



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**APRIL 11, 2011**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

- MARCH 28, 2011 REGULAR MEETING
- MARCH 28, 2011 EXECUTIVE SESSION

**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. PROCLAMATION – NEWTON FIRE DEPARTMENT
- b. SHADE TREE COMMISSION

**VII. ORDINANCES**

- a. INTRODUCTION

ORDINANCE 2011-5

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,360,000 THEREFOR, INCLUDING \$10,000 RECEIVED AS A RECYCLING TONNAGE GRANT, AND AUTHORIZING THE ISSUANCE OF \$1,282,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$196,878.91 FOR VARIOUS WATER SEWER CAPITAL IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

**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 #64-2011\* PREMIUM PAYMENT TO BE TURNED OVER TO TREASURER FOR TAX SALE CERTIFICATE #1232
- b. RESOLUTION #65-2011\* AWARD PURCHASE CONTRACT FOR SLUDGE AND CHEMICAL WASTE TRUCKING
- c. RESOLUTION #66-2011\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 1006, LOT 19
- d. RESOLUTION #67-2011\* AWARD PURCHASE CONTRACTS FOR THE ACQUISITION OF CHEMICALS
- e. RESOLUTION #68-2011\* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- f. RESOLUTION #69-2011\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- g. APPLICATION\* APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE GREATER NEWTON CHAMBER OF COMMERCE, P.O. BOX 386, NEWTON, TO BE HELD ON JUNE 11, 2011 FROM 4:00PM TO 10:00PM AT MEMORY PARK, MORAN STREET

**X. RESOLUTION**

**a.** RESOLUTION #70-2011

APPOINTMENT OF JAMES SHEEHAN TO THE  
ADVISORY SHADE TREE COMMISSION

**XI. INTERMISSION**

**XII. DISCUSSION**

**a.** TAX EXEMPTION ORDINANCE

**b.** HEALTH BENEFIT WAIVER RESOLUTION

**XIII. OPEN TO THE PUBLIC**

**XIV. COUNCIL & MANAGER COMMENTS**

**XV. ADJOURNMENT**

Office of the Mayor

Newton, New Jersey

# Proclamation

## Newton Fire Department

**WHEREAS**, the Newton Fire Department was established in December 1835, and is currently comprised of a dedicated group of volunteers who sacrifice their time to help those in need; and

**WHEREAS**, since its inception, the dedicated volunteers of the Newton Fire Department have prepared themselves to best protect and ensure the safety of the community by educating each and every member in fire safety; and

**WHEREAS**, in 2010 under the direction of Chief Derek Wechtler, the Newton Fire Department responded to 393 calls and performed over 40 training drills expending over 2,741 man hours while operating 3 Engines, 1 Ladder Truck, 1 Rescue and 1 Brush Truck; and

**WHEREAS**, the caring and loyalty of these dedicated volunteers has been evident throughout the years and continues to serve as a sense of comfort and security to the Town's residents and businesses. The Newton Fire Department also works closely with the Newton First Aid & Rescue Squad and Newton Police Department, as well as providing mutual aid to neighboring municipalities;

**NOW THEREFORE, WE**, the Mayor and Town Council of the Town of Newton, hereby proclaim our gratitude and appreciation to the **Newton Fire Department** for their endless hours of support and service to the Town of Newton and its residents and thank each and every one of their members for their dedication and service.

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

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

Date: \_\_\_\_\_ April 2, 2011 \_\_\_\_\_

**TOWN OF NEWTON**

**ORDINANCE 2011-5**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,360,000 THEREFOR, INCLUDING \$10,000 RECEIVED AS A RECYCLING TONNAGE GRANT, AND AUTHORIZING THE ISSUANCE OF \$1,282,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.**

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

**Section 1.** The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,360,000, including \$10,000 received as a recycling tonnage grant and also including the aggregate sum of \$68,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,282,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Road improvements consisting of reconstruction and resurfacing, and reconstruction and/or installation of sidewalks along the entire length of Shady Lane, Hillside Avenue, Overlook Road, Slate Hill Road and Spring Street including adjacent areas	\$300,000	\$285,000	10 years
b) Paving of the Western Plaza parking lot	\$115,000	\$109,250	10 years
c) Engineering for improvements at Dams #1, #2, #3 and #4 and major repairs to Dam Site #4	\$250,000	\$237,500	15 years
d) Repair and/or reconstruction of Town Hall retaining wall	\$75,000	\$71,250	20 years
e) Reconstruction of curbing and sidewalk on Adams Street and reconstruction and renovations to parking lot on Adams Street	\$50,000	\$47,500	10 years
f) Renovation and major repair and/or replacement of elevator at Town Hall	\$50,000	\$47,500	15 years
g) Acquisition of recycling truck  (including \$10,000 received as a recycling tonnage grant)	\$125,000	\$108,750	5 years
h) Acquisition of a truck for the Department of Public Works	\$150,000	\$142,500	5 years
i) Acquisition of narrow band radio equipment for the Department of Public Works	\$14,000	\$13,300	5 years
j) Acquisition of high band portable radios, pagers and mobile data terminals for the Fire Department	\$12,000	\$11,400	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
k) Improvement of Municipal Building consisting of upgrades, renovations and acquisition of furniture and equipment	\$20,000	\$19,000	5 years
l) Supplemental appropriation for redevelopment planning	\$75,000	\$71,250	15 years
	(in addition to the \$250,000 appropriated by bond ordinance #2009-5 finally adopted 2/23/09, the \$50,000 appropriated by bond ordinance #2005-8 finally adopted 5/9/05, the \$75,000 appropriated by bond ordinance #2007-8 finally adopted 6/11/07, the \$250,000 appropriated by bond ordinance #2007-21 finally adopted 8/27/07 and \$50,000 available from an Office of Smart Growth grant)	(in addition to the \$238,000 bonds or notes authorized by bond ordinance #2009-5 finally adopted 2/23/09, the \$47,500 bonds or notes authorized by bond ordinance #2005-8 finally adopted 5/9/05, the \$71,400 bonds or notes authorized by bond ordinance #2007-8 finally adopted 6/11/07, the \$238,000 bonds or notes authorized by bond ordinance #2007-21 finally adopted 8/27/07 and the \$25,000 grant received under the 2005 ordinance, reducing the debt authorization)	
m) Acquisition of an aerator for all parks	\$15,000	\$14,250	15 years
n) Replacement of bleachers at Memory Park Baseball Field	\$30,000	\$28,500	15 years
o) Upgrade of hockey facility	\$25,000	\$23,750	15 years
p) Installation of police digital video surveillance equipment at various buildings	\$20,000	\$19,000	7 years
q) Acquisition of all-wheel drive vehicle for Police Department	<u>\$34,000</u>	<u>\$32,300</u>	5 years
<b>TOTALS</b>	<u>\$1,360,000</u>	<u>\$1,282,000</u>	

The excess of the appropriation and grant for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general

improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.77 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,282,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$313,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

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

**Section 8.** The grant moneys received for the purposes described in Section 3 hereof shall be applied to direct payment of the cost of the improvements.

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

**Section 10.** The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, April 11, 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, April 25, 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

**TOWN OF NEWTON**

**ORDINANCE #2011-6**

**A FULLY FUNDED WATER SEWER CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$196,878.91 FOR VARIOUS WATER SEWER CAPITAL IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY.**

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

**Section 1.** \$196,878.91 is hereby appropriated from reserved balances in the Water Sewer Capital Fund for the following various water sewer capital improvements in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Morris Lake Dam Improvements and Right Abutment Improvements- \$96,878.91.**

Rehabilitation of the right abutment of Morris Lake Dam with overtopping protection materials.

Additional monies which are available for this project:

\$36,252.50 remaining balance of a 2010 Water Sewer Utility Budget appropriation under the Capital Improvement Fund – Morris Lake Dam Improvements.

\$10,000 appropriated amount in the 2011 Water Sewer Utility Budget under the Capital Improvement Fund – Morris Lake Dam Improvements.

TOTAL PROJECT COST: ~~– \$143,131.41~~

**Acquisition of Flusher - \$100,000.00.**

Acquisition of a new flusher to replace existing twenty year old flusher.

Additional monies which are available for this project:

\$250,000 appropriated amount in the 2011 Water Sewer Utility Budget under the Capital Improvement Fund – Acquisition of Flusher.

TOTAL PROJECT COST: \$350,000.00

**TOTAL COST OF VARIOUS IMPROVEMENTS**

**\$196,878.91**

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

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

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on April 11, 2011. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on April 25, 2011, and shall take effect according to law.

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Irene O'Connor  
Deputy Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #64-2011

April 11, 2011

**“Premium Payment to be Turned Over to Treasurer for Tax Sale Certificate #1232”**

**WHEREAS**, Tax Sale Certificate #1232 was issued at the Tax Sale held on October 27, 2005 with a zero percent redemption and a premium of \$9,300.00; and

**WHEREAS**, N.J.S.A. 54:5-33 states that if redemption is not made within five years from the date of the sale the premium payment shall be turned over to the Treasurer of the municipality; and

**WHEREAS**, Tax Sale Certificate #1232 was five years from the date of Tax Sale on October 27, 2010, therefore the premium in the amount of \$9,300.00 is to be turned over to the Treasurer;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Newton that this Governing Body acknowledges that the premium for Tax Sale Certificate #1232 is to be turned over to the Treasurer; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$9,300.00 for said premium to the Treasurer of 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, April 11, 2011.

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Irene O'Connor  
Deputy Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #65-2011

April 11, 2011

### "Award Purchase Contract for Sludge and Chemical Waste Trucking"

**WHEREAS**, the services of a private company are required by the Town of Newton to provide equipment and personnel for sludge trucking services and chemical waste trucking services; and

**WHEREAS**, specifications were prepared indicating that the successful bidder shall remove an estimated total of 120,000 gallons of sludge per month from the Newton Wastewater Treatment Plant and an estimated total of 45,000 gallons of chemical waste from the Newton Water Filtration Plant located in Sparta for a period of one year; and

**WHEREAS**, bids for sludge trucking services and chemical waste trucking services were solicited and publicly opened and read on Thursday, March 31, 2011 as follows:

	<u>Sludge Trucking</u>	<u>Chemical Trucking</u>
Russell Reid 200 Smith Street PO Box 130 Keasbey, NJ 08832-0130	\$0.0587	\$0.0587
Earth Care Resource Management Corp. 99 Maple Grange Road Vernon, NJ 07462	\$0.057	\$0.04
R & D Trucking, Inc. 1874 Route 23 North West Milford, NJ 07480	\$0.035	\$0.029
<b>Accurate Waste Removal Services, Inc. 226 Prospect Point Road Lake Hopatcong, NJ 07849</b>	<b>\$0.0324</b>	<b>\$0.023</b>

**WHEREAS**, Accurate Waste Removal Services, Inc., was the lowest bidder for sludge trucking and chemical trucking; and

**WHEREAS**, the Qualified Purchasing Agent recommends the award for sludge trucking and chemical waste trucking to Accurate Waste Removal Services, Inc.;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby awards the contract for sludge trucking and chemical trucking to Accurate Waste Removal Services, Inc., and that a certified copy of this resolution be forwarded to the low bidder.

### 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, April 11, 2011.

Irene O'Connor  
Deputy Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #66-2011

April 11, 2011

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1006, Lot 19”**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 1006, Lot 19, also known as 211 Main Street, for 2009 delinquent water and sewer charges; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1338, was sold to US Bank as Cust for Pro Capital I, LLC for 0% redemption fee with a \$100.00 premium; and

**WHEREAS**, McGovern and Roseman, P.A., the attorney for the owner on said property has effected redemption of Certificate #1338 in the amount of \$783.43;

**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 \$783.43; and

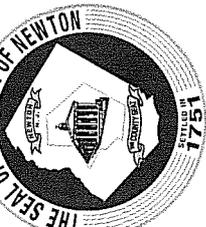
**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$783.43 for the redemption of Certificate #1338 payable to US Bank as Cust for Pro Capital I, LLC, 50 So. 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

#### **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, April 11, 2011.

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Irene O'Connor  
Deputy Municipal Clerk



**TOWN OF NEWTON  
RESOLUTION #67-2011**

**April 11, 2011      "Award Purchase Contracts for the Acquisition of Chemicals"**

**WHEREAS**, specifications were prepared for the purchase of various chemicals needed to operate the Newton Wastewater Treatment Plant and the Newton Water Filtration Plant, bids were subsequently solicited and publicly opened and read on Thursday, March 31, 2011 as follows:

	Liquid Sodium Carbonate	Liquid Aluminum Sulfate	Liquid/gas Sulfur Dioxide	Liquid Chlorine/gas	CES PACI 2500	Liquid Sodium Hydroxide	Liquid Hydrofluosilic Acid	Sodium Hypochlorite
Delta Chemical Corp 2601 Cannery Ave Baltimore, MD 21226	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.03</u> 3,000 per gal \$ <u>.975</u> 5,000 per gal \$ <u>3,090</u> total (3,000) \$ <u>4,875</u> total (5,000)	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>3.36</u> gal \$ <u>53,760</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total
Univar 532 E. Emmaus Street Middletown, Pa	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>.729</u> lb \$ <u>7,982.55</u>	\$ <u>7.44</u> lb \$ <u>8,146.80</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.96</u> gal \$ <u>10,780</u>	\$ <u>5.039</u> gal \$ <u>6,298.75</u>	\$ <u>1.89</u> gal \$ <u>14,175</u>
Coyne Chemical Co. 3015 State Rd Croydon, Pa 19021	\$ <u>0.84</u> gal \$ <u>75,600</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>No Bid</u> lb \$ <u>No Bid</u> total	\$ <u>4.04</u> gal \$ <u>64,640</u> total	\$ <u>No bid</u> gal \$ <u>No bid</u> total	\$ <u>2.69</u> gal \$ <u>12,112.50</u> total	\$ <u>No Bid</u> \$ <u>No Bid</u> total
Main Pool & Chemical 501 Main Street Avoca, Pa 18641	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.09</u> lb \$ <u>11,935.50</u> total	\$ <u>.72</u> lb \$ <u>8,650.50</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>1.44</u> gal \$ <u>7,920</u> total	\$ <u>4.89</u> gal \$ <u>6,112.50</u> total	\$ <u>1.39</u> gal \$ <u>10,425</u> total
JCI - Jones Chemical, Inc. 103 River Street Warwick, NY 10990	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>.75</u> lb \$ <u>8,212.50</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total	\$ <u>No Bid</u> gal \$ <u>No Bid</u> total

**WHEREAS**, the bid for CES PACI 2500 by Delta Chemical is the low price; however, the product proposed is an alternative to CES PACI 2500 and the bidder did not meet the requirement for proven performance of the alternative product "demonstrated during a full plant trial in warm and cold temperatures prior to the bid" as specified under section 1.06 of the specifications and thus this bid for this product is rejected; and

**WHEREAS**, the bids for chemicals listed above were reviewed by the Purchasing Agent and she has recommended the awards for the following purchase of chemicals based on submission of the lowest qualified bids (in bold print above) which are in the best interest of the Town of Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby awards bids for the purchase of chemicals as follows:

Chemical

- Liquid Sodium Carbonate
- Liquid Aluminum Sulfate
- Liquid/Gas Sulfur Dioxide
- Liquid Chlorine/Gas
- CES PACI 2500
- Liquid Sodium Hydroxide
- Liquid Hydrofluosilic Acid
- Sodium Hypochlorite

Bidder Receiving Award

- Coyne Chemical Co.
- Delta Chemical Corp.
- Univar
- Univar
- Coyne Chemical Co.
- Main Pool & Chemical
- Main Pool & Chemical
- Main Pool & Chemical

**BE IT FURTHER RESOLVED**, that the Water and Sewer Supervisor is hereby authorized to issue purchase order contracts to the above listed chemical suppliers for the corresponding chemical purchases, and that certified copies of this Resolution be forwarded to each of the bidders.

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, April 11, 2011.

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Irene O'Connor  
Deputy Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #68-2011

April 11, 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 meter malfunction:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25090	156 Merriam Avenue	\$187.00

#### Credit penalty due to payment being applied to incorrect account:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
16427	18-20 Sussex Street	\$60.52

#### 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, April 11, 2011.

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Irene O'Connor  
Deputy Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #69-2011

April 11, 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, April 11, 2011.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #70-2011

April 11, 2011

**"Appointment of James Sheehan to the  
Advisory Shade Tree Commission"**

**WHEREAS**, there is currently a vacancy on the Town of Newton Advisory Shade Tree Commission; and

**WHEREAS**, James Sheehan has expressed interest in serving on the Commission;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that James Sheehan is hereby appointed to an unexpired five-year term as a member of the Advisory Shade Tree Commission, effective immediately with said term continuing to May 31, 2013.

### 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, April 11, 2011.

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Irene O'Connor  
Deputy Municipal Clerk