00	1,560.00
14316	1271 - JCI JONES CHEMICALS, INC	PO 43946 CHLORINE (\$ .5333 gal) APR-DEC \$4400	559.97	559.97
14317	1280 - VERIZON WIRELESS, INC.	PO 44277 MAY CELL PHONES	118.35	118.35
14318	1489 - SMALLEY, JOHN	PO 43854 MEDICARE PART B REIMB	1,258.80	
		PO 44012 2014 SVC'S MORRIS LAKE (JUNE-DEC)	1,250.00	2,508.80
14319	1566 - MAIN POOL & CHEMICAL COMPANY, INC.	PO 43956 BID: LIQ SODIUM HYDROXIDE @\$1.29 {\$	748.00	748.00
14320	1632 - COOPER ELECTRIC SUPPLY CO.	PO 44321 BULBS	180.16	180.16
14321	1866 - HOME DEPOT, INC.	PO 44270 BLANKET:W/S SUPPLIES	364.39	364.39
14322	2216 - PALL CORPORATION	PO 43631 2014 WTP CONTRACT CUST #100005174	4,345.02	4,345.02
14323	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 44179 GRND FLR COPY PAPER & TONER	182.48	182.48
14324	2480 - MURCH AUTO BODY, INC.	PO 44258 TRUCK BUMPER REPAIR	1,592.25	1,592.25
14325	2532 - LADDEY, CLARK & RYAN, LLP	PO 44339 MAY LEGAL	608.00	608.00
14326	2709 - ACCURATE WASTE REMOVAL INC.	PO 43945 TRUCKING SLUDGE REMOVAL STP Bid@\$.	5,935.28	5,935.28
14327	2788 - PENTELEDATA	PO 43231 INTERNET MAY	119.90	119.90
14328	2882 - ONE CALL CONCEPTS, INC.	PO 43293 ONE CALL MESSAGES MAY	183.06	183.06
14329	3429 - TOYOTA MOTOR CREDIT CORP.	PO 43904 2013 TOYOTA CAMRY 60 PMT @ \$472.08=	472.08	472.08
14330	3528 - Miracle Chemical Co	PO 43961 BID: Sodium Hypochlorite WFP @\$ .99	625.68	625.68
TOTAL				97,401.59

Total to be paid from Fund 60 WATER/SEWER UTILITY

97,401.59

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97,401.59

**Checks Previously Disbursed**

146021	PAYROLL ACCOUNT	6/19 W/S PAYROLL	35,510.20	6/19/2014
146020	STATE OF NEW JERSEY - PWT	2nd Qtr Water/Sewer Tax	429.37	6/13/2014
			35,939.57	

Total paid from Fund 60 WATER/SEWER UTILITY

35,939.57

**List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426  
WATER/SEWER UTILITY**

Check#	Vendor	Description	Payment	Check Total
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35,939.57

Total for this Bills List: 133,341.16

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442  
WATER/SEWER CAPITAL**

Check#	Vendor	Description	Payment	Check Total
2350	116 - NEW JERSEY HERALD, INC.	PO 44329 APRIL ADVERTISING	30.60	30.60
2351	2532 - LADDEY, CLARK & RYAN, LLP	PO 44339 MAY LEGAL	256.00	256.00
	TOTAL			----- 286.60

Total to be paid from Fund 61 WATER/SEWER CAPITAL

286.60

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286.60

**List of Bills - (710001) CASH - TRUST - LAKELAND #469 TRUST**

Check#	Vendor	Description	Payment	Check Total
3253	64 - PELLOW, HAROLD & ASSO, INC.	PO 44333 NJ GROWTH MAIN CROSSING DEC 13' BAL	1,448.50	1,448.50
3254	164 - HOLLANDER, STRELZIK, PASCULLI, HINKES	#WEH-2965 C SPARTA WATER LINE RELOC	54.00	
		PO 43198 DEC LEGAL SVC'S	1,550.00	
		PO 44315 MAY LEGAL	342.00	1,946.00
3255	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 44276 APRIL JADE LAND REDEV HICKS AVE	780.00	780.00
3256	285 - SLOAN, JAMES P, P.C., INC.	PO 43097 2014 PUBLIC DEFENDER	574.83	574.83
3257	1500 - WALMART	PO 44197 MISS NEWTON SUPPLIES	32.10	32.10
3258	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 44289 RPM-MAY ESCROW	60.00	
		PO 44290 JULIERICHARD-MAY ESCROW	390.00	
		PO 44291 JULIERICHARD-MAY ESCROW	435.00	885.00
3259	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 44263 JADE LAND HICKS AVE MAY	3,340.00	
		PO 44292 JULIERICHARD-MAY ESCROW	345.00	3,685.00
3260	3368 - CREATIVE SERVICE OF NEW ENGLAND	PO 44083 BADGE STICKER HAND OUTS	227.95	227.95
3261	3438 - LAKELAND BUS LINES, INC.	PO 44230 RADIO CITY BUS TRIP CHARTER #7518	150.00	150.00
TOTAL				9,729.38

Total to be paid from Fund 71 TRUST

9,729.38

9,729.38

**Checks Previously Disbursed**

147112	PAYROLL ACCOUNT	6/19 TRUST PAYROLL	1,861.64	6/19/2014
3252	KOHL'S	Miss Newton gift certs (28)	420.00	6/12/2014
3251	CURRENT ACCOUNT	REFUND (2) POOL PARTIES 5/27 & 6/1	200.00	6/11/2014
			2,481.64	

Total paid from Fund 71 TRUST

2,481.64

2,481.64

**Total for this Bills List: 12,211.02**

**List of Bills - (720001) CASH - DEV ESCROW - LAKELAND #515  
DEVELOPERS ESCROW (Fund 72)**

Check#	Vendor	Description	Payment	Check Total
1184	1334 - DOLAN & DOLAN, INC.	PO 44322 VERIZON/CELLCO-DEC. 2013 ESCROW	730.80	730.80
1185	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 44288 MARTORANA-MAY ESCROW	285.00	285.00
1186	2852 - FERRIERO ENGINEERING INC.	PO 44287 MARTORANA-MAY ESCROW	63.75	63.75
1187	2963 - EDWARD J BUZAK	PO 44279 MARTORANA MAY	1,175.61	1,175.61
	TOTAL			----- 2,255.16

Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72)

2,255.16

2,255.16

6/23/14

Debi M.  
Council  
Usarico  
file

Law Office of Barbara A. Tanfara, Esq.

Mailing: P.O. Box 59, Blairstown, New Jersey 07825  
Physical: 5 Main Street, Blairstown, New Jersey 07825

Phone: (908) 362-9120  
Fax: (908) 362-9110  
Email: batlaw89@gmail.com

June 6, 2014

Newton Town Council  
Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

**RECEIVED**  
JUN 09 2014

**BY: .....**

Re: 15 Woodridge Court  
Account No. 26175

Dear Council Members:

Kindly be advised that I represented Mr. Michael Caraballo in the purchase of his property located at 15 Woodridge Court, which property utilizes the public water system as indicated by the above reference account number.

Mr. Caraballo purchased the home from the foreclosing mortgage company. At the time of closing, the seller was responsible to pay the outstanding water fees incurred up through the date of closing.

I had requested a written statement from the Town of Newton Water and Sewer Department for a reading good through March 28, 2014, the anticipated date of closing.

The closing took place on March 28, 2014, however, the proceeds from the closing by the buyer's mortgage company were not received into my attorney trust account on that date. They were, in fact, credited to my trust account on March 31, 2014. I attach the pertinent part of that statement hereto. On that date, the cover letter was prepared. I accessed the online system and it indicated that the total amount due and owing was \$2,189.67, that this was a delinquent amount and that this amount included "Principal + Int/Penalties). I attach a copy of this online statement hereto also.

It is my understanding that these monies arrived in the Township one date late and, as such, an additional penalty and/or late fee kicked in.

I received a phone call Mrs. Caraballo advising that the water could not be turned on because a late fee was due and owing. After speaking with Jackie from the Township it was agreed that the water would be turned on and I would file the appropriate paperwork for a reconsideration of the late fees.

I have recently received correspondence from the Township indicating that this appeal was denied and that the monies are currently due and owing.

I am imploring the Township Council to reconsider this decision.

As indicated, the monies due and owing as indicated on the Townships online system were sent on the first available date. As I am sure you are aware, I could not have possibly sent monies that were not in my trust account. However, as previously stated the seller, being the foreclosing company would not approve any sum that was not in writing leaving us in a catch-22 situation. The seller was merely responsible for the payment

of the outstanding water bill through March 28, 2014. I would surmise that if the mortgage company of the buyers had sent the wire on the actual date of closing this situation would not have arisen at all. However with the chain of events, it resulted in a one day lapse between the late date and the actual payment and it is respectfully requested that the request to waive the late fee is reasonable given the entire situation surrounding this transaction.

It is respectfully requested that the late fee be waived for the reasons as indicated above.

I thank the council for its kind courtesies in this regard.

Very truly yours,  
BARBARA A. TANFARA, ESQ.

Barbara A. Tanfara, Esq.  
BAT/encs.

Cc: Mr. & Mrs. Michael Caraballo



Search Newton...



Sussex County's Downtown

Government

Departments

Visitors

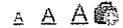
Business

Services

Help Center

- Administration ▶
- Code Enforcement
- Community Development ▶
- Construction ▶

You are here: [Home](#) > [Departments](#) > [Water & Sewer Utility](#) > Water & Sewer Payments



### Utility Bill Payments

For questions or assistance: [Contact Us](#).

**STEP 2 Review bill, Choose amount to pay (if applicable) and click Continue.**

#### Property Identification:

+myConnections: Engage your community - connect to news, events and information you care about. [View more information...](#)

[Sign In](#)

- Fire Department ▶
- Fire Prevention Bureau
- First Aid Squad
- Municipal Clerk ▶
- Municipal Court
- Parking Authority ▶
- Police Department
- Public Works ▶
- Recreation ▶
- Water & Sewer Utility

Property Zip: 07860  
Property Owner: DEUTSCHE BANK NAT.-ALTISOURCE

#### Bill Information:

Original Amount: 3rd Qtr: \$0.00  
4th Qtr: \$0.00  
1st Qtr: \$0.00  
2nd Qtr: \$0.00

Current Amount Due: Current Quarter #: 1  
Due Date: 03/31/2014

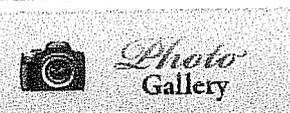
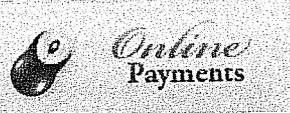
Type	Notes	Amount Due	Status
Current Utility Bill		\$0.00	Paid
Delinquent (Year '14) (Principal + Int/Penalties)	\$2,183.65 + \$6.02 =	\$2,189.67	Due
<b>Total Due:</b>		<b>\$2,189.67</b>	

#### Pay Your Bill:

- Select Amount To Pay:
  - Total Due: \$2,189.67
  - Delinquent Amt Only: \$2,189.67

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To ensure a secure payment, we provide 128-bit SSL encryption.



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# Memorandum

**To:** Newton Town Council  
**From:** Jacki Shackleton, Water & Sewer Collector  
**Date:** 6/6/14  
**Re:** Utility Board Decision Appeal

---

In February of 2014, there was a frozen water pipe resulting in a leak at 15 Woodridge Court. As a result, the water was turned off at that time, and the first quarter 2014 bill of \$2123.50 was sent to owner of record, Deutsche Bank on March 1, 2014.

On March 7, 2014, Ms. Tanfara, attorney for Mr. Caraballo, called to obtain pending water charges on said property. Kimberly from the finance office immediately emailed same to Ms. Tanfara. The pending charges were due on March 30, 2014. Payment was received on April 2, 2014, resulting in a delinquent penalty of \$212.35. An application was submitted to the Utility Advisory Board at the May 20, 2014 meeting, asking that the penalty be waived.

The Board felt that because the original bill was sent on March 1, 2014, and figures were also requested on March 7, 2014, there was ample time to submit the payment prior to the due date of March 30, 2014. For that reason, the Board denied the request. Mr. Caraballo is now appealing the denial to the Town Council.

TOWN OF NEWTON  
APPLICATION TO APPEAR BEFORE  
THE NEWTON UTILITY ADVISORY BOARD

SECTION 1.

Name of Applicant: Michael Caraballo c/o Barbara Tanfara Esq.  
Address: 15 Woodridge Court Newton NJ 07860.  
Telephone: c/o Barbara Tanfara Esq. 9083629120 Fax: 9083629110

Nature of Request (Describe in Detail):  
Waiver of late fee. The wire of the buyer did not get credited to attorney trust account until the date the bill was due. Bill payment was confirmed via internet and mailed. Payment was therefore one day late.

SECTION 2.

Engineer, Surveyor, Building Contractor or Plumbing Contractor:

Name: \_\_\_\_\_ License No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Proposed Request is For: (Check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Residential use | <input type="checkbox"/> Commercial use               |
| <input type="checkbox"/> Industrial use  | <input type="checkbox"/> Tract development            |
| <input type="checkbox"/> Individual lot  | <input type="checkbox"/> Other (Please explain below) |

SECTION 3.

Name of Property Owner: \_\_\_\_\_

Property location (street address and/or block and lot nos.): \_\_\_\_\_

Site plan approval (  has,  has not) been obtained from the Newton Planning Board and the Newton Zoning Board of Adjustment.

4-8-14  
Date

[Signature]  
Signature of Applicant

Town of Newton UTILITY Account as of 4/03/14

Resident:

DEUTSCHE BANK NAT. - ALTISOURCE  
15 WOODRIDGE COURT  
NEWTON NJ 07860

Alternate Payer:

DEUTSCHE BANK NAT. -ALTISOURCE  
PO BOX 105265  
ATLANTA GA 30348

ID	Account	Route	Block / Lot / Qual	Water Rate	Sewer Rate	Status
26175		3	16.04 10	Residntl	Residntl	F 4/03/14

Meter:	Serial	Type	Size	MXU	ID	Install
	29316450	RO 7				10/13/04

Account Summary

Bill Qtr	Reading	Usage	Beginning Balance	All Qtrly Charges	Charge Adjusts	Payment Payments	Payment Adjusts	Ending Balance
2/11	253200	11000	0.00	194.00	0.00	194.00	0.00	0.00
3/11	262000	8800	0.00	172.26	0.00	172.26	0.00	0.00
4/11	270800	8800	0.00	156.60	0.00	156.60	0.00	0.00
1/12	281100	10300	0.00	182.10	0.00	0.00	0.00	182.10
2/12	288000	6900	182.10	142.51	0.00	324.61	0.00	0.00
3/12	295700	7700	0.00	137.90	0.00	137.90	0.00	0.00
4/12	301200	5500	0.00	100.50	0.00	0.00	0.00	100.50
1/13	308500	7300	100.50	141.15	0.00	241.65	0.00	0.00
2/13	317000	8500	0.00	166.65	0.00	181.50	0.00	14.85-
3/13	318600	1600	14.85-	75.00	0.00	0.00	0.00	60.15
4/13	0	0	60.15	0.00	0.00	0.00	0.00	60.15
1/14	443100	124500	60.15	2,341.87	0.00	2,189.67	0.00	212.35
No Penalty Due for 4/03/14			Current Balance:			212.35		

Outstanding Charges

Charge Date		Current Amount	Original Due Date	Current Due Date	Penalty
3/01/14	water	212.35	3/30/14	4/01/14	0.00
		<u>212.35</u>			<u>0.00</u>

Current Quarter Activity

	Charges	Payments	Misc.
3/01/14 water	2,123.50		
4/01/14 penalty	218.37		
penalty		218.37	
water		60.15	3/13
water		1,911.15	1/14
1/14 Totals	<u>2,341.87</u>	<u>2,189.67</u>	0.00

Pipes froze in Jan + there was a leak. Water was shut off. First Q bill was due 3/30/14 + included in closing costs, but I received it on 4/2/14 so penalty is pending.

## Jacki Shackleton

---

**From:** Kimberly Williams <assr-clerk@newtontownhall.com>  
**Sent:** Friday, March 07, 2014 12:42 PM  
**To:** BATLAW89@GMAIL.COM  
**Cc:** jshackleton@newtontownhall.com  
**Subject:** 15 Woodridge Court - Water account  
**Attachments:** Wtr account 15 Woodridge Ct..pdf

Attn Barbara Tanfara

Please see attached regarding pending sale on property with outstanding water bill.

Town of Newton UTILITY Account as of 3/07/14

Resident:

DEUTSCHE BANK NAT. - ALTISOURCE  
 15 WOODRIDGE COURT  
 NEWTON NJ 07860

Alternate Payer:

DEUTSCHE BANK NAT. - ALTISOURCE  
 PO BOX 105265  
 ATLANTA GA 30348

ID	Account	Route	Block / Lot / Qual	Water Rate	Sewer Rate	Status
26175		3	16.04 10	Residntl	Residntl	S O 2/24/14

Meter:	Serial	Type	Size	MXU	ID	Install
	29316450	RO 7				10/13/04

Account Summary			Beginning	All Qtrly	Charge	Payment	Ending
Bill	Reading	Usage	Balance	Charges	Adjusts	Payments	Balance
2/11	253200	11000	0.00	194.00	0.00	194.00	0.00
3/11	262000	8800	0.00	172.26	0.00	172.26	0.00
4/11	270800	8800	0.00	156.60	0.00	156.60	0.00
1/12	281100	10300	0.00	182.10	0.00	0.00	182.10
2/12	288000	6900	182.10	142.51	0.00	324.61	0.00
3/12	295700	7700	0.00	137.90	0.00	137.90	0.00
4/12	301200	5500	0.00	100.50	0.00	0.00	100.50
1/13	308500	7300	100.50	141.15	0.00	241.65	0.00
2/13	317000	8500	0.00	155.65	0.00	181.50	14.85-
3/13	318600	1600	14.85-	75.00	0.00	0.00	60.15
4/13	0	0	60.15	0.00	0.00	0.00	60.15
1/14	443100	124500	60.15	2,123.50	0.00	0.00	2,183.65
Penalty Due for 3/07/14:			6.02	Current Balance with Penalty:			2,189.67

Outstanding Charges						
Charge		Current	Original	Current		Penalty
Date		Amount	Due Date	Due Date		
9/01/13	water	60.15	9/30/13	9/30/13		6.02
3/01/14	water	2,123.50	3/30/14	3/30/14		0.00
						6.02
						2,183.65

Current Quarter Activity			
	Charges	Payments	Misc.
3/01/14 water	2,123.50		
1/14 Totals	2,123.50	0.00	0.00

## Law Office of Barbara A. Tanfara, Esq.

---

Mailing: P.O. Box 59, Blairstown, New Jersey 07825  
Physical: 5 Main Street, Blairstown, New Jersey 07825

Phone: (908) 362-9120  
Fax: (908) 362-9110  
Email: batlaw89@gmail.com

April 11, 2014

Town of Newton  
Water and Sewer Department  
Attn: Jackie  
Via fax: 973-383-9054

Re: 15 Woodridge Court

Dear Jackie:

Pursuant to our recent conversations and your fax, I am faxing back the Town of Newton, Utility Advisory Board Application.

I represented Mr. Michael Caraballo who purchased this property from a bank after a foreclosure. The closing took place on March 28, 2014. At that time, I was advised that the total sum due and owing for the outstanding utility account was \$2,189.67 and that this figure included interest of \$6.02.

Although a check was cut from attorney trust account, the wired mortgage proceeds were not credit to my attorney trust account until April 1, 2014. The check in the total sum of \$2,189.67 was mailed on April 1, 2014.

Unfortunately and thereafter, I was advised that a late fee had accrued.

It is respectfully requested that this late fee be waived. Everyone acted in good faith and the amount my office was quoted was the exact amount paid. It is unfortunate that the wire did not reach my account until the following Monday, however, as soon as the wire was credited to my account the monies were paid in full. There will be no way I can obtain the monies from the mortgage company, nor the seller and it does not seem fair that the new buyer be burdened with this cost.

As such, it is respectfully requested that this fee be waived.

Thank you for your kind attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,  
BARBARA A. TANFARA, ESQ.

Barbara A. Tanfara, Esq.  
BAT

Cc: Mr. Michael Caraballo

*Mayor*  
Joseph A. Ricciardo

*Deputy Mayor*  
E. Kevin Elvidge

*Council Members*  
Kristen S. Becker  
Daniel G. Flynn  
Sandra Lee Diglio



*Town Manager*  
Thomas S. Russo, Jr.

*Town Clerk*  
Lorraine A. Read

---

Telephone: (973) 383-3521  
Facsimile: (973) 383-8961  
39 Trinity Street  
Newton, NJ 07860

May 21, 2014

Michael Caraballo  
15 Woodridge Court  
Newton, NJ 07860

Re: Account # 26175

Dear Mr. Caraballo,

Please be advised that your request for adjustment to the Utility Advisory Board was considered at the May 20, 2014 meeting.

The Utility Board took into consideration your explanation regarding the details of your request. The Board tries to apply the procedures outlined in the Ordinance to all accounts uniformly. An email was sent to Ms. Tanfara on March 7, 2014 with the open charges on the account. A copy of same is enclosed. Based on this email, the Board feels that there was ample time for the funds to have been obtained.

You have the right to appeal the Utility Board's decision to the Town Council. Council Meetings are held on the second and fourth Mondays of each month at 7:00 pm at the Town Hall. Please call me directly at 973-383-3521 ext. 240 if you plan to attend one of these meetings so I can forward your application and account history to the Council.

Sincerely,

Jacki Shackleton  
Water/Sewer Collector

**LAW OFFICE OF BARBARA A. TANFARA**

---

BARBARA A. TANFARA

Telephone: 908-362-9120

Fax: 908-362-9110

Email: Batlaw89@gmail.com

5 Main Street  
PO Box 59  
Blairstown, New Jersey 07825

June 2, 2014

Ms. Jacki Shackleton  
Water/Sewer Collector  
39 Trinity Street  
Newton, NJ 07860

Re: Caraballo from OCWEN Loan  
File No. RE069-13  
Account # 26175

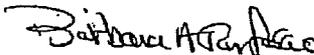
Dear Ms. Shackleton:

Please be advised that I have received a copy of your May 21<sup>st</sup> 2014 correspondence to Michael Caraballo.

As further information to you please note that while an email was sent to me on March 7<sup>th</sup> 2014 which indicated the open charges on the account I at that time had no monies in my trust account. Monies were not available until such time as the closing took place. On the date of the closing I checked the balance indicated with the internet and the exact monies I forwarded to you on the day of the closing were the exact monies shown due and owing on the internet.

It is respectfully requested that you reconsider this matter and that the current balance due be waived.

BARBARA A. TANFARA

  
Barbara A. Tanfara, Esq.  
BAT/cz

Fc: Ms. Jacki Shackleton via fax and mail  
Cc: Mr. Michael Caraballo

*Mayor*  
Joseph A. Ricciardo

*Deputy Mayor*  
E. Kevin Elvidge

*Council Members*  
Kristen S. Becker  
Daniel G. Flynn  
Sandra Lee Diglio



*Town Manager*  
Thomas S. Russo, Jr.

*Town Clerk*  
Lorraine A. Read

Telephone: (973) 383-3521  
Facsimile: (973) 383-8961  
39 Trinity Street  
Newton, NJ 07860

June 3, 2014

Barbara Tanfara  
5 Main Street  
PO Box 59  
Blairstown NJ 07825

Re: Account # 26175

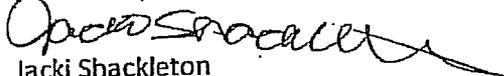
Dear Ms. Tanfara:

I am in receipt of your letter dated June 2, 2014 asking me to reconsider and waive the balance. I am not at liberty to waive delinquent penalties or any type of water balance. It was for that reason that your request went before the Utility Advisory Board.

As stated in my letter of May 21, 2014, the Utility Advisory Board denied the request. The letter further stated that you have the right to appeal the Board's decision to the Town Council. The next Town Council meeting is June 23, 2014, at 7 p.m. in the Municipal Building. If you would like to be heard at that meeting, please call me before June 16, 2014 so I can forward your history and account information to the Council. Either you or Mr. Caraballo would need to be present at the meeting in order to be considered.

Please let me know if I can be of further assistance.

Yours Truly,

  
Jacki Shackleton  
Utility Collector

Town of Newton Utility Advisory Board  
May 20, 2014

The regular meeting of the Newton Utility Advisory Board was held on May 20, 2014, at 7:30 p.m. at the Newton Municipal Building, 39 Trinity Street, Newton. Chairman Lawler called the meeting to order and the following members were present: Mr. Pham, Mr. Vrahnos, Ms. Unhoch and Chairman Lawler. Mr. David Simmons, Engineer, Mr. Ervin Lasso, Water/Sewer Foreman, and Mrs. Jacki Shackleton, Utility Collector, were also in attendance. Mr. Baldwin was excused.

Chairman Lawler read the Open Public Meetings Act statement and moved to approval of the minutes from the March 18, 2014 meeting as well as the March 25, 2014 special meeting. Chairman Lawler asked Mrs. Shackleton if the suggested amendment was added to the March 25, 2014 meeting and Mrs. Shackleton stated that she needed clarification on same. A brief discussion took place and the minutes from the March 25, 2014 meeting were tabled, pending amendment.

Chairman Lawler then moved to the first order of new business which was for Northern NJ Endoscopy, located at 18 Church Street, requesting adjustment of their 4<sup>th</sup> quarter 2013 bill. Mrs. Shackleton explained the details of a letter written by Mr. Copcutt, the property manager. Mr. Vrahnos asked if air in the line could affect the meter. Mr. Lasso stated that there were no breaks during that time although if there were, there was a small chance it could happen. Chairman Lawler asked if it would be possible for the meter to spin backwards during a loss of pressure and Mr. Lasso stated that it could. Chairman Lawler asked if there were two units in the building and Mr. Lasso stated that he believed there were more than two units because there are three floors. Chairman Lawler pointed out that there was a drastic increase in usage from 2011 to 2012 and Mr. Lasso stated that they were renovating at that time. Chairman Lawler stated that the usage has been slowly increasing since that time. Mr. Lasso stated that the meter is relatively new, and that there is a six-inch line because of the sprinklers in the Endoscopy unit. Chairman Lawler asked if the other meter fed the remaining tenants and Mr. Lasso stated that it did. Chairman Lawler stated that they could not assume that the meter was incorrect. Mr. Pham motioned to deny the request and was seconded by Ms. Unhoch. The motion was unanimously denied by an "aye" vote.

 The next order of business was for 15 Woodridge Court for waiver of delinquent penalty on a house that was closing. The attorney sent an email on March 7, 2014 requesting outstanding figures for the property because it would be closing at the end of the month. The charges were paid on April 2, 2014, causing a delinquency which is being disputed. Chairman Lawler clarified that an email was sent with outstanding charges on March 7, 2014, yet the attorney still paid it late. Mr. Lasso stated that if the charges remain, they will be the responsibility of the purchaser. He further stated that he feels badly for the purchaser because of all the

Town of Newton Utility Advisory Board  
May 20, 2014

damage caused by a water leak prior to closing. Chairman Lawler suggested that the purchasers seek restitution from the attorney. Mr. Vrahnos motioned to deny the request and it was seconded by Mr. Pham. The motion was unanimously denied by an "aye" vote.

Chairman Lawler asked Mr. Lasso how the water filtration was operating and Mr. Lasso said that everything is fine. Chairman Lawler then asked about the Wastewater Treatment Plant and Mr. Lasso stated that the new climber is working great. He stated that it has smaller fingers which are an improvement. Chairman Lawler asked if there are issues with non-deteriorating cleaning utensils. Mr. Lasso stated that it is not a big problem. Chairman Lawler asked if the eagles were back and Mr. Lasso said that the parents are back but there are no babies at this time. Chairman Lawler asked about the spillway and Mr. Lasso said that it is three inches above the spillway. Mr. Vrahnos asked if the restriction had been lifted and Mr. Lasso said it was lifted.

In his engineers report, Mr. Simmons stated that the Glen Lake Association finished work on the dam. He explained that the easements have been abandoned regarding the 12-inch line and they have grouted under their dam. Water Wear Diving won the bid for the blowout. They began taking pictures and videos for analysis. Mr. Simmons explained that phase one is discovery and now that the depth is known, phase two can go out for bid. He went on to say that the butterfly valve in the gatehouse is going to be replaced in order to establish a better seal. He said that it will be safer if they need to lower the lake.

Mr. Simmons stated that they were about to do flow testing on the hydrants in Drake Manor at the request of Andover Township. Mr. Vrahnos asked if the hydrants in Drake Manor were color coded and Mr. Lasso stated that they were not. Mr. Lasso also said that a hydrant in Andover which did not belong to Newton was broken, and it had never been bagged. He said that was the reason they requested the flow test. He said Andover planned to paint non-working hydrants black instead of bagging them. Mr. Lasso thought this was a good idea.

Mr. Simmons said that forms were submitted for the Martorana transfer Development Study. He said that the DEP uses five years of data and went on to explain that it causes one year of bad data to stay with the Town for five years. Ms. Unhoch asked if there will be a water allocation for the proposed building across from the Theater. Mr. Simmons explained the parameters required for water allocation and said that he was not sure if that building would meet the criteria. He went on to explain that once allocation is calculated, the water is reserved until completion of the project. If the project goes uncompleted, the water cannot be repurposed. He stressed the importance of receiving payment up front to increase the likelihood of job completion.

Mr. Simmons completed his report by saying that work is still pending on Fox Hollow and that bog turtles are present there, as well as an Indiana bat. The bat is causing time constraints

Town of Newton Utility Advisory Board  
May 20, 2014

on the project. There being no further business to discuss, Chairman Lawler motioned to close to meeting and it was seconded by Mr. Vrahnos. The meeting was adjourned at 8:35 p.m.

RESPECTFULLY SUBMITTED,

Jacki Shackleton

DRAFT

6/23/14

Debi M.  
Council  
Usaba  
File

Law Office of Barbara A. Tanfara, Esq.

Mailing: P.O. Box 59, Blirstown, New Jersey 07825  
Physical: 5 Main Street, Blirstown, New Jersey 07825

Phone: (908) 362-9120  
Fax: (908) 362-9110  
Email: batlaw89@gmail.com

June 6, 2014

**RECEIVED**  
JUN 09 2014

Newton Town Council  
Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

BY: .....

Re: 15 Woodridge Court  
Account No. 26175

Dear Council Members:

Kindly be advised that I represented Mr. Michael Caraballo in the purchase of his property located at 15 Woodridge Court, which property utilizes the public water system as indicated by the above reference account number.

Mr. Caraballo purchased the home from the foreclosing mortgage company. At the time of closing, the seller was responsible to pay the outstanding water fees incurred up through the date of closing.

I had requested a written statement from the Town of Newton Water and Sewer Department for a reading good through March 28, 2014, the anticipated date of closing.

The closing took place on March 28, 2014, however, the proceeds from the closing by the buyer's mortgage company were not received into my attorney trust account on that date. They were, in fact, credited to my trust account on March 31, 2014. I attach the pertinent part of that statement hereto. On that date, the cover letter was prepared. I accessed the online system and it indicated that the total amount due and owing was \$2,189.67, that this was a delinquent amount and that this amount included "Principal + Int/Penalties). I attach a copy of this online statement hereto also.

It is my understanding that these monies arrived in the Township one date late and, as such, an additional penalty and/or late fee kicked in.

I received a phone call Mrs. Caraballo advising that the water could not be turned on because a late fee was due and owing. After speaking with Jackie from the Township it was agreed that the water would be turned on and I would file the appropriate paperwork for a reconsideration of the late fees.

I have recently received correspondence from the Township indicating that this appeal was denied and that the monies are currently due and owing.

I am imploring the Township Council to reconsider this decision.

As indicated, the monies due and owing as indicated on the Townships online system were sent on the first available date. As I am sure you are aware, I could not have possibly sent monies that were not in my trust account. However, as previously stated the seller, being the foreclosing company would not approve any sum that was not in writing leaving us in a catch-22 situation. The seller was merely responsible for the payment

of the outstanding water bill through March 28, 2014. I would surmise that if the mortgage company of the buyers had sent the wire on the actual date of closing this situation would not have arisen at all. However with the chain of events, it resulted in a one day lapse between the late date and the actual payment and it is respectfully requested that the request to waive the late fee is reasonable given the entire situation surrounding this transaction.

It is respectfully requested that the late fee be waived for the reasons as indicated above.

I thank the council for its kind courtesies in this regard.

Very truly yours,  
BARBARA A. TANFARA, ESQ.

Barbara A. Tanfara, Esq.  
BAT/encls.

Cc: Mr. & Mrs. Michael Caraballo



Search Newton...



Sussex County's Downtown

Government

Departments

Visitors

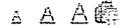
Business

Services

Help Center

- Administration ▶
- Code Enforcement
- Community Development ▶
- Construction ▶

You are here: [Home](#) > [Departments](#) > [Water & Sewer Utility](#) > Water & Sewer Payments



## Utility Bill Payments

For questions or assistance: [Contact Us](#).

**STEP 2 Review bill, Choose amount to pay (if applicable) and click Continue.**

### Property Identification:

+myConnections: Engage your community - connect to news, events and information you care about. [View more information...](#)

[Sign In](#)

- Fire Department ▶
- Fire Prevention Bureau
- First Aid Squad
- Municipal Clerk ▶
- Municipal Court
- Parking Authority ▶
- Police Department
- Public Works ▶
- Recreation ▶
- Water & Sewer Utility

Property Zip: 07000  
 Property Owner: DEUTSCHE BANK NAT.-ALTISOURCE

### Bill Information:

Original Amount: 3rd Qtr: \$0.00  
 4th Qtr: \$0.00  
 1st Qtr: \$0.00  
 2nd Qtr: \$0.00

Current Amount Due: **Current Quarter #: 1**  
**Due Date: 03/31/2014**

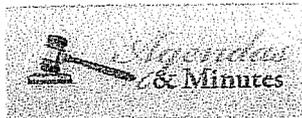
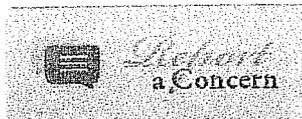
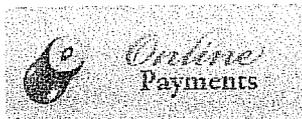
Type	Notes	Amount Due	Status
Current Utility Bill		\$0.00	Paid
Delinquent (Year '14)	(Principal + Int/Penalties) \$2,183.65 + \$6.02 =	\$2,189.67	Due
<b>Total Due:</b>		<b>\$2,189.67</b>	

### Pay Your Bill:

Select Amount To Pay:

Total Due: \$2,189.67

Delinquent Amt Only: \$2,189.67



To ensure a secure payment, we provide 128-bit SSL encryption.



Facebook





*Interoffice Memorandum*

---

**TO:** Town Council  
**FROM:** Thomas S. Russo, Jr., Town Manager  
**DATE:** June 5, 2014  
**SUBJECT:** Free Parking on Saturdays  
**CC:** File

---

At the June 5<sup>th</sup> Parking Authority meeting, the Parking Authority of the Town of Newton discussed and authorized a recommendation to the Governing Body that parking be free in the five metered lots on Saturdays. In their opinion, this will encourage shoppers to expand their patronization of our restaurants, boutiques and businesses.

We will work on the appropriate ordinance for same.

**TOWN OF NEWTON**

**AN ORDINANCE OF THE TOWN OF NEWTON AMENDING CHAPTER 307  
TO PERMIT FREE PARKING ON SATURDAYS WITHIN FIVE MUNICIPAL  
PARKING LOTS**

**ORDINANCE #2014- \_\_\_\_\_**

**WHEREAS**, a determination by the Town Council has been made to permit free parking in the five paid municipal parking lots on Saturdays to encourage the public to patronize the local commercial establishments within the Town of Newton; and

**WHEREAS**, the five paid municipal parking lots are specifically identified as Lot #1 Adams Street Plaza located on Adams Street; Lot #2 Main Street Lot located on Main Street; Lot #3 Western Plaza located on Trinity Street; Lot #4 Central Plaza located on Trinity Street; and Lot #5 Eastern Plaza North, located at the corner of Union Place and Spring Street.

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

**Section 1.** The following new section shall be and is hereby added:

**§307-11. Free Parking on Saturdays in paid municipal parking lots.**

Free parking shall be permitted all day on Saturdays in the paid municipal parking lots identified as Lot #1 Adams Street Plaza located on Adams Street; Lot #2 Main Street Lot located on Main Street; Lot #3 Western Plaza located on Trinity Street; Lot #4 Central Plaza located on Trinity Street; and Lot #5 Eastern Plaza North, located at the corner of Union Place and Spring Street.

**Section 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 4. Effective Date.** This Ordinance will take effect after publication and passage according to law.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, July 28, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, August 25, 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

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FOR DISCUSSION

**TOWN OF NEWTON**

**ORDINANCE 2014-\_\_**

**AN ORDINANCE REVISING CHAPTER 320-31.D(6) "ZONING PERMITS"**

**WHEREAS**, the Town of Newton has determined that Chapter 320-31.D of the Code of the Town of Newton, entitled "Zoning Permits" requires certain revisions.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

**SECTION 1.** Section 320-31.D(6) of the Code of the Town of Newton shall be and is hereby revised to read as follows:

**§320-31.D**

**(6) Time for action on application.**

(a) The Zoning Officer shall act upon all such applications within 10 days after receipt of a fully filed application, or shall notify the applicant in writing of the refusal to issue such permit and the reasons therefor.

(b) Failure to notify the applicant in case of refusal to issue a permit within 10 days shall entitle the applicant for a zoning permit to file an appeal to the Planning Board, as in the case of denial.

**SECTION 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 4. Notice.** The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Sussex County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Town Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 5. Effective Date.** This Ordinance shall take effect after adoption and publication in accordance with 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 Monday, \_\_\_\_\_, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, \_\_\_\_\_, 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

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FOR DISCUSSION