



AGENDA
NEWTON TOWN COUNCIL
OCTOBER 12, 2011
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES** - SEPTEMBER 26, 2011 REGULAR 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. THOMAS B. TRUDGEON, SR.**
- b. SPARTA GLEN**

VII. ORDINANCES

- a. 2ND READING AND PUBLIC HEARING**

ORDINANCE 2011-19

AN ORDINANCE AMENDING CHAPTER 17, TREES AND SHRUBS, AT SECTION 17-7.1

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

ORDINANCE 2011-20

AN ORDINANCE TO AMEND CHAPTER 10 "TRAFFIC" OF NEWTON'S REVISED GENERAL ORDINANCES

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

VIII. OLD BUSINESS

IX. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #209-2011* DESIGNATE OFFICIAL TO SIGN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION FOR THE TOWN OF NEWTON
- b. RESOLUTION #210-2011* AMEND AGREEMENT WITH MWH AMERICAS, INC. FOR GENERAL CONSULTING SERVICES FOR THE NEWTON WATER AND SEWER UTILITY FOR 2011
- c. RESOLUTION #211-2011* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 803, LOT 1.03
- d. RESOLUTION #212-2011* REJECT BIDS FOR PROPOSED NEWTON POOL CONCESSION STAND
- e. RESOLUTION #213-2011* AWARD PURCHASE OF SINGLE AXLE DUMP TRUCK WITH PLOW AND TAILGATE SPREADER
- f. RESOLUTION #214-2011* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- g. RESOLUTION #215-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- h. APPLICATIONS* APPLICATION FOR A RAFFLE LICENSE (TRICKY TRAY AND 50/50) FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON TO BE HELD ON NOVEMBER 11, 2011 FROM 6:00PM TO 11:00PM AT MERRIAM AVENUE SCHOOL, 81 MERRIAM AVENUE.

X. INTERMISSION

XI. DISCUSSION

- a. OUTDOOR FURNACE ORDINANCE

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

Office of the Mayor

Newton, New Jersey

Proclamation

Thomas B. Trudgeon, Sr.

WHEREAS, Thomas B. Trudgeon, Sr., was hired by the Town of Newton on February 13, 1989 as Recreation Supervisor; and

*WHEREAS, he was commended by the Town Council in 1991 for his successful efforts in the planning and execution of the **Welcome Home Parade** for our soldiers held on September 7, 1991; and*

WHEREAS, Tom through the years, working with the Recreation Advisory Commission, has brought joy and happiness to a wide range of residents with the planning and implementing of such programs as the Easter Egg Hunt, Spring Senior Luncheon, Fall Senior Dinner, Annual Tree Lighting, and the Miss Newton and Little Mr. and Miss Newton contests; and

WHEREAS, Tom has proven to be a valuable asset to the Town of Newton overseeing the use and maintenance of all Newton's beautiful parks and recreational facilities including the Pool at Memory Park, making Newton the envy of surrounding municipalities;

NOW, THEREFORE, we the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Thomas Trudgeon, Sr., for his dedicated years of service and offer our best wishes to him and his family for good health and happiness during his retirement years..

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

Attest: _____

Date: _____ September 30, 2011 _____

**TOWN OF NEWTON
ORDINANCE NO. 2011-19**

**AN ORDINANCE AMENDING CHAPTER 17, TREES AND SHRUBS,
AT SECTION 17-7.1**

WHEREAS, the Town Council of the Town of Newton has, in the interest of public safety, investigated the process for notice to property owners for the removal of any tree or shrub along a public highway that is dangerous to the public safety; and

WHEREAS, the present Ordinance Section 17-7.1 provides for the provision of written notice to property owners for the removal of trees or shrubs along a public highway that pose a public safety danger “in the same manner as a summons may be served in accordance with the New Jersey Rules of Court”, which process must include an attempt at personal service by certain individuals, followed by certain mailings; and

WHEREAS, the Town Council’s recent experiences with storm damage and power outages dictate that trees and/or shrubs that pose a public safety danger along highways must be more expeditiously removed to protect the public safety, while still affording property owners the opportunity to responsibly and independently cure such public safety dangers on their properties;

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:

1. Ordinance Section 17-7.1 is amended to read in its entirety as follows:

17-7.1 Removal required; Notice. In case any tree or shrub or any part thereof along the public highway shall become dangerous to the public safety, the owner of the property in front of which such tree or shrub is located shall remove the same, or the required part thereof, forthwith upon service of a written directive to that effect from the director of public works or his designee. The notice shall be sufficient if sent to the owner by regular and certified mail.

2. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.
3. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.
4. This ordinance will take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on the 26th day of September, 2011. Said Ordinance was adopted after public hearing the regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on the 12th day of October, 2011.

Lorraine A. Read, R.M.C.,
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2011-20

**AN ORDINANCE TO AMEND CHAPTER 10 "TRAFFIC" OF NEWTON'S REVISED
GENERAL ORDINANCES**

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 10, entitled Traffic of the Revised General Ordinances of the Town of Newton be amended to include the following:

SCHEDULE III

PARKING TIME LIMITED ON CERTAIN STREETS

<u>Name of Street</u>	<u>Sides</u>	<u>Time Limit</u>	<u>Hours</u>	<u>Location</u>
Jefferson St.	West	15 minutes	All Times	Beginning 38 feet from South West corner of Jefferson Street and Spring Street and extending 37 feet South.
Spring Street	South	15 minutes	All Times	Beginning 53 feet from the South West corner of Spring Street and Main Street and extending 23 feet West.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, September 26, 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 Wednesday, October 12, 2011 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #209-2011

October 12, 2011

**“Designate Official to Sign the North Jersey
Municipal Employee Benefits Fund Plan
Document and Summary Plan Description for the
Town of Newton”**

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Manager is hereby designated as the official authorized to sign the North Jersey Municipal Employee Benefits Fund Plan Document and Summary Plan Description with regards to Employee Health Benefits, Version 3, 10/2011, for 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 Wednesday, October 12, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #210-2011

October 12, 2011

“Amend Agreement with MWH Americas, Inc. for General Consulting Services for the Newton Water and Sewer Utility for 2011”

WHEREAS, the Town of Newton requires the services of a qualified Engineering Consultant for the Newton Water and Sewer Utility on an annual basis; and

WHEREAS, the Town Council appointed MWH Americas, Inc., as Engineering Consultant for the Newton Water and Sewer Utility for calendar year 2011 by the adoption of Resolution #1-2011 at their meeting on January 10, 2011; and

WHEREAS, said contract stipulated that the amount expended during the term of the contract is not to exceed \$25,000; and

WHEREAS, due to circumstances beyond the Town's control the costs for consulting engineering will exceed the \$25,000.00 allocated; and

WHEREAS, both parties have agreed to increase the amount of the original contract to be increased by \$10,000.00 to a new amount not to exceed \$35,000.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to amend the agreement with MWH Americas, Inc. as the Town of Newton's Engineering Consultant for the Newton Water and Sewer Utility for the remainder of calendar year 2011 for an amount not to exceed \$35,000.00; and

BE IT FURTHER RESOLVED that a fully executed copy of said amended agreement be provided to MWH Americas, Inc. and filed in the Office of the Municipal Clerk.

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 Wednesday, October 12, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 210-2011

APPROVING: MWH AMERICAS, INC.

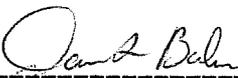
FOR THE PURPOSE OF: ENGINEERING CONSULTANT FOR WATER/
SEWER - AMENDS \$25,000 TO \$35,000

IN THE AMOUNT OF: NOT TO EXCEED \$10,000.00

APPROPRIATED BY:

2011 W/S UTILITY - CONSULTANT #6051216 \$10,000.00

DATED THIS 12TH DAY OF OCTOBER, 2011

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON
RESOLUTION #211-2011

October 12, 2011

**"Authorize Refund of Redemption Monies to Outside
Lien Holder for Block 803, Lot 1.03"**

WHEREAS, at the Municipal Tax Sale held on June 24, 2009 a lien was sold on Block 803, Lot 1.03, also known as 67 Water Street, for 2008 delinquent water and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #1306, and was sold to Park Finance, LLC for 0% redemption fee with a premium of \$100.00; and

WHEREAS, David Artler, the owner of said property, has effected the redemption of Certificate #1306 in the amount of \$6,389.50;

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 \$6,389.50 as well as the premium of \$100.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two checks, one in the amount of \$6,389.50 for the redemption of Certificate #1306 and one for the premium of \$100.00 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 Wednesday, October 12, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #212-2011

October 12, 2011 **"Reject Bids for Proposed Newton Pool Concession Stand"**

WHEREAS, the Town of Newton publicly opened and read bids for the Proposed Newton Pool Concession Stand on Tuesday, October 4, 2011 at 10:00am as follows:

<u>Name and Address of Bidder</u>	<u>Amount Bid</u>
T.M. Brennan Contractors 3505 Route 94 Hamburg, NJ 07419	\$135,000.00
Zinno Construction, LLC PO Box 333 Vernon, NJ 07462	\$197,149.00
Salazar & Associates, Inc. a.k.a R&A Advanced Plumbing 625 Rahway Avenue, Suite 1A Union, NJ 07083	\$248,000.00

WHEREAS, the Town of Newton's Qualified Purchasing Agent, Debra J. Millikin, recommends the rejection of all bids received as they exceed the budgeted amount;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the bids submitted for the Proposed Newton Pool Concession Stand be rejected; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be provided to T.M. Brennan Contractors, Zinno Construction, LLC., and Salazar & Associates, Inc.

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 Wednesday, October 12, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #213-2011

October 12, 2011

"Award Purchase of Single Axle Dump Truck with Plow and Tailgate Spreader"

WHEREAS, the Town of Newton publicly opened and read bids for the purchase of a Single Axle Dump Truck with Plow and Tailgate Spreader on Tuesday, August 16, 2011 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Campbell Freightliner, LLC. 145 Talmadge Road Edison, NJ 08818-0770	\$146,217.00
Browns Hunterdon International, LLC. 963 Route 173 PO Box 98 Bloomsbury, NJ 08804	\$138,499.00

WHEREAS, the Department of Public Works Supervisor, Kenneth Jaekel, of the Town of Newton, has drafted a letter dated October 3, 2011 (copy attached) regarding the bids advising of two exceptions by the low bidder that are not acceptable for reasons stated in the letter, which exceptions are:

Section 5: Front Axle: 18,000 lb. Meritor MFS-18-133A, Set Back 41"

Campbell Freightliner, LLC.	18,000 lb. Meritor MFS-18-133A, Set Back 41"
Browns Hunterdon International, LLC.	18,000 lb. Meritor MFS-18-133D, Set Forward

Section 13: Cab: Aluminum Conventional Cab 106" BBC Minimum

Campbell Freightliner, LLC.	Aluminum Conventional Cab 106" BBC Minimum
Browns Hunterdon International, LLC.	Galvanized Steel Fiberglass Hood

All other exceptions in both bids were acceptable to the Department of Public Works Supervisor; and

WHEREAS, based on the non-conformance of the low bidder to essential specifications as stated above, the Department of Public Works Supervisor, and the Town's Qualified Purchasing Agent, Debra J. Millikin, recommend rejection of the low bid as non-responsive and to award a contract for a Single Axle Dump Truck with Plow and Tailgate Spreader to Campbell Freightliner, LLC in the amount of \$146,217.00; and

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

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the bid submitted for the purchase of Single Axle Dump Truck with Plow and Tailgate Spreader be awarded to Campbell Freightliner, LLC, 145 Talmadge Road, Edison, NJ 08818-0770 in the amount of \$146,217.00. Along with a certified copy of this resolution, a contract shall be forwarded to Campbell Freightliner, LLC for execution.

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 Wednesday, October 12, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 213-2011

APPROVING: CAMPBELL FREIGHTLINER, LLC.

FOR THE PURPOSE OF: SINGLE AXLE DUMP TRUCK
With Plow and Tailgate Spreader for DPW

IN THE AMOUNT OF: \$146,217.00

APPROPRIATED BY:

CAPITAL Ord.#2011-5 ACQUISITION OF DPW DUMP TRUCK
#30911058 \$146,217.00

DATED THIS 12TH DAY OF OCTOBER, 2011

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER

Mayor
Helen R. Le Frois

Deputy Mayor
Sandra Lee Diglio

Council Members
Joseph A. Ricciardo
E. Kevin Elvidge
Kristen S. Becker



Town Manager
Thomas S. Russo, Jr.

Town Clerk
Lorraine A. Read

Telephone: (973) 383-3521
Facsimile: (973) 383-8961
39 Trinity Street
Newton, NJ 07860

October 3, 2011

Debra Millikin, Q.P.A.
Deputy Town Manager
Town of Newton
39 Trinity Street
Newton, NJ 07860

Re: Single Axle Dump Truck with Plow and Tailgate Spreader

Dear Mrs. Millikin:

After reviewing both the Brown's Hunterdon International bid and the Campbell Freightliner LLC bid I have the following comments regarding the responsiveness of the low bidder. Our specifications required a 41" front axle setback (Item 5 "18,000 LB. Meritor MFS-18-133A, Set Back 41 inches"). The required setback ensures a vehicle can easily turn in the narrow roads and cul-de-sacs in the Town. Brown's Hunterdon is providing an 18,000 LB Meritor MFS-18-133D Set Forward. This does not meet the specification and is not an equivalent. The Brown's exception on the setback results in a vehicle with an inadequate turning radius for these road conditions.

The other issue in Brown's Hunterdon Bid is its exception on Item 13 "Cab: Aluminum Conventional Cab 106" BBC Minimum." The aluminum requirement ensures no rust. Brown's Hunterdon is providing a galvanized steel fiberglass hood. The galvanized steel component is susceptible to rust over time under the extreme conditions this vehicle will face and is unacceptable.

I recommend that the above truck be awarded to Campbell Freightliner, LLC in the amount of \$146,217.00.

Regards,

A handwritten signature in cursive script that reads "Kenneth D. Jaekel".

Kenneth D. Jaekel
Department of Public Works Supervisor
Town of Newton



**TOWN OF NEWTON
RESOLUTION #214-2011**

**October 12, 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:

Adjustment for meter read incorrectly:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
12292	6 1/2 Walker Street	\$5,100.00

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 Wednesday, October 12, 2011

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #215-2011

October 12, 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 Wednesday, October 12, 2011.

Lorraine A. Read,
Deputy Municipal Clerk