



AGENDA
NEWTON TOWN COUNCIL
AUGUST 27, 2012
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES - AUGUST 13, 2012 REGULAR MEETING

V. OPEN TO THE PUBLIC

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

VI. COUNCIL & MANAGER REPORTS

- a. TOWN HALL CLOSED – PRESIDENTIAL ELECTION DAY, TUESDAY, NOVEMBER 6, 2012
- b. TOWN COUNCIL MEETING CANCELLATION – WEDNESDAY, NOVEMBER 14, 2012

VII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

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

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

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

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

- b. INTRODUCTION

ORDINANCE 2012-23

AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

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 #179-2012* AWARD PURCHASE OF ELEVATED ANGLE FRAME BLEACHERS FOR BABE RUTH FIELD AT MEMORY PARK
- b. RESOLUTION #180-2012* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS
- c. RESOLUTION #181-2012* APPROVE FIREWORKS DISPLAY FOR NEWTON MEDICAL CENTER, ATLANTIC HEALTH SYSTEM
- d. RESOLUTION #182-2012* AUTHORIZE AND DIRECT THE TAX COLLECTOR TO SELL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW
- e. RESOLUTION #183-2012* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- f. RESOLUTION #184-2012* APPOINTMENT OF THE RBA GROUP, INC. TO COMPLETE AN INTENSIVE-LEVEL ARCHITECTURAL SURVEY OF THE HISTORIC RESOURCES WITHIN THE TOWN OF NEWTON
- g. RESOLUTION #185-2012* INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2012 TOWN OF NEWTON BUDGET PURSUANT TO N.J.S.A. 40A: 4-87 (C. 159, PL 148)
- h. APPLICATION* ON-PREMISE RAFFLE (50/50) FROM THE PRIDE FOUNDATION, INC., 44 RYERSON AVENUE, NEWTON TO BE HELD SATURDAY, SEPTEMBER 15, 2012; FRIDAY, OCTOBER 12, 2012 AND FRIDAY, OCTOBER 19, 2012 AT 7:00PM AT 44 RYERSON AVENUE

X. INTERMISSION

XI. DISCUSSION

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

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 was adopted, 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.

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.

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 was adopted, 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.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE 2012-23**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM
GATEWAY REDEVELOPMENT PLAN**

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 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 prepared proposed amendments to the Redevelopment Plan, which are attached hereto as Exhibit A (the “Proposal”); and

WHEREAS, on August 13, 2012, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on August 15, 2012, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board determined by Resolution dated August 15, 2012 (the “Planning Board Findings”, attached hereto as Exhibit B) that the Proposal is consistent with the Town's Master Plan, and recommended that the Town adopt the Proposal as an amendment to the Redevelopment Plan,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Town concurs with the Planning Board's determination that the Proposal is consistent with the Master Plan. The Proposal, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan, as amended by the Proposal, and to delineate the boundaries of the Plan Area, as amended by the Proposal.

Section 3. This ordinance shall take effect as provided in law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on August 27, 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 September 12, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

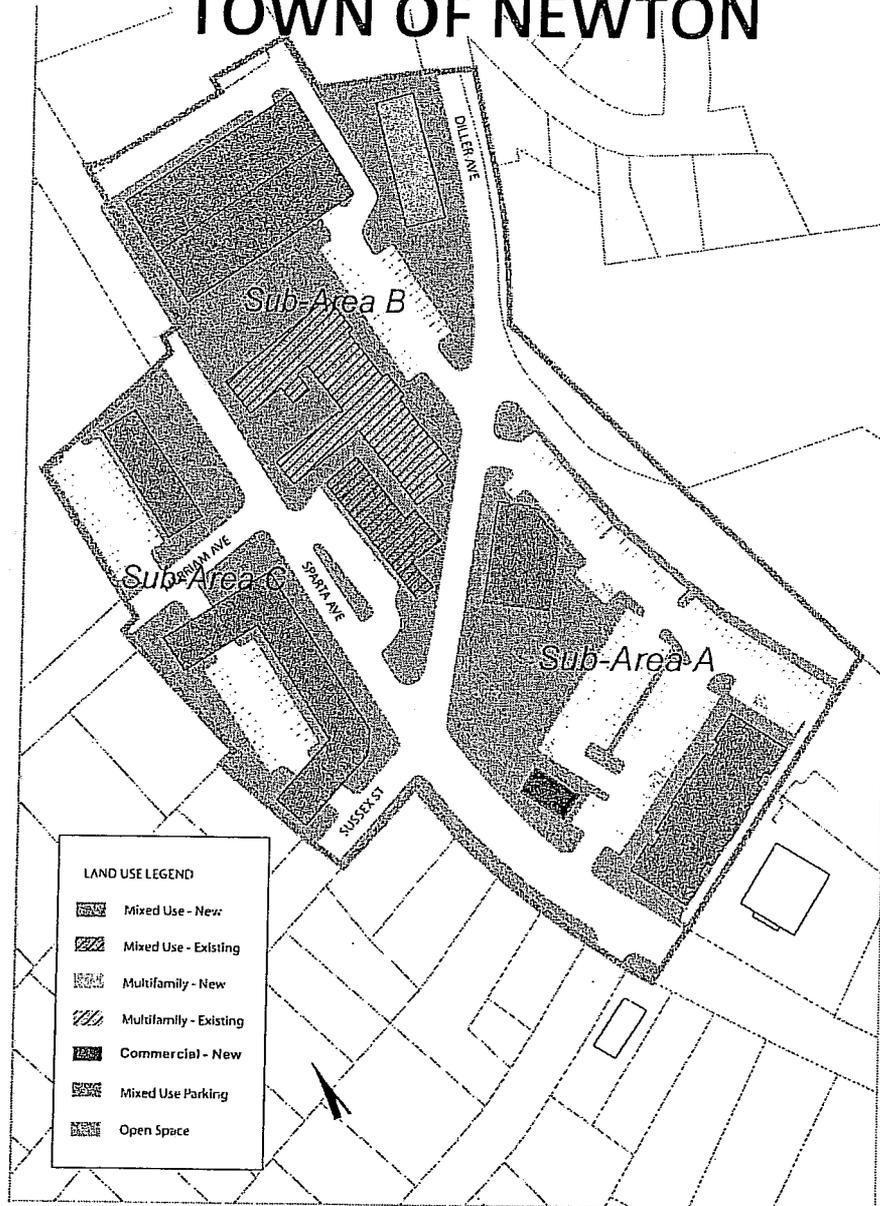
Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

PROPOSAL

On File in the Clerk's Office

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



August 2012

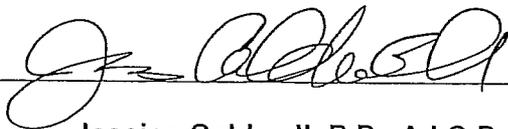
J Caldwell
& ASSOCIATES LLC

PLANNING CONSULTING SERVICES

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON, SUSSEX COUNTY

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

PLAN CONSISTENCY REVIEW

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.

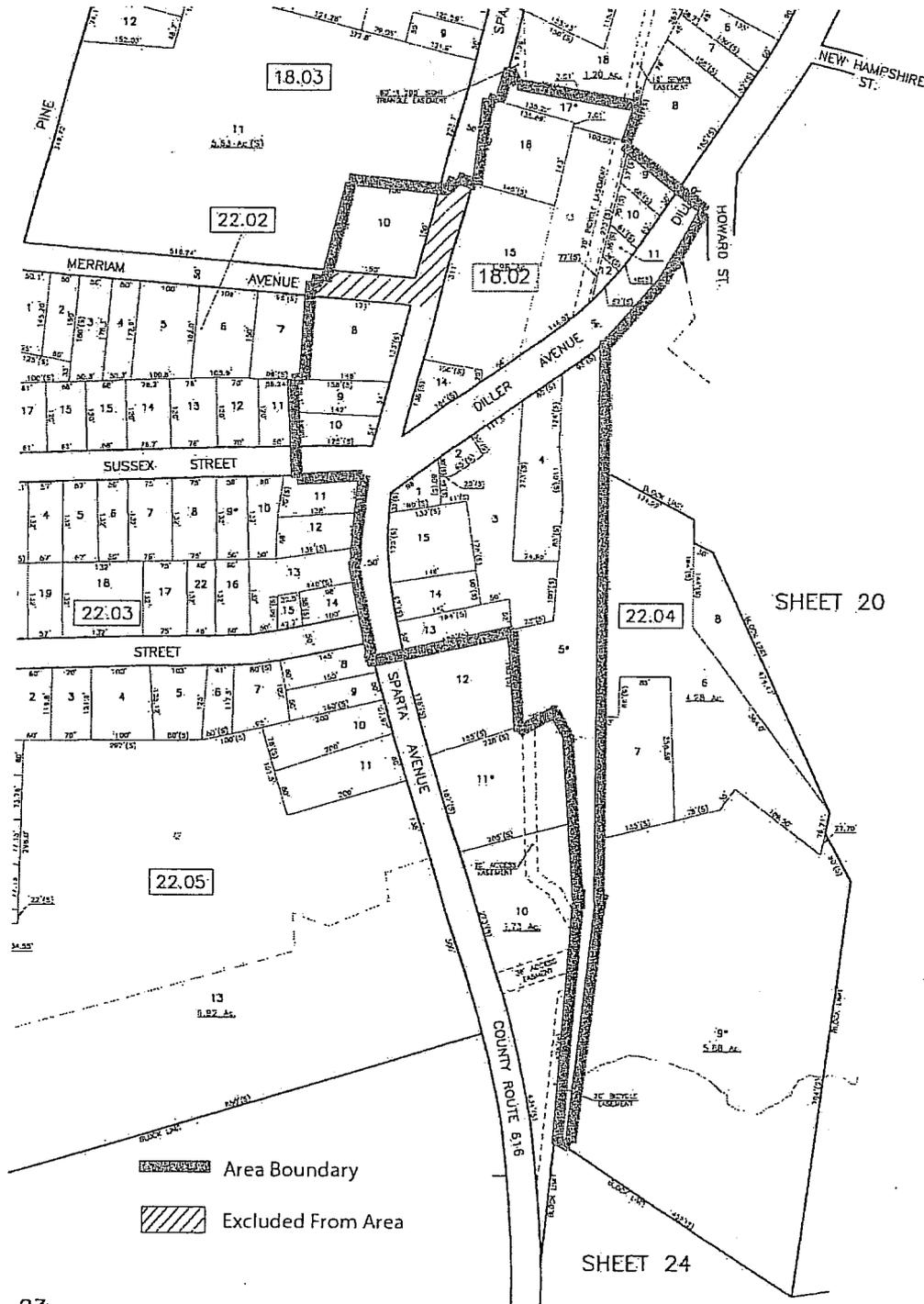
AMENDMENTS TO THE REDEVELOPMENT PLAN

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.

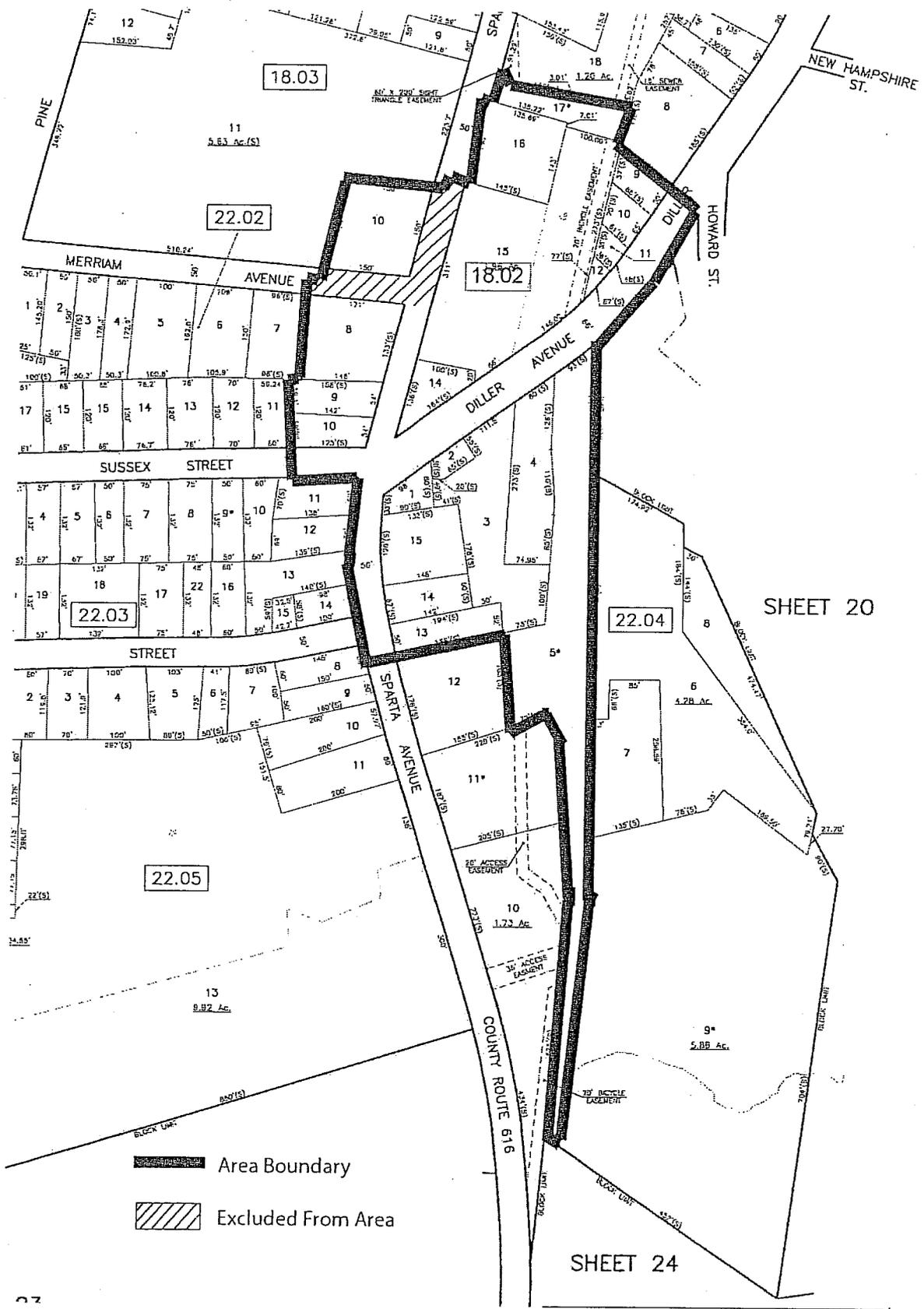
TOWN OF NEWTON, NJ

PLANNING BOARD REVIEW OF PROPOSED AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

TAKE NOTICE that on the 15th day of August, 2012 at 7:00 p.m., the Town of Newton Planning Board will consider proposed amendments to the Merriam Gateway Redevelopment Plan at the Municipal Building, 39 Trinity Street, Newton, NJ.

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 Plan, adopted by the Town in November 2010, governs 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 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. A map of the area is included for your convenience.

Copies of the Merriam Gateway Redevelopment Plan and the proposed amendments thereto may be downloaded from the Town of Newton's website at www.newtontownhall.com, and are also on file in the Town's Community Development Department, where they are available for inspection or reproduction.



18.03

22.02

18.02

22.03

22.04

22.05

SHEET 20

SHEET 24

07

EXHIBIT B

PLANNING BOARD FINDINGS

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THE ADOPTION OF AMENDMENTS TO THE
MERRIAM GATEWAY REDEVELOPMENT PLAN**

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 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 prepared proposed amendments to the Redevelopment Plan, which are attached hereto as Exhibit A (the "Proposal"); and

WHEREAS, on August 13, 2012, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on August 15, 2012, Jessica Caldwell, P.P., A.I.C.P. (the "Planning Consultant") presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board has determined that the Proposal is consistent with the Town's Master Plan, and therefore the Planning Board wishes to recommend to the Town Council that it adopt the Proposal as an amendment to the Redevelopment Plan.

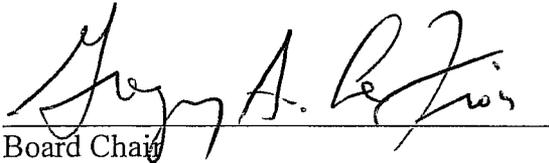
NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Newton as follows:

Section 1. Recommendation – Adoption of Proposal. The Planning Board hereby recommends to the Town Council that the Proposal be adopted as an amendment to the Redevelopment Plan. The Planning Board hereby finds and determines that the Proposal is consistent with the Town's Master Plan.

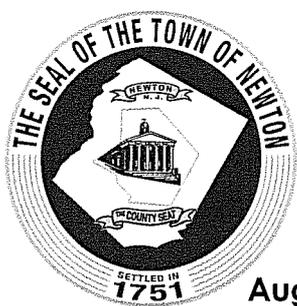
Section 2. Transmission to the Town Council. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Town Council. This Resolution shall serve as the Report to the Town Council required by Section 7 of the Act.

Section 3. Effective Date. This Resolution shall take effect immediately.

We hereby certify this to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 15th day of August, 2012.


Board Chair


Board Secretary



TOWN OF NEWTON

RESOLUTION #179-2012

August 27, 2012

"Award Purchase of Elevated Angle Frame Bleachers for Babe Ruth Field at Memory Park"

WHEREAS, the Town of Newton publicly opened bids for the purchase of Elevated Angle Frame Bleachers for the Babe Ruth Field at Memory Park on Tuesday, August 21, 2012 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>
Louis Barbato Landscaping, Inc. 1600 Railroad Avenue Holbrook, NY 11741	\$43,933.00
Degler Whiting, Inc. 531 West Lancaster Avenue Frazer, PA 19355	\$57,400.00

WHEREAS, based on review of the bid documents the Department of Public Works Supervisor and Qualified Purchasing Agent recommend awarding of the Elevated Angle Frame Bleachers to Louis Barbato Landscaping, Inc., in the amount of \$43,933.00; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the bid submitted for the purchase of Elevated Angle Frame Bleachers for the Babe Ruth Field at Memory Park be awarded to Louis Barbato Landscaping, Inc., 1600 Railroad Avenue, Holbrook, NY 11741 in the amount of \$43,933.00. A copy of this resolution and the proposed Contract is to be forwarded to Louis Barbato Landscaping, Inc., for execution.

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 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 179 -2012

APPROVING: LOUIS BARBATO LANDSCAPING, INC.

FOR THE PURPOSE OF: PURCHASE ELEVATED ANGLE FRAME BLEACHER

IN THE AMOUNT OF: \$43,933.00

APPROPRIATED BY:

GENERAL CAPITAL - ORD.#2011-5	
#30911064 BLEACHERS - MEMORY PARK	\$29,968.20
GENERAL CAPITAL - ORD.#2011-22	
#30911224 REAPPROP. BLEACHERS MEMORY PARK	\$13,964.80

DATED THIS 27TH DAY OF AUGUST, 2012

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #180-2012

August 27, 2012

“Concur with the Town Manager’s Appointment of School Crossing Guards”

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

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

Lisa Banta

Deborah A. Alger

Diane Bell

Carol E. Blanchard

Douglas Bowne

Louise Cort

Debra L. Dellamo

Carolyn Dippel

Betty Francis

Christine Howard

Peter J. Kays

Gleanord I. Kinney

Karen Mokrzycki

Martha Morris

Raymond L. Natoli

Dawn L. Rude

Wallace Smith

Steven A. Stoll

Lori Teets

Donna VanNieuwland

Lauren Yurgel

Nancy Zdanek

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 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #181-2012

August 27, 2012

“Approve Fireworks Display at Newton Medical Center, Atlantic Health System”

WHEREAS, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Zambelli Fireworks of New Castle, PA has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 17, 2012 as part of the annual “Festival of Lights”; and

WHEREAS, the Sussex County Fire Marshal, Joseph C. Inga, has advised that the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the “Festival of Lights” event to take place on November 17, 2012 and that said fireworks display will be provided by Zambelli Fireworks of New Castle, PA; and

BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the New Jersey Department of Labor and Sussex County Fire Marshal, Joseph C. Inga.

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 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #182-2012

August 27, 2012

**"Authorize and Direct the Tax Collector to Sell
Municipal Liens in Accordance with New Jersey Law"**

WHEREAS, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2011 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998; and

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in October 2012.

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 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #183-2012

August 27, 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 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #184-2012

August 27, 2012

“Appointment of the RBA Group, Inc. to complete an Intensive-Level Architectural Survey of Historic Resources within the Town of Newton”

WHEREAS, the Town of Newton accepted Requests For Proposals on Wednesday, August 15, 2012 to complete an Intensive-Level Architectural Survey of Historic Resources within the Town of Newton; and

WHEREAS, the Town of Newton received grant funding for the completion of this work through NJ Historic Preservation Office in the amount of \$5,865.00; and

WHEREAS, the RBA Group, Inc., has submitted a proposal outlining the services to be provided; and

WHEREAS, after review of the RBA Group, Inc., proposal by Newton's Qualified Purchasing Agent and the NJ Historic Preservation Office, they have determined that the RBA Group, Inc. is the best firm for the position; and

WHEREAS, the cost to complete the survey is not to exceed the grant amount of \$5,865.00; and

WHEREAS, the Chief Financial Officer has certified funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby authorizes the Mayor and Clerk to execute an agreement with the RBA Group, Inc., for an Intensive-Level Architectural Survey of Historic Resources within the Town of Newton.

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 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 184 -2012

APPROVING: RBA GROUP, INC.

FOR THE PURPOSE OF: ARCHITECT SURVEY OF HISTORIC RESOURCES

IN THE AMOUNT OF: \$5,865.00

APPROPRIATED BY: FEDERAL & STATE GRANT FUND
#111239 HISTORIC PRESERVATION ORDINANCE UPDATE & PUBLICATION
GRANT \$5,865.00

DATED THIS 27TH DAY OF AUGUST , 2012

BY

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #185-2012

August 27, 2012

“Insertion of Special Items of Revenue in the 2012 Town of Newton Budget Pursuant to N.J.S.A. 40A:4-87 (C. 159, PL 1948)”

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality, when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount; and

WHEREAS, the Town of Newton received a grant award in the amount of \$20,265.00 from the State of New Jersey Department of Environmental Protection Historic Preservation Office; and

WHEREAS, the Town of Newton authorized the execution of a grant agreement in the amount of \$17,865.00 with a cash match of \$2,400, totaling \$20,265.00 per Resolution #73-2012 on April 23, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue in the 2012 Budget of the Town of Newton which is now available as revenue from:

Miscellaneous Revenues:

Section F: Special Items of Revenue

Public and Private Revenues Off-set with Appropriations:

NJ DEP Historic Preservation Grant \$20,265.00

BE IT FURTHER RESOLVED that the following like sum be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from CAPS

Public and Private Programs Off-Set by Revenues:

NJ DEP Historic Preservation Ordinance Update

& Publication Grant..... \$20,265.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 27, 2012.

Lorraine A. Read, RMC
Municipal Clerk

AGENDA ITEMS

For August 27, 2012 Council Meeting

Minutes: August 13, 2012 (Regular)

An Application for an on-premise raffle (50/50) from the Pride Foundation, Inc., 44 Ryerson Avenue, Newton to be held Saturday, September 15, 2012 at 7:00 p.m.; Friday, September 28, 2012; Friday, October 5, 2012; Friday, October 12, 2012; and Friday October 19, 2012 at 7:00 p.m. at 44 Ryerson Avenue, Newton.