



AGENDA
NEWTON TOWN COUNCIL
JANUARY 10, 2011
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**
- V. OPEN TO THE PUBLIC**

DECEMBER 29, 2010 REGULAR MEETING

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**

- a. MAIN STREET NEWTON BID – NO UPDATE

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 #1-2011* AUTHORIZE AN AGREEMENT WITH MWH AMERICAS, INC. FOR GENERAL CONSULTING SERVICES FOR THE NEWTON WATER AND SEWER UTILITY FOR 2011
- b. RESOLUTION #2-2011* APPOINTMENT OF THE MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2011
- c. RESOLUTION #3-2011* AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR REVIEW OF THE STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR (LOSAP) WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA
- d. RESOLUTION #4-2011* APPROVE 2010 APPROPRIATION RESERVE TRANSFERS
- e. RESOLUTION #5-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT

f. RESOLUTION #6-2011*

APPOINTMENT OF DANIEL A. COLFAX, ESQ. AS
CONFLICT PUBLIC DEFENDER

g. APPLICATION*

MEMBERSHIP APPLICATION FOR THE NEWTON FIRE
DEPARTMENT FROM JASON VETTER, 14 CHERRY STREET,
NEWTON

X. INTERMISSION

XI. DISCUSSION

- a. COUNTY BUS STOP
- b. DATES FOR BUDGET HEARINGS
- c. TAX ABATEMENT PROGRAM

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

a. RESOLUTION #7-2011

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) POTENTIAL LITIGATION

XV. ADJOURNMENT



TOWN OF NEWTON

RESOLUTION #1-2011

January 10, 2011

"Authorize an Agreement with MWH Americas, Inc. for General Consulting Services for the Newton Water and Sewer Utility for 2011"

WHEREAS, the Town of Newton requires the services of a qualified Engineering Consultant for the Newton Water and Sewer Utility on an annual basis; 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, MWH Americas, Inc. has submitted a proposal for their continued engineering support services; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with MWH Americas, Inc. for General Consulting services in an amount not exceed \$25,000 for calendar year 2011 through the Water and Sewer Utility Operating Budget;

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 MWH Americas, Inc. for General Consulting services as outlined in their proposal; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to MWH Americas, Inc. 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, January 10, 2011.

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 #: 1-2011

APPROVING: MWH AMERICAS, INC.

FOR THE PURPOSE OF: ENGINEERING CONSULTANT FOR WATER/
SEWER

IN THE AMOUNT OF: NOT TO EXCEED \$25,000.00

APPROPRIATED BY:

2011 W/S UTILITY - CONSULTANT #6051216 \$25,000.00

DATED THIS 10TH DAY OF JANUARY, 2011

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #2-2011

January 10, 2011

**"Appointment of the Municipal Auditor
for the Town of Newton for Calendar
Year 2011"**

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

WHEREAS, the anticipated term of this contract is for calendar year 2011; and

WHEREAS, auditing 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, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has submitted a proposal dated December 20, 2010 indicating they will provide the auditing services for \$24,000.00; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A. 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 the Ferraioli, Wielkotz, Cerullo & Cuva, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. in an amount of \$24,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be attached and filed with this resolution; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the New Jersey Herald.

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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 EXPECTED TO BE BUDGETED IN THE 2010
CURRENT, WATER/SEWER UTILITY, AND PARKING AUTHORITY BUDGETS AS
FOLLOWS:

RESOLUTION #: 2 -2011

APPROVING: FERRAIOLI, WIELKOTZ, CERULLO & CUVA

FOR THE PURPOSE OF: AUDITING SERVICES 2010

IN THE AMOUNT OF: \$24,000.00

APPROPRIATED BY:

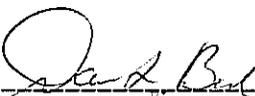
CURRENT - AUDIT SERVICES, OTHER EXPENSES

#1054300 \$11,400.00

WATER SEWER UTILITY, OTHER EXPENSES - AUDIT

#6051205 \$12,600.00

DATED THIS 10th DAY OF JANUARY, 2011

BY 

DAWN L. BABCOCK

CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #3-2011

January 10, 2011

"Authorize the Execution of an Agreement for Auditing Services for Review of Statement of Assets Available for Benefits for (LOSAP) with Ferraioli, Wielkotz, Cerullo & Cuva"

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2011; and

WHEREAS, auditing 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, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkotz, Cerullo & Cuva, PA has furnished an appropriate contract for said services; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2011;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office; and

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be 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, January 10, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #4-2011

January 10, 2011 "Approve 2010 Appropriation Reserve Transfers"

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2010 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Occupational Health OE 1085200	Police SW 1074113	\$1,000.00
Community Development OE 1064200	Police SW 1074113	\$3,000.00
Finance OE 1054200	Police SW 1074113	\$1,000.00
Town Manager OE 1050200	Police SW 1074113	\$1,000.00
Road SW. 1080101	Vehicle Maint OE 1083300	\$2,000.00
Road SW 1080101	Snow SW 1081102	\$3,020.00
Machinery Repair/Maint OE 1080300	Vehicle Maint OE 1083300	\$2,000.00
Assessment Taxes SW 1055100	Cencom SW 1094730	\$250.00
Clerk SW 1051100	Cencom SW 1094730	\$200.00
Court SW 1059100	Cencom SW 1094730	\$1,200.00
Community Devel SW 1064100	Cencom SW 194730	\$200.00
Building & Grounds OE 1061200	Cencom SW 194730	\$375.00
TOTAL CURRENT TRANSFERS		<u>\$15,245.00</u>

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #5-2011

January 10, 2011

"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.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #6-2011

January 10, 2011

"Authorize the Execution of an Agreement for Calendar Year 2011 with the Deputy Municipal Public Defender"

WHEREAS, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2011; and

WHEREAS, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender; and

WHEREAS, an appropriate agreement for said services has been prepared for execution by both parties; and

WHEREAS, legal services are 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 the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

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 an agreement, in duplicate with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2011; and

BE IT FURTHER RESOLVED that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and Municipal Judge John E. Mulhern.

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk

AGENDA ITEMS

For January 10, 2011 Council Meeting

Minutes: December 29, 2010 (Regular)

A membership application for the Newton Fire Department from Jason Vetter, 14 Cherry Street, Newton. Mr. Vetter is transferring from Jefferson Township Fire Department.



TOWN OF NEWTON

RESOLUTION #7-2011

January 10, 2011

"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) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on January 10, 2011, that an Executive Session closed to the public shall be held on January 10, 2011, 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

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Lorraine A. Read, RMC
Municipal Clerk