



AGENDA
NEWTON TOWN COUNCIL
NOVEMBER 14, 2011
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES - OCTOBER 24, 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

VII. ORDINANCES

a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2011-21

AN ORDINANCE FOR ADOPTION OF REVISED TOWN OF NEWTON PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

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

ORDINANCE 2011-22

ORDINANCE REAPPROPRIATING \$95,744.02 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF A PICK-UP TRUCK WITH APPURTENANCES FOR THE DEPARTMENT OF PUBLIC WORKS, THE PREPARATION OF A ZONING ORDINANCE MASTER PLAN, DIGITIZED TAX MAPS AND CODIFICATION OF ORDINANCES, THE ACQUISITION OF AN AERATOR FOR ALL PARKS AND THE REPLACEMENT OF BLEACHERS AT MEMORY PARK BASEBALL FIELD FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

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

ORDINANCE 2011-23

AN ORDINANCE AMENDING CHAPTER 20, ZONING, AT SECTION 20-4 AND ADDING SECTION 20-5.22

- 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 #227-2011* CANCEL WATER AND SEWER CAPITAL BALANCES
- b. RESOLUTION #228-2011* AUTHORIZE AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF WAYFINDING SIGNS IN THE TOWN OF NEWTON ALONG ROUTES 206 AND 94
- c. RESOLUTION #229-2011* AUTHORIZE RENEWING MEMBERSHIP IN THE STATEWIDE INSURANCE FUND
- d. RESOLUTION #230-2011* APPOINTMENT OF KEITH MITCHELL AS RISK MANAGEMENT CONSULTANT FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2012
- e. RESOLUTION #231-2011* APPROVE CHANGE ORDER NO. 1 FOR DENVILLE LINE STRIPING PORTION OF THE PAVING OF VARIOUS STREETS PROJECT

- f. RESOLUTION #232-2011*
AUTHORIZING THE EXECUTION OR ACKNOWLEDGMENT AND DELIVERY OF CERTAIN AGREEMENTS AND CERTAIN OTHER ACTIONS TO BE TAKEN ALL IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE)
- g. RESOLUTION #233-2011*
AUTHORIZE EXECUTION OF AGREEMENT BETWEEN THE TOWN OF NEWTON AND THE NEWTON PARKING AUTHORITY
- h. RESOLUTION #234-2011*
APPOINTMENT OF MUNICIPAL AUDITOR FOR THE TOWN OF NEWTON FOR CALENDAR YEAR 2012
- i. RESOLUTION #235-2011*
AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR AUDITING SERVICES FOR THE REVIEW OF STATEMENT OF ASSETS AVAILABLE FOR BENEFITS FOR (LOSAP) WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA
- j. RESOLUTION #236-2011*
APPROVE CHANGE ORDER NO. 1 FOR THE PURCHASE OF PIPES AND FITTINGS FOR THE MERRIAM AVENUE WATERMAIN PROJECT
- k. RESOLUTION #237-2011*
AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- l. RESOLUTION #238-2011*
APPROVE 2011 APPROPRIATION TRANSFERS
- m. RESOLUTION #239-2011*
AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 1003, LOT 16
- n. RESOLUTION #240-2011*
APPROVE BILLS AND VOUCHERS FOR PAYMENT
- o. RESOLUTION #241-2011*
AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL AND POUND SERVICES WITH THE TOWNSHIP OF WANTAGE COVERING CALENDAR YEAR 2012

X. INTERMISSION

XI. DISCUSSION

- a. PROFESSIONAL SERVICES 2012

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

**TOWN OF NEWTON
ORDINANCE NO. 2011-21**

**AN ORDINANCE FOR ADOPTION OF A REVISED
TOWN OF NEWTON PERSONNEL POLICIES
AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK**

WHEREAS, pursuant to Newton Revised General Ordinance 4-1 the Town Council of the Town of Newton is responsible for the generation of an employee personnel guide for employees of the Town of Newton in accord with the purposes declared in Subsection 4-1.1; and

WHEREAS, the Newton Town Manager, in consultation with his Department Heads and professional consultants, has completed a comprehensive review of the Town of Newton employee personnel guide, resulting in a new guide entitled "Town of Newton Personnel Policies and Procedures Manual and Employee Handbook," Revision Date October 2011, and has submitted said Guide to the Town Council for review and approval, a copy of which document is available for public review in the Office of the Town Clerk; and

WHEREAS, the Town Council desires to approve and adopt the aforesaid new employee personnel guide as in conformance with the purposes set forth in Code Subsection 4-1.1.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Newton as follows:

1. The document entitled "Town of Newton Personnel Policies and Procedures Manual and Employee Handbook," Revision Date October 2011, is approved as the personnel guide for employees of the Town of Newton, and copies thereof are to be distributed to all present Town employees per Newton Code Section 4-1 and to all new employees henceforth.

2. This Ordinance shall take effect upon its passage and publication, as provided for by 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 October 24, 2011, and said Ordinance was adopted after a public hearing at a regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON
ORDINANCE 2011-22

ORDINANCE REAPPROPRIATING \$95,744.02 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF A PICK-UP TRUCK WITH APPURTENANCES FOR THE DEPARTMENT OF PUBLIC WORKS, THE PREPARATION OF A ZONING ORDINANCE MASTER PLAN, DIGITIZED TAX MAPS AND CODIFICATION OF ORDINANCES, THE ACQUISITION OF AN AERATOR FOR ALL PARKS AND THE REPLACEMENT OF BLEACHERS AT MEMORY PARK BASEBALL FIELD FOR AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$31,000 of the proceeds of obligations originally made available pursuant to bond ordinance #2007-22 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted September 10, 2007, as amended by bond ordinance #2010-11 of the Town finally adopted August 10, 2011, is no longer necessary for the purpose of the improvement of municipal properties by the replacement of the roof of the Department of Public Works maintenance garage located on 117 Moran Street and the demolition of the storage building located on 27 Orchard Street for which the obligations previously were authorized.

Section 2. The \$31,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the acquisition of a pick-up truck with appurtenances for the Department of Public Works.

Section 3. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$40,000 of the proceeds of obligations originally made available pursuant to Section 3(a) of bond ordinance #2009-9 of the Town finally adopted April 27, 2009, as amended by bond ordinance #2009-16 of the Town finally adopted June 8, 2009, is no longer necessary for the purpose of the road, sidewalk, resurfacing, milling, paving and drainage improvements for which the obligations previously were authorized.

Section 4. The \$40,000 described in Section 3 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the preparation of a Zoning Ordinance Master Plan, digitized tax maps and codification of ordinances.

Section 5. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$24,744.02 of the proceeds of obligations originally made available pursuant to Section 3(n) of bond ordinance #2010-7 of the Town finally adopted June 14, 2010 is no longer necessary for the purpose of parking improvements for which the obligations previously were authorized.

Section 6. \$7,000 of the \$24,744.02 described in Section 5 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide a supplemental appropriation to the \$15,000 appropriated in Section 3(m) of bond ordinance #2011-5 of the Town finally adopted April 25, 2011 for the acquisition of an aerator for all parks. \$17,744.02 of the \$24,744.02 described in Section 5 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide a supplemental appropriation to the \$30,000 appropriated in Section 3(n) of bond ordinance #2011-5 of the Town finally adopted April 25, 2011 for the replacement of bleachers at Memory Park baseball field.

Section 7. 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 8. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as

NOTICE

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

**TOWN OF NEWTON
ORDINANCE NO. 2011-23**

**AN ORDINANCE AMENDING CHAPTER 20, ZONING,
AT SECTION 20-4 AND ADDING SECTION 20-5.22**

WHEREAS, the Town Council of the Town of Newton has, in the interest of public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Newton, considered the fire hazards and air pollution generated by outdoor furnaces; and

WHEREAS, outdoor furnaces typically employ smoldering fires and short smokestacks that can create heavy smoke close to the ground, creating both a nuisance and spreading particles posing a threat to the lungs and heart; and

WHEREAS, the Town Council of the Town of Newton has reviewed written materials from the United States Department of Environmental Protection, the New Jersey Department of Environmental Protection and the Sussex County Board of Health regarding the health threats posed by outdoor furnaces; and

WHEREAS, the Town Council of the Town of Newton has discussed the practical difficulties of investigating and enforcing existing New Jersey regulations on emissions from outdoor furnaces, N.J.A.C. 7:27-3, and the probable expenditure of scarce enforcement resources on the enforcement of any partial or qualified ban that could be enacted on outdoor furnaces; and

WHEREAS, the Town Council of the Town of Newton takes cognizance of the population density and comparatively small average property size of properties within the Town of Newton, which exponentially enhances the health threats of smoke from an outdoor furnace to numbers of surrounding neighbors compared to the impact of outdoor furnaces in more rural areas; and

WHEREAS, the Town of Newton notes the presence of numerous schools, nursing facilities and a hospital in close proximity to other residential and commercial properties within the Town of Newton and takes heed of the heightened health threats posed by outdoor furnaces to the higher-risk populations of said schools, nursing facilities and hospital;

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 **20-4 Definitions** is amended by the addition of the following definition: to read in its entirety as follows:

Outdoor Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is: (a) installed, affixed or situated outdoors; (b) wood, biomass and/or pellet-fed; and (c) utilized for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. This term includes but is not limited to wood boilers.

2. New Ordinance Section “**20-5.22 Outdoor Furnaces**” is created to read, in its entirety, as follows:

Outdoor Furnaces are prohibited in all zones. No accessory structures shall be permitted to house or enclose an Outdoor Furnace.

3. 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.

4. 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.

5. 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 24th day of October, 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 14th day of November, 2011.

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



TOWN OF NEWTON

RESOLUTION #227-2011

November 14, 2011 "Cancel Water Sewer Capital Balances"

WHEREAS, certain Water Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, and unused debt authorizations may be canceled;

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the following unexpended and dedicated balances of Water Sewer Capital appropriations be canceled:

<u>Ordinance Number</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Amount Cancelled</u>	
			<u>Funded</u>	<u>Unfunded</u>
#2004-5	4/26/04	Replacement of Water and Sewer Mains (to CIF)	\$72,981.81	
#2008-9	5/28/08	Installation of an 8" Sanitary Sewer Main in the Alleyway between Spring St. & Trinity Street (to CIF)	\$19,108.64	
#2008-9	5/28/08	Clean and Re-Coat High Street Water Tank (to CIF)	\$ 357.50	
#2010-19	10/13/10	Acquisition of Hot Box (to CIF)	\$ 81.70	
		TOTAL	\$92,529.65	

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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #228-2011

November 14, 2011 "Authorize an Agreement with the New Jersey Department of Transportation for Installation of Wayfinding Signs in the Town of Newton Along Routes 206 and 94"

WHEREAS, improvements as part of the Town of Newton Circulation Plan will be made along State Route 206 and 94 in Newton; and

WHEREAS, the improvements, made by the Town, will include eleven locations along the extents of the State Routes running through Newton; and

WHEREAS, the Town will install wayfinding signs to guide motorists to downtown Newton and parking areas. The signs will consist of specific blue and white "Downtown Newton" Signs; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton in consideration of the mutual covenants contained herein, the Town and State agree as follows:

First, the Town agrees to:

- (a) Assume or retain jurisdiction for installation and highway maintenance of wayfinding signs, sign locations are shown on a map Entitled, "Proposed Wayfinding Sign Program," created by Level G Associates, LLC., dated July 18, 2011.

Second, the State agrees to:

- (a) Assume or retain jurisdiction for highway maintenance and highway control in those areas already under control of NJDOT.
- (b) This agreement will be binding upon executing the permit and signed by the Regional Maintenance Engineer and the Town authorized representative.

Date

Helen R. Le Frois, Mayor

Date

REGIONAL MAINTENANCE 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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #229-2011

November 14, 2011 "Authorize Renewing Membership in the Statewide Insurance Fund"

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Town of Newton ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2012** terminating on **January 1, 2015** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the LOCAL UNIT shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability	x	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	x	
Pollution Liability	x	

BE IT FURTHER RESOLVED that Thomas S. Russo, Jr. is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Member name: TOWN OF NEWTON

By: _____

Title: Town Manager

ATTEST:

Lorraine A. Read, Municipal Clerk

Dated: _____

This Resolution agreed to the 14th day of November, 2011, by a vote of:

 Affirmative Abstain Negative Absent

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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION # 230-2011

November 14, 2011 "Appointment of Keith Mitchell as Risk Management Consultant for the Town of Newton for Calendar Year 2012"

WHEREAS, the TOWN OF NEWTON (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the "Local Unit" has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The TOWN OF NEWTON hereby appoints KEITH MITCHELL as its local Risk Management Consultant.
2. The TOWN MANAGER AND MUNICIPAL CLERK and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2012 in the form attached hereto.

Attest:

Town of Newton

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

By:

Helen R. Le Frois, Mayor

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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #231-2011

November 14, 2011 "Approve Change Order No. 1 for Denville Line Striping Portion of the Paving of Various Streets Project"

WHEREAS, the Town Council of the Town of Newton authorized a contract for the Paving of Various Streets Project to Tilcon New York, Inc., and Denville Line Striping in the amount totaling \$271,398.55 by Resolution #179-2011, which was adopted on August 22, 2011; and

WHEREAS, as part of the above project Denville Line Striping was awarded the line striping portion of the project in the amount of \$8,161.70; and

WHEREAS, the Town Council approved Change Order No. 1 for Tilcon's portion of the project by the adoption of Resolution #198-2011 on September 14, 2011 reducing their portion of the project by \$11,487.18; and

WHEREAS, Harold E. Pellow & Associates, Inc., the Engineer has prepared Change Order No. 1 for Denville Line Striping's portion said project, and recommends approval of the following:

**Denville Line Striping
Change Order No. 1**

	<u>Amount</u>
<u>Extra</u>	\$1,623.72
<u>Reduction</u>	<u>(\$1,515.42)</u>
Total Change	\$108.30

WHEREAS, the adjusted contract amount for Change Order No. 1 will increase Denville Line Striping's portion by \$108.30 to the new contract subtotal total of \$8,270.00;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for Denville Line Striping portion of the Paving of Various Streets Project based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute Change Order No. 1 for Denville Line Striping resulting in a new contract subtotal of \$8,270.00; and

BE IT FURTHER RESOLVED that a copy of the Change Order prepared by the Engineer detailing the change order be attached and made part of this resolution.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 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 #: 231 -2011

APPROVING: DENVILLE LINE PAINTING, INC.

FOR THE PURPOSE OF: CO#1 LINE STRIPING

IN THE AMOUNT OF: \$108.30

APPROPRIATED BY: CAPITAL - ORD.#2011-5

#3091151 IMPROVE VARIOUS ROADS \$ 12.78

#3091152 WESTERN PLAZA PARKING LOT \$ 95.52

DATED THIS 14TH DAY OF NOVEMBER, 2011

BY *Dawn Babcock*
DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

CHANGE ORDER NO. 1

10/19/2011

Project	PROPOSED LINE STRIPING OF VARIOUS STREETS, PARKING LOTS & ALLEYWAYS
Owner	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
County	SUSSEX COUNTY
Contractor	DENVILLE LINE PAINTING, INC., 2 GREEN POND ROAD, ROCKAWAY, NJ 07886

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

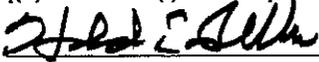
Location and Reason for Change (Attach additional sheets if required) -

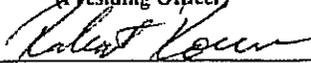
Locations: Hillside Avenue, Shady Lane, Slate Hill Road, Western Plaza Parking Lot

Reason: See reasons below.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
EXTRA				
8	Hillside Avenue STOP BAR, 24" WIDE, LONG LIFE, THERMOPLASTIC <i>As-built quantity.</i>	5	LIN. FT. \$ 4.26	\$ 21.30
10	Western Plaza Parking Lot PARKING SPACE STRIPING, 4" WIDE, THERMOPLASTIC <i>As-built quantity.</i>	102	LIN. FT. \$ 0.71	\$ 72.42
11	TRAFFIC MARKINGS, ARROWS, THE WORD "STOP", LONG LIFE, THERMOPLASTIC <i>As-built quantity.</i>	64	SQ. FT. \$ 5.50	\$ 352.00
12S	PAVING NUMBERS ON EACH SPACE <i>Estimated cost by Town Engineer's Office was \$600.00, and the Contractor has charged \$3.50/space x 508 space = \$1,778.00, or \$1,178.00 extra.</i>			\$ 1,178.00
Total EXTRA:				\$ 1,623.72
REDUCTION				
8	Shady Lane STOP BAR, 24" WIDE, LONG LIFE, THERMOPLASTIC <i>As-built quantity.</i>	2	LIN. FT. \$ 4.26	\$ 8.52
13S	Western Plaza Parking Lot HANDICAP DESIGNATION, BLUE <i>Estimated cost by Town Engineer's Office was \$200.00 per each location x 6 = \$1,200.00, and the Contractor has charged \$60.00/each x 6 = \$360.00, or \$840.00 reduction.</i>			\$ 840.00
14S	HANDICAP LINES, BLUE <i>Estimated cost by Town Engineer's Office was \$3.00/LF x 340 = \$1,020.00. The Contractor charged \$0.66/LF x an as-built quantity of 535 LF = \$353.10, or \$666.90 reduction.</i>			\$ 666.90
Total REDUCTION:				\$ 1,515.42

AMOUNT OF ORIGINAL CONTRACT:	\$8,161.70	EXTRA:	\$ 1,623.72
ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1:	\$8,270.00	SUPPLEMENTAL:	\$ -
% CHANGE IN CONTRACT: [(+) Increase or (-) Decrease]	+ 1.32%	REDUCTION:	\$ 1,515.42
		TOTAL CHANGE:	\$ 108.30


10/19/11
 (Engineer) (Date)

 (Presiding Officer) (Date)

10/27/11
 (Contractor) (Date)



TOWN OF NEWTON

RESOLUTION #232-2011

NOVEMBER 14, 2011 AUTHORIZING THE EXECUTION OR ACKNOWLEDGMENT AND DELIVERY OF CERTAIN AGREEMENTS AND CERTAIN OTHER ACTIONS TO BE TAKEN ALL IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF SUSSEX GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS (COUNTY OF SUSSEX PROGRAM), SERIES 2011 (FEDERALLY TAXABLE)

WHEREAS, the County of Sussex, New Jersey, a political subdivision of the State (the "County") desires to undertake the development and implementation of a renewable energy program (the "Renewable Energy Program") for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of renewable energy capital equipment and facilities such as solar panels, wind turbines, and hydro-electric, bio-diesel, geothermal, and bio-mass facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the "Renewable Energy Projects") for and on behalf of the County and its affiliates, and the local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the "Local Units"); and

WHEREAS, the Morris County Improvement Authority (the "Authority") has been duly created by resolution no. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "Morris County Board of Freeholders") of the County of Morris (the "Morris County") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (as codified at N.J.S.A. 40:37A-44 *et seq.*, the "Act"), and other applicable law; and

WHEREAS, as of the date hereof, the County has not created its own county improvement authority, and therefore pursuant to the Act, the County may determine to utilize the services of another county improvement authority, including without limitation the Authority, with the consent of both the County, a beneficiary county under the Act, and the Morris County Board of Freeholders, for any purpose for which an improvement authority shall exist, including those set forth in Section 11 of the Act (N.J.S.A. 40:37A-54, "Section 11"), which purposes include the development and implementation of the Renewable Energy Program; and

WHEREAS, the County desires to implement the Renewable Energy Program through the Authority pursuant to the Act, the Uniform Shared Services and Consolidation Act, constituting Chapter 63 of the Pamphlet Laws of 2007 of the State, and the acts amendatory thereof and supplemental thereto (as codified at N.J.S.A. 40A:65-1 *et seq.*, the "*Shared Services Act*"), and all other applicable law, the terms of which agreement has been set forth in that certain "Service Agreement (Sussex County Renewable Energy Program)" dated as of March 1, 2011 (as amended and supplemented from time to time in accordance with its terms, the "*Service Agreement*") between the County and the Authority, and consented to by Morris County; and

WHEREAS, the County has determined to enter into the Service Agreement and utilize the services of the Authority and the Authority Consultants (as hereinafter defined) for the following primary reasons: (i) the County does not have a county improvement authority, which type of entity possesses legal authority to enter into the kind of transactions that make a successful regional Renewable Energy Program more likely to succeed, (ii) Morris County has developed and implemented its own renewable energy program through the Authority, which Authority has retained (in accordance with all applicable law) experienced legal, engineering, energy consulting, and financial advisory consultants, consisting of the Authority's energy engineering and energy service consulting firms, Birsdall Services Group and Gabel Associates, its energy counsel and bond counsel, Inglesino, Pearlman, Wyciskala & Taylor, LLC, and its financial advisor, NW Financial Group, LLC, (collectively, the "*Authority Consultants*") and (iii) accordingly, it is more administratively efficient for the County to utilize the services of the Authority and the Authority Consultants to implement the Renewable Energy Program, with such changes as desired by the County, rather than incur the time and expense of the County establishing a new program; and

WHEREAS, in addition, Sussex County may determine, but shall not be required, to seek the assistance of its auditor, financial advisor, if any, bond counsel, energy consultant, engineer or any other professional advisors deemed necessary, desirable and convenient by Sussex County (the "*Sussex County Consultants*", if any, and together with the Authority Consultants, the "*Consultants*"; to the extent Sussex County determines not to hire any Sussex County Consultants, references to the term Consultants herein shall be deemed to mean the Authority Consultants) to assist the Authority, the County and the Authority Consultants in connection with the Renewable Energy Program; and

WHEREAS, the Renewable Energy Projects procured under the Renewable Energy Program, limited initially to solar panels, are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, the "*Local Unit Facilities*"); and

WHEREAS, it may be necessary, desirable or convenient, in connection with the financing, design, permitting, acquisition, construction, installation, operation and maintenance of the Renewable Energy Projects, to finance, design, permit, acquire, construct, renovate and install certain capital improvements to the Local Unit Facilities, including without limitation, improvements to or replacement of, roofing systems, if any (the "*Capital Improvement Projects*" and together with the Renewable Energy Projects and any

Completion Project as defined in the hereinafter defined Bond Resolution, the "*Projects*"), and to the extent no Capital Improvement Projects are so financed, references herein shall have no meaning; and

WHEREAS, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

WHEREAS, in order to implement the Renewable Energy Program, the Authority has determined to finance the respective Renewable Energy Projects and Capital Improvement Projects, if any, on, in or about the respective Local Unit Facilities, all as set forth on Exhibits B, C, and A to the hereinafter defined Local Unit License Agreement for each of the following participating Local Units:

- (i) Fredon Township, Green Township and Town of Newton (collectively, the "*Municipal Series 2011 Local Units*"); and
- (ii) Byram Township School District, Frankford Board of Education, Franklin Borough Board of Education, Hardyston Township Board of Education, High Point Regional Board of Education, Kittatinny Regional School District, Lafayette Township Board of Education, Lenape Valley Board of Education, Newton Board of Education (collectively, the "*Board of Education Series 2011 Local Units*"); and
- (iii) County and Sussex County Technical School (the "*County Series 2011 Local Units*");

(each a "*Series 2011 Local Unit*", and together with any additional local governmental units within the County that might be added by the Authority to the Renewable Energy Program, pursuant to the hereinafter defined Local Finance Board Application or otherwise, collectively, the "*Series 2011 Local Units*"), through the issuance by the Authority of one or more series of bonds and notes entitled "County of Sussex Guaranteed Renewable Energy Program Lease Revenue [Notes] Bonds (County of Sussex Program), Series 2011 (Federally Taxable)" dated their date of delivery, Outstanding (as defined in the Bond Resolution upon issuance) in the aggregate principal amount (including Sinking Fund Installments, if any, as such term is defined in the Bond Resolution) not to exceed \$50,000,000 (the "*Series 2011 Bonds*"); and

WHEREAS, pursuant to N.J.S.A. 40:37A-77 of the Act, N.J.S.A. 40A:65-4 of the Uniform Shared Services and Consolidation Act (as amended and supplemented from time to time, the "*Shared Services Act*") and other applicable law, upon or prior to the issuance of the Series 2011 Bonds, the Authority shall have entered into a "License and Access Agreement (Sussex County Renewable Energy Program, Series 2011)" to be dated as of the first day of the month of issuance of the first series of Series 2011 Bonds (as the same may be amended or supplemented from time to time in accordance with its terms, each agreement shall constitute a "*Local Unit License Agreement*", and collectively, the "*Local Unit License*

Agreements") with each Series 2011 Local Unit, including the Participant, that would, among other things, provide the Authority and/or its assignees the right and obligation to (i) access the Local Unit Facilities of each such Series 2011 Local Unit, most particularly their roofs and electrical systems (the "Local Unit License"), (ii) finance, design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects for a term of fifteen (15) years on, in, affixed or adjacent to, or for the benefit of such Local Unit Facilities, (iii) receive the right to the renewable energy produced from the Renewable Energy Projects financed by the Series 2011 Bonds, and (iv) sell all or a portion of the renewable energy produced from such Renewable Energy Projects through the Authority to the respective Series 2011 Local Units, pursuant to an assignment (under each Local Unit License Agreement) from the Authority to the Series 2011 Local Units of the Power Purchase Agreement (as hereinafter defined), the terms of which Power Purchase Agreement could be entered into directly by the Series 2011 Local Units under N.J.S.A. 40A:11-15(45) of the Local Public Contracts Law (for the municipality/County Series 2011 Local Unit) and under N.J.S.A. 18A:18A-42(o) of the Public Schools Contracts Law (for the board of education Series 2011 Local Units); and

WHEREAS, pursuant to (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, (ii) Local Finance Board Notice 2008-20, December 3, 2008, *Contracting for Renewable Energy Services*, (iii) the Board of Public Utilities ("BPU") protocol for measuring energy savings in PPA agreements dated February 20, 2009 (*Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines*), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, *Contracting for Renewable Energy Services: Update on Power Purchase Agreements*, (v) all other applicable law, and (vi) pursuant to a competitive contracting process governed thereby, the Authority selected Sunlight General Sussex Solar, LLC, as solar developer (the "Company") to implement the Renewable Energy Projects for the Series 2011 Local Units, including the Participant, at the Local Unit Facilities; and

WHEREAS, upon or prior to the issuance of the Series 2011 A Bonds, the Authority and the Company shall enter into that certain "Power Purchase Agreement (Sussex County Renewable Energy Program, Series 2011)" to be dated as of the first day of the month of issuance of the initial series of Series 2011 Bonds (as the same may be amended or supplemented from time to time in accordance with its terms, the "Power Purchase Agreement"), which Power Purchase Agreement shall, among other things, obligate the Company to develop the Renewable Energy Projects for the Series 2011 Local Units, including the Participant, on their Local Unit Facilities, and combined with the Local Unit License Agreement, provide for the sale of the electricity produced by the Renewable Energy through the Authority to the Series 2011 Local Units, including the Participant, Projects at a fixed price, plus fixed escalation, set forth in the Power Purchase Agreement (the "PPA Price"), all as authorized pursuant to N.J.S.A. 40:37A-77 and -78 of the Act, N.J.S.A. 40A:65-4 of the Shared Services Act, N.J.S.A. 40A:11-15(45) of the Local Public Contracts Law and N.J.S.A. 18A:18A-42(o) of the Public Schools Contracts Law, and the guidelines applicable to such contracts promulgated by the State Board of Public Utilities;

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF NEWTON (THE "PARTICIPANT"), IN THE COUNTY OF SUSEX, NEW JERSEY, as follows:

Section 1. The Participant's Renewable Energy Projects and the financing of the Participant's Renewable Energy Projects through the Local Unit License Agreement, the Power Purchase Agreement, the resolutions and agreements in connection with the Series 2011 Bonds, and the other Renewable Energy Program documents, is hereby approved.

Section 2. The Mayor, the Municipal Clerk, and the Town Manager (collectively, the "Authorized Officer") are hereby each severally authorized and directed to execute or acknowledge, as the case may be, and deliver (i) the Local Unit License Agreement for the Participant and the Power Purchase Agreement to be acknowledged by the Participant, both in substantially the forms attached hereto as Exhibit A, with such changes thereto as the Authorized Officer deems in their sole discretion to be necessary, desirable or convenient for the execution thereof and to consummate the transactions contemplated hereby, which execution thereof shall conclusively evidence the Authorized Officer's approval of any changes to the forms. The Authorized Officer is hereby further authorized and directed to execute such other closing certificates (the "Closing Certificate") deemed necessary, desirable or convenient for the execution thereof and to consummate the transactions contemplated hereby, which execution thereof shall conclusively evidence the Authorized Officer's approval of the provisions and form of such Closing Certificate, which shall include without limitation, (x) the PPA Price, including escalation, (y) affirming that the PPA Price is less than the exiting tariff paid by the Participant for electricity, and (z) that Participant has received a copy of the report of the Authority's energy engineering consultant regarding the selection of the Company and the establishment of the PPA Price.

Section 3. The Secretary and any Assistant Secretary of the Participant are each hereby severally authorized and directed, upon the execution or acknowledgment of the documents set forth in Section 2 hereof: to attest to the Authorized Officer's execution or acknowledgment of such documents and is hereby further authorized and directed, when required by the Authority, to thereupon affix the seal of the Participant to such documents.

Section 4. Upon the execution or acknowledgment and attestation of and if required, the placing of the seal on the documents set forth in Section 2 hereof as contemplated by Sections 2 and 3 hereof the Authorized Officer is hereby authorized and directed to (i) deliver such fully executed or acknowledged, attested and sealed Local Unit License Agreement of the Participant to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 5. The governing body of the Participant hereby authorizes the performance of any act, the execution or acknowledgment and delivery of any other document, instrument or Closing Certificates, including without limitation any solar renewable energy certificate auction or other applications or documents, which the Authorized Officer deems necessary, desirable or convenient in connection with this contemplated transaction, and the governing body of the Participant hereby directs the Authorized Officer. to execute or acknowledge, attest and affix (or cause the attestation or affixation of) the seal to any such documents, instruments or Closing Certificates, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons.

Section 6. This resolution shall take effect immediately.

Section 7. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to John H. Eskilson, County Administrator, John Bonanni, Morris County Administrator and Chairperson of the Authority, Dennis R. McConnell, Esq., County Counsel and Stephen B. Pearlman, Esq., Counsel to the Authority, all of which may be sent as a single certified copy to the offices of Authority Counsel, attention David Wainger, Paralegal at dwainger@iandplaw.com followed by the original to David Wainger at Inglesino, Pearlman, Wyciskala & Taylor, LLC, 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054-3715.

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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

**ATTACH FORM OF LICENSE AGREEMENT
AND
POWER PURCHASE AGREEMENT**



TOWN OF NEWTON

RESOLUTION #233-2011

November 14, 2011

**"Authorize Execution of Agreement
Between the Town of Newton and the
Newton Parking Authority"**

WHEREAS, on January 15, 1982, the Town Council of the Town of Newton adopted an Ordinance authorizing the execution of an agreement with the Newton Parking Authority for the purpose of dedicating revenue from certain parking meters to said Parking Authority; and

WHEREAS, such agreements between governmental agencies and authorities may be extended each year by adoption of a Resolution of the Governing Body; and

WHEREAS, at a regular meeting of the Newton Parking Authority conducted on November 3, 2011, the members of the Authority approved an appropriate agreement for calendar year 2012 and authorized the Chairman and the Secretary to execute said agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute said agreement with the Newton Parking Authority, dedicating revenue from certain parking meters to said Authority and describing certain services to be performed on behalf of the Authority by the Town of Newton during calendar year 2012.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #234-2011

November 14, 2011

**"Appointment of the Municipal Auditor
for the Town of Newton for Calendar
Year 2012"**

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

WHEREAS, the anticipated term of this contract is for calendar year 2012; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has submitted a proposal dated October 25, 2011 indicating they will provide the auditing services for \$24,480.00; and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkocz, Cerullo & Cuva, P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkocz, Cerullo & Cuva, P.A. in an amount of \$24,480.00;

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

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

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

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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #235-2011

November 14, 2011

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

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

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkocz, Cerullo & Cuva, PA has furnished an appropriate contract for said services for a maximum contract amount of \$1,500.00; and

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

WHEREAS, the anticipated term of this contract is for calendar year 2012;

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

BE IT FURTHER RESOLVED, that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #236-2011

November 14, 2011 "Approve Change Order No. 1 for the Purchase of Pipes and Fittings for the Merriam Avenue Watermain Project"

WHEREAS, the Town Council of the Town of Newton authorized a contract for the Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain Project to Brent Material Company in the amount of \$209,301.90 by Resolution #108-2011, which was adopted on May 23, 2011; and

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

<u>Change Order No. 1</u>	<u>Amount</u>
<u>Extra</u>	\$1,585.00
<u>Supplemental</u>	\$2,177.06
<u>Reduction</u>	<u>(\$11,535.86)</u>
Total Change	<u>(\$7,773.80)</u>

WHEREAS, the adjusted contract amount will be decreased by \$11,535.86 by Change Order No. 1 to the new contract total of \$201,528.10;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves Change Order No. 1 for the Purchase of Watermain Pipes and Fittings for the Merriam Avenue Watermain Project based on the recommendation of the Town Engineer, and that the Mayor is authorized to execute Change Order No. 1 resulting in a new contract total of \$201,528.10; and

BE IT FURTHER RESOLVED that a copy of the Change Order prepared by the Engineer detailing the change order be attached and made part of this resolution.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

CHANGE ORDER NO. 1

9/14/2011

Project	PROPOSED PURCHASE OF WATERMAIN PIPES AND FITTINGS FOR THE MERRIAM AVENUE WATERMAIN
Owner	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
County	SUSSEX COUNTY
Contractor	BRENT MATERIAL COMPANY, 741 NORTHFIELD AVENUE, SUITE 203, W. ORANGE, NJ 07052

In accordance with the project Supplementary Specification, the following are changes in the contract.	
Location and Reason for Change (Attach additional sheets if required) -	
Location:	Merriam Avenue - Watermain
Reason:	See reasons below.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
EXTRA				
8	12" M.J. GATE VALVE, VALVE BOX & COVER <i>Based on as-built quantities.</i>	1	UNIT \$ 1,585.00	\$ 1,585.00
Total EXTRA:				\$ 1,585.00
SUPPLEMENTAL				
40S	8" SOCKET CLAMP <i>Required as per field adjustments.</i>	11	UNIT \$ 19.83	\$ 218.13
41S	12" SOCKET CLAMP <i>Required as per field adjustments.</i>	27	UNIT \$ 26.17	\$ 706.59
42S	3/4" THREADED ROD, BLACK 6' <i>Required as per field adjustments.</i>	48	UNIT \$ 9.75	\$ 468.00
43S	3/4" HEAVY HEX NUT <i>Required as per field adjustments.</i>	214	UNIT \$ 0.60	\$ 128.40
44S	3/4" ROUND STEEL WASHER <i>Required as per field adjustments.</i>	214	UNIT \$ 0.40	\$ 85.60
45S	3/4" SOCKET CLAMP WASHER <i>Required as per field adjustments.</i>	80	UNIT \$ 3.00	\$ 240.00
46S	3/4" CORP. EYE BOLT <i>Required as per field adjustments.</i>	50	UNIT \$ 3.00	\$ 150.00
47S	8" x 4" TEE M.J. <i>Required as per field adjustments.</i>	1	UNIT \$ 128.00	\$ 128.00
48S	4" SOCKET CLAMP <i>Required as per field adjustments.</i>	1	UNIT \$ 16.22	\$ 16.22
49S	6" SOCKET CLAMP <i>Required as per field adjustments.</i>	2	UNIT \$ 18.06	\$ 36.12
Total SUPPLEMENTAL:				\$ 2,177.06
REDUCTION				
1	4" DUCTILE IRON WATERMAIN, CLASS 54, DOUBLE CEMENT LINED <i>Based on as-built quantities.</i>	1.87	LIN. FT. \$ 15.90	\$ 29.73
2	6" DUCTILE IRON WATERMAIN, CLASS 54, DOUBLE CEMENT LINED <i>Based on as-built quantities.</i>	67.485	LIN. FT. \$ 21.00	\$ 1,417.19
3	8" DUCTILE IRON WATERMAIN, CLASS 54, DOUBLE CEMENT LINED <i>Based on as-built quantities.</i>	71.23	LIN. FT. \$ 29.00	\$ 2,065.67
4	10" DUCTILE IRON WATERMAIN, CLASS 54, DOUBLE CEMENT LINED <i>Based on as-built quantities.</i>	1.875	LIN. FT. \$ 37.00	\$ 69.38

HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

CHANGE ORDER NO. 1

9/14/2011

Project	PROPOSED PURCHASE OF WATERMAIN PIPES AND FITTINGS FOR THE MERRIAM AVENUE WATERMAIN
Owner	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
County	SUSSEX COUNTY
Contractor	BRENT MATERIAL COMPANY, 741 NORTHFIELD AVENUE, SUITE 203, W. ORANGE, NJ 07052

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required) -

Location: Merriam Avenue - Watermain
Reason: See reasons below.

5	12" DUCTILE IRON WATERMAIN, CLASS 54, DOUBLE CEMENT LINED <i>Based on as-built quantities.</i>	6.50	LIN. FT.	\$	47.00	\$	305.50
30	4" DRESSER COUPLING <i>Item not utilized.</i>	1	UNIT	\$	58.00	\$	58.00
32	8" DRESSER COUPLING <i>Item not utilized.</i>	1	UNIT	\$	97.00	\$	97.00
33	12" DRESSER COUPLING <i>Item not utilized.</i>	1	UNIT	\$	189.00	\$	189.00
34	3/4" CORPORATION STOP <i>Item not utilized.</i>	52	UNIT	\$	18.40	\$	956.80
35	3/4" CURB STOP <i>Item not utilized.</i>	52	UNIT	\$	36.00	\$	1,872.00
36	3/4" TYPE "K" COPPER WATER SERVICE TUBING <i>Based on as-built quantities.</i>	62	LIN. FT.	\$	3.80	\$	235.60
37	3/4" COMPRESSION COUPLING <i>Item not utilized.</i>	52	UNIT	\$	10.00	\$	520.00
39	FIRE HYDRANT <i>Based on as-built quantities.</i>	2	UNIT	\$	1,860.00	\$	3,720.00

Total REDUCTION: \$ 11,535.86

AMOUNT OF ORIGINAL CONTRACT: \$209,301.90

EXTRA: \$ 1,585.00

**ADJUSTED AMOUNT BASED ON
CHANGE ORDER NO. 1:** \$201,528.10

SUPPLEMENTAL: \$ 2,177.06

% CHANGE IN CONTRACT: - 3.71%
 [(+) Increase or (-) Decrease]

REDUCTION: \$ 11,535.86

TOTAL CHANGE: \$ (7,773.80)

Harold E. Pellow 10/24/11
 (Engineer) (Date)

 (Presiding Officer) (Date)
[Signature] 10/24/11
 (Contractor) (Date)



**TOWN OF NEWTON
RESOLUTION #237-2011**

November 14, 2011 "Authorize Credits Due Water and Sewer Utility Accounts"

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

Payment Charged to Incorrect Account

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19594	136 Water Street	(\$75.00)
1420	50 Water Street	\$75.00

Delinquent Penalty Erroneously Applied

<u>Account</u>	<u>Address</u>	<u>Amount</u>
1420	50 Water Street	\$7.50

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, November 14, 2011

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #238-2011

November 14, 2011 "Approve 2011 Appropriation Transfers"

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2011 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Finance OE 1054226	Audit Services OE 1054300	\$2,040.00
First Aid Contribution OE 1076200	Vehicle Maintenance 1083371	1,000.00
Swimming Pool SW 1090101	Snow SW 1081102	6,700.00
Snow OE 1081239	Snow SW 1081102	1,500.00
Swimming Pool SW 1090101	Parks & Playgrounds OE 1091232	3,600.00
TOTAL CURRENT TRANSFERS		<u>\$14,840.00</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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #239-2011

November 14, 2011 "Authorize Refund of Redemption Monies to Outside Lien Holder for Block 1003, Lot 16"

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 1003, Lot 16, also known as 178 Main Street, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1361, was sold to US Bank cust for Pro Capital I, LLC for 0% redemption fee with a premium of \$500.00; and

WHEREAS, Thomas P. Osborn, the owner of said property, has effected the redemption of Certificate #1361 in the amount of \$1,983.99;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Capital I, LLC is entitled to a redemption in the amount of \$1,983.99 as well as the premium of \$500.00; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue two checks, one in the amount of \$1,983.99 for the redemption of Certificate #1361 and one for the premium of \$500.00 to US Bank cust for Pro Capital I, LLC, 50 So. 16th 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, November 14, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #240-2011

November 14, 2011 "Approve Bills and Vouchers for Payment"

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2010 and 2011 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, November 14, 2011.

Lorraine A. Read,
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #241-2011

November 14, 2011 "Authorize Execution of a Shared Services Agreement for Animal Control and Pound Services with the Township of Wantage Covering Calendar Year 2012"

WHEREAS, the Town of Newton desires to enter into a shared service agreement with the Township of Wantage animal control and pound services; and

WHEREAS, the annual fee for the year 2012 is \$15,500; and

WHEREAS, sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2012 for said services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement for animal control and pound services, in duplicate, with the Township of Wantage for calendar year 2012; and

BE IT FURTHER RESOLVED that a copy of said agreement shall be placed on file in the Municipal Clerk's office and available for public viewing.

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, November 12, 2011.

Lorraine A. Read, RMC
Municipal Clerk