



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**SEPTEMBER 24, 2012**  
**7:00 P.M.**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES** - SEPTEMBER 12, 2012 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. FIRE MUSEUM – FKA
- b. BEST PRACTICES INVENTORY QUESTIONNAIRE – D. BABCOCK, CFO

**VII. ORDINANCES**

- a. NONE

**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 #194-2012\* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS
- b. RESOLUTION #195-2012\* AWARD CONTRACT FOR THE PROPOSED IMPROVEMENTS TO THE EMERGENCY SPILLWAY OF PAULINS KILL DAM SITE #4 PROJECT
- c. RESOLUTION #196-2012\* CHANGE OF TEXT AND TITLE TO THE TOWN OF NEWTON 2012 BUDGET, PURSUANT TO N.J.S.A. 40A:4-85
- d. RESOLUTION #197-2012\* TO CANCEL CURRENT APPROPRIATION BALANCES – UNEXPENDED EMERGENCY APPROPRIATION – BUILDING AND GROUNDS – REPAIRS TO AIR CONDITIONER

- e. RESOLUTION #198-2012\* AFFIRMATION OF CHANGE ORDER NO. 1 FOR THE PROPOSED ELEVATOR UPGRADE PROJECT
- f. RESOLUTION #199-2012\* ACCEPTANCE OF THE PROPOSED RETAINING WALL PROJECT AS COMPLETE
- g. RESOLUTION #200-2012\* APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE REPAVING OF SPRING STREET FROM ROUTE 206 TO LOWER SPRING STREET AT COUNTY ROUTE 616
- h. RESOLUTION #201-2012\* APPROVAL OF SHARED SERVICES AGREEMENT WITH MONTAGUE TOWNSHIP TO PROVIDE QUALIFIED PURCHASING AGENT SERVICES
- i. RESOLUTION #202-2012\* ACCEPT THE BEST PRACTICES INVENTORY QUESTIONNAIRE AND AUTHORIZE ITS SUBMISSION TO THE STATE OF NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES
- j. RESOLUTION #203-2012\* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- k. RESOLUTION #204-2012\* RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING AN AMENDMENT TO A SITE ACCESS AGREEMENT WITH RESPECT TO THE NEWTON ARMORY PROPERTY
- l. APPLICATION\* AN APPLICATION FOR AN ON-PREMISE RAFFLE TRICKY TRAY AND 50/50 FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON TO BE HELD ON FRIDAY, NOVEMBER 9, 2012 AT 6:00PM AT MERRIAM AVENUE SCHOOL, 81 MERRIAM AVENUE, NEWTON

**X. INTERMISSION**

**XI. DISCUSSION**

- a. DILLER AVENUE – HAROLD E. PELLOW & ASSOCIATES
- b. CERTIFICATE OF COMPLIANCE – ORDINANCE DRAFT – MARK HONTZ, ESQ.

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. ADJOURNMENT**



## TOWN OF NEWTON

### RESOLUTION #194-2012

September 24, 2012 "Concur with the Town Manager's Appointment of School Crossing Guards"

**WHEREAS**, New Jersey Statute 40A:9-154.1 states "*The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...*";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2012-2013 school year:

Thomas Lawler

April MedicineBear

### 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, September 24, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #195-2012

September 24, 2012 "Award Contract for the Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 Project"

**WHEREAS**, the Town of Newton publicly opened and read bids for the Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 on September 5, 2012 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Amount</u>
<b>CMS Construction, Inc. 152 Sherman Avenue Newark, NJ 07114</b>	<b>\$46,055.00</b>
T.R. Weniger, Inc. 1900 New Brunswick Avenue Piscataway, NJ 08854	\$47,035.00
Zitone Construction & Supply Co., Inc. PO Box 1829, 261 Clove Road Montague, NJ 07827	\$52,720.00
Ferraro Construction Corp. 5 Park Drive Franklin, NJ 07416	\$59,270.00
Savage Equipment Co., Inc. 852 Warwick Turnpike Hewitt, NJ 07421	\$63,500.00
Frank Semeraro Construction Co., Inc. 333 Ratzler Road Wayne, NJ 07470	\$68,763.00
Jogi Construction, Inc. 355 Eisenhower Parkway Livingston, NJ 07039	\$70,000.00
Lakeside Construction P.O. Box 806 Hopatcong, NJ 07843	\$70,852.00

**Name and Address of Bidder**

**Bid Amount**

Berto Construction, Inc.  
625 Leesville Avenue  
Rahway, NJ 07065

\$97,260.00

DMR Construction Services, Inc.  
160 Hopper Avenue  
Waldwick, NJ 07463

\$101,671.60

**WHEREAS**, after review of the bid documents, the Town Engineer, Harold E. Pellow & Associates, Inc. and Newton's Qualified Purchasing Agent, Debra J. Millikin, recommend awarding the contract for the Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 project to CMS Construction, Inc., in the amount of \$46,055.00; and

**WHEREAS**, the 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 Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4 project be awarded to CMS Construction, Inc., in the amount of \$46,055.00 based on the recommendation of the Town Engineer, Harold E. Pellow & Associates, Inc., and the Town's Qualified Purchasing Agent, Debra J. Millikin.

**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, September 24, 2012.

---

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 #: 195 -2012

APPROVING: CMS CONSTRUCTION, INC.

FOR THE PURPOSE OF: DAM #4 EMERGENCY SPILLWAY

IN THE AMOUNT OF: \$46,055.00

APPROPRIATED BY: GENERAL CAPITAL FUND:

ORD.#2011-5 #30911053 DAM ENGINEERING & REPAIR \$46,055.00

DATED THIS 24TH DAY OF SEPTEMBER, 2012

BY

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



**HAROLD E. PELLOW & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS  
*Established 1969*

HAROLD E. PELLOW, *PRESIDENT*  
 NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
 PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*  
 NJ - P.E., NJ - C.M.E.,  
 PA - P.E.

ANN PELLOW WAGNER  
 NJ - C.L.A., VA - C.L.A., PA - C.L.A.  
 (5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*  
 NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
 NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY  
 NJ - P.E.

September 5, 2012

FAX: (973) 383-8961

**MEMORANDUM TO:** Mr. Thomas S. Russo, Jr., Newton Town Manager

**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer

**SUBJECT:** **RECOMMENDATION OF AWARD**  
 Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4  
 HPA No. 11-031

Dear Tom:

I have reviewed the ten (10) bids received on September 5, 2012 at 11:00 AM for the above referenced project and recommend the contract be awarded to CMS Construction, Inc., 152 Sherman Avenue, Newark, New Jersey 07114, whose low bid was \$46,055.00.

Enclosed herewith please find the *Summary of Bids* for your review.

Very truly yours,

Harold E. Pellow, P.E., L.S.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
 Town of Newton Engineer

HEP:mrc  
 K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\11-031 - DAM SITE #4 - SPILLWAY IMPROVEMENTS\CONSTRUCTION\RU5502.DOC

Enclosure

Harold E. Fellow and Associates, Inc.  
 Consulting Engineers, Planners and Land Surveyors  
 17 Plains Road  
 Augusta, NJ 07822-2009  
 Ph: (973) 948-6463; Fax: (973) 948-2916

**SUMMARY OF BIDS**

Project:		Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4				
Municipality:		Town of Newton				
County:		Sussex				
Item #	Description	Quantity	Unit	ENGINEER'S ESTIMATE		
				Unit Price	Amount	State/Zip
1	Mobilization	100%	LS	\$10,000.00	\$10,000.00	
2	Clearing Site	100%	LS	\$2,500.00	\$2,500.00	
3	Silt Fence	250	LF	\$5.00	\$1,250.00	
4	Excavation, Unclassified & Backfill	190	CY	\$50.00	\$9,500.00	
5	3/4" Clean Stone, 6" Thick	25	Ton	\$25.00	\$625.00	
6	Reinforced Concrete, 4,000 PSI	70	CY	\$350.00	\$24,500.00	
7	Test Holes, Unclassified Excavation, If & Where	12	CY	\$50.00	\$600.00	
8	Topsoiling, 4" Thick	70	SY	\$6.00	\$420.00	
9	Fertilizing & Seeding, Type "D" & Straw Mulching	70	SY	\$5.00	\$350.00	
<b>TOTAL ESTIMATED COST OF CONSTRUCTION</b>				<b>\$49,745.00</b>	<b>\$46,055.00</b>	<b>\$47,035.00</b>

Contractor Name	Contractor Name	Contractor Name
Zitone Construction & Supply Co., Inc.	T.P. Weniger, Inc.	CMS Construction, Inc.
P.O. Box 1829, 261 Clove Road Monticue, NJ 07827	1900 New Brunswick Avenue Piscataway, NJ 08854	152 Sherman Avenue Newark, NJ 07114

City	City	City
Monticue	Piscataway	Newark
State/Zip	State/Zip	State/Zip
Amount	Amount	Amount
\$6,000.00	\$5,000.00	\$3,000.00
\$3,000.00	\$2,000.00	\$1,000.00
\$2,000.00	\$1,500.00	\$2.50
\$8.00	\$300.00	\$5,700.00
\$30.00	\$60.00	\$50.00
\$32.00	\$450.00	\$470.00
\$800.00	\$10.00	\$50.00
\$29,750.00	\$10.00	\$12.00
\$1,200.00	\$2.00	\$140.00
\$100.00	\$2.00	\$2.00
\$52.00	\$2.00	\$840.00
\$9.00	\$2.00	\$140.00
\$630.00	\$140.00	\$140.00
\$52,720.00	\$9.00	\$140.00

Contractor Name	Contractor Name	Contractor Name
Frank Semeraro Construction Co., Inc.	Savage Equipment Co., Inc.	Ferraro Construction Corp.
333 Reitzler Road Wayne, NJ 07470	852 Warwick Turnpike Hewitt, NJ 07421	5 Park Drive Franklin, NJ 07416
City	City	City
Wayne	Hewitt	Franklin
State/Zip	State/Zip	State/Zip
Amount	Amount	Amount
\$2,704.00	\$2,000.00	\$4,200.00
\$1,204.00	\$1,000.00	\$2,800.00
\$2,000.00	\$7.00	\$4.50
\$9,500.00	\$1,750.00	\$1,125.00
\$3,775.00	\$30.00	\$38.00
\$41,510.00	\$1,000.00	\$42.00
\$1,140.00	\$39,000.00	\$585.00
\$95.00	\$50.00	\$42.00
\$64.00	\$25.00	\$12.80
\$35.00	\$10.00	\$7.50
\$2,450.00	\$700.00	\$525.00
\$68,763.00	\$67,500.00	\$59,270.00

*Handwritten signature*  
 (Engineer)

Harold E. Fellow and Associates, Inc.  
 Consulting Engineers, Planners and Land Surveyors  
 17 Plains Road  
 Augusta, NJ 07822-2009  
 Ph: (973) 948-6463; Fax: (973) 948-2916

**SUMMARY OF BIDS**

Project:		Proposed Improvements to the Emergency Spillway of Paulins Kill Dam Site #4	
Municipality:		Town of Newton	
County:		Sussex	
Item #	Description	ENGINEER'S ESTIMATE	
		Quantity	Unit
1	Mobilization	100%	LS
2	Cleaning Site	100%	LS
3	Silt Fence	250	LF
4	Excavation, Unclassified & Backfill	190	CY
5	3/4" Clean Stone, 6" Thick	25	Ton
6	Reinforced Concrete, 4,000 PSI	70	CY
7	Test Holes, Unclassified Excavation, ff & Where	12	CY
8	Topsoiling, 4" Thick	70	SY
9	Fertilizing & Seeding, Type "D" & Straw	70	SY
		Mulching	
<b>TOTAL ESTIMATED COST OF CONSTRUCTION</b>		<b>\$49,745.00</b>	

Ingl Construction, Inc.		Lakeside Construction		Beru Construction, Inc.	
Contractor Name		Contractor Name		Contractor Name	
355 Eisenhower Parkway		P.O. Box 806		625 Leesville Avenue	
Livingston, NJ 07039		Hopatcong, NJ 07843		Rahway, NJ 07065	
City	State/Zip	City	State/Zip	City	State/Zip
Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
\$10,000.00	\$10,000.00	\$3,300.00	\$3,300.00	\$15,000.00	\$15,000.00
\$4,713.00	\$4,713.00	\$4,500.00	\$4,500.00	\$10,000.00	\$10,000.00
\$6.00	\$1,250.00	\$2.40	\$600.00	\$1.00	\$250.00
\$55.00	\$9,500.00	\$50.00	\$9,500.00	\$100.00	\$19,000.00
\$25.00	\$625.00	\$33.00	\$825.00	\$150.00	\$3,750.00
\$600.00	\$42,000.00	\$725.00	\$50,750.00	\$700.00	\$49,000.00
\$1.00	\$12.00	\$50.00	\$600.00	\$10.00	\$120.00
\$5.00	\$420.00	\$9.10	\$637.00	\$1.00	\$70.00
\$5.00	\$350.00	\$2.00	\$140.00	\$1.00	\$70.00
<b>\$70,000.00</b>		<b>\$70,852.00</b>		<b>\$97,260.00</b>	

DMR Construction Services, Inc.	
Contractor Name	
160 Hopper Avenue	
Waldwick, NJ 07463	
City	State/Zip
Unit Price	Amount
\$7,908.00	\$7,908.00
\$7,075.00	\$7,075.00
\$16.00	\$4,000.00
\$38.00	\$11,020.00
\$75.00	\$1,875.00
\$855.00	\$59,850.00
\$326.00	\$3,912.00
\$49.67	\$3,476.90
\$36.61	\$2,562.70
<b>\$101,671.60</b>	

*Handwritten Signature*  
 (Engineer)



## TOWN OF NEWTON

### RESOLUTION #196-2012

September 24, 2012 "Change of Text and Title to the Town of Newton 2012 Budget, Pursuant to N.J.S.A. 40A:4-85"

**WHEREAS**, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the Governing Body, make such correction of the title, text, or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such municipality;

**NOW, THEREFORE BE IT RESOLVED**, that in accordance with the provisions of NJS 40A:4-85 the Town of Newton requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2012:

<u>Current</u>	<u>From</u>	<u>To</u>
USDA Loan Principal – DPW	\$19,939.07	
USDA Loan Principal – Fire Truck	\$26,217.04	
USDA Loan Interest – DPW	\$29,283.93	
USDA Loan Interest – Fire Truck	\$ 7,523.96	
RBC Capital 2012 Refund Bond Principal		\$ 65,000.00
RBC Capital 2012 Refund Bond Interest		\$ 17,964.00
<u>Water Sewer Utility</u>		
USDA Loan Principal	\$ 68,011.85	
Interest on Loans	\$101,988.15	
RBC Capital 2012 Refund W/S Bond Principal		\$170,000.00

**BE IT FURTHER RESOLVED**, that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by statute above referred to, and is necessary for the orderly operation of the Town of Newton for the reasons hereinafter set forth:

*The Town of Newton refinanced (refunded 6 USDA loans: 4 Water Sewer and 2 General Capital) on 7/25/2012. The principal and interest was budgeted in the 2012 Current and Water Sewer Utility Budgets as "loan principal and loan interest". Since refunding bonds were issued, the titles of the appropriations need to be changed by resolution to reflect "bond principal and bond interest".*

**BE IT FURTHER RESOLVED**, that two certified copies of this Resolution be forwarded to the Director of the Division of Local Government Services.

### 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, September 24, 2012.

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



## TOWN OF NEWTON

### RESOLUTION #197-2012

September 24, 2012 "To Cancel Current Appropriation Balances – Unexpended Emergency Appropriation – Building and Grounds – Repairs to Air Conditioner"

**WHEREAS**, the Town of Newton received approval from the Division of Local Government Services on July 18, 2012 of an Emergency Application – N.J.S.A. 40A:4-46 in the amount of \$15,000.00 for Building and Grounds – Repairs to Air Conditioner, as requested per Resolution#123-2012; and

**WHEREAS**, the Town of Newton appropriated capital funds per (fully funded) Bond Ordinance #2012-22 for additional Building and Grounds costs in an amount sufficient to include the \$15,000 previously appropriated by the emergency, and the charges for the repairs to air conditioner have been transferred to the capital bond ordinance; and

**WHEREAS**, per N.J.S.A. 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

**NOW, THEREFORE BE IT RESOLVED**, by a majority of the full membership of the Town Council of the Town of Newton, that the full amount of the \$15,000 emergency is hereby an unexpended balance in the Current Fund and is canceled to Current Operations.

### 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, September 24, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #198-2012

#### September 24, 2012 "Affirmation of Change Order No. 1 for the Proposed Elevator Upgrade Project"

**WHEREAS**, on August 22, 2011 by way of adoption of Resolution #184-2011, the Newton Town Council awarded a contract to ThyssenKrupp Elevator Corporation of Cranford, New Jersey, in the amount of \$112,048.00, for the Proposed Elevator Upgrade Project; and

**WHEREAS**, the Newton Town Council approved Resolution #85-2012 at their meeting on April 23, 2012 accepting the project as complete based on the recommendation of Robert Corcoran, from VDA, LLC, the Town Consultant on the project, which included authorizing a change order due drilling costs that were not incurred, resulting in the reduction of the overall contract amount to a new total of \$101,348.00; and

**WHEREAS**, as part of the final paperwork to close out the project, official approval of Change Order No. 1 which will reduce the original contract amount by \$10,700.00 to the new contract total of \$101,348.00 must be signed and executed, a copy of which is attached to and made part of this resolution; and

**WHEREAS**, since this change order is a reduction to the original contract amount no certification of availability of funds is needed from the Chief Financial Officer;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that approval of Change Order No. 1 to the contract with ThyssenKrupp Elevator Corp., for the Proposed Elevator Upgrade Project is hereby affirmed, and that the Mayor is authorized to execute said Change Order No. 1 in quadruplicate to assure that ThyssenKrupp Elevator Corp., Harold E. Pellow & Associates, Inc., VDA, LLC., and the Town of Newton each have originals with original signatures.

#### CERTIFICATION

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Lorraine A. Read, RMC  
Municipal Clerk

for 9/24/12 mfg

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

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

**CHANGE ORDER NO. 1**

4/23/2012

<b>Project</b>	PROPOSED ELEVATOR UPGRADES AT THE TOWN MUNICIPAL BUILDING
<b>Owner</b>	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
<b>County</b>	SUSSEX COUNTY
<b>Contractor</b>	THYSSENKRUPP ELEVATOR CORPORATION, 125 MOEN AVENUE, CRANFORD, NJ 07016

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:** Newton Municipal Building, 39 Trinity Street, Newton, NJ

**Reason:** Site condition did not require that re-drilling of shaft be needed. Therefore, drilling costs were not incurred.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
4	<u>REDUCTION</u> DRILLING COSTS	2	DAYS \$ 5,350.00	\$ 10,700.00
<b>Total REDUCTION:</b>				<b>\$ 10,700.00</b>

AMOUNT OF ORIGINAL CONTRACT: \$112,048.00

ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1: \$101,348.00

% CHANGE IN CONTRACT: - 9.55%  
[(+) Increase or (-) Decrease]

EXTRA: \$ -

SUPPLEMENTAL: \$ -

REDUCTION: \$ 10,700.00

TOTAL CHANGE: \$ (10,700.00)

*Corey L. Stone*  
(Engineer)

4/24/12  
(Date)

(Presiding Officer)

*William Heil*  
(Contractor)

(Date)

8/2/12  
(Date)



## TOWN OF NEWTON

### RESOLUTION #199-2012

September 24, 2012 "Acceptance of the Proposed Retaining Wall Project as Complete"

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Proposed Retaining Wall Project to SZ Construction, LLC of Rochelle Park, New Jersey in the amount of \$68,300.00 by Resolution #23-2012, which was adopted on February 13, 2012; and

**WHEREAS**, during construction, additional costs were not incurred as conservatively planned for in the original bid due to findings that a landscape wall was a poured concrete wall and not a laid-up block wall as original building plans suggested, thus a Change Order is required which will decrease the total contract amount by \$9,000.00 to a total of \$59,300.00; and

**WHEREAS**, Tom Kosten, AIA of FKA Architects, the Town Consultant for the project has recommended that the change order be approved and that the project be accepted as complete by the Town Council so the final paperwork can be started;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the Change Order for the project decreasing the total contract amount to \$59,300.00 and hereby accepts the Proposed Retaining Wall Project as complete based on the recommendation of the Town Consultant so that the final paperwork can be started and a one (1) year Maintenance bond be secured by SZ Construction, LLC.

### 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, September 24, 2012.

---

Lorraine A. Read, RMC  
Municipal Clerk



# HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

HAROLD E. PELLOW, PRESIDENT  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
PA - P.E. & L.S.

ANN PELLOW WAGNER  
NJ - C.L.A., VA - C.L.A., PA - C.L.A.  
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., VICE PRESIDENT  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, ASSOCIATE  
NJ - P.E., NJ - C.M.E.,  
PA - P.E.

THOMAS G. KNUTELSKY  
NJ - P.E.

September 18, 2012

**MEMORANDUM TO:** Mr. Thomas S. Russo, Jr., Newton Town Manager

**FROM:** Cory L. Stoner, P.E., C.M.E.

**SUBJECT:** Proposed Retaining Wall at the Newton Municipal Building  
HPA No. 11-249

Dear Tom:

After a review with Tom Kosten, AIA, it is recommended that the retaining wall renovations completed by SZ Construction, LLC be accepted. With this recommendation, the following contract modifications will be made to address changes that occurred during construction and delays that were incurred by the Contractor.

Original Contract.....	\$68,300.00
Reduction in cost due to findings that landscape wall was a poured concrete wall and not a laid-up block wall as original building plans suggested.....	(\$6,500.00)
Contract allowance not utilized .....	(\$2,500.00)
<b>Final contract amount.....</b>	<b><u>\$59,300.00</u></b>

Please note that the \$2,500.00 allowance was for various construction modifications that may be needed during the actual construction of the wall. While a few changes did occur during construction, the cost of these changes is offset by liquidated damages that the Town could collect due to delays in the final completion of the project.

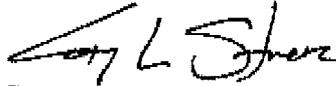
With the above being stated, I am forwarding a copy of this memo, along with contract change order forms to the contractor for signatures. Once received, I will forward the change order and the final payment voucher to your attention.

**Mr. Thomas S. Russo, Jr.**  
**RE: Proposed Retaining Wall at the Newton Municipal Building**  
**Town of Newton, Sussex County**  
**September 18, 2012**

**Page 2**

If you have any questions, please feel free to contact me.

Very truly yours,



Cory L. Stoner, P.E., C.M.E. for  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineers

CLS:mac

K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\11-249 - RETAINING WALL RENOVATION AT THE NEWTON MUNICIPAL BUILDING\RUSSO5.DOC

cc: SZ Construction, LLC

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**HAROLD E. PELLOW & ASSOCIATES, INC.**  
*Established 1989*

17 PLAINFIELD ROAD, AUGUSTA, NEW JERSEY 07522-2009 - TELEPHONE: 973-948-6463 - FAX: 973-948-2916  
CERTIFICATE OF AUTHORIZATION NO. 24GA27959300



## TOWN OF NEWTON

### RESOLUTION #200-2012

**September 24, 2012** “Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Repaving of Spring Street from Route 206 to Lower Spring Street at County Route 616”

**WHEREAS**, the Town of Newton is applying for funding in the amount of \$231,334.00 to repave Spring Street from Route 206 to Lower Spring Street at County Route 616 through the New Jersey Department of Transportation Municipal Aid Grant Program;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2013\_Newton Town-00041 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

**BE IT FURTHER RESOLVED** that the Mayor, Town Manager, and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

#### 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, September 24, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #201-2012

**September 24, 2012 "Approval of Shared Services Agreement with Montague Township to Provide Qualified Purchasing Agent Services"**

**WHEREAS**, the Township of Montague requires the services of a Qualified Purchasing Agent on an occasional and part-time basis; and

**WHEREAS**; the Town of Newton is able to provide the services of a Qualified Purchasing Agent on the terms required by the Township of Montague; and

**WHEREAS**, the State of New Jersey encourages municipalities to enter into Shared Services Agreements;

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

1. The Town of Newton approves and authorizes the execution of a Shared Services Agreement with the Township of Montague for the provision of a Qualified Purchasing Agent, in the form attached hereto.

### 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, September 24, 2012.

---

Lorraine A. Read, RMC  
Municipal Clerk

**SHARED SERVICES AGREEMENT  
BETWEEN  
THE TOWN OF NEWTON  
AND  
THE TOWNSHIP OF MONTAGUE  
FOR  
QUALIFIED PURCHASING AGENT**

**THIS AGREEMENT** is made on the later of the two signature dates set forth below between the Town of Newton, a municipal corporation of the State of New Jersey with offices at 39 Trinity Street, Newton, New Jersey 07860 (“Newton”), and the Township of Montague (“Montague”), a municipal corporation of the State of New Jersey with offices at 277 Clove Road, Montague, New Jersey 07827 (the “Agreement”). The purpose of this Agreement is for Newton, through shared services, to provide to Montague the services of a Qualified Purchasing Agent, as defined by N.J.S. 40A:11-9. To this end, Newton and Montague agree as follows:

1. This Agreement is a “Shared Services Agreement” pursuant to N.J.S. 40A:65-4 et seq.. The nature and value of services contracted in this Agreement excepts this Agreement from the bidding requirements of the Local Public Contracts Law, pursuant to, inter alia, N.J.S. 40A:11-3.
2. Montague hereby contracts with Newton for the provision of the services of a Qualified Purchasing Agent (“QPA”), as defined by N.J.S. 40A:11-9, as requested from time to time by Montague. Montague shall pay Newton for the services of the QPA on an hourly basis at a rate of ONE HUNDRED DOLLARS (\$100.00) per hour.
3. Newton shall supply the services of the QPA to Montague on an as-needed and as-requested basis.
4. Each party has the right to terminate this Agreement upon 30 days prior written notice to the other.
5. This Agreement shall be interpreted pursuant to the laws of the State of New Jersey. All amendments to this Agreement must be in writing.

6. When utilizing the QPA's services, Montague assumes entire responsibility and liability for any and all damage or injury of any kind or nature to person whether employees or otherwise, and to property real or personal caused by or resulting from the services of the QPA. Montague agrees to indemnify, defend, and hold harmless Newton and/or its agents and/or employees from and against any injury to persons or to property caused or occasioned directly or indirectly by the QPA when utilized by Montague. In the event of loss, damage or injury, which may cause a claim to be filed, Montague shall submit to Newton in writing all particulars and details relating to the incident, including all subsequent related effects of such loss, damage or injury. Each incident shall be listed separately.

7. The term of this Agreement shall be ONE (1) year. The Agreement shall automatically renew each year for a one-year period thereafter.

IN WITNESS WHEREOF, the parties have caused these presents to be duly executed as a sealed instrument the day and year first above written.

TOWN OF NEWTON :

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_  
LORRAINE READ, Clerk

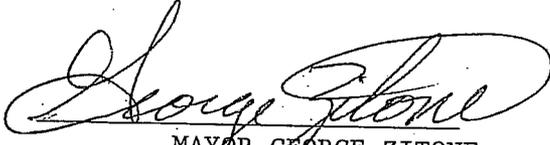
STATE OF NEW JERSEY :  
  :SS:  
COUNTY OF SUSSEX :

I certify that on \_\_\_\_\_, 2011, \_\_\_\_\_ came before me and acknowledged under oath that she is the person authorized to and did personally sign the attached document on behalf of the Town of Newton and signed, sealed and delivered this document as its act and deed.

TOWNSHIP OF MONTAGUE

ATTEST:

By:



MAYOR GEORGE ZITONE

STATE OF NEW JERSEY :

:SS:

COUNTY OF SUSSEX :

By:



EILEEN DeFABIIS, CLERK

I certify that on September 11, 2012, George Zitone came before me and acknowledged under oath that he is the person who signed, sealed and delivered the attached document on behalf of the Township of Montague and signed, sealed and delivered this document as its act and deed.



**EILEEN DEFABIIS**  
**NOTARY PUBLIC OF NEW JERSEY**  
My Commission Expires **4/21/2015**



## TOWN OF NEWTON

### RESOLUTION #202-2012

September 24, 2012 **“Accept the Best Practices Inventory Questionnaire and Authorize its Submission to the State of New Jersey Division of Local Government Services”**

**WHEREAS**, Local Finance Notice 2012-18 sets forth the requirements regarding the Best Practices Inventory Questionnaire; and

**WHEREAS**, the final 5% allocation of state aid for CMPTRA and ETR will be disbursed based upon the results of this inventory; and

**WHEREAS**, the completed form must be an agenda item for discussion at a municipal governing body meeting. The purpose is to ensure that local officials have been apprised of the response. This can happen before or after actual submission of the inventory form; and

**WHEREAS**, the Municipal Clerk must subsequently file a certification confirming that the Inventory was discussed publicly; and

**WHEREAS**, attached to this resolution is the Best Practices Worksheet CY 2012 . The Town of Newton's responses to this inventory qualify the Town to receive 100% funding of the final 5% aid payment;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it has been apprised of the responses, and does hereby authorize the Chief Financial Officer to email the worksheet to the State by the CY 2012 filing deadline of September 28, 2012 and authorizes the Municipal Clerk to file a certification confirming that the inventory was discussed publicly and submit such to the Division of Local Government Services to comply with the State requirements regarding the Best Practices Inventory Questionnaire.

#### 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, September 24, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #203-2012

September 24, 2012 "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 2011 and 2012 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, September 24 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #204-2012

September 24, 2012 "Resolution of the Town of Newton, in the County of Sussex, New Jersey Authorizing an Amendment to a Site Access Agreement With Respect to the Newton Armory Property"

**WHEREAS**, the Town of Newton owns that certain land known as the Newton Armory and identified on the Official Tax Map of the Town as Block 10.01, Lot 6 (formerly Block 801, Lot 49.01) (the "**Property**"); and

**WHEREAS**, Newton 213, L.L.C. (the "**LLC**"), has expressed interest in purchasing the Property, and has requested that the Town grant the LLC access to the Property and permission to conduct thereon certain investigations, surveys, testing and studies of the Property (collectively, the "**Investigations**"), all at the LLC's cost and expense and at no cost or expense to the Town; and

**WHEREAS**, on April 9, 2012 the Town authorized the execution of a site access agreement (the "**Agreement**") establishing the terms and conditions of such access to the Property; and

**WHEREAS**, on June 25, 2012 the Town authorized an extension of the Agreement through September 24, 2012; and

**WHEREAS**, the LLC has requested to further extend the term of the Agreement until December 31, 2012, and the Town wishes to so extend the term of the Agreement;

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Town hereby authorizes the execution of a letter amendment to the Agreement in substantially the form attached hereto as **Exhibit A** and by this reference incorporated herein. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto, with such additions, deletions and modifications as may be necessary or desirable in consultation with the Town Attorney and Special Counsel.

**Section 3.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 4.** A copy of this resolution shall be available for public inspection at the offices of the Town Clerk.

**Section 5.** This Resolution shall take effect immediately.

**EXHIBIT A**

**FORM OF LETTER AMENDMENT TO SITE ACCESS AGREEMENT**

**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, September 24, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON  
39 Trinity Street  
Newton, New Jersey 07860**

September 25, 2012

**Via Federal Express:**

David P. Romano  
Newton 213, L.L.C.  
Morris Canal Plaza  
1070 U.S. Highway 46  
Ledgewood, New Jersey 07852-9735

**Re: Town of Newton Site Access Agreement – Newton Armory**

Dear Mr. Romano,

The Town of Newton (the “Town”) and Newton 213, L.L.C. (the “Company”) have entered into that certain site access agreement with respect to Block 10.01, Lot 6 (the “Property”) dated April 2012, as amended June 2012 (the “Agreement”).

Section 1 of the Agreement reads in its entirety:

**“Section 1.** The Town hereby grants permission and a limited, revocable license to the LLC, and the LLC’s designated employees, consultants, agents, contractors and subcontractors (the **“Representatives”**), to access the Property for a period beginning on the Effective Date and expiring on September 24, 2012 to conduct the Investigations (the **“Investigative Period”**).”

This letter agreement shall serve to evidence our agreement to modify Section 1 of the Agreement to read:

**“Section 1.** The Town hereby grants permission and a limited, revocable license to the LLC, and the LLC’s designated employees, consultants, agents, contractors and subcontractors (the **“Representatives”**), to access the Property for a period beginning on the Effective Date and expiring on December 31, 2012 to conduct the Investigations (the **“Investigative Period”**).”

All other provisions of the Agreement shall remain unmodified in force and effect. Please have the Company indicate its agreement to the foregoing by executing a copy of this letter and returning it to my attention via facsimile and Federal Express. By signing this letter, we are each representing that we have the full authority and power to do so.

Sincerely,

Sandra L. Diglio  
Mayor

Agreed to on behalf of Newton 213, L.L.C.:

---

Name:

Title: