



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**FEBRUARY 11, 2013**  
**7:00 P.M.**

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

- JANUARY 14, 2013 REGULAR MEETING
- JANUARY 14, 2013 EXECUTIVE 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. PROCLAMATION – DAWN DELANEY

**VII. ORDINANCES**

- a. 2<sup>ND</sup> READING & PUBLIC HEARING

ORDINANCE 2013-1

AN ORDINANCE ESTABLISHING CHAPTER 242 TREE PROTECTION OF THE CODE OF THE TOWN OF NEWTON

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

ORDINANCE 2013-2

AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

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

ORDINANCE 2013-3

AN ORDINANCE TO ESTABLISH A LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR MEMBERS OF THE NEWTON VOLUNTEER FIRST AID SQUAD

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

ORDINANCE 2013-4

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWN OF NEWTON BY PUBLIC AUCTION

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

**b. INTRODUCTION**

ORDINANCE 2013-5

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

ORDINANCE 2013-6

AN ORDINANCE NAMING A PUBLIC ALLEY AS "ART ALLEY"

ORDINANCE 2013-7

ORDINANCE REAPPROPRIATING \$29,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

**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 #25-2013\*

RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2012 LOSAP PARTICIPANTS

**b.** RESOLUTION #26-2013\*

LIFTING OF WATER RESTRICTIONS FOR TOWN OF NEWTON

**c.** RESOLUTION #27-2013\*

APPROVAL OF A RENEWAL APPLICATION FOR A TEMPORARY JUNK DEALERS LICENSE FOR NEWTON AUTO SALVAGE

**d.** RESOLUTION #28-2013\*

APPROVAL OF A RENEWAL APPLICATION FOR A JUNK DEALER'S LICENSE FOR GEORGE'S SALVAGE COMPANY, INC.

**e.** RESOLUTION #29-2013\*

APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

**f.** RESOLUTION #30-2013\*

TEMPORARY CAPITAL BUDGET AMENDMENT

**g.** RESOLUTION #31-2013\*

APPROVE BILLS AND VOUCHERS FOR PAYMENT

**h.** RESOLUTION #32-2013\*

AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 13.05, LOT 18 (FORMERLY BLOCK 1005, LOT 6)

**i.** APPLICATION\*

OFF-PREMISE RAFFLE FROM NEWTON MEMORIAL HOSPITAL FOUNDATION, 175 HIGH STREET, NEWTON TO BE HELD 12:00PM ON FRIDAY, MARCH 29, 2013 AT NEWTON MEDICAL CENTER, 175 HIGH STREET

**X. INTERMISSION**

**XI. DISCUSSION**

- a.** VISION PLAN – J. CALDWELL AND S. KOPERWEIS
- b.** COURT FEES
- c.** 2013 MUNICIPAL BUDGET

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. ADJOURNMENT**

Office of the Mayor

Newton, New Jersey

# Proclamation

Dawn Delaney

**WHEREAS**, Dawn Delaney exemplifies the spirit that the Sussex County St. Patrick's Day Committee upholds; and

**WHEREAS**, Dawn has helped to bring Irish Culture and Irish History into Sussex County by her support of all of the St. Patrick's Day Committee events throughout the years; and

**WHEREAS**, Dawn has been an active member of the St. Patrick's Day Committee since 2004; and

**WHEREAS**, as part owner of Minisink Press with her husband Tom, Dawn has been actively involved in the St. Patrick's Day Committee's publication of its Ad Journal, a main source for fundraising; and

**WHEREAS**, Dawn is proud to give back to her community, and as one of the three Grand Marshals of the 2013 Sussex County St. Patrick's Day Parade, has chosen the Sun Rise House Foundation as her Chosen Charity for 2013;

**NOW, THEREFORE, We**, the Mayor and Town Council of the Town of Newton hereby proclaim our appreciation and gratitude to Dawn Delaney for her dedication to her Irish heritage, and in recognition of her volunteer efforts, we congratulate Dawn on being named:

**"Sussex County's Grand Marshal for the 2013 St. Patrick's Day Parade"**

*In witness whereof I have hereunto set my  
Hand and caused this seal to be affixed.*

\_\_\_\_\_  
Attest: \_\_\_\_\_

Date: \_\_\_\_\_ February 11, 2013 \_\_\_\_\_

**TOWN OF NEWTON**

**ORDINANCE 2013-1**

**AN ORDINANCE ESTABLISHING CHAPTER 242 TREE PROTECTION**

**OF THE CODE OF THE TOWN OF NEWTON**

WHEREAS, the Mayor and Town Council of the Town of Newton find that the indiscriminate and uncontrolled removal and cutting of Trees upon lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

WHEREAS, the Town of Newton's Shade Tree Advisory Commission (NSTAC) has recommended a Tree Protection Ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of Trees; and

WHEREAS, the Town Council of the Town of Newton implemented Tree Protection and Replacement for new Site Plan and Subdivision applications in the Town of Newton by adding Tree Protection and Replacement requirements in Chapter 240 Site Plan And Subdivision of the Town Ordinances;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

Section I: Chapter 242, Tree Protection, is hereby created and made a part of the Code of the Town of Newton.

242-1 Purpose. The purpose of this ordinance is to prevent the indiscriminate and uncontrolled removal and cutting of Trees upon Subdividable Lots and Undeveloped Lots.

242-2 Applicability. Tree Protection applies to all Subdividable Lots and Undeveloped Lots in the Town of Newton, which may be developable pursuant to the Site Plan and Subdivision requirements of Chapter 240.

242-3 Definitions, as used in this Chapter only:

"Alter" means to take action by cutting or pruning any Tree, or by filling, surfacing, grading, compacting or changing the drainage pattern of the soil around any Tree in a manner that threatens to diminish the vigor of the Tree; provided that, as used in this chapter, the term "Alter" does not include: normal seasonal trimming, shaping, thinning or pruning of a Tree necessary to its health and growth.

"Dripline" shall mean a line connecting the tips of the outermost branches of a Tree, projected vertically onto the ground.

"Person" shall mean any owner, operator, company, corporation, general agent, forester, or contractor of a property that has Trees.

"Subdividable Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which has a building located thereon which is occupied or capable of being occupied, but which has a lot size at least three times the minimum zoning requirements of the Town, with dimensions and setbacks sufficient to allow subdivision into at least three building lots and having the same restrictions as an Undeveloped Lot.

"Tree" shall mean any woody perennial plant, having a diameter of five (5) inches or greater, measured from a point four and one-half (4 1/2) feet above ground (dbh forestry method).

"Tree Replacement Plan" shall mean a specific plan for replacement of removed Trees in accordance with the provisions of this ordinance. See section 240-7.

"Undeveloped Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which does not have a building located thereon. Whenever approval is granted by the Planning Board to an application for preliminary major subdivision, each lot shown upon the subdivision plat, which does not have a building, located thereon shall be deemed a separate Undeveloped Lot for the purposes of this Chapter.

#### 242-4 Undeveloped or Subdividable Lots. Prohibited Activities.

- A. No Person shall Alter, injure, deface, poison, damage or remove any Tree located on any Undeveloped Lot or Subdividable Lot within the Town without an approved site plan or subdivision.
- B. No Person shall excavate, remove or place any material, temporary soil deposit, large machinery or equipment that may cause damage to roots or may compact soil, within the Dripline or within six feet of any Tree, whichever distance is greater.
- C. Landscaping Plan. A Person seeking approval for a subdivision or site plan on an Undeveloped Lot or Subdividable Lot shall submit to the Planning Board a Landscaping Plan in accordance with Chapter 240-7 of the Revised General Ordinances of the Town of Newton.
- D. Responsibilities of owner and contract purchaser. No owner or contract purchaser of an Undeveloped Lot or Subdividable Lot who employs any Person to perform any work upon such lot shall permit such Person to violate any provision of this ordinance.
- E. Nothing contained in this section relieves the owner of any private property from the duty to keep all Trees, shrubs or plants on his property or under his control in such condition so as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, alley or public place within the Town.

SECTION II: PENALTIES FOR NON-COMPLIANCE: The penalty for conducting or allowing conduct prohibited by this section shall be calculated on a Tree-by-Tree basis where damage or removal of each and every Tree constitutes a separate offense. The penalty shall be a fine calculated as \$100 per caliper inch of the affected Tree (measured at the diameter at breast height, or 4.5 feet) up to a maximum of

\$2,000. Where the caliper of the affected tree cannot be determined, the penalty shall not be less than \$350 nor more than \$2,000.

### SECTION III: SEVERABILITY AND REPEALER

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held invalid.

### SECTION IV: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with 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 January 28, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 11, 2013 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 2013-2

### AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

**WHEREAS**, the Mayor and Town Council of the Town of Newton find that the indiscriminate and uncontrolled removal and cutting of trees upon large lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

**WHEREAS**, the Town of Newton's Shade Tree Advisory Commission (NSTAC) has recommended a tree protection ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of trees; and

**WHEREAS**, the Town Council of the Town of Newton implemented Tree Protection for new Major Site Plan and Major Subdivision applications in the Town of Newton by adding tree protection and replacement requirements in Chapter 240 Site Plan And Subdivision of the Town Ordinances; and

**WHEREAS**, Chapter 240, Section 7, subsection B.(6) provides for a developer to pay into a Tree Bank, if they choose not to or do not have adequate space to replace the required amount of trees on their property; and

**WHEREAS**, the Town Council of the Town of Newton would like to establish such a Tree Bank for developers to contribute to in lieu of planting the required trees such that trees may be replaced somewhere in the Town but preferably in the same general area of Town where the trees were removed; and

**WHEREAS**, the Tree Bank may also be an account where the Town of Newton may accept donations for those interested in providing for trees to be planted within the Town of Newton;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION I: Chapter 240-7.B(6)(d) Landscaping, Tree Protection and Replacement shall be amended to read:

- (d) Tree protection and replacement must be undertaken as part of the site plan. All existing trees over five inches in dbh shall be surveyed and shown on the site plan with the dbh and removal status. Trees that are surveyed shall be marked in the field for verification by the Planning Board Engineer. Trees shown to be removed shall be replaced with trees that will equal fifty percent of the total dbh at the time of planting to replace the trees proposed for removal. For example, if a 10 inch dbh tree is proposed to be removed the developer should propose to replace it with a 5 inch dbh tree. Where a developer cannot or does not wish to replace all trees on the site, that developer shall pay a fee per tree into the Town of Newton Tree Bank at a fee as established in Chapter 100 Fees and Costs.

Section II: Chapter 241, Tree Bank, is hereby created and made a part of the Revised General Ordinances of the Town of Newton.

241-1 The purpose of this ordinance is to provide a fund for the planting of trees within the Town of Newton. More specifically, when an applicant for a Major Site Plan or Major Subdivision cannot or does not wish to fulfill the tree replacement requirements of Chapter 240-7.B(6), then the applicant must contribute to the Tree Bank. Additionally, public or private entities that wish to donate to the Town of Newton to provide for trees to be planted may donate to the Tree Bank for said purpose.

241-2 Definitions, as used in this ordinance:

"Subdividable Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which has a building located thereon which is occupied or capable of being occupied, but which has a lot size at least twice the minimum zoning requirements of the Town, with dimensions and setbacks sufficient to allow subdivision into at least two building lots and having the same restrictions as an undeveloped lot.

"Tree" shall mean any woody perennial plant, having a diameter of five (5) inches or greater, measured from a point four and one-half (4 1/2) feet above ground (dbh forestry method).

"Undeveloped Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which does not have a building located thereon. Whenever approval is granted by the Planning Board to an application for preliminary major subdivision, each lot shown upon the subdivision plat, which does not have a building, located thereon shall be deemed a separate undeveloped lot for the purposes of this ordinance.

241-3 Applicability.

The Tree Bank applies to all Subdividable Lots and Undeveloped Lots in the Town of Newton, which may be developable pursuant to the Major Site Plan and Major Subdivision requirements of Chapter 240.

241-4 Town Tree Bank.

- A. The Town shall establish and maintain a Tree Bank where fees collected from developer contribution pursuant to Section 240-7.B(6)(d) paid shall be kept. The fund shall be utilized by the Town Manager, or his designee, for Tree planting in the Town of Newton. The Town's Shade Tree Commission (NSTAC) shall provide recommendations at least once annually for consideration by the Town Manager, or his designee, for use of the fund.
- B. Funds within the Tree Bank shall be allocated to at least one Tree planting event per year subject to fund availability. Members of the NSTAC shall provide recommendations to the Town Manager, or his designee, in the selection of species and location of planting.
- C. Trees planted by Tree Bank funds should be located as closely as possible to the areas where Tree removal occurred that generate payments to the Tree Bank.
- D. The Town Tree Bank Fund may also accept donations and/or funds from other sources for the express purpose of planting Trees at locations selected by the Town Manager or his designee.

SECTION III: Chapter 100 Fees and Costs is amended as follows:

Section 100-24 Miscellaneous Fees and Charges

100-24-L. Tree Protection and Replacement (Chapter 241)

- (1) Tree Bank Fee for Trees (as defined by Chapter 241) proposed for removal that are not replaced on site: \$50.00 per caliper inch of Tree removed as measured at the diameter at breast height (4 ½ feet).

SECTION IV: SEVERABILITY AND REPEALER

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held invalid.

SECTION V: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with 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 January 28, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 11, 2013 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 #2013-3**

**AN ORDINANCE TO ESTABLISH A LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR MEMBERS OF THE NEWTON VOLUNTEER FIRST AID SQUAD**

**WHEREAS**, the Town Council of the Town of Newton deems it appropriate and necessary to act to ensure the retention of volunteer members of the Newton First Aid Squad by rewarding such members for their loyal, diligent, and devoted service to the residents of the Town of Newton; and

**WHEREAS**, the Town Council of the Town of Newton has determined that the creation of a Length of Service Award Program (“LOSAP”) as authorized by State law will enhance the ability of the municipality to recruit and retain volunteer first aid squad members;

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

1. A Length of Service Award Program (“LOSAP”) is hereby created in accordance with the “Emergency Services Volunteer Length of Service Award Program Act,” N.J.S.A. 40A:14-183 to 194 (hereinafter referred to as “the Act”), to reward members of the Newton Volunteer First Aid Squad for their loyal, diligent, and devoted service to the residents of the Town of Newton.
2. The LOSAP shall provide for annual contributions on behalf of each eligible member to a deferred income account within a plan to be established by the Town of Newton and administered in accordance with the Act and all applicable State and Federal laws.
3. To be eligible for LOSAP contributions on his or her behalf, a member must meet the following criteria, to be determined each calendar year:
  - a. A member must accumulate at least fifty (50) points for activities as set forth in the annexed Schedule “A” during a calendar year to be eligible for the LOSAP contribution for that calendar year. There shall be no carry over from year to year.
  - b. The annual contribution for each eligible member shall be between a minimum of \$115.00 and a maximum of \$1,150.00.

- c. A member shall be eligible for participation in the LOSAP immediately upon commencement of service with the Newton Volunteer First Aid Squad. Five years of service, as determined by N.J.S.A. 40A:14-188, shall be required for each individual member to vest in contributions made on his or her behalf.
4. There shall be no credit for prior years of service, except for a point award as set forth in the annexed Schedule "A".
5. The estimated cost of the program is \$34,500 per year.
6. Each active volunteer member shall be credited with points for volunteer service in accordance with the activities described in the annexed Schedule "A".
7. **Effective Date.** This Ordinance shall not take effect unless it is approved by the voters as a public question at the next General Election to be held after publication and passage of the Ordinance according to law.
8. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.
9. **Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

## SCHEDULE "A"

### Schedule of Points

Each active volunteer member shall be credited with points for volunteer services provided to the Newton Volunteer First Aid Squad in accordance with the following schedule:

#### A. Town of Newton Volunteer First Aid Squad Members

1. One hundred points (100) are required for a member to be eligible for 100% of the annual contribution. If a member achieves fewer than 100 points, the following table shall be used in determining the contributions:

<u>Number of Points</u>	<u>Contribution</u>
100	100%
90 through 99	75%
80 through 89	50%
70 through 79	25%
50 through 69	10%
0 through 49	0%

2. Points earned for first aid calls.

<u>Percent</u>	<u>Number of Points</u>
60% to 100%	60
45% to 59%	50
30% to 44%	40
20% to 29%	30
10% to 19%	20
1% to 9%	10
0%	0

3. Elected Officers

a. President	20 Points
b. Vice President	15 Points
c. Secretary	15 Points
d. Treasurer	15 Points

4. Miscellaneous Committees.

Two Points will be credited for participating in activities which are deemed official by the Captain or President, such as:

- a. Vehicle Committees.
- b. First Aid Informational Activities.
- c. Wakes and Memorial Services.
- d. Local Relief Association meetings as delegate or trustee.
- e. Local exempt Association Member.
- f. Attendance as Delegate to County or State Association Meetings.
- g. Parades and Other Special Events.
- h. Attendance at outside First Aid Activities not previously covered.

5. Miscellaneous

- a. Captain 30 Points
- b. 1<sup>st</sup> Lieutenant 25 Points
- c. 2<sup>nd</sup> Lieutenant 20 Points
- d. Trustee Chairman 20 Points
- e. Equipment Engineer 15 Points
- f. Mechanical Engineer 15 Points
- g. Trustee 15 Points
- h. Chairman of Committee 10 Points
- i. First Aid Advisor 5 Points
- j. Training or Drills One Point Each
- k. Special details One Point Each
- l. Schooling Four Points Each Class
- m. Committee Meetings One Point Each
- n. Squad Meetings One Point Each
- o. Stand-by's One Point Each

6. Longevity Point System

<u>Number of Years Completed</u>	<u>Number of Points</u>
5 to 10	5
11 to 20	10
21 to 30	15
31 to 40	20
Over 40	25

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON  
MUNICIPAL PUBLIC QUESTION**

Shall the Town of Newton be authorized to establish a Length of Service Award Program (“LOSAP”) for the Newton Volunteer First Aid Squad members serving the Town, pursuant to standards established by State Law and Town Ordinance?

**Explanatory Statement:** A LOSAP program enhances the ability of the Town of Newton to attract and retain members of the Newton Volunteer First Aid Squad. Under the program, the Town, as sponsoring agency, would make annual contributions on behalf of each eligible volunteer member, to a deferred income account administered under State law. To be eligible, a volunteer member must earn at least 50 points, in a calendar year for participation in various emergency service activities as established by Town Ordinance, and have five years vested. The LOSAP Program documents are available for public view in the office of the Newton Municipal Clerk, 39 Trinity Street, Newton, New Jersey. A contribution of \$1,150.00 per year would be made by the Town on behalf of each eligible member. The estimated cost of the program has been calculated to be \$34,500.00, which would be equivalent to approximately a ½ tax point or an increase of approximately \$10.00 on a house assessed at \$220,000 for the first year taxes and reduced thereafter, based on the actual contributions made to the plan.

YES

NO

## TOWN OF NEWTON

### AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWN OF NEWTON BY PUBLIC AUCTION

#### ORDINANCE #2013-4

**WHEREAS**, the Town of Newton has determined that certain municipally owned property, located at Block 18.02, Lot 2 (formerly Block 1301, Lot 1.02), as shown on the Town of Newton Tax Map ("Property"), is no longer necessary for municipal purposes and as such shall be sold at public auction sale in accordance with N.J.S.A. 40A:12-13; and

**WHEREAS**, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use by public sale; and

**WHEREAS**, the Town of Newton has determined that the public interest is best served by reserving easements on this Property in favor of the Town of Newton, as set forth in Schedule "A", attached hereto ("Easements").

**NOW, THEREFORE, BE IT ORDAINED** by the Newton Town Council that the Property shall be sold at public auction, subject to Easements and terms and conditions set forth, pursuant to N.J.S.A. 40A:12-13.

**BE IT FURTHER ORDAINED**, the following terms and conditions shall apply:

1. The Town Council reserves the right to reject all bids.
2. The minimum bid the Town will consider is \$120,000.00 plus the cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice for publication; and \$450 for Town attorney fees related to the Property transfer.
3. The Property shall be sold at public auction, to the highest bidder, on March 27, 2013, at 3:00 p.m.
4. The governing body hereby appoints and designates the Newton Town Manager or such other person as the governing body shall designate, to conduct the sale of the Property on behalf of the governing body.

5. Notice of the auction sale of the Property shall be advertised in the New Jersey Herald newspaper at least once a week during two consecutive weeks, the last publication being no earlier than seven days prior to the date of such sale.
6. **Potential Bidders are advised:**
  - A. To conduct all necessary title searches prior to the date of the sale.
  - B. That the description of the Property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Town of Newton as to the conditions of the Property, including habitability or usability; the Property is being sold in its present condition "as is".
  - C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Town of Newton.
  - D. That no employee, agent or officer of the Town of Newton has any authority to waive, modify or amend any of the conditions of the sale.
  - E. That offers for the Property must be made for a sum equal or greater to the minimum bid price listed in Section 2 of this Ordinance.
  - F. The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription, and as set forth herein, and without representation as to character of title of the Property to be conveyed.
  - G. The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Town of Newton, the Town of Newton shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Town of Newton not less than one week prior to the date set for closing of title.

**7. Additional Terms the Successful Bidder must comply with:**

- A. Bidder shall deposit cash, bank check or cashier's check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Town will re-auction the Property at the same sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
- B. Pay at the time of closing, no later than May 27, 2013, at the office of the Town of Newton, or at such other location as mutually agreed upon, via cash or certified check:
  - (1) The balance of the purchase price;
  - (2) The cost of recording deeds, which deeds shall be recorded on behalf of the purchaser by the Town Attorney; costs of notice of publication; and \$450 for Town attorney fees related to the Property transfer.
- C. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
- D. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- E. That the failure to close title as agreed shall forfeit to the Town of Newton any and all money deposited with the Town.
- F. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- G. That the title shall close on or before May 27, 2013, and that date shall be considered time of the essence. The Town reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.

- H. The Town reserves the right to withdraw the offer of sale and reject any and all bids.
  - I. All sales are subject to final approval by the Town Council.
  - J. Parties interested in submitting bids and who require additional information, should contact Thomas S. Russo, Jr., Town Manager, Town of Newton, Municipal Building, 39 Trinity Street, Newton, New Jersey 07860.
  - K. Execution of Acceptance of Offer to Sell Property by the Town of Newton, in the form attached hereto.
8. The Town does not warrant or certify title to the Property and in no event shall the Town of Newton be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason, and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Town, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the Property prior to the closing. In the event of closing and later finding of defect of title, the Town shall not be responsible for the same, and shall not be required to refund money or correct any defect in title or be held liable for damages.
9. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.
10. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

This Ordinance shall take effect upon final passage, approval and publication as required by law.

ATTEST:

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Sandra Lee Diglio, Mayor

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Lorraine A. Read, Municipal Clerk

**NOTICE**

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on January 28, 2013. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on February 11, 2013 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

## SCHEDULE "A"

### EASEMENTS:

#### Parade Staging Easement; Bike Path Easement; and Utilities Easement

##### Parade Staging Easement:

The Town of Newton hereby reserves and dedicates unto itself an easement burdening the entirety of the Property and benefitting the Town of Newton for public purposes as follows:

The Town of Newton shall have the right to utilize the entirety of the Property as a staging area for public parades. On such days as the Town of Newton, from time to time and in its sole discretion, hosts, approves, facilitates, and/or permits a parade through its streets, the Town of Newton and/or its approved parade sponsor shall have the right to utilize the entirety of the Property. This use of the Property as a parade staging area shall include, but not be limited to:

- a. Parking of vehicles, floats and/or parade vehicles;
- b. Assembly of parade participants and supporting persons and groups;
- c. Exclusion of all vehicles and/or persons not affiliated with the parade;
- d. Staging area for emergency services related to the parade;
- e. Distribution of beverages, food and/or supplies to parade participants and supporting persons and groups;
- f. A thoroughfare for vehicular and/or pedestrian traffic;
- g. Parking of motor vehicles and/or non-motorized vehicles;
- h. Pick-up and drop-off of persons, animals and vehicles;
- i. Holding area for animals involved in or related to parade, including, but not limited to, oxen, cattle, horses, donkeys, mules, burros, llamas, alpacas, swine, sheep, goats, dogs, cats, rabbits, ferrets, guinea pigs, hamsters, gerbils, rodents and fowl;
- j. Storage of supplies, clothing, costumes, instruments, food, fodder, cages and other materials incidental to a parade;
- k. Creation of noise incidental to a parade, including but not limited to bands, music, traffic, amplified voices and/or voices, cheers, applause and related sounds.

This use of the Property as a parade staging area shall be subject to the following limitations:

- a. There shall be no more than twelve parades in any twelve-month period that involve the Town of Newton's active exercise of this easement;
- b. The Town of Newton shall provide advance written notice to the Property's current owner (as reflected in Town records) not less than 48 hours prior to exercising its rights under this easement;
- c. Within 12 hours following the conclusion of the parade, the Town of Newton or its designated agent or party responsible for the parade, shall sweep and/or otherwise render the Property clean of any waste, garbage and/or debris introduced or deposited onto the Property as a direct result of the parade's use of the Property.

**Bike Path Easement:**

The Town of Newton hereby reserves and dedicates unto itself an easement burdening the entirety of the Property and benefitting the Town of Newton for public purposes as follows:

The Town of Newton shall have the right to locate and maintain across the Property a bike path for the sole purpose of facilitating bicycle and walking traffic through the said Property as part of the Town of Newton portion of the Sussex Branch Trail that begins east of Hicks Avenue and terminates west of Trinity Street. The bike path easement shall generally follow the existing paved area through the Property until such time as the Property is developed. At the time the Property is developed, the developer will be responsible for constructing a new bike path through the Property in a manner that adheres to the following guidelines:

- a. Path shall have a width of a minimum of 8 feet and a maximum of 10 feet;
- b. Path shall have a cross slope of 2 percent;
- c. Path shall have a typical section consisting of 4 inches of dense graded aggregate base and 2 inches of hot mix asphalt surface course;
- d. Path shall be constructed per AASHTO bicycle facilities guidelines.

Any development plans for the Property by the Owner shall include said path centered within a 20 foot wide easement which shall be dedicated specifically to the Town as part of any development application. Until such time as the Property is developed, the Town shall retain rights over the currently paved area on the Property for purposes of bicycle and pedestrian access from Lower Spring Street to the existing bike path easement on Block 18.02, Lot 18 (formerly known as Block 1301, Lot 1.03) to the East.

The Town also retains the right to construct a connection between the existing paved area on the Property and the existing bike path easement located on Block 18.02, Lot 18. This right shall allow the Town to enter the Property with machinery and labor necessary to construct a bike path to connect these areas until such time as the Property is developed.

#### **Utilities Easement:**

The Town of Newton hereby reserves and dedicates unto itself an easement burdening the entirety of the Property and benefitting the Town of Newton for public purposes as follows:

The Town of Newton shall have the right, but not the obligation, to enter the Property for purposes of maintaining, repairing, replacing and reconstructing utilities or other municipal improvements that may exist on the Property. These utilities consist of but may not be limited to:

- a. 12-inch ductile iron sanitary sewer force main owned by the Town;
- b. Drainage improvements, including stormwater rain garden, constructed or planned by the Town along Lower Spring Street;
- c. Streetscape improvements constructed or planned by the Town along Lower Spring Street;
- d. Other underground drainage and underground / aerial utilities that may exist on the Property.

Any development plans for the Property shall preserve all underground utilities on the Property as they exist today or move said utilities to a new location on the Property, at the sole cost of the developing party. All construction activities related to the utilities on this Property shall conform to the standards of the Town and the utility company which has jurisdiction over those specific utilities.

TOWN OF NEWTON

**ORDINANCE # 2013-5**

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

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

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

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

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

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

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

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

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

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

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

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Lorraine A. Read, RMC  
Municipal Clerk

# TOWN OF NEWTON

## ORDINANCE #2013-6

### AN ORDINANCE NAMING A PUBLIC ALLEY AS “ART ALLEY”

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

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

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

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

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

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

**Section 3. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 4. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

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

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

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Lorraine A. Read, RMC  
Municipal Clerk

# TOWN OF NEWTON

## ORDINANCE 2013-7

ORDINANCE REAPPROPRIATING \$29,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$29,000 of the proceeds of obligations originally made available pursuant to Section 3(c) of bond ordinance #2012-13 of the Town of Newton, in the County of Sussex, New Jersey (the "Town") finally adopted April 9, 2012 is no longer necessary for the acquisition of equipment consisting of a street sweeper, a chipper and a crack sealer for which the obligations previously were authorized.

Section 2. The \$29,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the acquisition of equipment for the Department of Public Works consisting of a zero turn mower, a walk-behind mower with backpack blower and a blacktop pavement roller.

Section 3. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 11, 2013. It 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 February 25, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #25-2013

February 11, 2013

### **“Resolution to Accept the Certified List of Qualifying 2012 LOSAP Participants”**

**WHEREAS**, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

**WHEREAS**, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2012 as per the 2012 LOSAP LIST attached; and

**WHEREAS**, the total number of qualifying volunteers for the Fire Department is 32 for a total contribution of \$32,142.50; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2012 to cover the cost of this contract;

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council do hereby accept the certified list from the Fire Department dated January 29, 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 regular meeting of said Governing Body conducted on Monday, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk

**2012 LOSAP List - Newton Fire Department**

prepared  
1/29/2013

<b>Last</b>	<b>First</b>	<b>MI</b>	<b>Contribution 2012</b>
ALVAREZ	MICHAEL	P	1,150.00
BENCIVENGA	MICHAEL	J	1,150.00
BLAKELY	CHRISTO		862.50
BOWNE	DOUGLAS	R	1,150.00
CARD	JEAN		575.00
COLE	JENNIFER		287.50
COOMBS	JEFFREY		1,150.00
COOPER	GARY	R	575.00
DIENER	JEFFREY	R	1,150.00
ESTLER	STEVEN		1,150.00
FARENCE	BRYAN	L	1,150.00
FOX	BRIAN		1,150.00
FOX	THOMAS		1,150.00
GILL	KIERAN		1,150.00
HAMMETT	KENNETH	JR	115.00
INGA	JOSEPH	SR	1,150.00
MCCARTY	EUGENE	R	1,150.00
MILLER	JASON	J	1,150.00
PHLEGAR	JAY		1,150.00
PRUTZMAN	JOHN		1,150.00
RAZZANO	ANTHONY MICHAEL	JR	1,150.00
RAZZANO	ANTONIO		1,150.00
SCHIFFNER	JEFFREY	B	1,150.00
STREETER	MICHAEL	E	1,150.00
TEETS	KENNETH	A	862.50
TEETS	MICHAEL		1,150.00
THOM	CHARLES		1,150.00
VELASTEGUI	STEVEN		1,150.00
VERKON	SCOTT	J	1,150.00
VETTER	JASON		1,150.00
WEBER	CHARLES		115.00
WECHTLER	DEREK	J	1,150.00
			<b>32,142.50</b>

Prepared by:  
*Charlie Thom*  
  
*Newton Fire Department*

Certified by:  
*Dawn L. Babcock*  
*Chief Financial*  
*Officer*



## TOWN OF NEWTON

### RESOLUTION #26-2013

February 11, 2013      “Lifting of the Water Restrictions for Town of Newton”

**WHEREAS**, in September 2012 the Town of Newton's reservoir at Morris Lake, Sparta, New Jersey was 27 inches below the top of the spillway; and

**WHEREAS**, due to the continued drop in water at Morris Lake, the Town of Newton imposed Water Restrictions on September 12, 2012 by the adoption of Resolution 193-2012; and

**WHEREAS**, Morris Lake is currently 9 inches below the top of the spillway;

**WHEREAS**, the Governing Body feels there is no longer a need to impose water restrictions for the Town Newton;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that we hereby rescind Resolution #193-2012 and lift the water restrictions for 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, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #27-2013

February 11, 2013

### “Approval of a Renewal Application for a Temporary Junk Dealers License for Newton Auto Salvage”

**WHEREAS**, the Code of the Town of Newton under Chapter 156 “Junkyards and Junk Dealers” require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

**WHEREAS**, said renewal application for the Junk Dealer’s License lists the business as Newton Auto Salvage, LLC at 79 Mt. View Street, Newton, New Jersey; and

**WHEREAS**, Section 156-8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, Newton Auto Salvage has been DENIED by the Sussex County Health Department for the ongoing fire storage issue and is required to rectify this health violation by May 31, 2013 or this license will not be further renewed by the Town of Newton if the re-inspection by the Sussex County Health Department reveals that the violations have not been corrected; and

**WHEREAS**, Newton Auto Salvage has provided a two hundred dollar (\$200.00) cash performance bond conditioned for the due observance of all ordinances of the Town relating to the business of junk dealer;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves a temporary junk dealers license based on the application for a renewal Junk Dealer License submitted by Mike Sesera, 79 Mt. View Street, Newton, N.J., which shall expire 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 regular meeting of said Governing Body conducted on Monday, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #28-2013

February 11, 2013

**“Approval of a Renewal Application for a Junk Dealers License for George’s Salvage Company, Inc.”**

**WHEREAS**, the Code of the Town of Newton, Chapter 156 “Junkyards and Junk Dealers” require that no person shall engage in the business of a retail or wholesale junk dealer except pursuant to and within the terms of a license granted by the Council; and

**WHEREAS**, said renewal application for the Junk Dealer's License lists the business as George’s Salvage Company, Inc., at 10 South Park Drive, Newton, New Jersey; and

**WHEREAS**, Section 156.8 requires that the Health Officer, Construction Official, Fire Official, Public Works Supervisor, and Zoning Officer are authorized and directed to make periodic inspections of all licensed junk yards in the Town for the purpose of ascertaining that the business is being conducted on the licensed premises in accordance with the provision of Chapter 156; and

**WHEREAS**, George's Salvage Company, Inc., has been inspected and approved as required in Section 156-8; and

**WHEREAS**, George's Salvage Company has provided a two hundred dollar (\$200.00) bond conditioned for the due observance of all ordinances of the Town relating to the business of retail junk dealer;

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Newton that it hereby approves the application for a renewal Junk Dealer License submitted by George Miller, for George’s Salvage Company, Inc., 10 South Park Drive, Newton, N.J which shall expire on December 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 regular meeting of said Governing Body conducted on Monday, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #29-2013

February 11, 2013

**“Approve Participation with the State of New Jersey in a Safe and Secure Communities Program Administered by the Division of Criminal Justice, Department of Law and Public Safety”**

**WHEREAS**, the Town of Newton wishes to apply for funding for a project under the New Jersey Safe and Secure Communities Program (Grant # P-5802-13); and

**WHEREAS**, the Town Council of the Town of Newton has reviewed the application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Town of Newton for the purpose described in said application;

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

- 1) As a matter of public policy, the Town of Newton wishes to participate to the fullest extent possible with the Department of Law and Public Safety; and
- 2) The Attorney General will receive funds on behalf of the applicant; and
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds; and
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**BE IT FURTHER RESOLVED**, that the Town Manager is hereby authorized to execute any and all documents necessary to effectuate the funding for the Safe and Secure Communities Program Grant No. P-5802-13.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk





## TOWN OF NEWTON

### RESOLUTION #31-2013

February 11, 2013      “Approve Bills and Vouchers for Payment”

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2012 and 2013 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #32-2013

February 11, 2013      “Authorize Refund of Redemption Monies to  
Outside Lien Holder for Block 13.05, Lot 18  
(Formerly Block 1005, Lot 6)”

**WHEREAS**, at the Municipal Tax Sale held on June 2, 2010 a lien was sold on Block 13.05, Lot 18 (Formerly Block 1005, Lot 6), also known as 66 Woodside Avenue, for 2009 delinquent real estate taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1336, was sold to US Bank cust for Pro Capital I LLC for 0% redemption fee; and

**WHEREAS**, Duane Morris LLP, the legal firm representing the mortgage company, has effected the redemption of Certificate #1336 in the amount of \$796.04. Legal foreclosure fees in the amount of \$1,092.00 have also been received;

**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 \$796.04 as well as the legal foreclosure fees in the amount of \$1,092.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue two (2) checks, the first in the amount of \$796.04 for the redemption of Certificate #1336. The second check in the amount of \$1,092.00 for the legal foreclosure fees to US Bank cust for Pro Capital I LLC, 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

#### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 11, 2013.

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Lorraine A. Read, RMC  
Municipal Clerk