



AGENDA
NEWTON TOWN COUNCIL
OCTOBER 24, 2011
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES** - OCTOBER 12, 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. INTRODUCTION

ORDINANCE 2011-21

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

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

ORDINANCE 2011-23

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

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 #216-2011* REPEAL OF RESOLUTION #189-2007 AND RESOLUTION #177-2009
- b. RESOLUTION #217-2011* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS
- c. RESOLUTION #218-2011* ACCEPT THE SIDEWALK REPLACEMENT ON VARIOUS STREETS PROJECT AS FINAL AND COMPLETE
- d. RESOLUTION #219-2011* REFUND AN ERRONEOUS TAX PAYMENT ON BLOCK 102, LOT 8
- e. RESOLUTION #220-2011* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- f. RESOLUTION #221-2011* SPECIAL EMERGENCY APPROPRIATION - EXTRAORDINARY EXPENSE IN THE TOWN OF NEWTON 2011 WATER SEWER UTILITY BUDGET
- g. RESOLUTION #222-2011* PROVIDE EMERGENCY APPROPRIATION IN THE TOWN OF NEWTON 2011 BUDGET
- h. RESOLUTION #223-2011* APPROVE CHANGE ORDER NO. 2 FOR THE PAVING OF VARIOUS STREETS PROJECT
- i. RESOLUTION #224-2011* CAPITAL BUDGET AMENDMENT – TRUCK, ZONING ORDINANCE MASTER PLAN, AERATOR & BLEACHERS
- j. RESOLUTION #225-2011* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- k. APPLICATIONS*
 - AN APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FROM KAREN ANN QUINLAN HOSPICE, 99 SPARTA AVENUE, NEWTON TO BE HELD ON SUNDAY, AUGUST 7, 2012 FROM 6:00 PM TO 10:00 PM AT KRAVE CAFÉ & CATERERS, 102 SPARTA AVENUE, NEWTON
 - AN APPLICATION FOR AN ON-PREMISE RAFFLE FOR A BINGO & 50-50 FROM PRIDE FOUNDATION, 44 RYERSON AVENUE, NEWTON TO BE HELD ON FRIDAY, DECEMBER 9, 2011 FROM 6:00 PM – 11:00 PM @ NEWTON HIGH SCHOOL, 44 RYERSON AVENUE, NEWTON

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50/50) FROM PRIDE FOUNDATION, 44 RYERSON AVENUE, NEWTON TO BE HELD ON FRIDAY, DECEMBER 16, 2011 AT 2:30 PM AT HALSTED MIDDLE SCHOOL, 59 HALSTED STREET, NEWTON

AN APPLICATION FOR AN OFF-PREMISE RAFFLE FROM SAINT JOSEPH RC CHURCH, 17 ELM STREET, NEWTON TO BE HELD ON DECEMBER 9, 2011 AT 4:00 PM AT ST. JOSEPH'S RECTORY, 17 ELM STREET, NEWTON

X. APPLICATION

- a. APPLICATION FOR MEMBERSHIP TO THE NEWTON FIRE DEPARTMENT FROM LOUIS RATTI, 26 STILLWATER ROAD, NEWTON, NEW JERSEY

XI. INTERMISSION

XII. DISCUSSION

- a. PARKING AGREEMENT DRAFT– SUSSEX COUNTY RED CROSS
- b. NEWTON ARMORY – EXCEL ENVIRONMENTAL AND MCMANIMON & SCOTLAND

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. 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 will be considered for final passage at a regular meeting of the Town Council of the Town of Newton to be 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

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
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 #216-2011

October 24, 2011

"Repeal of Resolution #189-2007 and Resolution #177-2009"

WHEREAS, the Town of Newton adopted Resolution #189-2007 on November 12, 2007 which stipulates that any non-union employee hired after November 12, 2007 be responsible for **50% (fifty percent)** of the cost of their dependant's health care premiums; and

WHEREAS, the Town of Newton adopted Resolution #177-2009 on September 16, 2009 stipulating that any employee hired prior to November 12, 2007 be required to pay **7.5% (seven and one half percent)** of the cost of their dependant's health care premiums; and

WHEREAS, effective June 28, 2011, Chapter 78, P.L. 2011 requires all employees not covered by an existing collective bargaining agreement to contribute a percentage of their health care premium or **1.5% (one and one half percent)** of their pensionable earnings, whichever is greater, beginning on October 1, 2011. The percentage will be based on the employee's base salary on a sliding scale, phased in over a four year period. Employees covered by an existing collective bargaining agreement will begin paying when their contract expires; and

WHEREAS, with the State of New Jersey mandated employee contributions to health care premiums now in effect, there no longer exists a need for the Town of Newton to mandate different non-union employee contributions for health care premiums;

NOW, THEREFORE, BE IT RESOLVED, that the Newton Governing Body wishes to repeal Resolution #189-2007 and Resolution #189-2009 regulating non-union employee contributions to health care premiums effective January 1, 2012; and

BE IT FURTHER RESOLVED, that Newton employee contributions shall conform to the requirements of Chapter 78, P.L. 2011 unless and until the State of New Jersey requires by law a different level of employee health care premium contributions.

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, October 24, 2011.

Lorraine A. Read,
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #217-2011

October 24, 2011

**“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 remainder of the 2011-2012 school year:

Lori Teets

Donna VanNieuwland

CERTIFICATION

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Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #218-2011

October 24, 2011

"Accept the Sidewalk Replacement on Various Streets Project as Final and Complete"

WHEREAS, the Town Council of the Town of Newton awarded a contract for the Proposed Sidewalk Replacement on Various Streets to Tony's Concrete Construction Co., Inc. in the amount of \$51,713.74 by Resolution #174-2011, which was adopted on August 8, 2011; and

WHEREAS, the Town Council, based on the recommendation of the Town Engineer, Harold E. Pellow & Associates, Inc., approved Change Order No. 1 for said project by adopting Resolution #196-2011 at their meeting on September 14, 2011; and

WHEREAS, Mr. Pellow, in his letter dated October 17, 2011, states the project has been completed, and recommends the project be accepted as final and complete;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that we hereby accept the Proposed Sidewalk Replacement on Various Streets Project as final and complete based on the recommendation of Harold E. Pellow and Associates, Inc.; and

BE IT FURTHER RESOLVED, based on this acceptance, that the final paperwork can be processed and that Tony's Concrete shall secure a one (1) year Maintenance Bond.

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, October 24, 2011.

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.

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)

JESSICA C. CALDWELL
NJ - P.P.; A.I.C.P.

MATTHEW J. MORRIS
NJ - L.L.A., NJ - P.P.

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.

October 17, 2011

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 TO ACCEPT PROJECT**
Proposed Sidewalk Replacement on Various Streets
HPA Nos. 10-277 & 11-131

Dear Tom:

The above referenced project has been completed by the contractor, Tony's Concrete Construction Co., Inc., and I recommend the project be accepted by the Town Council.

Once this project has been accepted by the Council, please notify this office so that final paperwork can be started and a one (1) year Maintenance Bond secured by the contractor.

Very truly yours,

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

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\10-277 & 11-131 - SIDEWALK REPLACEMENT ON SPRING ST AND ADAMS ST\RUSSO8.DOC

RECEIVED
OCT 19 2011

BY:.....



TOWN OF NEWTON

RESOLUTION #219-2011

October 24, 2011 "Refund an Erroneous Tax Payment on Block 102,
Lot 8"

WHEREAS, property taxes for the third quarter of 2011 were paid for Block 102, Lot 8, also known as 34 Hillside Avenue and owned by Harry S. Kaplan on August 19, 2011 by Wells Fargo Home Mortgage; and

WHEREAS, Wells Fargo Home Mortgage states that they have no interest in said property in the Town of Newton and that the payment was made in error and should have been paid to a property in Jefferson Township; and

WHEREAS, Wells Fargo Home Mortgage is requesting a refund of the third quarter 2011 real estate tax payment in the amount of \$1,716.06 which was erroneously made on said property;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that Wells Fargo Home Mortgage is entitled to a refund in the amount of \$1,716.06; and

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized to process a refund to Wells Fargo Home Mortgage, MAC X2302-04D, Tax Department, 1 Home Campus, Des Moines, IA 50328 in the amount of \$1,716.06 for this erroneous tax payment made on Block 102, Lot 8.

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, October 24, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON
RESOLUTION #220-2011

October 24, 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:

Utility Board Recommends Credit for Sewer Charges Due to a Water Leak:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
9525	51-53 Ryerson Avenue	\$133.17

Utility Board Recommends Credit for Minimum Charges While Meter was Stuck:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
18470	9A Diller Avenue	\$183.99

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, October 24, 2011

Lorraine A. Read, RMC
Municipal Clerk



**TOWN OF NEWTON
RESOLUTION #221-2011**

October 24, 2011

**"Special Emergency Appropriation –
Extraordinary Expense in the Town of Newton
2011 Water Sewer Utility Budget"**

WHEREAS, it has been found necessary to make an emergency appropriation of \$350,000.00 to meet certain extraordinary expenses to be incurred, by reason of damage caused by Hurricane Irene; and

WHEREAS, N.J.S.A. 40A:4-54 et seq. provides that it shall be lawful to make such appropriations, which appropriation and/or the "special emergency notes" issued to finance same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), that in accordance with N.J.S.A. 40A:4-55:

- 1) An emergency appropriation in the Water Sewer Utility Budget be and the same is hereby made for extraordinary expenses for the repair and reconstruction of the water transmission main and associated items caused by Hurricane Irene in the amount of \$350,000.00.
- 2) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 3) That said emergency appropriation shall be provided for by the inclusion of not less than \$70,000 (1/5 total amount) in each of the next succeeding annual budgets.
- 4) That a "Special Emergency Note" not in excess of the above amount be authorized pursuant to law.
- 5) That said Special Emergency Notes shall be provided for by the inclusion of not less than \$70,000 in each of the next succeeding annual budgets.
- 6) That a Special Emergency Note shall be executed by the Chief Financial Officer and by the Town Clerk.
- 7) That said note be dated after October 24, 2011, and may be renewed from time to time, and such note and any renewals thereof shall be paid in the amount of not less than 1/5 of the total amount appropriated by this resolution in each year after authorization thereof.
- 8) That two certified copies of this resolution be filed with 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, October 24, 2011.

Lorraine A. Read, RMC
Municipal Clerk

STATEMENT RE:
EMERGENCY RESOLUTION

This statement must be prepared in duplicate by the Chief financial Officer or other responsible official, and must be filed with the Municipal Clerk prior to the adoption of the emergency resolution. The duplicate thereof must be filed with the Director of Local Government Services at the time of filing the emergency resolution.

Need of Emergency Appropriation:

On August 25, 2011 Governor Christie signed Executive Order #73 declaring a state of emergency for the response and recovery efforts required by Hurricane Irene (beginning August 26). The hurricane washed out an access road and diverted the water, cut a channel and eroded areas exposing water transmission mains (from Morris Lake, Sparta to Newton). The Town of Newton had its kick off meeting with FEMA on October 5, 2011 and will pursue both insurance and FEMA funding for this restoration project. This is an emergent matter as exposed mains need to be covered (restored) before the winter. LFN#2011-26 addresses budgetary matters related to this emergency.

Date of Occurrence: **August 26, 2011**

Have any contracts been awarded or purchase orders place in connection with this emergency appropriation? **NO**

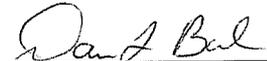
Have any payments been made in connection with this emergency appropriation? **YES, Engineering payments are being processed on this date.**

If costs are in excess of \$17,500 for either labor or materials, or both, will bids be advertised for? **YES, or purchasing will be made pursuant to NJSA 40A:11-6 as permitted.**

If not, have resolutions been adopted declaring an exigency to exist which will not permit the advertisement for public bids? **Governor Christie, State of New Jersey, declared an emergency.**

Will work be performed by contract, force account or otherwise? **Professional service, contract, and force account.**

Dated: 10/24/2011

Signed: 
Title: Chief Financial Officer



TOWN OF NEWTON

RESOLUTION #222-2011

October 24, 2011

"Provide Emergency Appropriation in the Town of Newton 2011 Budget"

WHEREAS, an emergency has arisen with respect to Hurricane Irene and no adequate provision was made in the 2011 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$103,200.00 (\$38,200.00 previously incurred + \$65,000.00 for Hurricane Irene) and three percent (3%) of the total operations in the budget for the year is \$267,143.96;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-48 that:

- 1) An emergency appropriation be and the same is hereby made for in the amount of \$65,000.00.
- 2) Said emergency appropriation shall be provided in full in the 2012 budget.
- 3) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 4) That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of NJSA 40A:4-51.
- 5) That such note shall be executed by the Chief Financial Officer and by the Town Clerk
- 6) That said note be dated after October 24, 2011, and may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 2012.
- 7) A certified copy of this resolution be filed with 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, October 24, 2011.

Lorraine A. Read, RMC
Municipal Clerk

STATEMENT RE:
EMERGENCY RESOLUTION

This statement must be prepared in duplicate by the Chief financial Officer or other responsible official, and must be filed with the Municipal Clerk prior to the adoption of the emergency resolution. The duplicate thereof must be filed with the Director of Local Government Services at the time of filing the emergency resolution.

Need of Emergency Appropriation:

On August 25, 2011 Governor Christie signed Executive Order #73 declaring a state of emergency for the response and recovery efforts required by Hurricane Irene (beginning August 26). LFN#2011-26 addresses budgetary matters related to this emergency. The Town of Newton had its kick off meeting with FEMA on October 5, 2011 and expects to receive 75% reimbursement for allowable Hurricane Irene costs.

Date of Occurrence: **August 26, 2011**

Have any contracts been awarded or purchase orders place in connection with this emergency appropriation? **YES**

Have any payments been made in connection with this emergency appropriation? **YES**

If costs are in excess of \$17,500 for either labor or materials, or both, will bids be advertised for? **NO. There should not be costs in excess of \$17,500. However, since this was an emergency, purchasing pursuant to NJSA 40A:11-6 is permitted.**

If not, have resolutions been adopted declaring an exigency to exist which will not permit the advertisement for public bids? **Governor Christie, State of New Jersey, declared an emergency. The attached Town of Newton resolution further declares an emergency.**

Will work be performed by contract, force account or otherwise? **Professional service, force account, and volunteers.**

Signed: 
Title: Chief Financial Officer

Dated: 10/24/2011



TOWN OF NEWTON

RESOLUTION #223-2011

October 24, 2011

“Approve Change Order No. 2 for 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., in the amount of \$271,398.55 by Resolution #179-2011, which was adopted on August 22, 2011; and

WHEREAS, the Town Council, based on the recommendation of the Engineer for the project, Harold E. Pellow & Associates, Inc., approved Change Order No. 1 for said project by the adoption of Resolution #198-2011 which was adopted at their meeting on September 14, 2011, resulting in a new reduced contract amount of \$259,911.37

WHEREAS, Harold Pellow & Associates, Inc., the Engineer for the project has prepared Change Order No. 2 for said project, and recommends approval of the following:

<u>Change Order No. 2</u>	<u>Amount</u>
<i>Reduction</i>	
Construction Signs	(\$1,120.00)
HMA 12.5 M64 Surface Course, 2" Thick	(\$1,766.40)
8" Inlet Heads, Type "N"	<u>(\$650.00)</u>
Total Change	(\$3,536.40)

WHEREAS, the adjusted contract amount will be decreased by \$3,536.40 by Change Order No. 2 to the new contract total of \$256,374.97;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby approves Change Order No. 2 for Paving of Various Streets Project based on the recommendation of the Town Engineer, and that the Mayor or Deputy Mayor is authorized to execute Change Order No. 2 resulting in a new contract total of \$256,374.97; 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, October 24, 2011.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #225-2011

October 24, 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, October 24, 2011.

Lorraine A. Read,
Municipal Clerk