



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**MARCH 14, 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**

FEBRUARY 28, 2011 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**

**a. INTRODUCTION**

ORDINANCE 2011-4

AN ORDINANCE AMENDING CHAPTER 21, FEES AND COSTS, OF THE NEWTON REVISED GENERAL ORDINANCES REGARDING TAX MAP MAINTENANCE FEES RELATED TO SUBDIVISION APPLICATIONS

**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 #39-2011\***

RESTATEMENT OF HEALTH CARE BENEFITS POLICY REGARDING CERTAIN RETIREMENT BENEFITS

- b. RESOLUTION #40-2011\* APPROVE CHANGE ORDER NO. 1 FOR THE INSTALLATION OF A STANDBY GENERATOR FOR THE PUBLIC WORKS FACILITY
- c. RESOLUTION #41-2011\* AUTHORIZE REFUND OF REDEMPTION OF MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 401, LOT 7
- d. RESOLUTION #42-2011\* AUTHORIZE REFUND OF REDEMPTION OF MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1101, LOT 36
- e. RESOLUTION #43-2011\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- f. APPLICATIONS\* APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM PROJECT SELF SUFFICIENCY, 127 MILL STREET, NEWTON TO BE HELD ON FRIDAY, MAY 20, 2011 FROM 5:00 PM TO 7:00 PM AT BUILDING #3 – THE COMMUNITY EDUCATION CENTER, 133 SPRING STREET, NEWTON.

**X. RESOLUTIONS**

- a. RESOLUTION #45-2011 APPOINTMENT OF ANTHONY J. TORRE AS ALTERNATE NO. 3 ON THE PLANNING BOARD
- b. RESOLUTION #46-2011 APPOINTMENT OF BARBARA MATTINGLY AS ALTERNATE NO. 4 ON THE PLANNING BOARD

**XI. INTERMISSION**

**XII. DISCUSSION**

- a. POOL FEES
- b. SUSSEX COUNTY BUS STOP
- c. WOODSIDE AVENUE PROPERTIES

**XIII. OPEN TO THE PUBLIC**

**XIV. COUNCIL & MANAGER COMMENTS**

**XV. ADJOURNMENT**

**TOWN OF NEWTON  
ORDINANCE NO. 2011 - 4**

**"AN ORDINANCE AMENDING CHAPTER 21, FEES AND COSTS,  
OF THE NEWTON REVISED GENERAL ORDINANCES  
REGARDING TAX MAP MAINTENANCE FEES  
RELATED TO SUBDIVISION APPLICATIONS"**

**WHEREAS**, Section 19-7.12 of the Chapter 19, Land Subdivision, of the Newton Revised General Ordinances provides for a fee to be paid by a subdivision applicant for the cost of updates and modifications to the tax maps of the Town of Newton as a result of an application approved by the Newton Planning Board; and

**WHEREAS**, Chapter 21, Fees and Costs, does not include provision for such a fee; and

**WHEREAS**, after consultation with municipal officials and professionals on the cost of work to update and modify the municipal tax maps as a result of a subdivision application, a reasonable fee to be charged for such work depends on the nature of the application, with such fees determined to be:

Minor subdivision/lot line adjustment: \$250.00;  
Major subdivision: \$250.00 plus \$25.00 for each lot with a new property line;  
Subdivision including condominiums: \$250.00 plus \$25.00 per unit.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton in the County of Sussex and State of New Jersey as follows:

I. Chapter 21, Fees and Costs, of the Newton Revised General Ordinances, shall be amended to include a new section as follows:

**21-1.13 Land Subdivision (Relating to Chapter XIX).**

h. Tax Map Maintenance Fee.

The fee for the cost of updates and modifications to the tax maps of the Town of Newton as a result of a subdivision application as authorized by Section 19-7.12 shall be as follows:

1. Minor subdivision/lot line adjustment: \$250.00;
2. Major subdivision: \$250.00 plus \$25.00 for each lot with a new property line;
3. Subdivision including condominiums: \$250.00 plus \$25.00 per unit.

The appropriate fee shall be paid to the Town of Newton prior to final subdivision approval.

II. All ordinances or parts of ordinances heretofore adopted that are inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

III. If a court of competent jurisdiction shall act to void any part of this Ordinance, such act shall not affect the remainder of the Ordinance.

IV. This Ordinance shall take effect upon its passage and publication as required by law.

**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 14, 2011. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, March 28, 2011 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 #39-2011

March 14, 2011

### “Restatement of Health Care Benefits Policy Regarding Certain Retirement Benefits”

**WHEREAS**, in order to eliminate ambiguities regarding the existing policy of the Town of Newton regarding certain health care retirement benefits, the Town Council of the Town of Newton is desirous of restating and reaffirming said policy; and

**WHEREAS**, the Town of Newton notes that the following resolutions were previously adopted by the Town Council when the Town of Newton was a member of the State Health Benefits Plan (“SHBP”):

- Resolution #111-80, adopted on September 22, 1980, obligated the Town of Newton to pay the health benefit premiums and periodic charges for eligible retired employees and their program-covered dependents and obligated the Town of Newton to pay the premium charges under Part B of the Federal Medicare Program covering the eligible retired employees and their spouses, in accordance with SHBP regulations, but did not provide coverage for survivors of eligible retired employees;
- Resolution #1-2001, bearing an effective date of February 1, 2001, obligated the Town of Newton to pay the premium for certain health benefits of surviving spouses of eligible retired employees, pursuant to a then-recent statutory amendment;
- Resolution #188-2007, adopted on November 12, 2007, obligated the Town of the Newton to pay for certain retirement health benefits for all full-time, non-union employees of the Town of Newton based on a minimum age of 50, 15 years of service with the Town of Newton and a limitation to dependent spouse coverage, conditioned upon the Town of Newton’s continued participation in the SHBP and/or other revocation or modification; and

**WHEREAS**, in 2010, the Town of Newton terminated its membership in the SHBP and instead joined the North Jersey Municipal Employee Benefits Fund (“NJMEBF”);

**NOW, THEREFORE BE IT RESOLVED** that the Town of Newton hereby restates its obligation to provide the following benefits in conformance with applicable statutory standards:

1. The Town of Newton shall pay health insurance premium or periodic charges to all eligible retired employees of the Town of Newton and their dependents and shall reimburse such retired employees for their premium charges under Part B of the Federal Medicare Program covering the retired employees and their spouses, pursuant to N.J.S. 52:14-17.32, as amended, subject to the following limitations and conditions<sup>1</sup> :

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<sup>1</sup> See Resolutions #111-80 and #1-2001.

a. Said employee retired from the Town of Newton after the date the Town of Newton adopted the SHBP on a benefit based on 25 years or more of service credited in such retirement system;

b. This benefit is available to a surviving spouse of an eligible retired employee but not to any other survivors of an eligible retired employee.

c. This benefit is not available to an employee who elected deferred retirement.

2. The Town of Newton shall pay to every full-time, non-union retired employee (hereinafter referred to as a "Retiree FTNU") of the Town of Newton post-retirement medical benefits and shall reimburse every Retiree FTNU for its premium charges under Part B of the Federal Medicare Program covering said Retiree FTNU and its spouse, pursuant to N.J.S. 52:14-17.38, as amended, subject to the following limitations and conditions<sup>2</sup>:

a. A Retiree FTNU who retired on a disability pension qualifies for this benefit;

b. This benefit is limited to a Retiree FTNU and its dependent spouse;

c. This benefit is not available to other dependents of a Retiree FTNU;

d. This benefit is not available to survivors of a Retiree FTNU;

e. This benefit is not available to a Retiree FTNU who elected deferred retirement;

f. A Retiree FTNU who is not retired on a disability pension must have 25 years or more of service credit in a retirement system administered by a New Jersey municipality or by the State of New Jersey, pursuant to N.J.S. 40A:10-23, in order to be eligible for this benefit;

g. A Retiree FTNU who is not retired on a disability pension and who meets the qualifications of subsection 2.f, above, is eligible for this benefit after age 62 provided that said Retiree FTNU also has at least 15 years of service with the Town of Newton.

3. Nothing in this Resolution exempts the Town of Newton from any continuing obligation to pay for post-retirement benefits of eligible retired employees who retired prior to the adoption of this Resolution and pursuant to the terms of prior, applicable Resolutions adopted by the Town of Newton. At this time, the Town of Newton restates its intention to honor its said continuing payment obligations to already-retired eligible employees, subject to any future change in the applicable laws of the State of New Jersey.

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<sup>2</sup> See Resolution #188-2007.

4. The requirements set forth in paragraph 2.g, above, do not apply to any current, full-time, non-union employee of the Town of Newton who, at the time of the adoption of Resolution: (a) is at least 50 years of age; (b) has at least 25 years of service credit in a retirement system administered by a New Jersey municipality or by the State of New Jersey; and (c) has at least 15 years of service with the Town of Newton. As a result of this narrow exemption, this Resolution will "grandfather" a qualifying employee from the change to the 62-year-old minimum retirement age for the receipt of the aforementioned benefits, as set forth in paragraph 2.g.

5. Nothing in this Resolution applies to the Town of Newton's Chief of Police, whose employment and retirement benefits are governed by a separate employment agreement with the Town of Newton.

#### **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 14, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #40-2011

March 17, 2011

**“Approve Change Order No. 1 for the installation of a Standby Generator for the Public Works Facility”**

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the installation of a Standby Generator for the Public Works Facility to Manor II Electric, in the amount of \$54,850.00 by Resolution #189-2010, which was adopted on September 27, 2010; and

**WHEREAS**, Harold Pellow & Associates, Inc. has prepared Change Order No. 1 for said project, and recommends approval of the following:

<u>Change Order No. 1</u>	<u>Amount</u>
<u>Supplemental</u>	
Grounding rods and miscellaneous electrical work	\$1,229.16

**WHEREAS**, the adjusted contract amount will be increased by \$1,229.16 by Change Order No. 1 to the new contract total of \$56,079.16;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the installation of a Standby Generator for the Public Works Facility based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute Change Order No. 1 resulting in a new contract total of \$56,079.16; and

**BE IT FURTHER RESOLVED** that a copy of the Engineer's certification detailing the change order be attached and made part 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, March 14, 2011.

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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 #: 40-2011

APPROVING: MANOR II ELECTRIC

FOR THE PURPOSE OF: C.O.#1 GROUNDING RODS & MISC ELECTRIC  
WORK FOR INSTALL STANDBY GENERATOR DPW

IN THE AMOUNT OF: \$1,229.16

APPROPRIATED BY: CAPITAL - ORD.#2010-7  
#3091075 DPW GENERATOR & SAFETY EQUIPMENT \$1,229.16

DATED THIS 14<sup>th</sup> DAY OF MARCH 2011

BY *Dawn L. Babcock*

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER

**HAROLD E. PELLOW and ASSOCIATES, INC.**

*Consulting Engineers, Planners Land Surveyors*

17 Plains Road

Augusta, NJ 07822-2009

**CHANGE ORDER NO. 1**

**2/23/2011**

<b>Project</b>	THE TOWN OF NEWTON PUBLIC WORKS FACILITY STANDBY GENERATOR
<b>Owner</b>	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
<b>County</b>	SUSSEX COUNTY
<b>Contractor</b>	MANOR II ELECTRIC, INC., 3 ARDSLEY COURT, HOLMDEL, NJ 07733

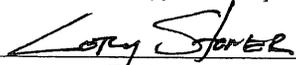
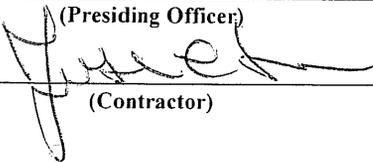
**In accordance with the project Supplementary Specification, the following are changes in the contract.**

**Location and Reason for Change** (Attach additional sheets if required) -

**Location:** Public Works Facility

**Reason:** Additional grounding rods and miscellaneous electrical work were required to address electrical inspector's comments regarding older electrical panels in the original garage. Since major work was not contemplated for these panels, this work was not included in the original bid.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
	<u>SUPPLEMENTAL</u>			
2S	GROUNDING RODS & MISCELLANEOUS ELECTRICAL WORK	100%	L.S. \$ 1,229.16	\$ 1,229.16
<b>Total SUPPLEMENTAL:</b>				<u>\$ 1,229.16</u>

AMOUNT OF ORIGINAL CONTRACT:	<u>\$54,850.00</u>	EXTRA:	<u>\$ -</u>
ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1:	<u>\$56,079.16</u>	SUPPLEMENTAL:	<u>\$ 1,229.16</u>
% CHANGE IN CONTRACT: [(+) Increase or (-) Decrease]	<u>+ 2.24%</u>	REDUCTION:	<u>\$ -</u>
		TOTAL CHANGE:	<u>\$ 1,229.16</u>
 (Engineer)	<u>3/3/11</u> (Date)		
 (Presiding Officer)	<u>                    </u> (Date)		
 (Contractor)	<u>3/24/11</u> (Date)		



## TOWN OF NEWTON

### RESOLUTION #41-2011

March 14, 2011

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 401, Lot 7”**

**WHEREAS**, at the Municipal Tax Sale held on October 4, 2007 a lien was sold on Block 401, Lot 7, also known as 123 High Street, for 2006 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1235, was sold to Jesse Wolosky for 1% redemption fee; and

**WHEREAS**, Field Asset Services, the representative for AHMSI's the mortgage holder on said property, has affected redemption of Certificate #1235 in the amount of \$5,706.72;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that Jesse Wolosky is entitled to the redemption in the amount of \$5,706.72;

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$5,706.72 for the redemption of Certificate #1235 payable to Jesse Wolosky, 1 Vista Drive, Sparta, NJ 07871.

#### 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 14, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON  
RESOLUTION #42-2011**

**March 14, 2011**

**“Authorize Refund of Redemption Monies to Outside  
Lien Holder for Block 1101, Lot 36”**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1101, Lot 36, also known as 33 Madison Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1340, was sold to US Bank as Cust for Pro Capital I, LLC for 0% redemption fee; and

**WHEREAS**, Citimortgage, the mortgage holder on said property, has effected redemption of Certificate #1340 in the amount of \$1,965.77;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank as Cust for Pro Capital I, LLC is entitled to the redemption in the amount of \$1,965.77; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,965.77 for the redemption of Certificate #1340 payable to US Bank as Cust for Pro Capital I, LLC, 1913 Greentree Road, Cherry Hill, NJ 08003.

**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 14, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #43-2011

March 14, 2011

### “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 reason(s) stated:

#### **Credit due to incorrect meter reading:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19989	7 Trenton Place	\$778.60
9395	22 Ashford Street	\$54.40
9331	11 Ashford Street	\$702.10
16628	60 Sussex Street	\$6,171.00

#### **CERTIFICATION**

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #44-2011

March 14, 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 2010 and 2011 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, March 14, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #45-2011

March 14, 2011

**“Appointment of Anthony J. Torre as  
Alternate No. 3 on the Planning Board”**

**WHEREAS**, there is currently a vacancy for an Alternate member on the Town of Newton Planning Board; and

**WHEREAS**, Anthony J. Torre has expressed interest in serving on the Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Anthony J. Torre is hereby appointed to an unexpired two-year term as Alternate No. 3 on the Planning Board, effective immediately with said term continuing to December 31, 2012.

### 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 14, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #46-2011

March 14, 2011

**“Appointment of Barbara Mattingly as  
Alternate No. 4 on the Planning Board”**

**WHEREAS**, there is currently a vacancy for an Alternate member on the Town of Newton Planning Board; and

**WHEREAS**, Barbara Mattingly has expressed interest in serving on the Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Barbara Mattingly is hereby appointed to an unexpired initial one-year term as Alternate No. 4 on 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, March 14, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk