



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**MAY 24, 2010**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES** - MAY 12, 2010 REGULAR MEETING  
MAY 12, 2010 EXECUTIVE MEETING

**V. PRESENTATION**

- a. PROCLAMATION & CERTIFICATES – NEWTON ROBOTICS TEAM

**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. HEARING ON THE 2010 BUDGET**

- a. 2010 MUNICIPAL AND WATER & SEWER UTILITY BUDGET
1. OPEN HEARING
  2. PUBLIC COMMENT
  3. CLOSE HEARING
  4. ACT ON BUDGET

## **IX. ORDINANCES**

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

ORDINANCE 2010-6

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$20,000 FOR VARIOUS IMPROVEMENTS FOR THE TOWN OF NEWTON

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

### **b. INTRODUCTION**

ORDINANCE 2010-7

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,356,000 THEREFOR, INCLUDING \$211,100 AVAILABLE FROM RESERVES, GRANTS AND OTHER FUNDS AND \$97,800 AVAILABLE AS DOWN PAYMENTS, AND AUTHORIZING THE ISSUANCE OF \$2,047,100 BOND OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

## **X. OLD BUSINESS**

### **a. RESOLUTION #52-2010**

APPROVE CHANGE ORDER NO. 2 AND FINAL ACCEPTANCE OF THE ALLEY SEWER REPLACEMENT PROJECT

## **XI. 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 #64-2010* | INSERT SPECIAL ITEMS OF REVENUE IN THE 2010 TOWN OF NEWTON BUDGET PURSUANT TO NJSA 40A:4-87 (C. 159, PL 1948)                   |
| <b>b.</b> | RESOLUTION #65-2010* | CREDIT MONIES TO DELINQUENT TAXES DUE TO A STATE TAX JUDGMENT   |
| <b>c.</b> | RESOLUTION #66-2010* | AWARD CONTRACT TO NEW JERSEY FENCE AND GUARDRAIL, INC. FOR INSTALLATION OF FENCING AT MEMORY PARK, TOWN POOL & THE DPW FACILITY |
| <b>d.</b> | RESOLUTION #67-2010* | AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS  |
| <b>e.</b> | RESOLUTION #68-2010* | AUTHORIZING ACCEPTANCE OF A PROPOSAL RELATED TO PROVISION OF DENTAL CARE BENEFITS   |
| <b>f.</b> | RESOLUTION #69-2010* | APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB OWNER'S LICENSE   |
| <b>g.</b> | RESOLUTION #70-2010* | APPROVAL OF A RENEWAL APPLICATION FOR TAXICAB DRIVER'S LICENSE  |
| <b>h.</b> | RESOLUTION #71-2010* | REVISING AMOUNT OF INCENTIVE TO EMPLOYEES FOR WAIVER OF HEALTH BENEFITS   |
| <b>i.</b> | RESOLUTION #72-2010* | APPROVE BILLS AND VOUCHERS FOR PAYMENT  |

**XII. INTERMISSION**

**XIII. DISCUSSION**

**XIV. OPEN TO THE PUBLIC**

**XV. COUNCIL & MANAGER COMMENTS**

**XVI. EXECUTIVE SESSION**

**XVII. ADJOURNMENT**

Office of the Mayor

Newton, New Jersey

# Proclamation

## Newton Robotics

**WHEREAS**, *For Inspiration and Recognition of Science and Technology*, "FIRST", is a not-for-profit organization that celebrates science and technology through robotics competitions worldwide; and

**WHEREAS**, FIRST inspires young people to be future science and technology leaders by engaging them in exciting mentor-based programs that build skills that encourage innovation and foster self-confidence, communication and leadership; and

**WHEREAS**, Newton High School's 16-member team named "Techno Ninjas" received a box of parts and assembled a robot that took nearly 100 hours of combined work over a six-week period. They named the robot "Bender" which they characterized as an offensive scoring machine; and

**WHEREAS**, the team's hard work and dedication paid off when they reached the semifinals of the New York Regional Competition which was held March 12-14, 2010, and earned first place in the Rookie category, and qualified for the 19<sup>th</sup> Annual FIRST Championship at the Georgia Dome in Atlanta, April 15-17, 2010, competing against 352 teams from 4 continents;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim our **Congratulations** to the **Techno Ninjas** for their excellent achievement of a record of 3 wins, 5 losses and 2 ties in the 19<sup>th</sup> Annual FIRST Championship. We applaud them for their teamwork and dedication and wish them success in all their future endeavors.

*In witness whereof I have hereunto set my  
Hand and caused this seal to be affixed.*

Attest: \_\_\_\_\_

Date: \_\_\_\_\_ May 24, 2010

**TOWN OF NEWTON  
ORDINANCE #2010-6**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT  
OF \$20,000 FOR VARIOUS IMPROVEMENTS FOR THE TOWN OF NEWTON.**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$20,000 is hereby appropriated from the General Capital Fund Balance for the following various improvements in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Preliminary Costs Regarding Sale of Municipal Property** – Survey cost and related legal, engineering, or other cost incidental thereto regarding sale of the Fire Patrol property/improvements located at 7 Stuart Street, known as Block 1302, Lot 2.01 on the Newton Tax Maps (which may in the future be known as Survey of Lot 6, Block 19.01 on the Newton Tax Maps.) **\$5,000.00**

**Preliminary Engineering Costs for Dam Improvements** – Engineering costs to determine scope of services and related costs as outlined in reports prepared by Natural Resources Conservation Service, and to update Emergency Action Plan, and any other permit, application fees or other costs incidental thereto. **\$15,000.00**

**TOTAL COST OF VARIOUS IMPROVEMENTS** **\$20,000.00**

**Section 2.** The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on May 12, 2010. It was adopted, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on May 24, 2010, and shall take effect according to law.

---

Lorraine A. Read, RMC  
Municipal Clerk

**ORDINANCE 2010-7**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,356,000 THEREFOR, INCLUDING \$211,100 AVAILABLE FROM RESERVES, GRANTS AND OTHER FUNDS AND \$97,800 AVAILABLE AS DOWN PAYMENTS, AND AUTHORIZING THE ISSUANCE OF \$2,047,100 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,356,000, including the sum of \$211,100 available as reserves, grants and other funds as described in Section 3 hereof and also including the aggregate sum of \$97,800 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, reserves, grants or other funds, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,047,100 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes

are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road improvements consisting of resurfacing, curbing, sidewalks and drainage improvements along Academy Street, Williams Street, Franklin Street, Thompson Street, Ashford Street, Dunn Place, Clarkson Street and North Park Drive.	\$400,000 (including \$28,100 from "Reserve for Road Improvements" and including \$150,000 Department of Transportation grant received for North Park Drive)	\$221,900	10 years
b) Installation of stormwater pipes and basins in area of Merriam Avenue, Gardner Avenue and Thompson Street.	\$40,000	\$38,000	40 years
c) Acquisition of calcium/brine distribution units	\$50,000	\$47,500	15 years
d) Improvement of Central Plaza lot including paving, curbing and sidewalk improvements and installation of parking machine	\$68,000 (including \$8,000 received from Parking Authority for engineering and inspection)	\$56,600	10 years
e) Acquisition and installation of generator and safety equipment for Department of Public Works	\$85,000	\$80,750	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
f) Acquisition of a dump truck with plow and sander for the Department of Public Works	\$72,000	\$68,400	5 years
g) Installation of video surveillance cameras on Spring Street	\$50,000	\$47,500	10 years
h) Upgrade of telephone system in Municipal Building	\$10,000	\$9,500	7 years
i) Acquisition of fire ladder truck and equipment	\$950,000 (including insurance proceeds to extent received)	\$902,500	10 years
j) Improvements to Municipal Building consisting of upgrade of elevator and roof-top air condensing unit, upgrade of heating system in the basement and general renovations	\$135,000	\$128,250	15 years
k) Energy savings improvements including installation of lighting, occupancy sensors, water conservation measures, plumbing and fixtures, attic insulation, furnace and HVAC system and similar improvements at all municipal buildings (except for water/sewer) in accordance with energy audit	\$55,000	\$52,250	15 years
l) Conforming of zoning ordinances to master plan	\$110,000	\$104,500	15 years
m) Circulation plan implementation – Phase I, including signage, bike racks, landscaping and improvements	\$80,000	\$76,000	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
n) Park improvements consisting of installation of fence to encircle retention pond by Douma Drive and Ryerson Avenue, paving and drainage improvements at Pine Street Park parking lot, installation of South Park Drive practice field and upgrade of Memory Park basketball court	\$165,000	\$156,750	15 years
o) Construction and improvement of trails to connect to trail in Andover Township and to Hicks Avenue and Lower Spring Street	\$50,000 (including \$25,000 grant received from the New Jersey Department of Environmental Protection)	\$22,500	15 years
p) Acquisition of groomer for parks	\$20,000	\$19,000	15 years
q) Acquisition and installation of street signs	<u>\$16,000</u>	<u>\$15,200</u>	10 years
TOTALS	<u>\$2,356,000</u>	<u>\$2,047,100</u>	

All of the improvements include all work and materials necessary therefore or incidental thereto. The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, reserves, grants and other funds incidental thereto, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as

may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.05 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,047,100, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$471,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any insurance funds received (other than funds necessary for non-capital loss related expenses) for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance.

The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on May 24, 2010. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on June 14, 2010, and shall take effect according to law.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #52-2010

May 24, 2010

#### **“Approve Change Order No. 2 and Final Acceptance of the Alley Sewer Replacement Project”**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Alley Sewer Replacement Project to Earth-Tech Associates, Inc. in the amount of \$72,758.00 by Resolution #195-2009 adopted on September 28, 2009; and

**WHEREAS**, the Town Council approved Change Order No. 1 which reduced the contract amount by \$7,700.44 to adjust the contract total to \$65,057.56 by Resolution #22-2010 adopted on February 8, 2010; and

**WHEREAS**, Harold E. Pellow and Associates, the Project Engineer, has recommended approval of Change Order No. 2 to reflect final as built quantities, and removal of dense aggregate installed and re-grade and compact, and increase in asphalt price; and

**WHEREAS**, Change Order No. 2 will increase the contract amount by \$2,502.88 to the adjusted contract total of \$67,560.44; 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 15, 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 Alley Sewer Replacement 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 \$67,560.44; and

**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 Alley Sewer Replacement Project as final and complete; and

**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, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**

**RESOLUTION #64-2010**

**May 24, 2010**

**“Insertion of Special Items of Revenue in the 2010 Town of Newton Budget Pursuant to NJSA 40A:4-87 (C. 159, PL 1948)”**

**WHEREAS**, NJSA 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 \$4,000.00 from the State of New Jersey Division of Highway Traffic Safety for a Click It Ticket Seat Belt Grant CFDA #20.602 Project Number OP10-45-01-145;

**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 2010 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

State of New Jersey Click It Ticket Grant.....\$ 4,000.00

**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:

State of New Jersey Click It Ticket Grant

Police

Salaries and Wages.....\$ 4,000.00

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

**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 May 24, 2010.

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



## TOWN OF NEWTON

### RESOLUTION #65-2010

May 24, 2010

**“Credit of Monies to Delinquent Taxes Due to a State Tax Judgment”**

**WHEREAS**, Laneco, Inc., owner of Block 1307, Lot 6 also known as 2 Oak Street, filed a State Tax Court Appeal to lower the assessment on said block and lot; and

**WHEREAS**, on April 12, 2010, the Newton Tax Office received the Judgment issued by the State Tax Court ordering a reduction in their assessment for the tax year 2008 for Block 1307, Lot 6. This order has resulted in a credit of monies in the total amount of \$837.82 for the tax year 2008;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, that this Governing Body acknowledges this Judgment and that Laneco, Inc. is entitled to a credit in the amount of \$837.82; and

**BE IT FURTHER RESOLVED**, that the Tax Collector is hereby authorized to process a credit to Laneco, Inc. in the amount of \$837.82 in accordance with said Tax Court Judgment.

### 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 May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #66-2010

May 24, 2010

**“Award contract to New Jersey Fence and Guardrail, Inc. for installation of Fencing at Memory Park, Town Pool & the DPW Facility”**

**WHEREAS**, the Town of Newton received two proposals for fencing at Memory Park, Town Pool & the DPW Facility; and

**WHEREAS**, New Jersey Fencing and Guardrail, Inc. was the lowest proposal reviewed in the amount of \$17,850.00; and

**WHEREAS**, the Town Engineer, Harold E. Pellow and Associates, recommended awarding the contract to New Jersey Fence and Guardrail, Inc. for the installation of fencing at Memory Park, Town Pool & the DPW Facility, in a memo dated May 12, 2010 to the Town Manager; and

**WHEREAS**, the Chief Financial Officer has certified funds are available based on the attached certification;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that we hereby award the contract to complete the fencing at Memory Park, Town Pool, & the DPW Facility to New Jersey Fence and Guardrail, Inc., of Andover, NJ in the amount of \$17,850.00.

### 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, May 24, 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 #: 66-2010

APPROVING: NEW JERSEY FENCE AND GUARDRAIL, INC.

FOR THE PURPOSE OF: INSTALL FENCING AROUND FUEL  
SYSTEM/POOL/MEMORY PARK

IN THE AMOUNT OF: \$17,850.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2005-14 POOL FACILITY	#3090524	\$ 4,462.50
ORD.#2008-7 IMPROVE MUNIC.PARKS	#3090876	\$ 4,462.50
ORD.#2009-9 FUEL TANK MGMT SYSTEM	#3090932	<u>\$ 8,925.00</u>
		\$17,850.00

DATED THIS 24<sup>TH</sup> DAY OF MAY , 2010

BY *Dawn L. Babcock*

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #67-2010

May 24, 2010

### "Authorize Credits Due Water and Sewer Utility Accounts"

**WHEREAS**, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reasons stated:

#### **Utility Board recommends waiver of penalty:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
5256	35 Hillside Terrace	\$22.46
24280	25 Douma Drive	\$19.40

#### **Utility Board recommends waiver 1<sup>st</sup> Quarter Sewer Charges:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18713	48 Diller Avenue	\$313.00

#### **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, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #68-2010

May 24, 2010

### **“Authorizing Acceptance of a Proposal Related to Provision of Dental Care Benefits”**

**WHEREAS**, the Town of Newton provides dental care benefits to its eligible employees pursuant to Newton Revised General Ordinance Section 4-10.1(c); and

**WHEREAS**, dental care benefits to the Town of Newton are presently provided by means of an independent policy purchased from Delta Dental; and

**WHEREAS**, the Town of Newton has received a proposal from North Jersey Municipal Employee Benefits Fund (“HIF”) dated April 29, 2010, copy attached, whereby the Town would continue its Delta Dental coverage by means of an agreement with the HIF for dental coverage, which will result in an improvement in the availability of in-network coverage to eligible Town employees and considerable discounts for dental treatment; and

**WHEREAS**, the rates provided by the HIF for the same Delta Dental coverage presently provided will save the Town several thousands of dollars in premiums with no impact on the coverage currently received by eligible Town employees; and

**WHEREAS**, the HIF proposal would be for dental coverage effective July 1, 2010 through December 31, 2011; and

**WHEREAS**, the Town Council finds it to be in the best interest of the Town of Newton and its employees eligible for dental benefits to accept the HIF’s proposal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Newton accepts the offer of the North Jersey Municipal Employee Benefits Fund for dental coverage as set forth in its proposal dated April 29, 2010.

**BE IT FURTHER RESOLVED** that the Town Manager is authorized to execute any necessary documentation to put into effect the provisions of this Resolution.

#### **CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #69-2010

May 24, 2010

### "Approval of a Renewal Application for Taxicab Owner's License"

**WHEREAS**, the Newton General Revised Ordinances require that under **9-2, License Required**, "No person shall operate a taxicab within the town unless both the owner and the driver of the taxicab are licensed under this chapter." "All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application is complete and accurate; and

**WHEREAS**, in accordance with **9-6, Inspection of Vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected.....to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ 07860, t/a Chip's Taxi, Limo & Courier, which shall expire May 31, 2011; and

**BE IT FURTHER RESOLVED** that the applicant must be in compliance with all aspects of **Chapter 9**, of the Newton Revised General Ordinances, as well as, the provisions of N.J.R.S. 46:16.

### 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, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #70-2010

May 24, 2010

### “Approval of a Renewal Application for Taxicab Driver’s License”

**WHEREAS**, the Newton General Revised Ordinances require that under 9-2, License Required. “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this chapter.” “All licenses issued under this chapter are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s License application is complete and accurate;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves the application for a renewal Taxicab Driver’s License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, N.J., who represents Chips Taxi, Limo and Courier and shall expire on May 31, 2011.

### 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, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #71-2010

May 24, 2010

### “Revising Amount of Incentive to Employees for Waiver of Health Benefits”

**WHEREAS**, the Town of Newton provides health care benefits to its eligible employees pursuant to Newton Revised General Ordinance Section 4-9.11; and

**WHEREAS**, pursuant to State law codified at N.J.S. 52:14-17.31(a), a municipality may offer an incentive to an employee who is eligible for health care coverage through an entity other than the municipality to waive coverage through the municipality, thereby saving the municipality premium expenses; and

**WHEREAS**, pursuant to said statute, the offering of an incentive to waive coverage and the amount of the incentive is in the sole discretion of the employer, up to a certain maximum percentage of premium savings; and

**WHEREAS**, pursuant to State regulation the decision of a municipality to allow its employees to waive coverage and the amount of the incentive to be paid cannot be subject to the collective bargaining process; and

**WHEREAS**, the Town has previously resolved to offer a health benefits waiver incentive in an amount of 42% of the premium saved because of the employee's waiver of coverage; and

**WHEREAS**, N.J.S. 52:14-17.31(a) has been amended by Chapter 2, Section 11, P.L. 2010, such that employees who file a health benefits waiver on or after the effective date of the amendment may be paid by the Town an incentive amount not to exceed 25% of the amount saved by the Town or \$5,000.00, whichever is less; and

**WHEREAS**, the Town Council of the Town of Newton desires to conform its policy for waiver incentives for all employees to the new maximum established by Chapter 2, Section 11, P.L. 2010, to be effective on January 1, 2011.

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

1. Effective January 1, 2011, the Town shall offer as an incentive to those of its employees who waive health insurance coverage through the Town pursuant to N.J.S. 52:14-17.31(a) either (a) 25% of the premium saved by the Town for the least expensive single coverage plan available to Town employees, or (b) \$5,000.00, whichever amount is less.
2. Employees must declare their intention to seek said waiver during the Town's open enrollment period during the month of October of each calendar year. In the event the Town changes or revises said open enrollment period, the opportunity for waiver of benefits shall occur during the revised period.
3. All other provisions of Town policy regarding the offering of an incentive in lieu of coverage remain unchanged.

**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, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #72-2010

May 24, 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, May 24, 2010.

---

Lorraine A. Read, RMC  
Municipal Clerk