



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**MARCH 22, 2010**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES** - MARCH 8, 2010 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. COUNCIL & MANAGER REPORTS**

- a. 911 CONSOLIDATION

**VII. ORDINANCES**

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

ORDINANCE 2010-3

AN ORDINANCE TO AMEND CHAPTER 10, TRAFFIC, OF THE REVISED GENERAL ORDINANCES

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

**VIII. OLD BUSINESS**

## **IX. CONSENT AGENDA**

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

- |           |                      |   |
|-----------|----------------------|---|
| <b>a.</b> | RESOLUTION #34-2010* | RESOLUTION OF THE TOWN OF NEWTON AUTHORIZING APPLICATION FOR GRANT FUNDING THROUGH THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND  |
| <b>b.</b> | RESOLUTION #35-2010* | RESOLUTION PROVIDING FOR FINANCIAL SUPPORT TO THE MAIN STREET NEWTON, INC. ORGANIZATION FOR CALENDAR YEAR 2010  |
| <b>c.</b> | RESOLUTION #36-2010* | TO CANCEL OUTSTANDING CHECKS IN THE BAIL ACCOUNT  |
| <b>d.</b> | RESOLUTION #37-2010* | APPROVE BILLS AND VOUCHERS FOR PAYMENT  |
| <b>e.</b> | RESOLUTION #38-2010* | APPROVE 2009 APPROPRIATION TRANSFERS  |
| <b>f.</b> | RESOLUTION #39-2010* | AMENDMENT TO 2010 TEMPORARY OPERATING BUDGET  |
| <b>g.</b> | APPLICATION*         | APPLICATION FROM STEVEN I. VELASTEGIN, 682 LIMECREST ROAD, ANDOVER TOWNSHIP FOR MEMBERSHIP IN THE NEWTON FIRE DEPARTMENT. THE APPLICATION IS IN ORDER AND HAS BEEN SIGNED BY THE CHIEF OF THE FIRE DEPARTMENT |

## **X. INTERMISSION**

## **XI. DISCUSSION**

- a.** 2010 MUNICIPAL BUDGET

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

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

## **XIV. EXECUTIVE SESSION**

## **XV. ADJOURNMENT**

**TOWN OF NEWTON**

**ORDINANCE #2010-3**

**AN ORDINANCE TO AMEND CHAPTER 10,  
TRAFFIC, OF THE REVISED GENERAL ORDINANCES**

**WHEREAS**, the Newton Town Council requested that the Newton Police Department perform a traffic study to evaluate the safety and the quality of life for those living on Ryerson Avenue in the vicinity of Newton High School; and

**WHEREAS**, the results of said traffic study indicate there is a need to restrict parking on Ryerson Avenue during school hours;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton that Chapter 10 of the Revised General Ordinance be amended as follows:

**Add the following:**

**SCHEDULE I**

**NO PARKING**

<b><u>Name of Street</u></b>	<b><u>Side</u></b>	<b><u>Location</u></b>
Ryerson Avenue	East	From the south curb line of Condit Street extending 100 feet in a southerly direction

**Amend to read as follows:**

**SCHEDULE II**

**PARKING PROHIBITED DURING CERTAIN HOURS  
ON CERTAIN STREETS**

<b><u>Name of Street</u></b>	<b><u>Side</u></b>	<b><u>Hours</u></b>	<b><u>Location</u></b>
Ryerson Avenue	West	7:00am to 4:00pm school days	Beginning at a point 675 feet south of the curb line of Ashford Street to the east curb line of Douma Drive

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect 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 Monday, March 8, 2010. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body held at 7:00pm on Monday, March 22, 2010 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

### RESOLUTION #34-2010

March 22, 2010   **“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**, there is a realistic opportunity for the redevelopment of the Property within three years following completion of remediation; 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 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.

#### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 22, 2010.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #35-2010

March 22, 2010

### “Resolution Providing for Financial Support to the Main Street Newton, Inc. Organization for Calendar Year 2010”

**WHEREAS**, the Town of Newton recognizes the importance of the downtown as it relates to the economic health and quality of life of the entire community; and

**WHEREAS**, the continued improvement, revitalization and development of the downtown is a critical municipal goal; and

**WHEREAS**, a local Main Street Program organization, known as Main Street Newton, Inc., comprised of private and public community leaders, has been formed to stimulate economic development and preservation of the downtown, thereby lessening the burden of municipal government; and

**WHEREAS**, the Town Council of the Town of Newton had originally committed, through Resolution 5-2007, a matching fund amount, not to exceed \$40,000 per year, for four successive years beginning in 2007; and

**WHEREAS**, the Town Council of the Town of Newton acknowledges that a significant downturn in the economy of New Jersey and the United States creates an even greater need this year for the success of the Main Street Newton, Inc. organization and program; and

**WHEREAS**, the Town Council of the Town of Newton is committed to providing financial support in the municipal budget to the Main Street Newton, Inc. organization for calendar year 2010, without the matching fund restriction, in a total amount not to exceed \$40,000, and

**WHEREAS**, partial funding in an amount not to exceed \$10,000 shall be provided to the Main Street Newton, Inc. organization in a lump sum payment after adoption of this Resolution for purposes restricted to the payment of salary of the Main Street Newton Executive Director; and

**WHEREAS**, it is anticipated that the Executive Director and Board President of Main Street Newton, Inc. will keep the Town Council informed of the progress being made by the organization as it relates to meeting their 2010 fundraising goals.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Newton:

1. Agrees to provide financial support for the Main Street Newton, Inc. organization by making a current budget appropriation in the 2010 budget year not to exceed \$40,000, without any matching fund restriction.
2. Strongly reaffirm its support of the Main Street Newton, Inc. organization by immediately releasing a quarter, or \$10,000, of the total 2010 appropriations, in support of this vital program, with these funds to be solely utilized for the purposes of the Executive Director's salary.
3. Looks to meet with the leadership of Main Street Newton, Inc. in June of this year to address the status and apportionment of the remaining appropriations balance of \$30,000.

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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 #: 35-2010

APPROVING: MAIN STREET NEWTON, INC.

FOR THE PURPOSE OF: Contribution for Improvement, Revitalization  
and Development of the Downtown

IN THE AMOUNT OF: \$10,000.00

APPROPRIATED BY: CURRENT FUND Temporary Budget 2010 -  
MAIN STREET CONTRIBUTION MATCH #1094300

It is expected that monies to be expended to support Main Street Newton, Inc.  
will not exceed \$40,000 and that the amount of \$40,000 will be budgeted in  
total in the 2010 Current Budget.

DATED THIS 22<sup>nd</sup> DAY OF MARCH , 2010

BY \_\_\_\_\_

  
DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION # 36-2010

March 22, 2010      “To Cancel Outstanding Checks in the Bail Account”

**WHEREAS**, there are checks which have not been cashed in the following Town of Newton funds; and

**WHEREAS**, those checks have been reviewed to determine if they should be canceled to fund balance so as not to be required to escheat them to the State of New Jersey:

**NOW, THEREFORE BE RESOLVED**, by the Town Council of the Town of Newton, that the following outstanding checks are hereby canceled”

#### **BAIL FUND**

Check #3767    \$124.00 issued 4-16-09 to Kevin Lyon  
Check #3787    \$11.00 issued 6-4-09 to Jodie A Harby

#### **CERTIFICATION**

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #37-2010

March 22, 2010

**“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 2009 and 2010 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

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #38-2010

March 22, 2010

“Approve 2009 Appropriation Transfers”

**BE IT RESOLVED** by the Town Council of the Town of Newton that the following 2009 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
Clerk OE 1051201A	Zoning Board OE 1062316A	\$ 2,500.
Elections OE 1051501A	Legal OE 1058201A	\$ 2,000.
Road OE 1080259A	Shade Tree OE 1083200A	\$ 1,000.
Police OE 1074206A	Accumulated Absence 1094400A	\$ 5,000.
Utilities OE 1089229A	Accumulated Absence 1094400A	\$15,000.
Employee Group Insurance OE 1066200A	Social Security 1098298A	\$ 250.
<b>TOTAL</b>		<b><u>\$25,750.</u></b>

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #39-2010**

**March 22, 2010**

**“Amendment to 2010 Temporary Operating Budget”**

**WHEREAS**, the Town Council of the Town of Newton adopted the 2010 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #280-2009 dated December 28, 2009; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides that the Governing Body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year’s Budget (2009 Budget \$8,422,573 x 1/12 = \$701,881) and that a copy of this resolution be filed with the Director of Local Government Services;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the 2010 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON**  
**2010 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Parks & Playgrounds OE	1091239	\$ 6,000
Tax Collection OE	1056226	2,000
Statutory Expend: DCRP	1098294	100
Statutory Expend: Social Security	1098298	30,000
Supplemental Redevelopment/Planning	1095309	<u>117,000</u>
Total Current Temp Amendment		\$155,100

**2009 TOWN OF NEWTON BUDGET**

<u>CURRENT</u>		<u>WATER/SEWER</u>
\$10,342,468	Total 2009 General Appropriations	\$4,160,000
1,261,782	Less: Debt Service	1,332,631
163,000	Capital Improvements	310,000
<u>495,113</u>	Reserve for Uncollected Taxes	<u>0</u>
\$8,422,573	Total Amount to calculate upon	\$2,517,369
x 1/12		x 1/12
\$701,881	Allowable 2010 Temporary Budget Amend.	<u>\$209,780</u>

**CERTIFICATION**

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Lorraine A. Read, RMC  
Municipal Clerk