



**AGENDA  
NEWTON TOWN COUNCIL**

**JULY 9, 2012**

**7:00 P.M.**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. SWEARING-IN OF DEPUTY MAYOR**
- IV. OPEN PUBLIC MEETINGS ACT STATEMENT**

- V. APPROVAL OF MINUTES** - JUNE 25, 2012 REGULAR MEETING
- 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. COUNCIL & MANAGER REPORTS**

- a.** UTILITY ADVISORY BOARD - TOMASULA

**VIII. ORDINANCES**

- a.** INTRODUCTION  
ORDINANCE 2012-19 AN ORDINANCE TO AMEND SCHEDULE "B" OF ORDINANCE 2011-25

**IX. OLD BUSINESS**

**X. 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 #145-2012\* APPOINTMENT OF ANTHONY TORRE AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD
- b.** RESOLUTION #146-2012\* APPOINTMENT OF BARBARA MATTINGLY AS A REGULAR MEMBER OF THE NEWTON PLANNING BOARD
- c.** RESOLUTION #147-2012\* APPOINTMENT OF MELISSA LOGAN AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD
- d.** RESOLUTION #148-2012\* APPOINTMENT OF DAVID STEINBERG AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD

e. RESOLUTION #149-2012\*

AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS

f. RESOLUTION #150-2012\*

APPROVE CHANGE ORDER NO. 1 FOR THE MILLING AND PAVING OF VARIOUS STREETS PROJECT

g. RESOLUTION #151-2012\*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

h. APPLICATIONS\*

AN APPLICATION FOR A SOCIAL AFFAIR FROM THE GREATER NEWTON CHAMBER OF COMMERCE TO BE HELD ON SEPTEMBER 10, 2012 AT 7:00PM ON SPRING STREET FOR THE "TASTE OF NEWTON" EVENT

**XI. INTERMISSION**

**XII. DISCUSSION**

**XIII. OPEN TO THE PUBLIC**

**XIV. COUNCIL & MANAGER COMMENTS**

**XV. ADJOURNMENT**

**TOWN OF NEWTON**

**ORDINANCE # 2012-19**

**AN ORDINANCE TO AMEND SCHEDULE "B" OF ORDINANCE 2011-25**

**WHEREAS**, there is a need to amend Schedule "B" of Ordinance 2011-25 "An Ordinance to Establish Minimum and Maximum Salaries and Wages for Officers and Employees of the Town of Newton for Calendar Year 2012" to reflect certain staffing changes; and

**WHEREAS**, Schedule "B" of Ordinance 2011-25 shall be replaced in its entirety to reflect the following changes:

**Additions:**

**Level 3**

Swim Instructor

**Level 8**

Court Attendant

**Level 16**

Code Enforcement Officer

Deputy Municipal Clerk

Deputy Registrar

**Deletions:**

**Level 4**

Deputy Municipal Clerk/Deputy Registrar

**Level 10**

Const. Official/Code Enforcement Officer/Bldg. Inspector

**ORDINANCE 2012-19**

**NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on July 9, 2012. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on July 23, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**  
**ORDINANCE #2011-25**  
**SCHEDULE "B"**  
**AMENDED BY ORDINANCE #2012-19**

**LEVEL 1**

Recreation Assistant

**LEVEL 2**

Assistant Pool Manager

**LEVEL 3**

Clerk Typist

Custodian

Grounds Maintenance Worker

Keyboarding Clerk I

Lifeguard

School Traffic Guard

Secretary

Swim Instructor

**LEVEL 4**

Deputy Court Administrator

Keyboarding Clerk II

Laborer

Public Safety Telecommunicator Trainee

Recreation Leader

Senior Clerk Typist

Technical Assistant to Construction Official

**LEVEL 5**

Account Supervisor/Treasurer

Assessing Clerk

Fire Prevention Inspector

Human Resource Coordinator

Planning/Zoning Administrator

Police Clerk

Pool Manager

Recreation Enforcement Officer

Sewer Laborer

Water Laborer

Water Meter Reader

Water/Sewer Collector

**LEVEL 6**

Equipment Operator

Omnibus Operator

Public Safety Telecommunicator

Recycling Foreman

Sewer Repairer

Truck Driver

Water Repairer

**LEVEL 7**

Certified Tax Collector/Tax Search Officer

Park Caretaker

Parking Meter Enforcer

Payroll Clerk

Senior Public Safety Telecommunicator

Senior Sewer Repairer

Senior Water Repairer

Sewer Repairer 2

Special Police Officer

Water Repairer 2

**LEVEL 8**

Administrative Assistant

Court Attendant

Road Foreman

Street Foreman

Supervising Public Safety Telecommunicator

Water Foreman

**LEVEL 9**

Assistant Director of Public Works

Assistant Public Works Supervisor

Sewer Plant Operator

Water Plant Operator

**LEVEL 10**

Community Development Director

Director of Public Works

Finance Director

Municipal Clerk/Registrar of Vital Statistics

Municipal Court Administrator

Public Works Supervisor

Water/Sewer Supervisor

**LEVEL 11**

Police Patrolman

**LEVEL 12**

Police Sergeant

**LEVEL 13**

Police Lieutenant

Water/Sewer Superintendent

**LEVEL 14**

Police Chief

**LEVEL 15**

Town Manager

**LEVEL 16**

Assistant Right-to-Know Coordinator

Code Enforcement Officer

Deputy Code Enforcement Officer

Deputy Emergency Management Coordinator

Deputy Municipal Clerk

Deputy Registrar

Emergency Management Coordinator

Right-to-Know Coordinator

**LEVEL 17**

Council Member

Mayor

**LEVEL 18**

Building Subcode Official/Inspector

Chief Combustible Inspector

Chief Financial Officer

Code Enforcement Officer

Deputy Municipal Clerk

Deputy Registrar

Electrical Subcode Official/Inspector

Fire Subcode Official

Plumbing Subcode Official/Inspector

Zoning Officer

**LEVEL 19**

Deputy Town Manager

Municipal Judge

Recreation Supervisor

Tax Assessor



## TOWN OF NEWTON

### RESOLUTION #145-2012

July 9, 2012

### "Appointment of Anthony Torre as a Regular Member of the Newton Planning Board"

**WHEREAS**, there is currently a vacancy on the Town of Newton Planning Board due to the resignation of Daniel Flynn; and

**WHEREAS**, Anthony Torre, currently Alternate No. 3 on the Planning Board, has expressed interest in serving as a Regular Member of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Anthony Torre is hereby appointed to an unexpired four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2015.

### 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, July 9, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #146-2012

July 9, 2012

### “Appointment of Barbara Mattingly as a Regular Member of the Newton Planning Board”

**WHEREAS**, there is currently a vacancy on the Town of Newton Planning Board due to the resignation of Robert Caffrey; and

**WHEREAS**, Barbara Mattingly, currently Alternate No. 4 on the Planning Board, has expressed interest in serving as a Regular Member of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Barbara Mattingly is hereby appointed to an unexpired four-year term as a Regular Member of the Newton Planning Board, effective immediately with said term continuing to December 31, 2014.

### 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, July 9, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #147-2012

July 9, 2012

### “Appointment of Melissa Logan as an Alternate Member of the Newton Planning Board”

**WHEREAS**, there is currently a vacancy on the Town of Newton Planning Board for Alternate Position #1; and

**WHEREAS**, Melissa Logan has expressed an interest in serving on the Planning as an Alternate Member;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Melissa Logan is hereby appointed to an unexpired two-year term as Alternate Member #1 of the Newton Planning Board, effective immediately with said term continuing to December 31, 2012.

### CERTIFICATION

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #148-2012

July 9, 2012

### “Appointment of David Steinberg as an Alternate Member of the Newton Planning Board”

**WHEREAS**, there is currently a vacancy on the Town of Newton Planning Board for Alternate Position #3; and

**WHEREAS**, David Steinberg has expressed an interest in serving on the Planning Board as an Alternate Member;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that David Steinberg is hereby appointed to an unexpired two-year term as Alternate Member #3 of the Newton Planning Board, effective immediately with said term continuing to December 31, 2012.

### CERTIFICATION

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #149-2012**

July 9, 2012

**“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 from a Water Leak:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
13779	24 Pine Street	\$354.00

**Credit for Account that Should Have Been Inactive:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6740	13 Summit Ave.	\$75.00

**CERTIFICATION**

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

RESOLUTION # 150-2012

July 9, 2012

### "Approve Change Order No. 1 for the Paving of Various Street Project"

**WHEREAS**, the Governing Board of the Town of Newton adopted Resolution #189-2011 on September 14, 2011 in an effort to save budgeted monies and improve services for itself by renewing its membership in the Morris County Cooperative Pricing Council "MCCPC"; and

**WHEREAS**, Tilcon New York, Inc., "Tilcon" of 625 Mt. Hope Road, Wharton, New Jersey was the low bidder on the "MCCPC" portion for municipalities with regard to Resurfacing of Roads; and

**WHEREAS**, the Town of Newton has contracted with Tilcon through the "MCCPC" for the *Milling and Paving of Various Streets Project* which includes the paving of Moran Street, Merriam Avenue, the Main Street Parking Lot, the Memory Park Parking Lot, Straway Boulevard and the Pool Parking Lot for a total contract amount of \$271,686.95; and

**WHEREAS**, the Town Engineer, Harold E. Pellow has recommended Change Order No. 1 to the *Milling and Paving of Various Streets Project* resulting in a reduction in costs of \$6,585.70; and

**WHEREAS**, the Chief Financial Officer has certified the original and final costs and that funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that Change Order No. 1 for the *Milling and Paving of Various Street Project* in the Town of Newton is hereby approved resulting in a \$6,585.70 reduction in costs for a new contract total of \$265,101.25.

**BE IF FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Town Engineer, Harold E. Pellow & Associates, Inc., and the contractor, Tilcon New York, Inc.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 9, 2012.

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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 #: 150-2012

APPROVING: TILCON NEW YORK, INC.  
(through Morris County Cooperative Pricing Council \$265,101.25)

FOR THE PURPOSE OF: C.O. #1 - PAVING OF VARIOUS STREETS

IN THE AMOUNT OF:

ORIGINAL CONTRACT AMOUNT \$271,686.95  
CHANGE ORDER #1 (reduction) <\$6,585.70>  
FINAL REVISED CONTRACT \$265,101.25

APPROPRIATED BY:

GENERAL CAPITAL - ORD.#2012-13	
#309121301 VARIOUS ROAD IMPROVEMENTS	\$89,044.70
WATER SEWER CAPITAL - ORD.#2011-8	
#6191108 MERRIAM AVE WATERMAIN	\$110,881.70
WATER SEWER OPERATING	
#6089333 CIF - MORAN STREET PROJECT	\$65,174.85

DATED THIS 9<sup>TH</sup> DAY OF JULY, 2012

BY  \_\_\_\_\_

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER





## TOWN OF NEWTON

### RESOLUTION #151-2012

July 9, 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.

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Lorraine A. Read, RMC  
Municipal Clerk