



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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- JUNE 28, 2010 SPECIAL MEETING
- JUNE 28, 2010 REGULAR MEETING
- JUNE 28, 2010 EXECUTIVE 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

VII. ORDINANCES

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.

- a. RESOLUTION #108-2010* APPOINTMENT OF NGHIEM PHAM TO THE UTILITY ADVISORY BOARD
- b. RESOLUTION #109-2010* TOWN OF NEWTON CERTIFICATION OF ANNUAL AUDIT
- c. RESOLUTION #110-2010* REAPPOINTMENT OF MARIA FIEDORCZYK TO THE NEWTON HOUSING AUTHORITY

- d. RESOLUTION #111-2010* AUTHORIZE AN AGREEMENT WITH LEVEL G ASSOCIATES, LLC FOR THE IMPLEMENTATION OF THE TOWN OF NEWTON'S CIRCULATION PLAN - PHASE I
- e. RESOLUTION #112-2010* AUTHORIZE THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES TO METRO ENERGY SOLUTIONS WITH REGARD TO ENERGY CONSERVATION PROJECTS
- f. RESOLUTION #113-2010* APPOINTMENT OF DANIEL FLYNN TO THE PLANNING BOARD
- g. RESOLUTION #114-2010* APPOINTMENT OF LUDMILLA MECAJ TO THE ADVISORY RECREATION COMMISSION
- h. RESOLUTION #115-2010* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- i. RESOLUTION #116-2010* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- j. APPLICATIONS* APPLICATIONS FOR MEMBERSHIP TO THE NEWTON FIRE DEPARTMENT: STEVEN GOYTIL, 8 PELICAN POINT, NEWTON, NJ; EDWARD A. FREEBORN, II, 7A DONALD AVENUE, NEWTON, NJ; AND REBECCA FREEBORN, 7A DONALD AVENUE, NEWTON, NJ.

X. INTERMISSION

XI. DISCUSSION

- a. MAIN STREET NEWTON

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #117-2010 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

XV. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #108-2010

July 12, 2010

“Appointment of Nghiem Pham to
the Utility Advisory Board”

WHEREAS, there is currently a vacancy for a Regular Member of the Utility Advisory Board; and

WHEREAS, Mr. Nghiem Pham has expressed interest in serving on the Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Nghiem Pham is hereby appointed to an unexpired five-year term on the Utility Advisory Board, effective immediately with said term continuing to December 31, 2010.

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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #109-2010

July 12, 2010 "Town of Newton Certification of Annual Audit"

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the section of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey a order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF SUSSEX

We, members of the governing body of the *Town of Newton* of, in the County of *Sussex*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Town Council* of the *Town of Newton* in the County of *Sussex*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2009;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Kristen S. Becker, Mayor

Helen R. Le Frois, Deputy Mayor

E. Kevin Elvidge, Councilmember

Joseph A. Ricciardo, Councilmember

Sandra Lee Diglio, Councilmember

Sworn to and subscribed before me this _____

_____ day of _____

Notary Public of New Jersey

Lorraine A. Read, RMC

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

TOWN OF NEWTON
COUNTY OF SUSSEX

CORRECTIVE ACTION PLAN
FOR THE DECEMBER 31, 2009 REPORT OF AUDIT

THIS CORRECTIVE ACTION PLAN HAS BEEN PREPARED IN ACCORDANCE WITH FEDERAL AND STATE GUIDELINES. A COPY WILL BE ON FILE AND AVAILABLE FOR PUBLIC INSPECTION IN THE TOWN OF NEWTON MUNICIPAL CLERK'S OFFICE NO LATER THAN 60 DAYS FROM WHEN THE AUDIT WAS RECEIVED. THIS PLAN SHALL ALSO BE FILED WITH THE STATE OF NEW JERSEY – DIVISION OF LOCAL GOVERNMENT SERVICES.

Finding #1

Description: The payroll bank account is not being reconciled on a monthly basis.

Analysis: There was a change in vendors and software for processing the payroll. The Town personnel and the new payroll processing vendor have been communicating to resolve these changes.

Corrective Action: The CFO is receiving additional documentation and reports requested on a timelier basis. A request has been made to limit manual adjustments which impede the reconciliation process.

Implementation Date: May 2010.

AUDIT REPORT RECEIVED: July 7, 2010

DATE OF REPORT: July 7, 2010

REPORTED BY: DAWN L. BABCOCK, CMFO #0-0105



TOWN OF NEWTON

RESOLUTION #110-2010

July 12, 2010

**“Reappointment of Ms. Maria Fiedorczyk to the
Newton Housing Authority”**

BE IT RESOLVED by the Town Council of the Town of Newton that Ms. Maria Fiedorczyk is hereby reappointed to a full five-year term on the Newton Housing Authority, effective May 1, 2010 and continuing through April 30, 2015 based on the recommendation of the Housing Authority Executive Director, Dr. Kimberly Woodhull.

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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #111-2010

July 12, 2010

“Authorize an Agreement with Level G Associates, LLC for the Implementation of the Town of Newton’s Circulation Plan-Phase I”

WHEREAS, the Town of Newton requires the services of a qualified Consultant to providing consultation and related issues for the implementation of the Town of Newton’s Circulation Plan-Phase I; and

WHEREAS, consulting service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Level G Associates, LLC, Inc. has submitted a proposal dated July 1, 2010 for parking consultation and related services for the implementation of the Town of Newton’s Circulation Plan-Phase I; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Level G Associates, LLC for parking consultation and related services in an amount not exceed \$7,500;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes an agreement with Level G Associates, LLC for parking consultation and related services as outlined in their proposal dated July 1, 2010; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Level G Associates, LLC and that a notice of this agreement be in the newspaper of record published in accordance with the Local Public Contracts Law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 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 #: 111-2010

APPROVING: LEVEL G ASSOCIATES, LLC

FOR THE PURPOSE OF: PARKING CONSULTATION AND RELATED
SERVICES FOR IMPLEMENTATION OF NEWTON'S CIRCULATION PLAN-
PHASE I

IN THE AMOUNT OF: NOT TO EXCEED \$7,500.00

APPROPRIATED BY: GENERAL CAPITAL FUND - ORD.#2010-7
#30910794 CIRCULATION PLAN

DATED THIS 12TH DAY OF JULY, 2010

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #112-2010

July 12, 2010

“Authorize the Award of a Non-Fair and Open Contract to Metro Energy Solutions for Engineering Services with Regard to Energy Conservation Projects”

WHEREAS, the Town of Newton has a need to acquire Metro Energy Solutions as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Debra Millikin, Qualified Purchasing Agent, has determined that the value of the acquisition may exceed \$17,500 and must adhere to current Pay to Play requirements; and

WHEREAS, the anticipated term of this contract is one year(s) and may be extended as approved by this governing body; and

WHEREAS, Metro Energy Solutions has indicated they will provide the Engineering Services for a fixed fee of \$24,350.00 plus reimbursable expenses; and

WHEREAS, Metro Energy Solutions has completed and submitted a Business Entity Disclosure Certification which certifies that Metro Energy Solutions, has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit Metro Energy Solutions, from making any reportable contributions through the term of the contract; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Newton, County of Sussex, State of New Jersey, authorize the Town of Newton to enter into a contract with Metro Energy Solutions as described herein.

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, July 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 #: 112 -2010

APPROVING: METRO ENERGY SOLUTIONS

FOR THE PURPOSE OF: ENGINEERING SERVICES WITH REGARD TO
ENERGY CONSERVATION PROJECTS

IN THE AMOUNT OF: \$24,350.00

APPROPRIATED BY:

GENERAL CAPITAL - #30910792 ORD.#2010-7 VARIOUS CAPITAL
IMPROVEMENTS, section k, ENERGY SAVINGS IMPROVEMENTS
\$8,050.

WATER SEWER UTILITY 2010 BUDGET-CAPITAL IMPROVEMENT FUND
ENERGY AUDIT IMPLEMENTATION #6089311 \$16,300.

DATED THIS 12TH DAY OF JULY, 2010

BY  _____

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #113-2010

July 12, 2010

**“Appointment of Daniel Flynn to
the Planning Board”**

WHEREAS, there is currently a vacancy for a Regular Member on the Town of Newton Planning Board; and

WHEREAS, Mr. Daniel Flynn has expressed interest in serving on the Board;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Mr. Daniel Flynn is hereby appointed to an unexpired four-year term as a Regular Member of the Planning Board, effective immediately with said term continuing to December 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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #114-2010

July 12, 2010

**“Appointment of Ludmilla Mecaj to
the Advisory Recreation Commission”**

WHEREAS, there is currently a vacancy for a Regular Member on the Town of Newton Advisory Recreation Commission; and

WHEREAS, Ludmilla Mecaj has expressed interest in serving on the Commission;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Ludmilla Mecaj is hereby appointed to an unexpired five-year term as a Regular Member of the Advisory Recreation Commission, effective immediately with said term continuing to December 31, 2010.

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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #115-2010

July 12, 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:

Credit late fee due to error in account status:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
17300	82 Sparta Avenue	\$10.39

Account overestimated 2nd quarter:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
8465	35 Condit Street	\$419.75

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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #116-2010

July 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, July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #117-2010

July 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

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on July 12, 2010, that an Executive Session closed to the public shall be held on July 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 item designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on July 12, 2010.

Lorraine A. Read, RMC
Municipal Clerk