



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**AUGUST 13, 2012**  
**7:00 P.M.**

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

- JULY 23, 2012 REGULAR MEETING  
JULY 23, 2012 EXECUTIVE SESSION

**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. 2<sup>ND</sup> READING & PUBLIC HEARING**

ORDINANCE 2012-20

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION OF A REVISION AND CODIFICATION OF ORDINANCES FOR THE TOWN OF NEWTON (N.J.S.A. 40A: 4-53)

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

**b. INTRODUCTION**

ORDINANCE 2012-21

AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE, ARTICLE V, TOWN ATTORNEY, §3-24 APPOINTMENT, TERM; QUALIFICATIONS OF THE CODE OF THE TOWN OF NEWTON

ORDINANCE 2012-22

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$82,500.00 FOR VARIOUS IMPROVEMENTS IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

**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 #164-2012\* APPOINTMENT OF COMMISSIONER AND ALTERNATE COMMISSIONER TO THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND
- b. RESOLUTION #165-2012\* AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT FOR CALENDAR YEAR 2013
- c. RESOLUTION #166-2012\* TO CANCEL OUTSTANDING CHECKS IN THE MUNICIPAL COURT ACCOUNT
- d. RESOLUTION #167-2012\* APPROVE CHANGE ORDER NO. 1 FOR THE TRAFFIC STRIPING PORTION OF THE PAVING OF VARIOUS STREETS PROJECT
- e. RESOLUTION #168-2012\* AWARD CONTRACT TO AA FENCE CO., INC., FOR INSTALLATION OF FENCE AT MEMORY PARK
- f. RESOLUTION #169-2012\* AUTHORIZE CHANGE ORDER NO. 1 FOR THE WATERMAIN PIPES AND FITTINGS FOR THE MAPLE AVENUE WATERMAIN PROJECT
- g. RESOLUTION #170-2012\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 19.04, LOT 10 (FORMERLY KNOWN AS BLOCK 1306.01, LOT 20.03)
- h. RESOLUTION #171-2012\* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER FOR BLOCK 12.03, LOT 1; QUAL: C0039 (FORMERLY KNOWN AS BLOCK 14.01, LOT 14.06, QUAL: C0039)
- i. RESOLUTION #172-2012\* RATIFY AND AFFIRM THE ISSUANCE OF REFUNDING BONDS
- j. RESOLUTION #173-2012\* CAPITAL BUDGET AMENDMENT
- k. RESOLUTION #174-2012\* SPECIAL EMERGENCY APPROPRIATION – PREPARATION OF A REVISION AND CODIFICATION OF ORDINANCES IN THE TOWN OF NEWTON 2012 CURRENT BUDGET
- l. RESOLUTION #175-2012\* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB DRIVER'S LICENSE SUBMITTED BY HAROLD R. STORM, JR.
- m. RESOLUTION #176-2012\* APPROVAL OF A RENEWAL APPLICATION FOR A TAXICAB OWNER'S LICENSE SUBMITTED BY HAROLD R. STORM, JR. T/A CHIP'S TAXI, LIMO & COURIER

n. RESOLUTION #177-2012\*

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW PROPOSED AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

o. RESOLUTION #178-2012\*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

p. APPLICATION\*

OFF-PREMISE RAFFLE (50/50) FROM ST. JOSEPH'S RC CHURCH, 17 ELM STREET, NEWTON, NJ TO BE HELD ON OCTOBER 26, 2012 AT 7:00PM AT ST. JOSEPH'S COMMUNITY CENTER, HALSTED STREET, NEWTON

**X. INTERMISSION**

**XI. DISCUSSION**

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. ADJOURNMENT**

# TOWN OF NEWTON

## ORDINANCE # 2012-20

### AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION OF A REVISION AND CODIFICATION OF ORDINANCES FOR THE TOWN OF NEWTON (N.J.S.A. 40A: 4-53)

**WHEREAS**, the ordinance books of the Town of Newton need to be updated and the cost is estimated to be \$18,000.

**NOW, THEREFORE BE IT ORDAINED**, 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 pursuant to NJSA 40A: 4-53, the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated for the preparation of a revision and codification of ordinances for the Town of Newton and shall be deemed an emergency appropriation as defined and provided for in NJSA 40A: 4-55.

**BE IT FURTHER ORDAINED**, that such appropriation and "special emergency notes" authorized to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to this act.

**BE IT FURTHER ORDAINED**, that a copy of this ordinance be filed with the Director of the Division of Local Government Services.

### 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 23, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on August 13, 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 # 2012-21**

**AN ORDINANCE TO AMEND CHAPTER 3, ADMINISTRATIVE CODE, ARTICLE V,  
TOWN ATTORNEY, §3-24 APPOINTMENT, TERM; QUALIFICATIONS OF THE  
CODE OF THE TOWN OF NEWTON**

**BE IT ORDAINED**, by the Town Council of the Town of Newton, that Chapter 3, Article V, be amended as follows:

**§3-24 Appointment; term; qualifications.**

The Town Attorney shall be appointed by ordinance by the Council by a majority vote of its members for a term of one year, from the first day of January of the year of his appointment and until his successor has been appointed and qualifies. He shall be an attorney at law of New Jersey.

**NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on August 13, 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 August 27, 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 #2012-22**

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT  
ORDINANCE IN THE AMOUNT OF \$82,500.00 FOR  
VARIOUS IMPROVEMENTS IN THE TOWN OF  
NEWTON, COUNTY OF SUSSEX, NEW JERSEY.**

**BE IT ORDAINED** by the Town Council of the Town of Newton, in the County of Sussex, as follows:

**Section 1.** \$82,500.00 is hereby appropriated from the Capital Fund Balance in the General Capital Fund for the following various improvements in the Town of Newton, including all costs necessary therefore or incidental thereto:

**Improvement of Various Municipal Buildings consisting of upgrades,  
renovations and acquisition and installation of furnishings and equipment. \$40,000.00**

**Lower Spring Street Beautification Project including construction of  
sidewalks, curbs, pavers, rain gardens, light poles and similar**

**beautification improvements** (This supplements Ordinance 2012-16 adopted May 14, 2012 which appropriated \$285,000 including a \$200,000 grant from NJ DOT).

**\$42,500.00**

**TOTAL**

**\$82,500.00**

**Section 2.** The General Capital Budget of the Town of Newton is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 3.** This ordinance shall take effect as provided by the law.

**TAKE NOTICE** that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on August 13, 2012. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body conducted on August 27, 2012, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #164-2012

August 13, 2012

### **“Appointment of Commissioner and Alternate Commissioner to the North Jersey Municipal Employee Benefits Fund”**

**BE IT RESOLVED**, by the Town Council of the Town of Newton in the County of Sussex in the State of New Jersey that *Thomas S. Russo, Jr.*, Town Manager, is hereby appointed as the Town's Commissioner to the North Jersey Municipal Employee Benefits Fund; and

**BE IT FURTHER RESOLVED**, that *Tracy Villaverde*, Human Resources Coordinator, is hereby appointed as the Town's Alternate Commissioner to the North Jersey Municipal Employee Benefits Fund.

### **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, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #165-2012

August 13, 2012

### "Authorize the Submission of an Application for the Action Alliance Grant for Calendar Year 2013"

**WHEREAS**, the Town Council of the Town of Newton, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Newton Town Council further recognizes that it is incumbent upon not only public officials, but the entire community, to take action to prevent such abuses in our community; and

**WHEREAS**, the Newton Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton hereby recognizes the following:

1. The Newton Town Council does hereby authorize the submission of an application for Action Alliance grant funding for calendar year 2013 in the amount of \$18,772.00.
2. The total Alliance Budget is \$37,544.00, inclusive of the aforementioned \$18,772.00, a Cash Match of \$4,693.00, and an In-Kind Match of \$14,079.00.
3. The Newton Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
4. The Town of Newton hereby designates Kerry Deckert, Recreation Supervisor, and Debra J. Millikin, Deputy Town Manager, as representatives for the Town of Newton on the Action Alliance Committee.

Approved: \_\_\_\_\_

Sandra Lee Diglio, Mayor

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #166-2012

August 13, 2012

**"To Cancel Outstanding Checks in the  
Municipal Court Account"**

**WHEREAS**, there are check(s) which have not been cashed in the Town of Newton Court Account; and

**WHEREAS**, those check(s) have been reviewed to determine if they should be canceled and the amount paid over to the Town Treasurer to be deposited into the Town of Newton Current Fund Balance;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the outstanding checks totaling \$110.00 as per the attached memo from court dated July 30, 2012 are hereby canceled.

### 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, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



# Town of Newton



Council-Manager Plan Since 1956

MUNICIPAL COURT -  
Hon. John E. Mulhern, J.M.C.  
Lucy M. DeLoreto, C.M.C.A.

39 Trinity Street  
Newton, New Jersey 07860  
Telephone: 973-383-3521  
Fax: 973-383-6471

TO: Treasurer, Town of Newton  
FROM: Lucy M. DeLoreto, CMCA  
RE: Checks not Cashed; Over 6 months  
DATE: July 30, 2012

Pursuant to N.J.S.A. 12A:4-404, the bank is not obliged to pay checks that are more than six months old. The following is a list of checks written from Newton Municipal Court's General Account for Overpayments. The latter two checks are for restitution paid out to parties, but also have not been cashed since written.

<i>Date check written</i>	<i>Check No.</i>	<i>Name on Check</i>	<i>Summons No.</i>	<i>Check Amt.</i>
11/14/2011	3850	Lorraine Bolin	B 5871	\$ 10.00
12/15/2011	3874	Danielle E. Dolce	B 4837	\$ 1.00
12/15/2011	3878	Jason J. Truhan	B 4991	\$ 3.00
12/15/2011	3882	Glen Posey	B 5090	\$ 1.00
1/12/2012	3890	Danielle Perosi	B 6597	\$ 1.00
1/12/2012	3892	Lisa Jugan	S 2011 276	\$ 90.00
12/31/2010	3732	Sophie Martin	S 2008 293	\$ 4.00
			<b>Total amount of this check</b>	<b>\$110.00</b>

If I should receive a phone call or letter with regards to any of said checks, I will refer them to you for them to receive their monies.



## TOWN OF NEWTON

### RESOLUTION # 167-2012

August 13, 2012

### "Approve Change Order No. 1 for the Traffic Striping Portion of the Paving of Various Streets 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**, Denville Line Painting, Inc., of Rockaway, New Jersey was the low bidder on the "MCCPC" portion for municipalities with regard to Traffic Striping; and

**WHEREAS**, the Town of Newton has contracted with Denville Line Painting through the "MCCPC" for the Traffic Striping for the *Milling and Paving of Various Streets Project* which includes 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 \$12,905.00; and

**WHEREAS**, the Town Engineer, Harold E. Pellow has recommended Change Order No. 1 to the Traffic Striping portion of the *Milling and Paving of Various Streets Project* resulting in an increase in costs of \$2,546.21; 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 Traffic Striping of the *Milling and Paving of Various Street Project* in the Town of Newton is hereby approved resulting in a \$2,546.21 increase in costs for a new contract total of \$15,451.21.

**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, Denville Line Painting, Inc., Rockaway, New Jersey.

### 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, August 13, 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 #: 167-2012

APPROVING: DENVILLE LINE PAINTING, INC.

FOR THE PURPOSE OF: CO#1 LINE STRIPING

IN THE AMOUNT OF: \$2,546.21

APPROPRIATED BY:

CAPITAL ORD. # 2012-13:

VARIOUS STREETS #309121301 \$ 253.00

WATER SEWER CAPITAL ORD. #2011-8:

MERRIAM AVE WATERMAIN #6191108 \$2,900.06

WATER SEWER UTILITY OPERATING

CIF - MORAN ST. PROJECT #6089319 < \$606.85 >

DATED THIS 13<sup>TH</sup> DAY OF AUGUST, 2012

BY

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER

# HAROLD E. PELLOW and ASSOCIATES, INC.

Consulting Engineers, Planners Land Surveyors

17 Plains Road

Augusta, NJ 07822-2009

## CHANGE ORDER NO. 1

7/16/2012

<b>Project</b>	TRAFFIC STRIPING ON VARIOUS STREETS
<b>Owner</b>	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
<b>County</b>	SUSSEX COUNTY
<b>Contractor</b>	DENVILLE LINE PAINTING, INC., 2 GREEN POND ROAD, ROCKAWAY, NJ 07866

<b>In accordance with the project Supplementary Specification, the following are changes in the contract.</b>	
<b>Location and Reason for Change</b> (Attach additional sheets if required) -	
<b>Location:</b>	Moran Street, Merriam Avenue, Main Street Parking Lot, Memory Park Parking Lot, Straway Boulevard, and Pool Parking Lot and Access Drive
<b>Reason:</b>	All as-built quantities, except as noted below.

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<b><u>EXTRA</u></b>				
<i><u>Moran Street</u></i>				
4	STOP BAR, 24" WIDE, LONG LIFE THERMOPLASTIC	26	LIN. FT. \$ 4.50	\$ 117.00
<i><u>Merriam Avenue</u></i>				
4	STOP BAR, 24" WIDE, LONG LIFE THERMOPLASTIC	18	LIN. FT. \$ 4.50	\$ 81.00
5	CROSS WALK STRIPING, 12" WIDE, LONG LIFE THERMOPLASTIC	85	LIN. FT. \$ 2.25	\$ 191.25
9	TRAFFIC MARKINGS, ARROWS, LONG LIFE THERMOPLASTIC <i>Larger letters and additional school zone designations used.</i>	206	SQ. FT. \$ 5.75	\$ 1,184.50
<i><u>Memory Park Parking Lot</u></i>				
10	TRAFFIC MARKINGS, HANDICAP DESIGNATION	200%	L.S. \$ 60.00	\$ 120.00
<i><u>Straway Boulevard</u></i>				
4	STOP BAR, 24" WIDE, LONG LIFE THERMOPLASTIC	16	LIN. FT. \$ 4.50	\$ 72.00
<b>Total EXTRA:</b>				<b>\$ 1,765.75</b>
<b><u>SUPPLEMENTAL</u></b>				
<i><u>Moran Street</u></i>				
6S	GORE STRIPING, 6" WIDE, LONG LIFE THERMOPLASTIC <i>Corrected unit price, and as-built quantity.</i>	1,355	LIN. FT. \$ 1.13	\$ 1,531.15
8S	PARKING SPACE STRIPING, 4" WIDE, LONG LIFE THERMOPLASTIC <i>No parking lines were used on both sides of the street at Memory Park. The DPW said they were there years ago.</i>	1,528	LIN. FT. \$ 0.75	\$ 1,146.00
9S	TRAFFIC MARKINGS "NO PARKING" <i>No parking words were used on both sides of the street at Memory Park. The DPW said they were there years ago.</i>	56	SQ. FT. \$ 5.75	\$ 322.00
<i><u>Merriam Avenue</u></i>				
6S	GORE STRIPING, 6" WIDE, LONG LIFE THERMOPLASTIC <i>Corrected unit price, and as-built quantity.</i>	362	LIN. FT. \$ 1.13	\$ 409.06
10S	TRAFFIC STRIPES, LONG LIFE EPOXY RESIN, 4" WIDE <i>The Town DPW said these lines were painted years ago and had faded.</i>	5,775	LIN. FT. \$ 0.28	\$ 1,617.00
<i><u>Pool Parking Lot &amp; Access Drive</u></i>				
8S	PARKING SPACE STRIPING, 4" WIDE, LONG LIFE THERMOPLASTIC	283	LIN. FT. \$ 0.75	\$ 212.25
9S	TRAFFIC MARKINGS "NO PARKING"	14	SQ. FT. \$ 5.75	\$ 80.50
<b>Total SUPPLEMENTAL:</b>				<b>\$ 5,317.96</b>
<b><u>REDUCTION</u></b>				
<i><u>Moran Street</u></i>				
5	CROSS WALK STRIPING, 12" WIDE, LONG LIFE THERMOPLASTIC	24	LIN. FT. \$ 2.25	\$ 54.00
6	GORE STRIPING, 6" WIDE, LONG LIFE THERMOPLASTIC <i>Incorrect unit price.</i>	1,885	LIN. FT. \$ 1.50	\$ 2,827.50
7	GORE STRIPING, 12" WIDE, LONG LIFE THERMOPLASTIC	374	LIN. FT. \$ 2.25	\$ 841.50
<i><u>Merriam Avenue</u></i>				
7	GORE STRIPING, 12" WIDE, LONG LIFE THERMOPLASTIC	259	LIN. FT. \$ 2.25	\$ 582.75
<i><u>Main Street Parking Lot</u></i>				
8	PARKING SPACE STRIPING, 4" WIDE, LONG LIFE THERMOPLASTIC	99	LIN. FT. \$ 0.75	\$ 74.25

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

*Consulting Engineers, Planners Land Surveyors*

*17 Plains Road*

*Augusta, NJ 07822-2009*

**CHANGE ORDER NO. 1**

**7/16/2012**

<b>Project</b>	TRAFFIC STRIPING ON VARIOUS STREETS
<b>Owner</b>	TOWN OF NEWTON, MUNICIPAL BUILDING, 39 TRINITY STREET, NEWTON, NJ 07860
<b>County</b>	SUSSEX COUNTY
<b>Contractor</b>	DENVILLE LINE PAINTING, INC., 2 GREEN POND ROAD, ROCKAWAY, NJ 07866

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:** Moran Street, Merriam Avenue, Main Street Parking Lot, Memory Park Parking Lot, Straway Boulevard, and Pool Parking Lot and Access Drive

**Reason:** All as-built quantities, except as noted below.

Memory Park Parking Lot

8	PARKING SPACE STRIPING, 4" WIDE, LONG LIFE THERMOPLASTIC	210	LIN. FT.	\$	0.75	\$	157.50	
							<b>Total REDUCTION:</b>	<u>\$ 4,537.50</u>

AMOUNT OF ORIGINAL CONTRACT: \$12,905.00

EXTRA: \$ 1,765.75

ADJUSTED AMOUNT BASED ON CHANGE ORDER NO. 1: \$15,451.21

SUPPLEMENTAL: \$ 5,317.96

% CHANGE IN CONTRACT: + 19.73%  
[(+) Increase or (-) Decrease]

REDUCTION: \$ 4,537.50

TOTAL CHANGE: \$ 2,546.21

*Harold E. Pellow*  
(Engineer)

7/16/12  
(Date)

(Presiding Officer)  
*Robert Kowar*  
(Contractor)

(Date)  
7/30/12  
(Date)



## TOWN OF NEWTON

### RESOLUTION #168-2012

August 13, 2012

### "Award Contract to AA Fence Co., Inc., for Installation of Fence at Memory Park"

**WHEREAS**, the Town of Newton received three quotes from qualified vendors for the removal and installation of black vinyl fence for Memory Park; and

**WHEREAS**, AA Fence Co., Inc., provided the most cost effective quote for the removal and fence installation; and

**WHEREAS**, it is recommended by the Town of Newton's Purchasing Agent, Debra J. Millikin, and the Department of Public Works Supervisor, Kenneth Jaekel, that a contract for the purchase of black vinyl fence for Memory Park be awarded to AA Fence Co., Inc., in the amount of \$17,650.00; 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 we hereby award the contract for the purchase of a black vinyl fence to AA Fence CO., Inc., Hamburg, NJ in the amount of \$17,650.00.

### 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, August 13, 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 #: 168-2012

APPROVING: AA FENCE CO., INC.

FOR THE PURPOSE OF: REMOVE & INSTALL BLACK VINYL FENCE FOR  
MEMORY PARK

IN THE AMOUNT OF: \$17,650.00

APPROPRIATED BY:

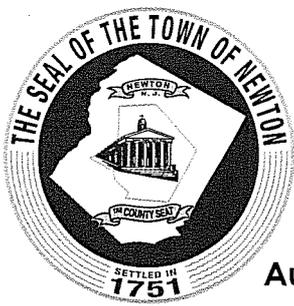
GENERAL CAPITAL - ORD.#2012-13

#309121310 MEMORY PARK GUARD RAIL/FENCE \$17,650.00

DATED THIS 13<sup>TH</sup> DAY OF AUGUST, 2012

BY *Dawn L. Babcock*

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #169-2012

August 13, 2012

### **“Authorize Change Order No. 1 for the Watermain Pipes and Fittings for the Maple Avenue Watermain Project”**

**WHEREAS**, the Town Council of the Town of Newton, awarded the contract for the purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project to HD Supply Waterworks, Ltd., of Edison, New Jersey for a contract amount of \$67,801.45 by the adoption of Resolution #99-2012 at their meeting on May 30, 2012; and

**WHEREAS**, David Simmons, of Harold E. Pellow & Associates, Inc, the Water Engineer on the project, has recommended Change Order No. 1 for said project resulting in an overall decrease of \$2,220.00 in the project contract amount to a new contract total of \$65,581.45;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that it hereby authorizes Change Order No. 1 for the purchase of Watermain Pipes and Fittings for the Maple Avenue Watermain Project based on the recommendation of the Project Engineer, with said Change Order resulting in a \$2,220.00 increase to a new contract total of \$65,581.45; and

**BE IT FURTHER RESOLVED**, that a copy of Change Order No. 1 be attached to 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, August 13, 2012.

---

Lorraine A. Read, RMC  
Municipal Clerk





## TOWN OF NEWTON

### RESOLUTION #170-2012

August 13, 2012

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 19.04, Lot 10 (Formerly Known as Block 1306.01, Lot 20.03)”**

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 19.04, Lot 10, (formerly known as Block 1306.01, Lot 20.03) also known as 83 Mount View Street, for 2009 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1352, was sold to US Bank cust for Pro Capital I LLC, for 0% redemption fee with a premium of \$200.00; and

**WHEREAS**, Ms. Katherine L. Lang, owner of said property has effected redemption of Certificate #1352 in the amount of \$1,626.51;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank cust for Pro Capital I LLC, is entitled to the redemption in the amount of \$1,626.51 along with the premium of \$200.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$1,626.51 for the redemption of Certificate #1352 as well as a check in the amount of \$200.00 for the return of the premium payable to US Bank cust for Pro Capital I LLC, 50 So. 16<sup>th</sup> 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, August 13, 2012.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #171-2012

August 13, 2012

**“Authorize Refund of Redemption Monies to Outside Lien Holder for Block 12.03, Lot 1; Qual: C0039 (Formerly Known as Block 14.01, Lot 14.06, Qual: C0039)”**

**WHEREAS**, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 12.03, Lot 1, Qual: C0039 (formerly known as Block 1401, Lot 1401.06, Qual: C0039) also known as 39 Carriage Lane, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1372, was sold to ALMAR for 0% redemption fee with a premium of \$8,700.00; and

**WHEREAS**, Jamie L. McMahon, Esq. attorney handling the sale of said property has effected redemption of Certificate #1372 in the amount of \$17,866.15;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that ALMAR is entitled to the redemption in the amount of \$17,866.15 along with the premium of \$8,700.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$17,866.15 for the redemption of Certificate #1372 as well as a check in the amount of \$8,700.00 for the return of the premium payable to ALMAR, 2 Kiel Avenue #202, Kinnelon, NJ 07405.

### 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, August 13, 2012.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #172-2012

August 13, 2012

### "Ratify and Affirm the Issuance of Refunding Bonds"

**WHEREAS**, in early 2012 the Town Auditor suggested that the Town of Newton consider refinancing its outstanding United States Department of Agriculture (USDA) debt to obtain both a lower interest rate and a shorter term and thereby effect a cost savings for the Town of Newton residents; and

**WHEREAS**, all the necessary resolutions and approvals, including the State Local Finance Board, were obtained; and

**WHEREAS**, the appropriate Town Officials executed said Bonds in the amount of \$10,210,000.00 dated July 25, 2012 split as follows:

\$1,685,000 General Improvement Refunding Bonds NIC 3.124763% maturing 5/1/2031

\$8,525,000 Water and Sewer Utility Refunding Bonds NIC 3.672174% maturing 5/1/2038

**WHEREAS**, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Council meeting, herewith attached is a copy of the *Certificate of Delivery and Payment with the attached Schedule A*. Also attached is the *Savings Analysis* prepared by RBC Capital Markets, LLC on June 27, 2012 showing an aggregate gross savings of \$2,804,343.35 for the refunding bonds;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it does hereby ratify and affirm the issuance of said Bonds by the Chief Financial Officer and the execution of said bonds by the appropriate Town Officials.

#### 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, August 13, 2012.

---

Lorraine A. Read  
Municipal Clerk

**TOWN OF NEWTON****In the County of Sussex, New Jersey**

\$10,210,000 Refunding Bonds consisting of:  
 \$1,685,000 General Improvement Refunding Bonds  
 \$8,525,000 Water and Sewer Utility Refunding Bonds

Fiscal Year	General Improvement Refunding Bonds			Water and Sewer Utility Refunding Bonds			Aggregate Cash Flow Savings
	Prior Debt Service	New Debt Service	Cash Flow Savings	Prior Debt Service	New Debt Service	Cash Flow Savings	
12/31/2012	\$83,037	\$81,207	\$1,831	\$258,723	\$256,217	\$2,507	\$4,338
12/31/2013	166,093	162,775	3,318	518,420	516,213	2,208	5,526
12/31/2014	166,061	165,075	986	518,721	516,138	2,584	3,570
12/31/2015	166,027	161,775	4,252	518,722	514,913	3,809	8,061
12/31/2016	166,010	162,825	3,185	519,337	517,363	1,974	5,159
12/31/2017	165,955	163,125	2,830	518,440	518,363	78	2,908
12/31/2018	132,179	128,925	3,254	518,722	514,063	4,660	7,914
12/31/2019	98,438	95,775	2,663	518,722	513,850	4,872	7,535
12/31/2020	98,438	97,800	638	519,284	516,838	2,446	3,084
12/31/2021	98,438	94,550	3,888	518,463	518,463	1	3,889
12/31/2022	98,438	96,175	2,263	518,723	514,463	4,260	6,523
12/31/2023	98,438	97,925	513	518,724	516,338	2,387	2,900
12/31/2024	98,438	95,206	3,232	519,220	515,300	3,920	7,152
12/31/2025	98,438	97,688	751	518,489	515,063	3,427	4,178
12/31/2026	98,438	95,088	3,351	518,724	514,500	4,224	7,575
12/31/2027	98,438	97,406	1,032	518,725	518,531	194	1,226
12/31/2028	98,438	94,538	3,901	519,143	516,713	2,430	6,331
12/31/2029	98,438	96,475	1,963	518,525	514,113	4,412	6,375
12/31/2030	98,438	98,238	201	518,727	516,075	2,652	2,853
12/31/2031	98,438	45,788	52,651	518,727	517,513	1,214	53,865
12/31/2032	98,438	-	98,438	519,052	517,400	1,652	100,090
12/31/2033	97,484	-	97,484	518,564	515,700	2,864	100,348
12/31/2034				518,728	518,300	428	428
12/31/2035				518,730	515,200	3,530	3,530
12/31/2036				518,944	516,400	2,544	2,544
12/31/2037				514,466	511,900	2,566	2,566
12/31/2038				386,676	178,500	208,176	208,176
12/31/2039				339,181	-	339,181	339,181
12/31/2040				339,299	-	339,299	339,299
12/31/2041				339,119	-	339,119	339,119
12/31/2042				339,184	-	339,184	339,184
12/31/2043				339,185	-	339,185	339,185
12/31/2044				331,975	-	331,975	331,975
12/31/2045				52,218	-	52,218	52,218
12/31/2046				52,219	-	52,219	52,219
12/31/2047				52,219	-	52,219	52,219
12/31/2048				51,105	-	51,105	51,105
<b>TOTAL</b>	<b>\$2,520,978</b>	<b>\$2,228,357</b>	<b>\$292,621</b>	<b>\$15,846,145</b>	<b>\$13,334,430</b>	<b>\$2,511,723</b>	<b>\$2,804,343</b>

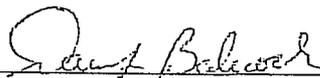
PV of savings from cash flow	\$1,069,491
Plus: Refunding funds on hand	<u>2,911</u>
<b>Net PV Savings</b>	<b>\$1,072,402</b>

CERTIFICATE OF DELIVERY AND PAYMENT

I, Dawn L. Babcock, the duly chosen, qualified Chief Financial Officer of the Town of Newton, in the County of Sussex, a municipal corporation of the State of New Jersey and herein referred to as the "Issuer," HEREBY CERTIFY that on the 25th day of July, 2012, I delivered to RBC Capital Markets, the purchaser thereof, \$10,210,000 Refunding Bonds consisting of \$1,685,000 General Improvement Refunding Bonds and \$8,525,000 Water and Sewer Utility Refunding Bonds of the Issuer (the "Bonds"), each duly executed by or on behalf of the Issuer, and all otherwise described as set forth in Schedule A annexed hereto and by this reference made a part hereof, and that at or before the time of such delivery of the Bonds, I received from the purchaser of the Bonds \$10,510,650.05 representing the principal amount of the Bonds, plus a net original issue premium of \$367,015.05, less an underwriter's discount on the Bonds in the amount of \$66,365.00.

I further certify that of the amount received as described above (i) \$10,437,738.80 was wired by the purchaser at my direction to Deutsche Bank National Trust Company for deposit to the Escrow Account for the Refunded Bonds in accordance with the Escrow Deposit Agreement, which agreement is dated July 25, 2012, and (ii) \$72,911.25 was wired to Deutsche Bank National Trust Company for credit to the Issuer's Costs of Issuance Account for payment of costs of issuance.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 25th day of July, 2012.



Dawn L. Babcock  
Chief Financial Officer

**SCHEDULE A**

**Town of Newton, in the  
County of Sussex, New Jersey**

Amount and Title: \$10,210,000 Refunding Bonds consisting of \$1,685,000 General Improvement Refunding Bonds and \$8,525,000 Water and Sewer Utility Refunding Bonds (collectively, the "Bonds")

Date of Original Issue: July 25, 2012

Interest Payment Dates: Semiannually on May 1 and November 1 in each year until maturity or earlier redemption, commencing November 1, 2012

Securities Depository: The Depository Trust Company, New York, New York

Paying Agent: Town of Newton, in the County of Sussex, New Jersey

Maturities	Denominations (General Improvement Refunding Bonds)	Denominations (Water and Sewer Utility Refunding Bonds)	Combined Maturities	Interest Rate	Numbers (General Improvement Refunding Bonds)	Numbers (Water and Sewer Utility Refunding Bonds)	CUSIP Numbers
11/01/2012	\$65,000	\$170,000	\$235,000	3.000%	GI-1	WSU-1	653148 EU6
05/01/2013	105,000	200,000	305,000	2.000	GI-2	WSU-2	653148 EV4
05/01/2014	110,000	205,000	315,000	3.000	GI-3	WSU-3	653148 EW2
05/01/2015	110,000	210,000	320,000	3.000	GI-4	WSU-4	653148 EX0
05/01/2016	115,000	220,000	335,000	4.000	GI-5	WSU-5	653148 EY8
05/01/2017	120,000	230,000	350,000	4.000	GI-6	WSU-6	653148 EZ5
05/01/2018	90,000	235,000	325,000	4.000	GI-7	WSU-7	653148 FA9
05/01/2019	60,000	245,000	305,000	4.500	GI-8	WSU-8	653148 FB7
05/01/2020	65,000	260,000	325,000	5.000	GI-9	WSU-9	653148 FC5
05/01/2021	65,000	275,000	340,000	5.000	GI-10	WSU-10	653148 FD3
05/01/2022	70,000	285,000	355,000	5.000	GI-11	WSU-11	653148 FE1
05/01/2023	75,000	300,000	375,000	4.000	GI-12	WSU-12	653148 FF8
05/01/2027*	320,000	1,305,000	1,625,000	3.250	GI-13	WSU-13	653148FG6
05/01/2031*	315,000	1,495,000	1,810,000	3.500	GI-14	WSU-14	653148FJ0
05/01/2038*		2,890,000	2,890,000	4.000	GI-15	WSU-15	653148FH4

**Optional Redemption**

The Bonds maturing prior to May 1, 2023 are not subject to optional redemption. The Bonds maturing on or after May 1, 2023 shall be subject to redemption at the option of the Town, in whole or in part, on any date on or after May 1, 2022 at the par amount of bonds to be refunded, plus unpaid accrued interest to the date fixed for redemption.

**Mandatory Sinking Fund Redemption**

The Bonds maturing on May 1, 2027 are subject to mandatory redemption from sinking fund installments made on each May 1, beginning as set forth below, and shall be redeemed at a Redemption Price equal to one hundred percent (100%) of the principal amount of the Bonds called for redemption, plus interest accrued and unpaid to the date fixed for redemption, according to the schedule set forth below:

May 1, 2027

<u>Year</u>	<u>General Improvement Refunding Bonds</u>	<u>Water and Sewer Utility Refunding Bonds</u>	<u>Combined Maturities</u>
2024	\$75,000	\$310,000	\$385,000
2025	\$80,000	\$320,000	\$400,000
2026	\$80,000	\$330,000	\$410,000
2027*	\$85,000	\$345,000	\$430,000

\*Final Maturity

The Bonds maturing on May 1, 2031 are subject to mandatory redemption from sinking fund installments made on each May 1, beginning as set forth below, and shall be redeemed at a Redemption Price equal to one hundred percent (100%) of the principal amount of the Bonds called for redemption, plus interest accrued and unpaid to the date fixed for redemption, according to the schedule set forth below:

May 1, 2031

<u>Year</u>	<u>General Improvement Refunding Bonds</u>	<u>Water and Sewer Utility Refunding Bonds</u>	<u>Combined Maturities</u>
2028	\$85,000	\$355,000	\$440,000
2029	\$90,000	\$365,000	\$455,000
2030	\$95,000	\$380,000	\$475,000
2031*	\$45,000	\$395,000	\$440,000

\*Final Maturity

The Bonds maturing on May 1, 2038 are subject to mandatory redemption from sinking fund installments made on each May 1, beginning as set forth below, and shall be redeemed at a Redemption Price equal to one hundred percent (100%) of the principal amount of the Bonds called for redemption, plus interest accrued and unpaid to the date fixed for redemption, according to the schedule set forth below:

May 1, 2038

<u>Year</u>	<u>Water and Sewer Utility Refunding Bonds</u>
2032	\$410,000
2033	\$425,000
2034	\$445,000
2035	\$460,000
2036	\$480,000
2037	\$495,000
2038*	\$175,000

\*Final Maturity



**3 YEAR CAPITAL PROGRAM 2012 - 2014  
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	ESTIMATED COST	BUDGET APPROPRIATIONS			CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	BONDS AND NOTES			
		CURRENT YEAR 2012	FUTURE YEARS	CAPITAL IMPROVEMENT FUND			GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
Improvement Municipal Bldgs	40,000				40,000					
Lower Spring Street Beautification Project	42,500				42,500					
<b>TOTAL ALL PROJECTS</b>	<b>82,500</b>				<b>82,500</b>					

Be It Further Resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services, and one copy be forwarded to the Town Auditor and Chief Financial Officer.

It is hereby certified that this is a true copy of a resolution amending the Capital Budget section as adopted by the Governing Body on the 13th day of August, 2012.

Certified by:

\_\_\_\_\_

Lorraine A. Read, Municipal Clerk



**TOWN OF NEWTON  
RESOLUTION #174-2012**

**August 13, 2012**

**“Special Emergency Appropriation – Preparation  
of a Revision and Codification of Ordinances in  
the Town of Newton 2012 Current Budget”**

**WHEREAS**, an ordinance has been adopted creating a special emergency appropriation of \$18,000.00 to prepare a revision and codification of Town ordinances and no adequate provision was made in the 2012 Current Budget for the aforesaid purpose; and

**WHEREAS**, N.J.S.A. 40A:4-53 et. seq. provides that it shall be lawful to make such appropriations, which appropriation and/or the “special emergency notes” issued to finance the 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) A special emergency appropriation in the Current Budget is hereby made for preparation of a revision and codification of its ordinances in the amount of \$18,000.00.
- 2) The total amount of the special emergency appropriation is \$18,000 and the Town of Newton hereby requests that an exclusion from the 5% CAP be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$3,600 per year in the budgets of the next five succeeding years commencing with the budget of 2013 in accordance with 40A:4-55 (c).
- 3) That an emergency note or notes be authorized not in excess of \$18,000.00, the amount appropriated by ordinance as stated above.
- 4) That said note or notes shall be dated after August 13, 2012, may be renewed from time to time, and at least 1/5 of all such notes and renewals thereof shall mature and be paid in each fiscal year thereafter until all are paid.
- 5) That one 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, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #175-2012

August 13, 2012

**“Approval of a Renewal Application for a Taxicab Driver’s License Submitted by Harold R. Storm, Jr.”**

**WHEREAS**, the Code of the Town of Newton requires that under **Chapter 283, Article I, §283-2, License Required**. “No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this article.” “All licenses issued under this article are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to expiration to the Chief of Police”; and

**WHEREAS**, the Newton Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Driver’s License application for Harold R. Storm, Jr. is complete and accurate; and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the application for the renewal Taxicab Driver’s License submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, New Jersey and represents Chip’s Taxi, Limo & Courier, which expires on May 31, 2013.

#### 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 meeting of said Governing Body conducted on Monday, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #176-2012

August 13, 2012

**"Approval of a Renewal Application for a Taxicab Owner's License Submitted by Harold R. Storm, Jr. t/a Chip's Taxi, Limo & Courier"**

**WHEREAS**, the Code of the Town of Newton requires that under **Chapter 283, Article I, §283-2, License required**, "No person shall operate a taxicab within the Town unless both the owner and the driver of the taxicab are licensed under this article." "All licenses issued under this article are deemed valid for one (1) year and requests for renewal must be submitted at least thirty (30) days prior to the expiration to the Chief of Police"; and

**WHEREAS**, the Police Department has completed the necessary investigation and submitted a letter advising that the renewal Taxicab Owner's License application for Harold R. Storm, Jr., t/a Chip's Taxi, Limo & Courier is complete and accurate; and

**WHEREAS**, in accordance with **§283-6, Inspection of vehicles**, "Before a vehicle is used as a taxicab within the Town it shall be inspected...to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law";

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby approves the renewal Taxicab Owner's License application submitted by Harold R. Storm, Jr., 173 Spring Street, Newton, NJ 07860, t/a Chip's Taxi, Limo & Courier, which shall expire May 31, 2013; and

**BE IT FURTHER RESOLVED**, that the applicant must be in compliance with all aspects of **Chapter 283**, of the Code of the Town of Newton, as well as, the provisions of N.J.R.S. 46:16.

### 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, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #177-2012

August 13, 2012

### RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWN PLANNING BOARD TO REVIEW PROPOSED AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

**WHEREAS**, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

**WHEREAS**, on April 23, 2007, the Town of Newton (the "Town"), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the "Rehabilitation Area"); and

**WHEREAS**, in November 2010, after review and comment by the Town's Planning Board in accordance with the Act, the Town implemented a redevelopment plan (the "Redevelopment Plan") for a portion of the Rehabilitation Area comprised of: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the "Plan Area"); and

**WHEREAS**, the Town wishes to enlarge the Plan Area to include all of Block 22.04, Lot 5 (then Block 1308, Lot 1), which is within the Rehabilitation Area and which is owned by the Town, and further wishes to modify density requirements and certain bulk standards contained in the Redevelopment Plan; and

**WHEREAS**, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

**WHEREAS**, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment,

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

I. **GENERAL**

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

II. **PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT**

The Town Council hereby authorizes and directs the Planning Board to review the Proposed Amendment attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by N.J.S.A. 40A:12A-7(e).

III. **SEVERABILITY**

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.

IV. **AVAILABILITY OF THE RESOLUTION**

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

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

**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, August 13, 2012.

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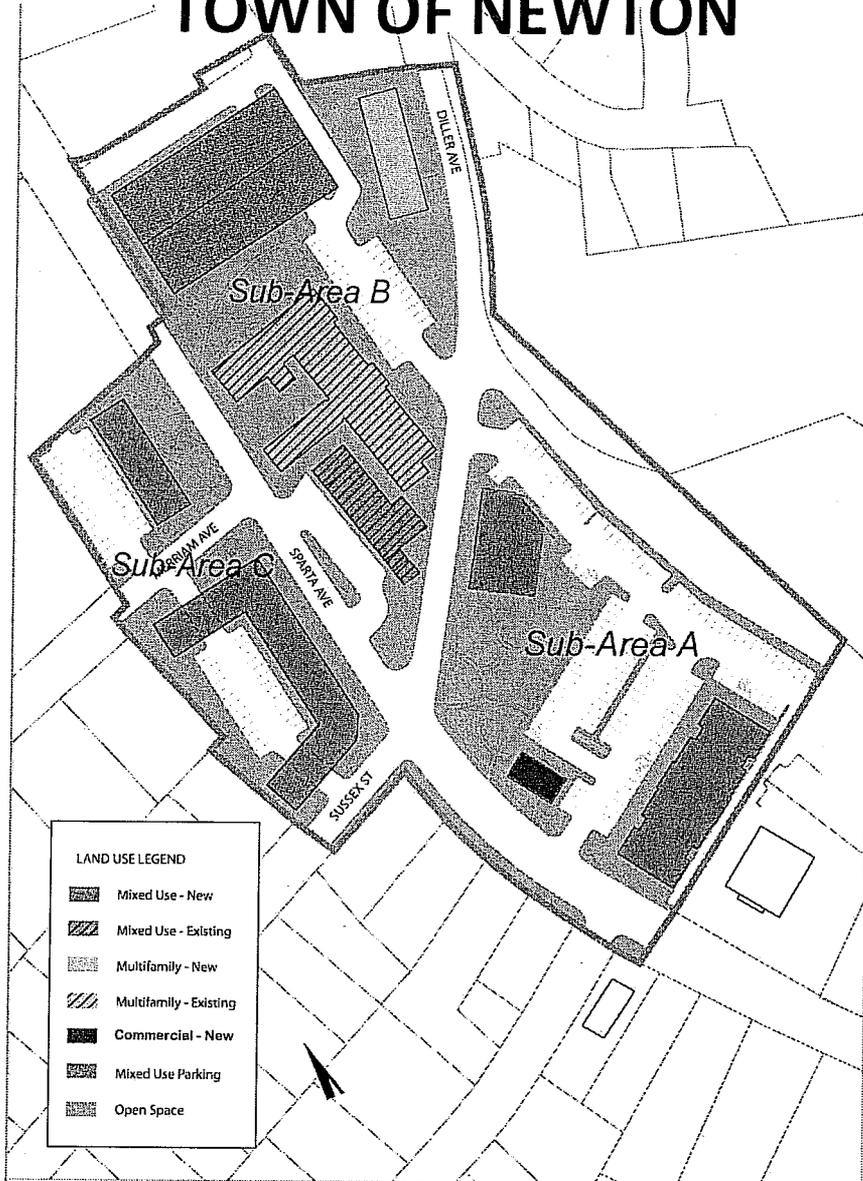
Lorraine A. Read, RMC  
Municipal Clerk

**EXHIBIT A**

**PROPOSED AMENDMENT**

On file in the Municipal Clerk's Office

# MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



August 2012

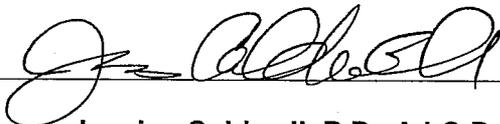
**J Caldwell**  
& ASSOCIATES LLC

PLANNING CONSULTING SERVICES

**MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT  
TOWN OF NEWTON, SUSSEX COUNTY**

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MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT .....5



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Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

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## PLAN CONSISTENCY REVIEW

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### BACKGROUND

The Merriam Gateway Redevelopment Plan (the “Plan”) governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), including parcels, public streets and Rights-of-Way adjacent to and including Sparta Avenue and Diller Avenue (the “Plan Area”). The Plan was adopted by the Town Council in November 2010.

The Plan Area includes 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The Town of Newton has updated tax lot numbers since the adoption of the original Merriam Gateway Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. The Plan divides the Plan Area into three (3) sub-areas: A, B and C. The parcels within Block 22.04 (former Block 1308) comprise Sub-Area A, the parcels within Block 18.02 (former Block 1301) comprise Sub-Area B, and the parcels within Blocks 18.03 and 22.02 (former Blocks 1104 and 1209 respectively) comprise Sub-Area C.

The purpose of the plan is to create consistency between the development contemplated for the Plan Area and the Bulk Standards promulgated in the Plan. Currently, when applied, the bulk requirements are not necessarily consistent with the locations and density of building concepts shown in the Plan. This proposed Plan Amendment is therefore intended to eliminate inconsistencies between graphical representations of potential development in the Plan and the bulk standards in the Plan. The result will be proposed new bulk standards that better represent graphical depictions of potential development in the Plan Area.

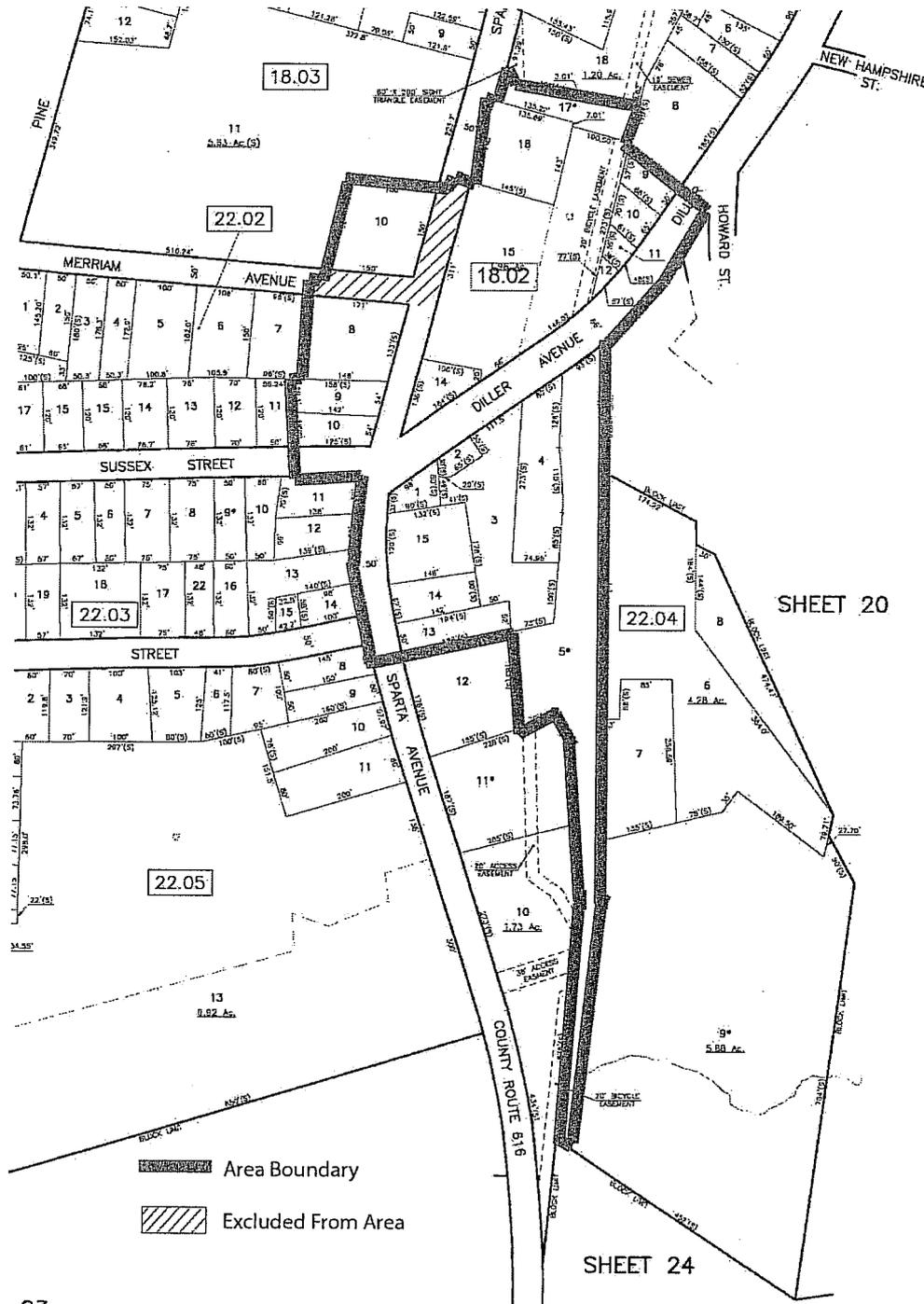
## **AMENDMENTS TO THE REDEVELOPMENT PLAN**

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 of the Redevelopment Plan, it states, "As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes." As noted previously, the amendments proposed are required to create better consistency between graphic depictions and the bulk requirements of the Plan. For this reason, the proposed Plan amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan.

Based upon the foregoing, it is recommended that the following amendments be made to the Merriam Gateway Redevelopment Pan.

# MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 1.3, Block and Lot Map, the area map shall be amended to include the entirety of Lot 5, Block 22.04 (former Lot 1, Block 1308). The portion of Lot 5, Block 22.04 that extends beyond the original Plan Area will be utilized for parking, utilities, stormwater management, garbage and recycling facilities and a public bike path. Other maps in the Plan may not reflect the entirety of Lot 5, Block 22.04; however it is the intention of the Plan to permit the above-referenced improvements within Lot 5, Block 22.04.



At Section 3.0, Definitions, remove the definition for Net Acre.

At Section 6.0, Building Regulations, replace the bulk requirements on page 45 with the following:

**Density:** The maximum residential density for Sub-Areas A & C shall not exceed 24 dwelling units per acre, excluding rights of way. The density of Sub-Area B shall not exceed 15 dwelling units per acre excluding Block 18.02, Lots 15 and 16, which may maintain the residential density that exists as of the time of the adoption of this Plan Amendment.

**Setbacks:** Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. The setbacks below apply to principal structures. Accessory structures are not permitted in the front yard setback and must have a minimum 5' side and rear yard setback. The principal building setbacks below are delineated by building type. For descriptions of the varying building types, see page 46 of the Plan.

#### Sub-Area A (Block 22.04)

##### Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Landmark:	0' min.

##### Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Landmark:	5' min.

##### Rear yard setback:

Multi-family:	10' min.
Mixed use:	10' min.
Landmark:	10' min.

#### Sub-Area B (Block 18.02)

##### Front yard setback:

Multi-family:	10' min.
Mixed-use:	5' min.
Landmark:	0' min.

##### Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Landmark:	5' min.

##### Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.

Landmark: 10' min.

**Sub-Area C (Blocks 18.03 & 22.02)**

**Front yard setback:**

Multi-family: 10' min.

Mixed-use: 10' min.

Landmark: 5' min.

**Side yard setback:**

Multi-family: 10' min.

Mixed-use: 10' min.

Landmark: 5' min.

**Rear yard setback:**

Multi-family: 10' min.

Mixed-use: 10' min.

Landmark: 10' min.

**Encroachments:** Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc. No encroachment of more than four (4) feet is permitted.

**Allowable Building Envelopes:** Delete this section.

**At Section 6.5 Architectural Styles, page 48:** Delete item 10 (shown below).

10. Any ground level commercial facades must be of at least 60% void area (windows and other openings).

**At Section 8.1 Legal Requirements, page 73, paragraph 2:** Delete items 2, 3 and 5 (shown below):

2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.



## TOWN OF NEWTON

### RESOLUTION #178-2012

August 13, 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, August 13, 2012.

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Lorraine A. Read, RMC  
Municipal Clerk