



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**MARCH 28, 2011**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- MARCH 14, 2011 REGULAR MEETING  
MARCH 14, 2011 SPECIAL 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**

**a. PROCLAMATIONS:**

- i. PATRICK AUGUST THOMAS – EAGLE SCOUT**
- ii. AUTISM AWARENESS DAY – APRIL 2, 2011**

**b. UTILITY BOARD APPEAL – ANTHONY MAUTONE**

**VII. HEARING ON THE INTRODUCED 2011 BUDGET**

**a. 2011 MUNICIPAL AND WATER & SEWER UTILITY INTRODUCED BUDGET**

- 1. OPEN HEARING**
- 2. PUBLIC COMMENT**
- 3. CLOSE HEARING**

**VIII. RESOLUTION**

- a. RESOLUTION #47-2011 AMENDMENT TO THE 2011 INTRODUCED BUDGET

**IX. HEARING ON THE 2011 AMENDED BUDGET**

- a. 2011 MUNICIPAL AND WATER & SEWER UTILITY AMENDED BUDGET
  - 1. OPEN HEARING
  - 2. PUBLIC COMMENT
  - 3. CLOSE HEARING
  - 4. ACT ON AMENDED BUDGET

**X. ORDINANCES**

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

ORDINANCE 2011-4

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

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

**XI. OLD BUSINESS**

- a. MAIN STREET NEWTON BID – NO UPDATE

**XII. 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 #48-2011\* APPROVE 2010 APPROPRIATION RESERVE TRANSFERS
- b. RESOLUTION #49-2011\* APPROVE 2010 APPROPRIATION RESERVE BE LAPSED TO TRUST – SNOW REMOVAL RESERVE

- c. RESOLUTION #50-2011\* AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ARCHITECTURAL SERVICES FOR THE DESIGN OF AN EXTERIOR MASONRY WALL REPAIR/REPLACEMENT AT THE MUNICIPAL BUILDING
  - d. RESOLUTION #51-2011\* FINAL ACCEPTANCE OF THE INSTALLATION OF A STANDBY GENERATOR FOR THE PUBLIC WORKS FACILITY
  - e. RESOLUTION #52-2011\* APPOINTMENT OF EXCEL ENVIRONMENTAL RESOURCES, INC. AS ENVIRONMENTAL ENGINEER FOR CALENDAR YEAR 2011
  - f. RESOLUTION #53-2011\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 502, LOT 5.06
  - g. RESOLUTION #54-2011\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 1201.04, LOT 13
  - h. RESOLUTION #55-2011\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 502, LOT 5.06
  - i. RESOLUTION #56-2011\* AUTHORIZE AN AMENDED AGREEMENT WITH THE OWNER OF THE PROPERTY LOCATED AT 93-95 SPRING STREET, FOR THE PLACEMENT OF OUTDOOR SURVEILLANCE CAMERAS
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- j. RESOLUTION #57-2011\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
  - k. RESOLUTION #58-2011\* APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE REFUND OF OVERPAYMENT ON BLOCK 201, LOTS 1.17, 1.18 AND 1.19 AND BLOCK 1208, LOT 26
  - l. RESOLUTION #59-2011\* APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE CREDIT FOR OVERPAYMENT ON BLOCK 720, LOT 14
  - m. RESOLUTION #60-2011\* APPROVE TAX APPEAL SETTLEMENT AND AUTHORIZE REFUND OF OVERPAYMENT ON BLOCK 303, LOT 26.05

- n. RESOLUTION #61-2011\*  
CONCUR WITH THE RECOMMENDATION OF THE UTILITY ADVISORY BOARD IN ALLOCATING WATER AND SEWER GALLONAGE FOR MARTORANA VILLAGE PHASE I
- o. RESOLUTION #62-2011\*  
APPROVE BILLS AND VOUCHERS FOR PAYMENT
- p. APPLICATION\*  
APPLICATION FOR A BINGO LICENSE FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON TO BE HELD ON FRIDAY, MAY 20, 2011 FROM 6:00PM TO 11:00PM AT 44 RYERSON AVENUE, NEWTON

**XIII. INTERMISSION**

**XIV. DISCUSSION**

- a. NORTH PARK DRIVE – SPEED LIMIT

**XV. OPEN TO THE PUBLIC**

**XVI. COUNCIL & MANAGER COMMENTS**

**XVII. EXECUTIVE SESSION**

- a. RESOLUTION #63-2011  
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

**XVIII. 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 was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body 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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Irene O'Connor  
Deputy Municipal Clerk

Office of the Mayor

Newton, New Jersey

# Proclamation

Patrick August Thomas

**Eagle Scout**

**WHEREAS**, Patrick August Thomas, a member of Boy Scout Troop 82, has earned the status of Eagle Scout; and

**WHEREAS, WE**, the Town Council of the Town of Newton, recognize the many hours Patrick devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

**WHEREAS**, Patrick August Thomas has served the Boy Scouts for the past eleven years in an exemplary manner and is deserving of the honor bestowed upon him; and

**WHEREAS**, for Patrick's Eagle Scout Leadership Project he designed and built a Meditation Garden at the Project Self Sufficiency Campus in Newton, New Jersey; and

**WHEREAS**, Patrick August Thomas serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Patrick is a member of our community.

**NOW, THEREFORE, BE IT PROCLAIMED**, that **WE**, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Patrick August Thomas for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

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

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

Date: \_\_\_\_\_

Office of the Mayor

Newton, New Jersey

# Proclamation

Autism Awareness Day

April 2, 2011

*WHEREAS, autism is a pervasive development disorder affecting the social, learning and behavioral skills of those affected by it; and*

*WHEREAS, one in 110 children are affected by autism, with autism four times more likely to occur in boys than girls, with one in 70 boys being diagnosed with this disorder; and*

*WHEREAS, more children will be diagnosed with autism this year than with cancer, AIDS and diabetes combined; and*

*WHEREAS, autism presents serious challenges to the families and caregivers as well as those involved with the affected person's education, treatment and employment; and*

*WHEREAS, while there is no known cause or cure for autism, if individuals receive early diagnosis and effective treatments and other support and services, it is possible for many children and adults with autism to look forward to more fulfilling and productive lives; and*

*WHEREAS, autism is a lifelong and complex disability that requires increased research to one day find a cure and prevention and through annual walk events and fundraisers, autism research has received thousands of dollars locally and throughout New Jersey;*

*NOW THEREFORE, WE, the Mayor and Town Council of the Town of Newton, hereby proclaim Saturday, April 2, 2011 as **Autism Awareness Day** in Newton. We encourage all citizens to join with us to unite against the effects of autism by participating in events to benefit those affected by autism throughout New Jersey.*

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

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

Date: \_\_\_\_\_



# TOWN OF NEWTON

## RESOLUTION #47-2011

March 28, 2011

"Amendment to the 2011 Budget"

**WHEREAS**, the Local Municipal Budget for the Year 2011 was approved on the 28<sup>th</sup> day of February, 2011; and

**WHEREAS**, the public hearing on said Budget was held as advertised; and

**WHEREAS**, it is desired to amend said approved Budget;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, County of Sussex, that the following amendments to the approved Budget of 2011 be authorized:

	FCOA	FROM	TO
<b>2011 CURRENT FUND REVENUES</b>			
<b>6a. Amount to be Raised for Taxes - Local Tax Munic.</b>			
Purpose	07-190	\$7,861,906.31	\$7,860,281.31
<b>7. Total General Revenues</b>	<b>13-299</b>	<b>\$10,904,985.00</b>	<b>\$10,903,360.00</b>
<b>2011 CURRENT FUND APPROPRIATIONS</b>			
<b>(A) Operations - Within "Caps"</b>			
Group Insurance for Employees	23-220-2	\$1,008,837.00	\$947,276.00
Health Benefit Waiver	23-221-2	\$0.00	\$16,038.00
Parks & Playgrounds - Salaries and Wages	28-375-1	\$90,505.00	\$81,720.00
<b>Total Operations Within "CAPS"</b>	<b>34-199</b>	<b>\$6,477,612.00</b>	<b>\$6,423,304.00</b>
Detail: Salaries and Wages	34-201-1	\$3,953,239.00	\$3,944,454.00
Detail: Other Expenses	34-201-2	\$2,524,373.00	\$2,478,850.00
<b>(H-1) Total General Approp. for Munic. Purposes within "CAPS"</b>	34-299	\$7,542,436.00	\$7,488,128.00
<b>(A) Operations - Excluded From "Caps"</b>			
Group Health Insurance	36-475-2	\$61,903.00	\$107,426.00
<b>Total Other Operations - Excluded from Caps</b>	34-300	\$141,853.00	\$187,376.00
<b>Total Operations - Excluded from "CAPS"</b>	<b>34-305</b>	<b>\$1,362,362.54</b>	<b>\$1,407,885.54</b>
Detail:			
Salaries and Wages	34-305-1	\$830,621.55	\$830,621.55
Other Expenses	34-305-2	\$531,740.99	\$577,263.99
<b>(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"</b>	<b>34-309</b>	<b>\$2,872,063.20</b>	<b>\$2,917,586.20</b>

<b>(O) Total General Appropriations – Excluded from “Caps”</b>	<b>34-399</b>	<b>\$2,872,063.20</b>	<b>\$2,917,586.20</b>
<b>(L) Subtotal General Appropriations - Items (H-1) &amp; (O)</b>	<b>34-400</b>	<b>\$10,414,499.20</b>	<b>\$10,405,714.20</b>
Reserve for Uncollected Taxes	50-899	\$490,485.80	\$497,645.80
<b>9. Total General Appropriations</b>	<b>34-499</b>	<b>\$10,904,985.00</b>	<b>\$10,903,360.00</b>

**BE IT FURTHER RESOLVED** that two certified copies of this Resolution be filed forthwith in the office of the Director of Local Government Services for certification of the Local Municipal Budget so amended; and

**IT IS HEREBY CERTIFIED** that this is a true copy of a Resolution amending the 2011 Budget adopted by the Governing Body of the Town of Newton on the 28<sup>th</sup> day of March, 2011.

Certified by me this            day of            , 2011.

\_\_\_\_\_  
Irene O'Connor, Deputy Municipal Clerk

**IT IS HEREBY CERTIFIED** that the amended 2011 Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body of the Town of Newton, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

Certified by me this            day of            , 2011.

\_\_\_\_\_  
Thomas M. Ferry  
CPA Registered Municipal Accountant  
Ferraioli, Wielkotz, Cerullo & Cuva  
100B Main Street  
Newton, New Jersey 07860 (973) 579-3212



## TOWN OF NEWTON

### RESOLUTION #48-2011

March 28, 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>
<b><u>CURRENT</u></b>		
Liquidation of TTL OE 1057200A	Accumulated Absence SW 1094400A	\$200.00
Engineering OE 1060200A	Accumulated Absence SW 1094400A	\$1,495.00
Building & Grounds OE 1061200A	Accumulated Absence SW 1094400A	\$9,000.00
Community Devel. OE 1064200A	Accumulated Absence SW 1094400A	\$1,000.00
Road Repair & Maint OE 1080200A	Accumulated Absence SW 1094400A	\$3,305.00
<b>TOTAL CURRENT TRANSFERS</b>		<b><u>\$15,000.00</u></b>

### 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 28, 2011.

Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #49-2011

March 28, 2011

**“Approve 2010 Appropriation Reserve  
be Lapsed to Trust – Snow Removal  
Reserve”**

**BE IT RESOLVED**, by the Town Council of the Town of Newton that the following 2010 appropriation reserve balance be lapsed to Trust – Snow Removal Reserve pursuant to NJSA 40A:4-62.1. This resolution is being adopted in accordance with the provisions of NJSA 40A:4-59.

<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>CURRENT</u></b>	<b><u>TRUST</u></b>	
Snow Removal OE 1081200A	Snow Removal Reserve 711202	\$20,000.00
<b>TOTAL</b>		<u>\$20,000.00</u>

### 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 28, 2011.

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



## TOWN OF NEWTON

### RESOLUTION #50-2011

March 28, 2011

**“Authorize Award of a Non-Fair and Open Contract for Architectural Services for the Design of an Exterior Masonry Wall Repair/Replacement at the Municipal Building”**

**WHEREAS**, the Town of Newton has a need to acquire the services of FKA Architects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for architectural services for the design of an exterior masonry wall repair/replacement at the municipal building; and

**WHEREAS**, FKA Architects submitted a proposal dated February 25, 2011 outlining the services to be provided for an amount not to exceed \$4,900 which is less than the threshold established by the Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with FKA Architects, for the design of an exterior masonry wall repair/replacement at the municipal building, and that a notice of this agreement be published in the newspaper of record for the Town 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, March 28, 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 #: 50-2011

APPROVING: FEITLOWTIZ & KOSTEN ARCHITECTS

FOR THE PURPOSE OF: ARCHITECT FOR DESIGN OF EXTERIOR  
MASONRY WALL REPLACEMENT AT MUNICIPAL BUILDING

IN THE AMOUNT OF: NOT TO EXCEED \$4,900.00

APPROPRIATED BY: CURRENT -

BUILDING & GROUNDS -OE #1061217 \$4,900.00

Note: It is expected that once the 2011 General Capital ordinance is adopted this expenditure will be transferred to the capital appropriation Town Hall Retaining Wall.

DATED THIS 28<sup>TH</sup> DAY OF MARCH 2011

BY *Dawn L. Babcock*

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #51-2011

March 28, 2011

### "Final Acceptance of the Installation of a Standby Generator for the Public Works Facility"

**WHEREAS**, on September 27, 2010 by way of adoption of Resolution #163-2010, the Newton Town Council awarded a contract to Manor II Electric, for the Installation of a Standby Generator for the Public Works Facility; and

**WHEREAS**, the Newton Town Council approved Change Order No. 1 by adoption of Resolution #40-2011 on March 14, 2011 in accordance with the recommendations of the Town Engineer; and

**WHEREAS**, in a memo to the Town Manager dated March 3, 2011, 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 that it hereby concurs with the Town Engineer's recommendation and Installation of a Standby Generator for the Public Works Facility as final and complete; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to Manor II Electric 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, March 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #52-2011

March 28, 2011

**“Appointment of Excel Environmental Resources, Inc. as Environmental Engineer for Calendar Year 2011”**

**WHEREAS**, the Town of Newton has a need for a qualified Environmental Engineer to provide consulting and engineering services throughout the year as matters arise; and

**WHEREAS**, engineering services is a professional service as defined by the Local Public Contracts Laws and is, therefore, exempt from public bidding requirements in accordance with for certain specific matters under non-fair and open contracts pursuant to provisions of N.J.S.A 40A:11-5(1)(a); and

**WHEREAS**, the Newton Town Council appointed Excel Environmental Resources, Inc., in 2010 to provide environmental engineering on some specific parcels in the Town of Newton, and said professional services will be needed by the Town of Newton during calendar year 2011; and

**WHEREAS**, Excel Environmental Resources, Inc., has submitted an agreement for environmental engineering services; and

**WHEREAS**, the anticipated term of this contract is one (1) year ending December 31, 2011; and

**WHEREAS**, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Excel Environmental Resources, Inc., is a licensed Environmental Engineering Firm in the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with Excel Environmental Resources Inc.; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution along with a fully executed agreement be forwarded to Excel Environmental Resources, Inc., and that a notice of this agreement be published 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, March 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #53-2011

March 28, 2011

**"Authorize Refund of Redemption Monies to Outside  
Lien Holder for Block 502, Lot 5.06"**

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 502, Lot 5.06, also known as 6 Barry Lane, for 2008 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1295, was sold to Park Finance, LLC for an 18% redemption fee; and

**WHEREAS**, GMAC Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1295 in the amount of \$655.41;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Park Finance, LLC is entitled to a redemption in the amount of \$655.41; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$655.41 for the redemption of Certificate #1295 payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927.

### 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 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #54-2011

March 28, 2011

"Authorize Refund of Redemption Monies to Outside  
Lien Holder for Block 1201.04, Lot 13"

**WHEREAS**, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 1201.04, Lot 13, also known as 7 Paterson Place, for 2008 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1316, was sold to Plymouth Park Tax Service, LLC for a 4% redemption fee; and

**WHEREAS**, American Home Mortgage Servicing, Inc., the mortgage holder on said property, has effected redemption of Certificate #1316 in the amount of \$1,559.33;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that Plymouth Park Tax Service, LLC., is entitled to the redemption in the amount of \$1,559.33; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,559.33 for the redemption of Certificate #1316 payable to Plymouth Park Tax Service, LLC., PO Box 2288, Morristown, NJ 07960.

#### 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 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #55-2011

March 28, 2011

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 502, Lot 5.06”**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 502, Lot 5.06, also known as 6 Barry Lane, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1325, was sold to US Bank as Cust for Pro Capital I, LLC for a 0% redemption fee with a premium of \$100.00; and

**WHEREAS**, GMAC Mortgage, the mortgage holder on said property, has effected redemption of Certificate #1325 in the amount of \$365.30;

**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 a redemption in the amount of \$365.30 as well as \$100.00 for the premium; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$365.30 for the redemption of Certificate #1325 and \$100.00 for the premium payable to US Bank as Cust for Pro Capital I, LLC, 50 S 16<sup>th</sup> St., Suite 1950, Philadelphia, PA 19102.

### 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 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #56-2011

March 28, 2011

**“Authorize an Amended Agreement with the Owner of the Property Located at 93-95 Spring Street, for the Placement of Outdoor Surveillance Cameras”**

**WHEREAS**, the Town of Newton is in need of and desires to locate and operate outdoor video surveillance cameras on the exterior portions of the building located at 93-95 Spring Street in the interest of public safety; and

**WHEREAS**, the Town of Newton authorized executing an agreement with the property owner of 93-95 Spring Street for the placement of outdoor video surveillance cameras at their meeting on February 28, 2011 by the adoption of Resolution #31-2011; and

**WHEREAS**, the terms of said agreement have been amended to mutual approval of both parties, and said agreement is attached to and made part of this resolution;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute the attached agreement with the property owner of 93-95 Spring Street for the placement of outdoor video surveillance cameras.

### 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 28, 2011.

Lorraine A. Read, RMC  
Municipal Clerk

# AGREEMENT

**THIS AGREEMENT**, made this 15<sup>th</sup> day of March, 2011, by and between **STARBOARD ENTERPRISES, LLC**, having an address of 83 Spring Street, Newton, New Jersey 07860 (hereinafter referred to as "Owner"), and the **TOWN OF NEWTON**, a municipal corporation of the State of New Jersey, having an address of 39 Trinity Street, Newton, New Jersey 07860 (hereinafter referred to as "Town").

## WITNESSETH:

**WHEREAS**, the Town has identified a need for the installation of an outdoor video camera on the exterior portion of the Owner's building located at 93-95 Spring Street, Newton, New Jersey, identified as Block 716, Lot 17 on the Newton tax map; and

**WHEREAS**, the Newton has determined the location to install an outdoor video camera on the exterior portion of said building , as more particularly shown and described on a **Diagram** attached hereto as **Schedule A**, and the Owner has consented to said video camera installation;

**NOW, THEREFORE, IN CONSIDERATION OF** the mutual covenants, promises and considerations recited herein, the parties agree as follows:

1. The Town agrees to pay, as they are incurred, all costs and expenses related to the location, installation, administration and maintenance of an outdoor video camera as shown on **Schedule A** attached hereto, and shall pay, as they are incurred, all reasonable costs associated with, if necessary, the preparation of specifications, bidding process costs, as well as any other reasonable soft costs or incidentals that the Town determines are needed for the camera to be located and installed as shown on **Schedule A**.

2. The Owner shall maintain a 110v electrical outlet to be available for the use by the Town on a 24 hour per day, 7 day per week basis for the camera at no cost to the Town. The Town shall reimburse the Owner's electrical costs incurred by the Town's use in the event and in the amount that said cost for said electricity increases during the life of this Agreement, in an amount higher than the anticipated sum of \$100.00 per year.

3. The Owner shall provide to the Town unencumbered free access to the camera and electrical outlet 24 hours per day, 7 days per week.

4. The Town shall be fully responsible for the maintenance and upkeep of the camera equipment.

5. The Town shall indemnify and save harmless the Owner, its officers, employees, agents and each and every one of them against and from all claims, suits, costs, expenses, fees (including legal fees), and from all damages of every kind and description by reason of the injury or death of any person or persons or by reason of property damage to any property which arises from, or in any manner grows out of, the negligent acts, errors or omissions of the Town or its subcontractors, officers, agents and/or or employees relating to the performance of this Agreement.

6. The Owner shall indemnify and save harmless the Town, its officers, employees, agents and each and every one of them against and from all claims, suits, costs, expenses, fees (including legal fees), and from all damages of every kind and description by reason of the injury of death of any person of persons by reason of damage arising from Owner's negligent handling or interference with said video camera.

7. The Owner and the Town shall maintain policies with the following minimum limits of liability. This mutual insurance obligation shall continue to be in effect for the duration of this Agreement.

**General Liability:** \$500,000 per occurrence, combined single limit for bodily injury and property damage with \$1,000,000 aggregate.

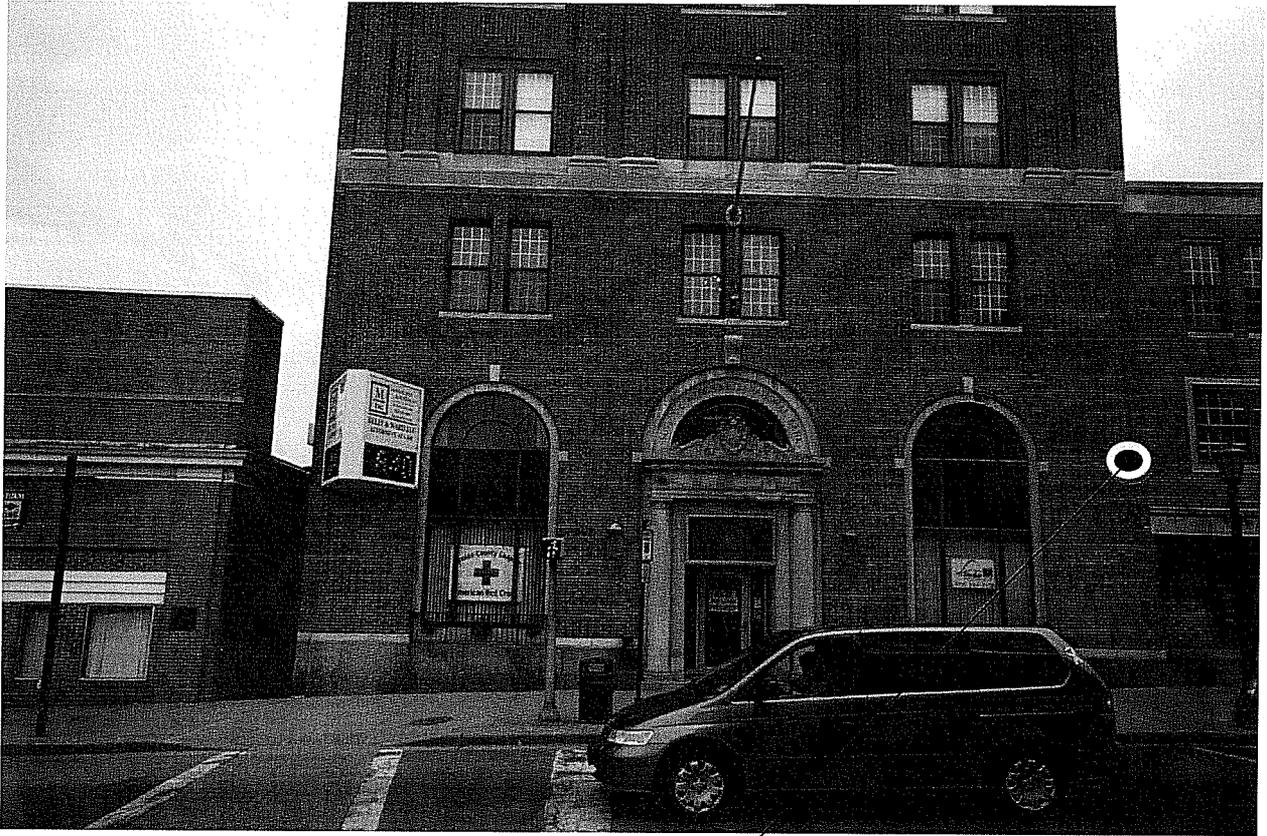
**Umbrella:** \$1,000,000.

8. This Agreement shall be for a period of twenty (20) years, which period shall commence upon receipt by both parties of a fully-executed copy of this Agreement. The parties hereby agree that this Agreement shall automatically be renewed and extended annually for additional one-year periods unless terminated as herein set forth.

9. The parties agree that they each have the right, five (5) years after the date of this Agreement, to terminate this Agreement upon three hundred sixty-five (365) days prior written notice to the other at the address listed above in this Agreement. In the event this Agreement is terminated, the Town shall remove the camera prior to the Termination Date.



# Schedule A



Camera Location  
93 Spring Street  
Newton, NJ



## TOWN OF NEWTON

### RESOLUTION #57-2010

March 28, 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:

#### **Accounts should have been inactive and not charged:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
26538	2-10 East Clinton Street	\$75.00
26545	2-10 East Clinton Street	\$75.00

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

<u>Account</u>	<u>Address</u>	<u>Amount</u>
14451	56 Dogwood Drive	\$363.40
5898	18 Academy Street	\$13,961.42
18248	18 Smith Street	\$7,589.51

#### **Credit erroneous charges due to attorney requesting final billing for incorrect address:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
811	277 Spring Street	\$1,873.00

#### **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, March 28, 2011.

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #58-2011

March 28, 2011

**“Approve Tax Appeal Settlement and Authorize Refund of Overpayment on Block 201, Lots 1.17, 1.18 and 1.19 and Block 1208, Lot 26”**

**WHEREAS**, Hillside Terrace Associates, the owner of two separate residential apartment properties, the first identified on the official Tax Map for the Town of Newton as Block 201, Lots 1.17, 1.18, and 1.19 (Hillside Terrace), and the second identified as Block 1208.1, Lot 26 (1 Orchard Street) filed State Tax Court appeals of the assessment on the Hillside Terrace property for tax years 2008, 2009, and 2010, and of the assessment of the Orchard Street property for tax years 2009 and 2010; and

**WHEREAS**, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the professionals representing Hillside Terrace Associates; and

**WHEREAS**, as a result of said negotiations, the property owner is willing to accept a settlement as follows:

2008: Withdraw complaint.

2009: Withdraw complaints.

2010: \$1,000,000 reduction (against \$4,637,700 total assessment on both properties) resulting in a refund liability of \$27,090.

**WHEREAS**, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzhauer concurs with this recommendation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton that the settlement negotiated by its professionals for a reduction of the tax assessment for Block 201, Lots 1.17, 1.18, and 1.19, and Block 1208.1, Lot 26, for tax year 2010 as aforesaid is approved, and that the issuance of a payment to the property owner and its attorneys in the amount of \$27,090 to refund property taxes per the settlement is authorized.

### 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 28, 2011.

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



## TOWN OF NEWTON

### RESOLUTION #59-2011

March 28, 2011

**“Approve Tax Appeal Settlement  
and Authorize Credit for  
Overpayment on Block 720, Lot 14”**

**WHEREAS**, 26-30 Moran Street, LLC, the owner of commercial property identified on the official Tax Map for the Town of Newton as Block 720, Lot 14, 26-30 Moran Street, filed State Tax Court appeals of the assessment on its property for tax years 2009 and 2010; and

**WHEREAS**, negotiations took place between Michael Holenstein of Holzauer & Holenstein, LLC, the Town of Newton's valuation expert, and the professionals representing the property owner; and

**WHEREAS**, as a result of said negotiations, the property owner is willing to accept a settlement as follows:

2009: Withdraw complaint.

2010: \$348,800 reduction (against \$1,744,500 assessment) resulting in an overpayment of \$9,449 in property taxes, which amount the property owner is willing to accept in the form of a credit against future tax liability.

**WHEREAS**, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzauer concurs with this recommendation;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that the settlement negotiated by its professionals for a reduction of the tax assessment for Block 720, Lot 14 for tax year 2010 as aforesaid is approved, and that the Tax Collector is authorized to process a tax credit to the property owner for any taxes due in the amount of \$9,449.

### 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 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #60-2011

March 28, 2011

**“Approve Tax Appeal Settlement and Authorize Refund of Overpayment on Block 303, Lot 26.05”**

**WHEREAS**, Kohls#1257/Route 519 & North Park Drive, LLC, the owner of commercial property identified on the official Tax Map for the Town of Newton as Block 303, Lot 26.05, 11 North Park Drive, filed State Tax Court appeals of the assessment on its property for tax years 2009 and 2010; and

**WHEREAS**, negotiations took place between Michael Holenstein of Holzhauer & Holenstein, LLC, the Town of Newton's valuation expert, and the professionals representing the property owner; and

**WHEREAS**, as a result of said negotiations, the property owner is willing to accept a settlement as follows:

2009: Withdraw complaint.

2010: \$800,000 reduction (against \$13,300,000 assessment) resulting in a refund liability of \$21,672.

**WHEREAS**, Mr. Holenstein has recommended accepting this settlement, and Newton's Tax Assessor, Scott J. Holzhauer concurs with this recommendation;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that the settlement negotiated by its professionals for a reduction of the tax assessment for Block 303, Lot 26.05 for tax year 2010 as aforesaid is approved, and that the issuance of a payment to the property owner and its attorneys in the amount of \$21,672 to refund property taxes per the settlement is authorized.

### 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 28, 2011.

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #61-2011

March 28, 2011

**“Concur with the Recommendation of the Utility Advisory Board in Allocating Water and Sewer Gallonage for Martorana Village Phase I”**

**WHEREAS**, at the regular meeting of the Newton Utility Advisory Board conducted on March 15, 2011, Mr. Greg Martorana, a principal of Martorana Enterprises, LLC., appeared before the Board to request an allotment of water and sewer gallonage for Martorana Village Phase I, 104 Sparta Avenue, Block 1201, Lots 5 & 5.03, for the purpose of retail space; and

**WHEREAS**, Mr. Donohue, P.E. submitted a written report dated February 22, 2011 regarding estimation of water and sewer usage for the proposed Phase I project; and

**WHEREAS**, the Utility Advisory Board reviewed the estimates and recommend to the Governing Body that an additional 3,550 gallons per day of water and sewer gallonage be approved contingent upon the following:

- 1) Completing all items recommended in the written report of David B. Simmons, Jr., P.E., of Harold E. Pellow & Associates, dated March 10, 2011; and
- 2) Compliance with all recommendations and conditions arising from the Fire Official's review and comments; and
- 3) Satisfaction of all Planning Board conditions and approvals.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and conditionally approves the allocation of 3,550 gallons per day for the Martorana Village Phase I project shown as Block 1201, Lots 5 & 5.03 on the Tax Map of the Town of Newton, provided that the applicant satisfies all of the above-stated conditions of the Utility Advisory Board, Fire Official, and Planning Board, including, but not limited to, the payment of all necessary fees and the execution of a developer's 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 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #62-2011

March 28, 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 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #63-2011

March 28, 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 March 28, 2011, that an Executive Session closed to the public shall be held on March 28, 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

**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 Monday, March 28, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk