

July 27, 2009

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mayor Elvidge made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 22, 2008”.

Reverend Peter Filipkowski of St. Joseph’s Church, Newton, led the invocation.

Mayor Elvidge led the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Becker seconded by Mrs. Unhoch and carried that the minutes of July 13, 2009 (Special) and July 13, 2009 (Regular) were approved. Mrs. Le Frois abstained from the approval of minutes due to absence.

Mayor Elvidge declared the meeting open to the public.

**PUBLIC**

Mr. Ray Storm, 202 Main Street, requested that the Town street sweeper sweep Main Street (Rt. 206) at least twice a year. He realizes that his residence is on a State Highway (Rt. 206), but pays taxes, therefore is entitled to this service. Councilman Ricciardo requested that the Town contact the State for their schedule of sweeping Route 206. Mr. Storm also addressed grass maintenance issues throughout the Town.

Ms. Claudia Demmler, 73 Ryerson Ave., complained about the street parking in front of her house, which allows parking on both sides of the street. After a brief discussion, Ms. Demmler asked Council to consider allowing parking on just one side, not both.

**Council & Manager Reports**

Mr. Russo read a correspondence from Catholic Families and Community Services, requesting permission to hold a coin toss on Saturday, September 19, 2009 from 9 am to 12 noon at the corner of North Park Drive and Route 519. The Council unanimously agreed to allow Catholic Families and Community Services to hold their coin toss on September 19, 2009.

Mr. Russo read a New Jersey State League of Municipalities Alert, which addressed “The New Jersey Economic Stimulus Act of 2009”. Governor Corzine signed into law A-4048/S-2299, “the Economic Stimulus Act of 2009”, which will put a moratorium on the 2.5% Non-Residential (Commerical Development) Fee. The 2.5% fee on non-residential development is

amended to exempt projects that receive preliminary or final site plan approval prior to July 1, 2010, provided that the same project receives its building permits prior to January 1, 2013.

Mr. Russo reviewed his memo regarding the Sign Ordinance which he forwarded to Council for their review. Mrs. Le Frois noted that there is currently issues with illuminated/neon signs throughout the Historic District. After a brief discussion, the Council's consensus was to forward the sign ordinance to the Planning Board for their review.

## **ORDINANCES**

Mayor Elvidge directed the Clerk to read aloud the following Ordinance relative to final adoption.

### **ORDINANCE # 2009-20**

#### **AN ORDINANCE TO AMEND CHAPTER V, GENERAL POLICE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF NEWTON**

**BE IT ORDAINED** by the Town Council of the Town of Newton that Chapter V, General Police Regulations of the Revised General Ordinances of the Town of Newton is hereby amended as follows:

#### **5-5 REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER DEBRIS.**

Subsections:

- 5-5.1 Duty to Remove
  - A. Property Maintenance
  - B. Street Maintenance
- 5-5.2 Enforcement
  - A. Enforcement Officer
  - B. Notice
  - C. Remediation
  - D. Remediation Costs a Property Lien
- 5-5.3 Penalties
  - A. Daily Fine
  - B. Remediation

##### **5-5.1 Duty to Remove**

A. Property Maintenance The owner, occupant, tenant or person in possession of any land within the Town shall keep such land free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where removal of the same is necessary and expedient for the preservation of the public health, safety, general welfare and/or for the elimination of a fire hazard.

B. Street Maintenance The owner, occupant, tenant or person in possession of any land within the Town that borders upon or abuts a public street in the Town shall keep that part of the street bordering or abutting said land free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where removal of the same is necessary and expedient for the preservation of the public health, safety, general welfare and/or for the elimination of a fire hazard.

##### **5-5.2 Enforcement**

A. Enforcement Officer Enforcement of the provisions of this section shall be carried out by any member of the Town of Newton police department, the director of public works, the code enforcement officer or the "Public Officer" designated for the rehabilitation of

abandoned properties (individually and/or collectively referred to as “Enforcement Officer”), either as a result of a complaint received from another individual or entity or on an Enforcement Officer’s own initiative and observation.

B. Notice After identifying a violation or dereliction of the duties set forth in this section, an Enforcement Officer shall send written notice of the violation to the owner, occupant, tenant and/or person in possession of the violating property. This notice shall: (1) identify the violation; (2) establish a deadline no sooner than three days nor more than ten days from the date of notice by which the violation must be remedied; (3) warn that failure to remedy the violation before the deadline to the satisfaction of the Enforcement Officer may result in a daily fine not exceeding ONE HUNDRED DOLLARS (\$100.00) per day; (4) warn that failure to remedy the violation before the deadline may result in prompt action by the Town to remedy the violation, with remedial costs charged against the violating property as a lien.

C. Remediation In the event the owner, occupant, tenant or person in possession fails to remedy the condition noticed by an Enforcement Officer prior to the noticed deadline, an Enforcement Officer may cause the condition to be remedied without further notice.

D. Remediation Costs a Property Lien An Enforcement Officer shall certify the costs of remediation to the Town Council, which shall examine the certification and, if found correct, cause the remediation cost to be charged against the violating land. The amount charged shall become a lien upon such land and be added to and become a part of the taxes next to be assessed and levied upon said land, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes, pursuant to N.J.S. 40:48-2.14 or its successor statutes.

**5-5.3 Penalties**

A. Daily Fine For each day a violation persists on a violating property beyond the deadline properly noticed by an Enforcement Officer pursuant to section 5-5.2, above, there shall be imposed a daily fine in an amount not to exceed ONE HUNDRED DOLLARS (\$100.00) per day until the violation is remedied by any party.

B. Remediation Costs The daily fine is independent of and separate from the costs of remediation born by the Town, which shall be a lien on the violating property, as set forth in section 5-5.2, above.

Mayor Elvidge declared the hearing on Ordinance #2009-20 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Le Frois, seconded by Mrs. Unhoch and carried, the hearing was closed.

The following **ORDINANCE** was offered by Mrs. Becker, who moved its adoption, seconded by Mr. Ricciardo and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

**OLD BUSINESS**

Mayor Elvidge requested a motion on Resolution #141-2009 for consideration of an

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Application for a Person-to-Person Transfer of Plenary Retail Consumption License #1915-33-009-001. Until a Place-to-Place Transfer is properly applied for and results of the Division of Alcoholic Beverage Control’s investigation to determine whether there are any violations by Sakel-Grapsas, Inc. and/or J.C. Grill House, LLC of the Alcoholic Beverage Control Act has been completed and reported upon, this shall remain TABLED.

Upon motion of Mayor Elvidge, seconded by Mrs. Le Frois and unanimously carried, Resolution #141-2009 shall remain **TABLED** and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

**CONSENT AGENDA**

Mayor Elvidge read the following statement:

“All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”

**RESOLUTION #144-2009\***

**AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SPARCTECH SOLUTIONS, LLC FOR INFORMATION TECHNOLOGY SERVICES**

**WHEREAS**, the Town of Newton requested proposals for the services of a qualified consultant to provide Information Technology Services to the Newton Police Department and received several responses; and

**WHEREAS**, Sparctech Solutions, LLC, submitted a proposal dated June 24, 2009 outlining the services to be provided for \$14,400 which is less than the threshold established by the Local Public Contracts Law; and

**WHEREAS**, after review of all proposals, the Governing Body has determined that Sparctech Solutions, LLC is the best company for the project; 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 Sparctech Solutions, LLC, for providing Information Technology Services for the Newton Police Department, and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Sparctech Solutions, LLC, 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.

**RESOLUTION #145-2009\***

**APPOINTMENT OF DR. KIMBERLY WOODHULL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

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**WHEREAS**, there is currently a vacancy for a Regular Member of the Economic Development Advisory Commission; and

**WHEREAS**, Dr. Kimberly Woodhull has expressed an interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Dr. Kimberly Woodhull is hereby appointed to the unexpired three-year term on the Economic Development Advisory Commission, effective immediately with said term continuing to December 31, 2010.

**RESOLUTION #146-2009\***

**REAPPOINTMENT OF GARY MARION TO THE CONSTRUCTION BOARD OF APPEALS**

**WHEREAS**, Mr. Gary Marion currently serves as a member of the Town of Newton Construction Board of Appeals relative to Property Maintenance issues; and

**WHEREAS**, Mr. Marion's current term is due to expire on August 12, 2009 and he has expressed an interest in continuing to serve another three-year term;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Mr. Gary Marion is hereby reappointed to a three-year term on the Construction Board of Appeals, effective immediately with said term continuing to August 12, 2012.

**RESOLUTION #147-2009\***

**INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2009 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (C.159, PL 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount; and

**WHEREAS**, the Town of Newton has received notice of an award in the amount of \$6,000.00 from the National Highway Traffic Safety for an Over the Limit Under Arrest 2009 Mobilization Grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2009 Budget of the Town of Newton which are now available as revenue from:

- Miscellaneous Revenues:
  - Section F: Special Items of Revenue
    - Public and Private Revenues Off-set with Appropriations:
      - National Highway Over the Limit/Arrest Grant.....\$ 6,000.00

**BE IT FURTHER RESOLVED**, that the following like sum be and the same is hereby appropriated under the caption of:

- General Appropriations:
  - (A) Operations - Excluded from CAPS
    - Public and Private Programs Off-Set by Revenues:
      - National Highway Over the Limit/Arrest Grant
        - Police
          - Salaries and Wages ..... \$ 6,000.00

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

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**RESOLUTION #148-2009\***

**AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES WITH REGARD TO A WIND ENERGY AUDIT**

**WHEREAS**, the Town of Newton has a need to acquire the services of Metro Energy Solutions as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 to conduct a wind energy audit for the implementation of energy conservation measures; and

**WHEREAS**, Metro Energy Solutions submitted a proposal dated July 17, 2009 outlining the services to be provided for an amount not to exceed \$4,835 which is less than the threshold established by the Local Public Contracts Law; 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 Metro Energy Solutions for a wind energy audit of the Town of Newton owned properties in Sparta Township, 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.

**RESOLUTION #149-2009\***

**RESOLUTION OF THE TOWN OF NEWTON AUTHORIZING APPLICATION FOR GRANT FUNDING THROUGH THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND**

**WHEREAS**, on March 2, 2009, the Town of Newton (the "Town") issued a Request for Proposals ("RFP") for Environmental Engineering Services to the Town for development and redevelopment purposes; and

**WHEREAS**, the RFP process was conducted in a fair and open manner in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Excel Environmental Resources, Inc., North Brunswick, New Jersey, submitted a response to the RFP; and

**WHEREAS**, the Town reviewed the response submitted by Excel Environmental Resources, Inc., and authorized Excel Environmental Resources, Inc. to provide said Environmental Engineering Services as set forth in Resolution #55-2009; and

**WHEREAS**, the State of New Jersey Department of Environmental Protection ("NJDEP"), through the Hazardous Discharge Site Remediation Fund ("HDSRF"), has grant funds ("Grant Funds") available to municipalities for the purpose of funding preliminary assessments, site investigations, remedial investigations and/or remedial actions to determine the existence or extent of hazardous substance discharge conditions on properties; and

**WHEREAS**, the Town desires to conduct preliminary assessments, site investigations, remedial investigations and/or remedial actions with respect to certain properties located in the Town, including, but not necessarily limited to, Block 1208, Lot 11; and

**WHEREAS**, the Town owns the property designated as Block 1208, Lot 11; and

**WHEREAS**, Excel Environmental Resources, Inc. is qualified to prepare and submit applications on behalf of the Town for Grant Funds.

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

1. Excel Environmental Resources, Inc. is hereby authorized to apply for Grant Funds in order to conduct preliminary assessments, site investigations, remedial investigations

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and/or remedial actions for properties located in the Town, including but not limited to, Block 1208, Lot 11.

2. The Town Manager is hereby authorized and directed to execute any and all documents necessary in order to apply for said Grant Funds.

3. In the event that Grant Funds are approved pursuant to a grant issued in favor of the Town, Excel Environmental Resources, Inc. is hereby authorized and directed to implement preliminary assessments, site investigations, remedial investigations and/or remedial actions for properties, with payment for aforesaid services to be made to Excel Environmental Resources, Inc. from the Grant Funds in accordance with the contract to be entered into by the Town and the NJDEP.

**RESOLUTION #150-2009\***

**AUTHORIZE EXTENSION FOR PAYMENT OF REAL ESTATE TAXES**

**WHEREAS**, the Sussex County Board of Taxation has certified the 2009 tax rate for the Town of Newton on July 20, 2009 and as a result, the tax bills for the third installment could not be mailed by June 15<sup>th</sup>, but were mailed instead on July 24, 2009; and

**WHEREAS**, the intent of NJSA 54:4-64 is to assure that taxpayers are given adequate notice of taxes due before penalties are invoked requiring payment of interest for delinquency under the provisions of NJSA 54:4-67; and

**WHEREAS**, in fairness to the taxpayers of the Town of Newton, a twenty-five (25) day extension period to August 18, 2009 shall be provided, in accordance with NJSA 54:4-67 and NJSA 54:4-81, by establishing the interest rate for delinquency at zero percent (0%) from the certification date of mailing said tax bills; and

**WHEREAS**, interest shall revert back to August 1<sup>st</sup> after the twenty-five (25) day extension period to provide consistency and compliance in accordance with NJSA 54:4-67;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that a twenty-five (25) extension period is hereby granted for the August 2009 tax quarter by charging zero percent (0%) interest during said extension period;

**BE IT FURTHER RESOLVED**, that following the twenty-five (25) day extension period, interest shall be charged from August 1<sup>st</sup>, in compliance with NJSA 54:4-67.

**RESOLUTION #151-2009\***

**AUTHORIZE EXECUTION OF AN AGREEMENT WITH ANDOVER TOWNSHIP FOR THE ACQUISITION AND OPERATION OF A BRINE TREATMENT FACILITY**

**WHEREAS**, both the Township of Andover and the Town of Newton have a desire to purchase a brine treatment facility; and

**WHEREAS**, the two municipalities are in agreement and have found the property to place the brine treatment facility located at the Newton DPW Complex, 111 Moran Street, Newton, New Jersey; and

**WHEREAS**, the parties desire to enter into an Agreement pursuant to the Uniform Shared Services and Consolidated Validation Act (N.J.S.A. 40A:65-1, *et seq.*) concerning the purchase, administration and maintenance of a brine treatment facility;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Municipal Clerk to execute an Agreement with Andover Township for the purchase, administration and maintenance of a brine treatment facility; and

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**BE IT FURTHER RESOLVED** that an original, fully-executed copy of said Agreement be kept on file with the Municipal Clerk's Office and be made available for public viewing.

**RESOLUTION #152-2009\***

**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 2008 and 2009 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

**TOWN BILLS**

10,000.00	Main Street Newton, Inc.	25689
100.00	Family Ford, Inc.	25690
189,462.50	Payroll Account	910056
1,285,734.00	Newton Board of Education	910058
120.47	Quill Corporation	25691
529.76	E.A. Morse & Company	25692
151.49	Montague Tool & Supply	25693
90.00	S K Office Supply	25694
6,510.20	Harold Pellow & Associates, Inc.	25695
358.35	CCP Industries	25696
177.00	ABCcode	25697
248.13	Airmark Pools	25698
255.00	Allen Translation Service	25699
87.50	Sussex Car Wash, Inc.	25700
1,221.83	NUI Corporation	25701
12,120.68	Jersey Central Power & Light	25702
157.95	SCMUA	25703
390.00	B & G Elevator	25704
35.00	EMBARQ	25705
325.00	EMBARQ	25706
2,792.49	EMBARQ	25707
407.55	EMBARQ	25708
7,008.00	Hollander,Hontz,Hinkes&Pasculli LLC	25709
49.95	Campbell's Small Engine	25710
933.77	Timmerman Company	25711
89.00	West Group	25712
80.00	Sussex County Economic	25713
555.00	JRF Tire Inc.	25714
2,054.00	State Treasurer	25715
8.00	Peter J. Kays	25716
424.00	Miami Systems	25717
475.00	Treasurer, State of New Jersey	25718
225.00	Gall's Inc.	25719
403.00	Minisink Press, Inc.	25720
268.47	Sebring Auto Parts	25721
1,907.09	Newton Hockey c/o J. Hoffman	25722
703.02	Dempsey Uniform & Supply Inc.	25723
237.81	Airgas	25724
565.90	McGuire	25725
368.00	Weiner Lesniak	25726
90.00	Division of Fire Safety	25727
132.00	Rutgers Center for Gov't Serv.	25728
1,484.90	Verizon Wireless	25729
890.00	Accurate Door, Inc.	25730
9.33	Universal Supply Group, Inc.	25731
72.63	Mr. John	25732

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551.12	The Phillips Companies	25733
123.51	Advance Commercial	25734
41.19	Carquest	25735
119.40	Excelsior Lumber Company	25736
144.00	Treasurer, State of NJ	25737
7,500.00	McClullough Tree Experts, LLC	25738
1,466.01	Buckman's Inc.	25739
399.16	Creative Networking Concepts, Inc.	25740
794.96	Staples business Advantage	25741
4,183.68	Trane	25742
315.00	Gerber Landscaping Services, LLC	25743
40.99	Nestle Waters	25744
1,491.67	Andrews & Company	25745
141.50	Pinnacle Wireless, Inc.	25746
230.00	Treasurer, State of NJ-Burial	25747
5,918.09	Rachles/Michele's Oil Company	25748
1,595.78	Taylor Oil Co.	25749
2,000.00	Laddey, Clark & Ryan, LLP	25750
259.65	Cutting Edge Landscape Equip.	25751
22.42	W. B. Mason	25752
988.59	Gormley's Auto Center	25753
2,500.00	Lawsoft, Inc.	25754
168.00	Jersey Central Power & Light	25755
200.00	Law & Public Safety Institute	25756

**CAPITAL**

1,800,000.00	Current Account	930012
2,062.15	Payroll Account	930011
14,618.88	Harold Pellow & Associates, Inc.	7352
234.00	Hollander, Hontz, Hinkes & Pasculli, LLC	7353
18,740.19	McManimon & Scotland	7354
105.27	Sherwin-Williams	7355
2,085.05	Tilcon New Jersey	7356
310.00	Bowens Bluelines	7357
8,685.00	A. Nelessen & Associates, Inc.	7358
1,775.00	Black Lagoon	7359
14,972.25	Metro Energy Solutions	7360
10,342.00	Kyocera Mita	7361
7,500.00	Integra Krauser & Cirz, Inc.	7362

**Total TOWN BILLS \$3,442,933.28**

**WATER AND SEWER ACCOUNT**

23,685.98	Payroll Account	960026
3,199.61	Schmidt's Wholesale, Inc.	10862
60.00	S K Office Supply	10863
1,339.14	Harold Pellow & Associates Inc.	10864
4,507.77	Montgomery Watson Harza	10865
383.75	NUI Corporation	10866
11,698.69	Jersey Central Power & Light	10867
855.00	Pumping Services	10868
345.80	SCMUA	10869
78.66	Sussex County Plumbing	10870
36.00	Paul Baldwin	10871
24.00	Paul M. Havens	10872
23,581.76	Coyne Chemical Corp., Inc.	10873
1,257.27	EMBARQ	10874
252.00	Hollander, Hontz, Hinkes & Pasculli LLC	10875
460.53	Beaver Run Farms	10876
26.84	Allied Meter Service, Inc.	10877

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12,751.64	Sparta Township Tax Collector	10878
930.00	Minisink Press Inc.	10879
40.00	Joseph Carr	10880
305.25	Dempsey Uniform & Supply Inc.	10881
187.20	West Chester Machinery	10882
146.40	One Call Systems	10883
9,600.00	R & D Trucking, Inc.	10884
98.64	Airgas	10885
24.00	Ervin Lasso	10886
2,200.00	Instrumentation Tech Systems, Inc.	10887
196.00	Grinnell Recycle	10888
1,273.90	Univar USA, Inc.	10889
16,344.00	Passaic Valley Sewerage Comm.	10890
1,250.00	John Smalley	10891
1.00	Carquest	10892
1,318.70	Sussex County Mailing Service	10893
2,388.52	Pall Corporation	10894
36.00	Eric Tompkins	10895
962.50	Andy Matt, Inc.	10896
5,200.00	Siemens Water Technologies Corp.	10897
10,400.00	D2L Associates, Inc.	10898

**CAPITAL**

1,166.70	Payroll Account	971016
5,067.40	Harold Pellow & Associates, Inc.	2667
1,548.00	Hollander, Hontz, Hinkes & Pasculli LLC	2668
300.00	Daniel Colfax, Esq.	2669
465.00	Vogel, Chait, Collins Schneider, PC	2670
1,125.00	Colleen Cunningham, Esq.	2671

**Total WATER & SEWER BILLS \$147,118.65**

**RESOLUTION #155-2009\***

**AUTHORIZE THE MAYOR TO EXECUTE AN AMENDMENT TO THE DEVELOPER'S AGREEMENT WITH ROUTE 519 & NORTH PARK DRIVE, LLC DATED JUND 23, 2008, FOR BLOCK 303, LOT 26.05, FOR KOHL'S DEPARTMENT STORE, EXTENDING THE COMPLETION DATE UNTIL SEPTEMBER 30, 2009**

**WHEREAS**, the Town of Newton entered into a Developer's Agreement with Route 519 & North Park Drive, LLC, on June 23, 2008, to construct a Kohl's Department Store on property known as Block 303, Lot 26.05, on the tax map of the Town of Newton, located on North Park Drive, pursuant to Resolution #101-2008 adopted by the Newton Town Council on June 23, 2008; and

**WHEREAS**, Route 519 & North Park Drive, LLC, requested and was granted a ninety (90) day extension for completion by the adoption of Resolution #38-2009 on March 9, 2009 making the new completion date July 31, 2009; and

**WHEREAS**, Route 519 & North Park Drive, LLC in their letter dated July 23, 2009 has requested additional time for completion of the remaining work; and

**WHEREAS**, the Newton Town Engineer has no objection to such request;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Council of the Town of Newton authorizes and directs the Mayor and Municipal Clerk to execute an Amendment to the June 23, 2008, Developer's Agreement with Route 519 & North Park Drive, LLC, extending the completion date until September 30, 2009, a copy of which Amendment is attached hereto and made a part of this Resolution.

**BE IT FURTHER RESOLVED** that Route 519 & North Park Drive, LLC, shall be

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provided with a certified copy of this Resolution.

**BE IT FURTHER RESOLVED** that a fully executed copy of this Resolution be kept on file and available for public inspection in the Municipal Clerk's office.

**RESOLUTION #156-2009\***

**AWARD CONTRACT FOR THE VEHICLE WASH FACILITY FOR THE TOWN OF  
NEWTON DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, bid specifications were prepared for the vehicle wash facility for the Town of Newton Department of Public Works at the request of the Town Council; and

**WHEREAS**, bids were publicly opened and read on July 23, 2009 at 10:00 a.m., as follows:

<b><u>Bidder</u></b>	<b><u>Bid</u></b>
Zitone Construction & Supply Company 261 Clover Road Montague, NJ 07827	\$36,700.00
<b>Ranco Mechanical, Inc. PO Box 510 Augusta, NJ 07822</b>	<b>\$28,489.00</b>
T. Slack Environmental Service, Inc. 180 Market Street Kenilworth, NJ 07033	\$40,122.00
Tony's Concrete Construction Co. 316 E. Kinney Street Newark, NJ 07105	\$36,850.00

**WHEREAS**, the Town Engineer recommends the award of a contract for the vehicle wash facility to Ranco Mechanical, Inc., the low bidder; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the proposed vehicle wash facility for the Department of Public Works is hereby awarded to Ranco Mechanical Inc., Augusta, New Jersey in the amount of \$28,489.00 on submission of the low bid as recommended by the Town Engineer. All contract documents and change orders are authorized to be executed by the Mayor, Town Manager and Municipal Clerk.

**RESOLUTION #157-2009\***

**AWARD CONTRACT FOR THE RECYCLING TREATMENT SYSTEM FOR THE  
VEHICLE WASH FACILITY AT THE TOWN OF NEWTON DEPARTMENT OF  
PUBLIC WORKS**

**WHEREAS**, bid specifications were prepared for the recycling treatment system for the vehicle wash facility for the Town of Newton Department of Public Works at the request of the Town Council; and

**WHEREAS**, bids were publicly opened and read on July 23, 2009 at 10:00 a.m., as follows:

<b><u>Bidder</u></b>	<b><u>Bid</u></b>
T. Slack Environmental Service, Inc.	

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180 Market Street Kenilworth, NJ 07033	\$57,493.00
<b>J&amp;D Sales and Service</b> <b>195 Blau Road</b> <b>Hackettstown, NJ 07840</b>	<b>\$33,551.10</b>

**WHEREAS**, the Town Engineer recommends the award of a contract for the recycling treatment system for the vehicle wash facility to J&D Sales and Service, the low bidder; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the proposed recycling treatment system for the vehicle wash facility for the Department of Public Works is hereby awarded to J&D Sales and Service, Hackettstown, New Jersey in the amount of \$33,551.10 on submission of the low bid as recommended by the Town Engineer. All contract documents and change orders are authorized to be executed by the Mayor, Town Manager and Municipal Clerk.

The Clerk presented an Application for a Special Permit for a Social Affair from the Greater Newton Chamber of Commerce, P.O. Box 386, 61 Spring Street, Newton, to be held on September 14, 2009 on Spring Street (Outside Event) for the Taste of Newton. It was noted that the application was in order, accompanied by the prescribed fee and signed by the Chief of the Police Department.

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

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
	Mayor Elvidge	Yes	

**Intermission (10 minutes)**

**DISCUSSION (WORK SESSION)**

**a. Fire Truck Refurbishment**

Mr. Jeff Schiffner, Newton Fire Chief, provided the Council with documentation regarding the refurbishment of the 1992 Grumman (102 ft.) Ladder Truck. Mr. Schiffner outlined the details of the three options available for the refurbishment or replacement of the ladder truck. The first option was to perform a complete refurbishing utilizing the entire current vehicle, at a cost of \$520,000.00 plus the cost to rent an aerial. The second option was to remove the current aerial device and associated outrigger system and place these components on a new chassis and body, at a cost of \$721,000.00 plus the cost to rent an aerial. This option also has a \$5,000.00 trade-in value. And the third option was to purchase a new apparatus at a cost of

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\$850,000.00 - \$950,000.00. It was noted that Grumman (manufacture), as well as Simon-Duplex (chassis brand) are no longer in business. After a lengthy discussion, the consensus of the Town Council was to purchase a new apparatus, as the refurbishment of the current apparatus would not be feasible. The Council also directed the Fire Department to set up a refurbishing program for all of the fire trucks for cost savings effort.

**b. Firehouse #1 & #2 Renovations**

Mr. Sergio J. Chavarria, AIA, PP, of HQW Architects, LLC, provided conceptual drawings and construction cost documents for the Newton Fire Department House 1 & 2 renovations. Mr. Chavarria reviewed in detail the scope of work on Fire House No. 1 (Mill Street) as well as Fire House #2 (Woodside & Lawnwood Ave.). The Council suggested that the air conditioning unit be relocated to the ground at the No. 1 Firehouse. Mr. Chavarria will request this as an alternate to the bid specification. It was also suggested that Firehouse No. 1 be equipped with a generator. After a lengthy discussion, Council's consensus was to move forward with the renovation of Firehouse No. 1 on Mill Street to include an alternate for the air conditioner unit on the ground as well as include a back-up generator. In addition, Firehouse No. 2 on Woodside Avenue will be put on hold but will allow for a structural study with the balance of the funds allotted in the budget.

Fire Chief Schiffner addressed whether the Council would consider performing a feasibility study on one firehouse as opposed to utilizing the three firehouses. After a brief discussion, Council agreed to move forward with the repairs necessary at Firehouse No. 1, and allow for Firehouse No. 2 to be placed on hold.

**OPEN TO THE PUBLIC**

Mr. Joseph Inga, 16 Birch Drive, requested that the Town revisit the underutilized Firehouse on Stuart Street and look to place it back on the tax rolls.

**COUNCIL & MANAGER COMMENTS**

There was no Council & Manager items to discuss.

The Town Council entered into Executive Session at 9:45 p.m.

The Town Council returned from Executive Session at 10:02 p.m.

**RESOLUTIONS**

Mayor Elvidge requested a motion on Resolution #154-2009 to authorize the execution of an amendment to the Developer's Agreement with Bristol Glen, Inc.

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**RESOLUTION #154-2009**

**AUTHORIZE EXECUTION OF AN AMENDMENT TO THE DEVELOPER'S AGREEMENT WITH BRISTOL GLEN, INC.**

**WHEREAS**, Bristol Glen, Inc. ("Bristol Glen") the owner of certain developed properties identified in the Tax Map of the Town of Newton Block 502, Lots 1,4, 5 and 5.6 (hereinafter collectively referred to the "Property"); and

**WHEREAS**, Bristol Glen has constructed on the property an assisted living/skill nursing care/continuing care facility (hereinafter the "Facility"); and

**WHEREAS**, the Developer and the Town entered into a Developer's Agreement on or after February 25, 2008 (hereinafter referred to as the "Agreement"); and

**WHEREAS**, in consideration of the tax exempt status of certain activities conducted at the facility and the need for certain municipal services to be provided there at, the parties have negotiated and agreed upon contributions from the owner of the Property to the Town for the tax year 2008 and thereafter; and

**WHEREAS**, the parties have further agreed to clarify the rights of Bristol Glen relating to Section 9.1 of the Agreement regarding "Affordable Housing Obligation";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute the Amendment to Developer's Agreement with Bristol Glen which is attached hereto and that said Developer's Agreement be forwarded to all appropriate parties for execution.

The following **RESOLUTION** was offered by Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried and roll call resulted as follows:

Mrs. Unhoch	Yes	Mrs. Becker	Yes
Mrs. Le Frois	Yes	Mr. Ricciardo	Yes
Mayor Elvidge	Yes		

There being no further business to be conducted, upon motion of Mrs. Becker, seconded by Mrs. Unhoch and unanimously carried, the meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk