



AGENDA
NEWTON TOWN COUNCIL
APRIL 12, 2010
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES - MARCH 22, 2010 REGULAR MEETING

V. PRESENTATION

- a. NEIGHBORHOOD HEALTH SERVICES

VI. 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.

VII. COUNCIL & MANAGER REPORTS

VIII. ORDINANCES

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 #40-2010* RESOLUTION TO SUPPORT THE SUBMISSION OF A TONNAGE GRANT FOR RECYLYING TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

- b.** RESOLUTION #41-2010* APPROVE CHANGE ORDER NO. 2 AND FINAL ACCEPTANCE OF THE MILL STREET WATERLINE PROJECT
- c.** RESOLUTION #42-2010* APPROVE FIREWORKS DISPLAY AT MEMORY PARK FOR NEWTON DAY 2010
- d.** RESOLUTION #43-2010* AMENDMENT TO 2010 TEMPORARY OPERATING BUDGET
- e.** RESOLUTION #44-2010* AWARD PURCHASE CONTRACT FOR SLUDGE AND CHEMICAL WASTE TRUCKING
- f.** RESOLUTION #45-2010* AWARD PURCHASE CONTRACTS FOR THE ACQUISITION OF CHEMICALS
- g.** RESOLUTION #46-2010* APPROVE BILLS AND VOUCHERS FOR PAYMENT

XI. INTERMISSION

XII. DISCUSSION

- a.** DRAFT ORDINANCES
 - i.** PARK –N- RIDE
 - ii.** FEE ORDINANCE

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. EXECUTIVE SESSION

- a.** RESOLUTION #47-2010 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
 - (2) PERSONNEL

XVI. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #40-2010

April 12, 2010

“Resolution to Support the Submission of a Tonnage Grant for Recycling to the State of New Jersey Department of Environmental Protection”

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2009 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Newton Town Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Debra Millikin to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #41-2010

April 12, 2010

**“Approve Change Order No. 2 and
Final Acceptance of the Mill Street
Waterline Project”**

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Mill Street Waterline Project to Underground Utilities Corp. in the amount of \$1,374,691.35 by Resolution #173-2007 adopted on October 1, 2007; and

WHEREAS, the Town Council of the Town of Newton approved Change Order No. 1 which increased the contract amount by \$27,450.00 to adjust the contract total to \$1,402,141.35 by Resolution 71-2008 adopted on May 12, 2008; and

WHEREAS, Harold E. Pellow and Associates, the Project Engineer, has recommended approval of Change Order No. 2 to provide additional traffic control, extension of the Cherry Street Waterline and for adjustments to contract quantities for as built measurements and field conditions; and

WHEREAS, Change Order No. 2 will increase the contract amount by \$94,554.17 to the adjusted contract total of \$1,496,695.52; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to support the above change order; and

WHEREAS, in his memo dated April 6, 2010 to the Town Manager, the Town Engineer states that said project has been completed and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton approval of Change Order No. 2 for the Mill Street Waterline Project is hereby affirmed and that the Town Manager is authorized to execute said Change Order No. 2 on behalf of the Town, thereby increasing the contract amount to \$1,496,695.52;

BE IT FURTHER RESOLVED, by the Town Council of the Town of Newton that it hereby concurs with the Town Engineer's recommendation and accepts the Mill Street Waterline Project as final and complete.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to USDA, Underground Utilities Corporation, and 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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 41-2010

APPROVING: CHANGE ORDER #2 UNDERGROUND UTILITIES

FOR THE PURPOSE OF: ADDITIONAL WORK FOR MILL STREET
WATERLINE PROJECT (UNDERGROUND FUEL TANK, EXTEND LINE
CHERRY STREET, PIPELINE, STREAM CROSSING)

IN THE AMOUNT OF: \$94,554.17

APPROPRIATED BY: ORD # 2007-3 MILL STREET WATERLINE
A/C# 6190713 \$ 94,554.17

DATED THIS 12th DAY OF APRIL, 2010

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #42-2010

April 12, 2010

“Approve Fireworks Display at Memory Park for Newton Day 2010”

WHEREAS, a Resolution of the Newton Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 12, 2010 as part of the annual “Newton Day” celebration with a rain-date of June 19, 2010; and

WHEREAS, Newton Fire Official Joseph C. Inga has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Greater Newton Chamber of Commerce is granted permission for a fireworks display during the “Newton Day” celebration to take place on June 12, 2010, with a rain-date of June 19, 2010 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ;

BE IT FURTHER RESOLVED, that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Newton Fire Official Joseph C. Inga.

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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #43-2010

April 12, 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 forthwith with the director;

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>
Clerk SW	1051101	13,000
Town Manager SW	1050101	10,500
Human Resources SW	1053103	3,000
Finance SW	1054101	6,300
Assessment of Taxes SW	1055103	3,500
Assessment of Taxes OE	1055201	1,000
Collection of Taxes SW	1056101	5,600
Building & Grounds OE	1061217	19,000
Community Development SW	1064101	5,300
Court SW	1059101	14,500
Planning/Zoning SW	1062101	4,000
Employee Group Insurance OE	1066200	100,000
Worker's Compensation Ins. OE	1067200	11,000
Other Insurance OE	1069201	20,000
Fire Prevention SW	1071100	3,000
Police SW	1074101	300,000
Parking Meter SW	1075100	7,800
Inspection of Buildings SW	1077101	15,000
Road Repair SW	1080101	69,000
Road Repair OE	1080259	10,000
Stormwater/Flood Control OE	1082250	2,000
Swimming Pool OE	1090207	7,000
Parks SW	1091101	9,300
Senior Citizen SW	1093100	3,500
Cencom SW	1094734	57,000
911 Misc Operations SW	1094770	1,500
Total Current Temp Amendment		\$701,800
<u>Water Sewer Utility Account</u>		
Operating SW	6051171	\$49,000
Operating OE	6051236	160,000
Total Water Sewer Temp Amendment		\$209,000
Water/Sewer Debt Service	6091280	\$300,000

2009 TOWN OF NEWTON BUDGET

CURRENT
\$10,342,468
1,261,782
163,000
495,113
\$8,422,573
x 1/12
\$ 701,881

	<u>WATER/SEWER</u>
Total 2009 General Appropriations	\$4,160,000
Less: Debt service	1,332,631
Capital Improvements	310,000
Reserve for Uncollected Taxes	<u>- 0 -</u>
Total Amount to calculate upon	\$2,517,369
	<u>x 1/12</u>
Allowable 2009 Temporary Budget Amendment	\$ 209,780

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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #44-2010

April 12, 2010

“Award Purchase Contract for Sludge and Chemical Waste Trucking”

WHEREAS, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services; and

WHEREAS, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton Wastewater Treatment Plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year; and

WHEREAS, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened and read on Tuesday, April 6, 2010 as follows:

	<u>Sludge Trucking</u>	<u>Chemical Trucking</u>
Russell Reid 200 Smith Street PO Box 130 Keasbey, NJ 08832-0130	\$0.0687	\$0.0687
R & D Trucking, Inc. 1874 Route 23 North West Milford, NJ 07480	\$0.032	\$0.023
Accurate Waste Remova PO BOX 90 Ironia, NJ 07845	\$0.0378	\$0.0299
Aqua Tex Transport, Inc. PO Box 1204 Hammonton, NJ 08037	\$0.0327	\$0.0261

WHEREAS, R&D Trucking, was the lowest bidder for sludge trucking and chemical trucking;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking and chemical trucking to R&D Trucking, and that a certified copy of this resolution is to be forwarded to the low bidder.

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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk

WHEREAS, the bids for chemicals listed above were reviewed by the Purchasing Agent and she has recommended the awards for the following purchase of chemicals based on submission of the low bids which are in the best interest of the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby awards bids for the purchase of chemicals as follows:

Chemical

- Liquid Sodium Carbonate
- Liquid Aluminum Sulfate
- Liquid/Gas Sulfur Dioxide
- Liquid Chlorine/Gas
- CES PACI 2500
- Liquid Sodium Hydroxide
- Liquid Hydrofluosilic Acid
- Sodium Hypochlorite

Bidder Receiving Award

- Coyne Chemical Co.
- Delta Chemical Corp.
- JCI
- Main Pool & Chemical
- Coyne Chemical Co.
- Main Pool & Chemical
- Main Pool & Chemical
- Main Pool & Chemical

BE IT FURTHER RESOLVED, that the Water and Sewer Supervisor is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #46-2010

April 12, 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

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, April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #47-2010

April 12, 2010

“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 or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Contract Negotiations
- (2) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on April 12, 2010, that an Executive Session closed to the public shall be held on April 12, 2010, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items 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 April 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk