



AGENDA
NEWTON TOWN COUNCIL
FEBRUARY 25, 2013
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**

- JANUARY 28, 2013 REGULAR MEETING
- JANUARY 28, 2013 EXECUTIVE MEETING
- FEBRUARY 11, 2013 REGULAR MEETING
- FEBRUARY 13, 2013 BUDGET HEARING

- V. COUNCIL & MANAGER REPORTS**
- VI. 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.

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2013-5

AN ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

ORDINANCE 2013-6

AN ORDINANCE NAMING A PUBLIC ALLEY AS "ART ALLEY"

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

ORDINANCE 2013-7

ORDINANCE REAPPROPRIATING \$29,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN 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

b. INTRODUCTION

ORDINANCE 2013-8

AN ORDINANCE OF THE TOWN OF NEWTON VACATING A PORTION OF A CERTAIN STREET NEVER CONSTRUCTED AND DEEMED AN ABANDONED ROAD

ORDINANCE 2013-9

AN ORDINANCE TO AMEND CHAPTER 307 "VEHICLES AND TRAFFIC" OF THE CODE BOOK OF THE TOWN OF NEWTON

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 #33-2013* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 8.04, LOT 2
- b. RESOLUTION #34-2013* APPROVE 2012 APPROPRIATION RESERVE TRANSFERS
- c. RESOLUTION #35-2013* APPROVE 2012 APPROPRIATION RESERVE TO BE LAPSED TO TRUST – SNOW REMOVAL RESERVE
- d. RESOLUTION #36-2013* AMENDMENT TO 2013 TEMPORARY OPERATING BUDGET
- e. RESOLUTION #37-2013* AUTHORIZE NON-BINDING ADOPTION OF STRATEGIC VISION PLAN FOR THE TOWN OF NEWTON
- f. RESOLUTION #38-2013* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- g. RESOLUTION #39-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- h. RESOLUTION #40-2013* AUTHORIZE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ARCHITECTURAL SERVICES FOR THE STRUCTURAL RENOVATIONS FOR THE NEWTON FIRE MUSEUM

i. APPLICATION*

A MEMBERSHIP FIREMAN'S APPLICATION FOR TYLER A. MACKESY, 35 NEW HAMPSHIRE STREET, NEWTON INTO THE NEWTON FIRE DEPARTMENT

AN APPLICATION FOR A SPECIAL PERMIT FOR SOCIAL AFFAIR FROM SUSSEX COUNTY ARTS & HERITAGE COUNCIL, 133 SPRING STREET, NEWTON TO BE HELD ON SATURDAY, APRIL 27, 2013

X. INTERMISSION

XI. DISCUSSION

- a. PROPERTY TAX REWARD PROGRAM (SHOP NEWTON)
- b. HISTORIC PRESERVATION COMMISSION STATUS
- c. PROPERTY REASSESSMENT – SCOTT J. HOLZHAUER
- d. 2013 MUNICIPAL BUDGET

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

- a. RESOLUTION #41-2013

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

- 1. CONTRACT NEGOTIATIONS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE # 2013-5

AN ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$115,330.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.5%, amounting to \$115,330.79, and that the CY 2013 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 11, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 25, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2013-6

AN ORDINANCE NAMING A PUBLIC ALLEY AS “ART ALLEY”

WHEREAS, there is a public alley in the Town of Newton running between Spring Street and Trinity Street, between Block 8.04, Lots 5, 6 and 9 and Block 8.05, Lots 1 and 2; and

WHEREAS, the Town Council, as recommended by a Town citizen, desires to rename the public alley “Art Alley” in order to recognize the participating businesses and artistic influence on the public alley; and

WHEREAS, N.J.S.A. 40:67-1(k) permits governing bodies of municipalities to enact ordinances naming streets and highways;

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

Section 1. The existing public alley from Spring Street running north to Trinity Street, between Block 8.04, Lots 5, 6 and 9 and Block 8.05, Lots 1 and 2, shall be renamed as “Art Alley”.

Section 2. The Municipal Clerk is authorized and shall file this Ordinance with the United States Post Office, the New Jersey Department of Transportation, the Sussex County Sheriff’s Office, appropriate 911 emergency dispatch service, the Sussex County Planning Board, the New Jersey State Police, the Newton Planning Board, the Newton Tax Assessor, the Newton Tax Collector, the Newton Department of Public Works, the Newton Volunteer Fire Department, the Newton Volunteer First Aid Squad, and the Newton Office of Emergency Management.

Section 3. Severability. 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.

Section 4. Repealer. 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.

Section 5. Effective Date. This Ordinance will take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 11, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 25, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2013-7

ORDINANCE REAPPROPRIATING \$29,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN 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 \$29,000 of the proceeds of obligations originally made available pursuant to Section 3(c) of bond ordinance #2012-13 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 9, 2012 is no longer necessary for the acquisition of equipment consisting of a street sweeper, a chipper and a crack sealer for which the obligations previously were authorized.

Section 2. The \$29,000 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 equipment for the Department of Public Works consisting of a zero turn mower, a walk-behind mower with backpack blower and a blacktop pavement roller.

Section 3. 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 11, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 25, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

**AN ORDINANCE OF THE TOWN OF NEWTON
VACATING A PORTION OF A CERTAIN STREET NEVER CONSTRUCTED
AND DEEMED AN ABANDONED ROAD**

ORDINANCE #2013-8

WHEREAS, the street or road hereinafter set forth was laid out on a map, but never opened or constructed and is, therefore, an "abandoned road," pursuant to N.J.S.A. 40:67-21; and

WHEREAS, the street or road, as hereinafter set forth is unsuitable for public use and is otherwise burdensome and of no value or benefit to the public;

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

Section 1. The following portion of the street or road, as hereinafter described is hereby vacated and extinguished:

"A portion of the road laid out by the Surveyors of Newton, Frankford and Hardyston in August of 1801, as recorded in Book B of Roads at pages 6 and 7, from where it comes onto 42 Hicks Avenue (Block 20.02, Lot 1, formerly Block 1310, Lot 15) from Hicks Avenue a/k/a Sussex County Route 663 at or near its boundary with Block 20.02, Lot 3 (formerly Block 1310, Lot 14), and traversing Lot 1 in a northeasterly direction for a distance of approximately 1100 feet to where it crosses over onto Block 20.02, Lot 2, N/F lands of Newton Country Club."

Section 2. Severability. 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.

Section 3. Repealer. 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.

Section 4. Effective Date. This Ordinance will take effect after publication and passage according to law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 25, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, March 11, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE #2013-9**

AN ORDINANCE TO AMEND CHAPTER 307 “VEHICLES AND TRAFFIC” OF THE CODE BOOK OF THE TOWN OF NEWTON

WHEREAS, Newton’s Court Administrator, Lucy M. DeLoreto, has recommended amending certain parking fines in §307-69 Schedule XIX, *Local Supplemental Violations Bureau Schedule* of Code Book of the Town of Newton; and

WHEREAS, the State Administrative Office of the Court, Assignment Judge, the Hon. Thomas L. Weisenbeck, JSC of the Superior Court of Morristown, has reviewed the proposed changes to the *Local Supplemental Violations Bureau Schedule* and has granted approval for said changes to be made by the Newton Governing Body;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that §307-69 Schedule XIX, *Local Supplemental Violations Bureau Schedule* of the Code Book of the Town of Newton be amended as follows:

§ 307-69. Schedule XIX: Local Supplemental violations Bureau Schedule.

Code Section	Short Description	Proposed
§ <u>200-2B(1)</u>	Public parks/ride or drive except at posted speeds	\$65
§ <u>200-2B(2)</u>	Public parks/park in other than an established or designated parking area	\$65
§ <u>200-2B(3)</u>	Public parks/leave vehicle standing or parked at night in established parking areas	\$65
§ <u>200-2B(7)</u>	Public parks/use or ride any motorcycle, minibikes or any motorized vehicle, except in those areas designated by the Advisory Recreation Commission	\$65
§ <u>307-4</u>	Prohibited parking during an emergency	\$65
§ <u>307-5</u>	Parking prohibited, all times, certain streets	\$65
§ <u>307-6</u>	Parking prohibited during certain hours	\$35
§ <u>307-7</u>	Parking time limited — certain street	\$30
§ <u>307-8</u>	Stopping or standing prohibited during certain on streets	\$65
§ <u>307-10</u>	Overtime parking Western Plaza Lot	\$35
§ <u>307-11</u>	Limit use of streets to certain vehicles	\$35
§ <u>307-16</u>	Loading zones	\$85
§ <u>307-18A</u>	No parking — certain times on school grounds	\$35

Code Section	Short Description	Proposed
§ <u>307-18B</u>	Parking permitted only in specific area	\$35
§ <u>307-19</u>	One-way traffic/Newton High School	\$55
§ <u>307-20A</u>	Parking school buses only/Merriam Avenue School	\$65
§ <u>307-20B</u>	One-way traffic/Merriam Avenue School	\$55
§ <u>307-21</u>	One-way traffic/Halsted Street School	\$55
§ <u>307-25</u>	Overtime parking	\$30
§ <u>307-26A</u>	Overtime parking	\$30
§ <u>307-26B</u>	Not parking in designated area/streets	\$30
§ <u>307-27B</u>	Overnight parking prohibition/park and ride between 10:00 p.m. to 5:00 a.m.	\$35
§ <u>307-35</u>	Parking in the municipal lots without paying the proper fee	\$30
§ <u>307-36</u>	No parking 4:00 a.m. to 6:00 a.m.	\$35
§ <u>307-26C</u>	Not parking in designated area/municipal lots	\$30
§ <u>307-40</u>	No parking during snow removal	\$60
§ <u>115-8B</u>	Parking in a fire zone	\$65

A. Where the statutory or ordinance penalty does not exceed \$50 for each offense, including where the minimum statutory or ordinance penalty does not exceed \$50 for each offense, the defendant at any time before the hearing date, upon presentation of the signed plea of guilty and waiver of trial endorsed on the summons, may pay the penalty and in addition, court costs of \$24 in the Violations Bureau, subject to the limitations prescribed in R.7:7, including the limitation when the summons is marked to indicate that a court appearance is required.

B. Where the statute or ordinance provides simply for a maximum penalty not in excess of \$50, it may be disposed of by payment through the Violations Bureau of 1/2 the maximum penalty plus \$24 court costs.

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #33-2013

February 25, 2013 **“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 8.04, Lot 2”**

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 8.04, Lot 2 (formerly Block 717, Lot 2), also known as 127-129 Spring Street, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1359, was sold to US Bank Cust/Sass Muni V dtr for 0% redemption rate and a premium in the amount of \$17,500.00; and

WHEREAS, First Hope Bank, Financial Institution for said property; has effected the redemption of Certificate #1359 in the amount of \$33,339.27;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank Cust/Sass Muni V dtr is entitled to a redemption in the amount of \$33,339.27 as well as the premium of \$17,500.00; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to issue two checks; the first in the amount of \$33,339.27 for the redemption of Certificate #1359, and the second in the amount of \$17,500.00 for the return of the premium to US Bank Cust/Sass Muni V dtr, 50 South 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, February 25, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #34-2013

February 25, 2013

“Approve 2012 Appropriation Reserve Transfers”

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2012 appropriation reserve transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>		
Community Development OE 1064216A	Engineering OE 1060200A	\$ 240.00
Inspection of Buildings OE 1077226A	Engineering OE 1060200A	\$1,500.00
TOTAL CURRENT TRANSFERS		<hr/> \$1,740.00

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #35-2013**

February 25, 2013

“Approve 2012 Appropriation Reserve be Lapsed to Trust – Snow Removal Reserve”

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2012 appropriation reserve balance be lapsed to Trust – Snow Removal Reserve pursuant to N.J.S.A. 40A: 4-62.1. This resolution is being adopted in accordance with the provisions of N.J.S.A. 40A:4-59.

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>	<u>TRUST</u>	
Snow Removal OE 1081200A	Snow Removal Reserve 711202	\$20,000.00
Snow Removal SW 1081100A	Snow Removal Reserve 711202	\$20,000.00
TOTAL		<u>\$40,000.00</u>

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #36-2013

February 25, 2013

“Amendment to 2013 Temporary Operating Budget”

WHEREAS, the Town Council of the Town of Newton adopted the 2013 Temporary Operating Budget and Temporary Water and Sewer Utility Budget by Resolution #6-2013 on January 14, 2013; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the Governing Body, by resolution adopted by a 2/3 vote of the full membership, may make amendments to temporary budgets in an amount not to exceed one-twelfth (1/12) of the preceding year's Budget and that a copy of this resolution be filed with the Director of Local Government Services;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the 2013 Temporary Operating Budget be hereby amended as follows:

**TOWN OF NEWTON
2013 TEMPORARY BUDGET AMENDMENT**

<u>Current Account</u>	<u>Account No.</u>	<u>Amt of Amendment</u>
Group Insurance OE	1066200	\$175,694
Snow Removal SW	1081100	20,000
Occupational Health OE	1085200	3,000
Swimming Pool OE	1090200	5,000
Contribution to PFRS	1092897	<u>551,294</u>
Total Current Temp Amendment		\$754,988

2012 TOWN OF NEWTON BUDGET

<u>CURRENT</u>		<u>WATER/SEWER</u>
\$11,422,490	Total 2012 General Appropriations	\$4,061,000
1,761,245	Less: Debt Service	691,100
123,000	Capital Improvements	695,000
<u>478,390</u>	Reserve for Uncollected Taxes	<u>0</u>
\$9,059,855	Total Amount to calculate upon	\$2,674,900
<u>x 1/12</u>		<u>x 1/12</u>
\$754,988	Allowable 2013 Temporary Budget Amend.	\$222,908

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #37-2013

February 25, 2013

"Authorize Non-Binding Adoption of Strategic Vision Plan for the Town of Newton"

WHEREAS, J. Caldwell & Associates, LLC, Newton Town Planner, in conjunction with Millennium Strategies, LLC, prepared a Strategic Vision Plan, dated February 2013, for certain areas within the Town of Newton; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., of J. Caldwell & Associates, LLC and Stuart Z. Koperweis of Millennium Strategies, LLC, held two public involvement sessions, October 25 and October 27, 2012, whereby participants were given a brief overview of the purpose and process regarding the vision plan and public comment was sought; and

WHEREAS, Ms. Caldwell and Mr. Koperweis conducted several interviews with local business and government entities to obtain stakeholder input for the vision plan and surveys were completed by participants in the public involvement sessions; and

WHEREAS, the final draft of the Strategic Vision Plan was presented to the Town Council on February 11, 2013;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton does hereby authorize the non-binding adoption of the Strategic Vision Plan for the Town of Newton, dated February 2013, as jointly prepared by J. Caldwell & Associates, LLC and Millennium Strategies, LLC, in final form.

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, February 25, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #38-2013

February 25, 2013

"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:

Utility Advisory Board recommends waiver of delinquent penalties:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
19315	29 Mt. View Street	\$3.00
19322	29 ½ Mt. View Street	\$3.00

Utility Advisory Board recommends credit for sewer charges due to a leak:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
21755	55A-55 Halsted Street	\$475.00

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #39-2013

February 25, 2013 “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 2012 and 2013 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, February 25, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #40-2013

February 25, 2013

“Authorize Award of a Non-Fair and Open Contract for Architectural Services for the Structural Renovations for the Newton Fire Museum”

WHEREAS, the Town of Newton has a need to acquire the services of FKA Architects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 for architectural services for structural renovations to the Newton Fire Museum located at 150 Spring Street; and

WHEREAS, FKA Architects submitted a modified proposal, dated December 17, 2012, outlining the services to be provided for an amount not to exceed \$19,700 which is less than the threshold established by the Local Public Contracts Law; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with FKA Architects, for the architectural services for the Newton Fire Museum located at 150 Spring Street, and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 25, 2013.

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 #: 40-2013

APPROVING: FEITLOWTIZ & KOSTEN ARCHITECTS (FKA)

FOR THE PURPOSE OF: ARCHITECT FOR FIRE MUSEUM

IN THE AMOUNT OF: NOT TO EXCEED \$19,700.00

APPROPRIATED BY: GENERAL CAPITAL -

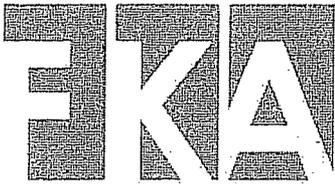
ORD.#2012-13 #309121306 \$19,700.00

DATED THIS 25TH DAY OF FEBRUARY 2013

BY *Dawn L. Babcock*

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER

Fire Museum Discussion 1.14.13



ARCHITECTS

A PROFESSIONAL ASSOCIATION

Architecture • Interior Design
Planning • Project Management

December 17, 2012

Mr. Thomas S. Russo, Jr.
Newton Town Manager
Town of Newton
39 Trinity Street
Newton, New Jersey 07860

Via E-Mail

Project: Town of Newton – Fire Museum
Re: Modified Proposal for Architectural Services

Dear Thomas:

Based on our recent conversation, renovating all portions of the Fire Museum may not be feasible in the foreseeable future, however, there are a few things, which should be done to prevent further damage to the Fire Museum Structure.

First, and foremost is to prevent further water penetration from the exterior of the building. Regardless of when the remaining work is performed, it would be prudent to repair the exterior masonry and re-point all brick surfaces to prevent further water penetration and damage.

The second issue that should be addressed is the condition of the load bearing masonry wall by the side door, next to the stairway. There has been structural settling in the past, as well as signs that further settling could occur if this issue is not addressed. The preliminary estimate for the exterior masonry restoration, pending detailed field investigation, is estimated to be approximately \$200,000.

This proposal includes services for the design and documentation for the re-pointing of the exterior of the building as well as reconstruction around the stair area, including the filling of the depression in the floor below the stairs. The re-pointing work could be bid as base work with the masonry reconstruction around the stair and door as Add Alternate bid. An award could be determined based on funds available.

Project Description

The proposed repairs and improvements include exterior and interior items as summarized below:

Exterior Improvements:

- ± Re-point all exterior masonry surfaces.
- ± Replace and reconstruct all damaged, or loose brick conditions.
- ± Modify exterior building base to promote positive drainage away from building.
- ± Install waterproof membrane along base of alleyway.

Interior Improvements:

- ± Remove and replace interior wood stair.
- ± Reconstruct or repair exterior masonry wall adjacent to interior stair & exit door.
- ± Fill depression in floor slab with new concrete to match floor elevation.

306 Ramapo Valley Road, Oakland, New Jersey 07436; 201.644.0505 fax: 201.644.0501 www.fkarch.com



SCOPE OF SERVICES:

The following scope of services would be provided for this project:

1. Preliminary Phase:

- Field measure and verify existing conditions, in areas of proposed modifications.
- Prepare CAD as-built existing condition drawings of exterior to be used for the project.
- As-built drawings shall include the first floor plan.
- As-built drawings shall include all exterior elevations.
- Meet with the Client to understand user's requirements for all aspects of the project.

2. Schematic Design Phase:

- Field verify the condition of all exterior surfaces.
- Based on the field investigation, prepare schematic design drawings of renovations & new work.
- Drawings to include floor plan, and exterior elevations.
- Meet with the Client to review the schematic designs.
- Modify designs to include all Owner comments.

3. Construction Document Phase:

- Prepare / submit construction document drawings at 40%, & 80% complete for review by the Client.
- Incorporate any required modifications.
- Prepare 100% complete construction documents.
- Prepare project manual including technical specifications for all aspects of the projects.
- Prepare complete construction documents for the purpose of obtaining building department permit approval, for public bid and for construction activities.

4. Bidding Phase:

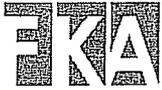
- Prepare Bid Documents for distribution to contractors.
- Answer any contractor's questions.
- Attend Pre-Bid walk through.
- Prepare any addenda if necessary.
- Review bids and make award recommendation.

5. Construction Administration Services

- Review and Process Submittals: Shop Drawings / Product Data / Samples.
- Respond to Request for Information's.
- Attend Project Construction Meetings when requested.
- Provide Construction Field Observation 1 day per week.
- Monitor Project Schedule.
- Evaluate Contractor's Application for Payment for conformance with completed work.
- Prepare punchlist.
- Perform final punch list inspection.
- Review Warranties, Extra Materials and other closeout documentation.
- *Construction administration services include one site visit every week during construction. Additional meetings and visits will be billed hourly according to the following rates:*

2013 HOURLY BILLING RATES

Principal	\$ 170 / hour
Associate	\$ 145 / hour
Project Manager	\$ 105 / hour
Job Captain	\$ 85 / hour
CAD Draftsperson	\$ 80 / hour
Clerical	\$ 50 / hour



BASIS OF COMPENSATION

1.	Preliminary Phase	\$ 2,850
2.	Schematic Design Phase	\$ 3,800
3.	Construction Document Phase	\$ 7,600
4.	Bidding Phase	\$ 950
5.	Construction Phase	<u>\$ 4,500</u>
	Total =	\$19,700

Reimbursable Expenses

Out of pocket expenses associated with the project (i.e.: reproduction costs, express mail, etc.) will be submitted to the Owner at cost times 1.1 to cover administrative expenses.

Please review this proposal in detail and let me know if you have any questions. If the above terms are acceptable we will begin services immediately upon receipt of Authorization by the Town of Newton.

Sincerely,
Fellowitz & Kosten Architects

Thomas J. Kosten, AIA, FMP, LEED AP
President



HAROLD E. PELLOW & ASSOCIATES, INC.

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NJ - P.E., NJ - C.M.E.,
PA - P.E.

THOMAS G. KNUTELSKY
NJ - P.E.

January 7, 2013

VIA E-MAIL & 1ST CLASS MAIL

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

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

SUBJECT: Fire Museum Improvements

Dear Tom:

As requested, I have reviewed the proposal prepared by Thomas Kosten, AIA of FKA Architects for the proposed improvements to the Fire Museum located along Spring Street. In this proposal, Mr. Kosten is proposing to complete exterior improvements to repair exterior masonry and re-point all brick surfaces to prevent further water penetration and damage. Mr. Kosten also proposed to complete improvements that will address the structural problems with the load bearing wall located near the side entrance door.

Based on visits to the Fire Museum, discussions with Mr. Kosten and a review of this proposal, I believe that the Town should consider the basic improvements being proposed. The Fire Museum has many other improvements that could be made to it. The improvements included in this proposal, however, are important improvements that are needed to stop or at least slow down the deterioration that is occurring today. Without completing these repairs, the building will continue to deteriorate and further costs could be incurred by the Town in the future in order to preserve this building.

If the Town decides to move forward with this project, FKA Architects will serve as the Project Architects and will be responsible for preparing all construction drawings and technical specifications for the project, assisting in the bidding of the project, and will provide construction administration services. As the Town Engineers, HPA will prepare the front end specifications, advertise for bids, and prepare all contract documents. HPA will also assist FKA by providing daily inspection services and serve as the Town's liaison with FKA Architects and the Contractor chosen for the project. A breakdown of HPA's projected costs for this project is as follows:

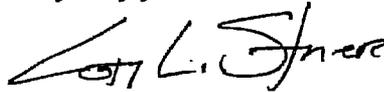
1.	Design Plans & Specifications Review	\$2,000.00
2.	Project Bidding	\$1,000.00
3.	Construction Administration & Inspection Services	\$6,000.00
	Total Estimated HPA Costs	\$9,000.00

Mr. Thomas S. Russo, Jr.
RE: Fire Museum Improvements
January 7, 2013

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I trust that you will find this review of the project to be satisfactory. If you have any questions regarding my review or would like to discuss the project in further detail, please do not hesitate to contact me.

Very truly yours,



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

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cc: Harold E. Pellow, P.E., L.S. – Newton Town Engineer
Thomas J. Kosten, AIA – FKA Architects



TOWN OF NEWTON

RESOLUTION #41-2013

February 25, 2013

“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

(1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on February 25, 2013, that an Executive Session closed to the public shall be held on February 25, 2013, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a public meeting of said Governing Body conducted on Monday, February 25, 2013.

Lorraine A. Read, RMC
Municipal Clerk