



AGENDA
NEWTON TOWN COUNCIL
MAY 29, 2013
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- MAY 13, 2013 REGULAR MEETING
MAY 13, 2013 EXECUTIVE SESSION

V. OPEN TO THE PUBLIC

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

VI. SWEARING-IN CEREMONY

- a. SWEARING-IN OF CLASS II SPECIAL LAW ENFORCEMENT OFFICER RAUL COUCE

VII. COUNCIL & MANAGER REPORTS

VIII. ORDINANCES

- a. 2ND READING & PUBLIC HEARING

ORDINANCE 2013-14

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A NEW ARTICLE III TO CHAPTER 213, SECTION 213-11, ET SEQ., REQUIRING CERTAIN LANDLORDS TO POST ADEQUATE SECURITY AGAINST THE CONSEQUENCES OF DISORDERLY BEHAVIOR OF THE TENANTS

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

ORDINANCE 2013-15

AN ORDINANCE REVISING SECTION 283-17.8, FOREIGN LIMOUSINE REGISTRATION, OF THE CODE OF THE TOWN OF NEWTON

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

ORDINANCE 2013-16

AN ORDINANCE AMENDING SECTION 100-24.H OF THE CODE OF THE TOWN OF NEWTON TO INCLUDE A PROVISION REGARDING FUTURE PAYMENT

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

b. INTRODUCTION

ORDINANCE 2013-17

AN ORDINANCE TO AMEND SECTION 213-7 OF THE CODE OF THE TOWN OF NEWTON BY ADDING A NEW SUBSECTION D REGARDING PENALTIES FOR FAILURE TO OBTAIN A CERTIFICATE OF COMPLIANCE

ORDINANCE 2013-18

ORDINANCE REAPPROPRIATING \$148,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND OTHER AVAILABLE FUNDS IN ORDER TO PROVIDE FOR THE RECONSTRUCTION OF SIDEWALKS AND RELATED WORK ON STREETS AND ROADS DESCRIBED IN A LIST ON FILE WITH THE TOWN CHIEF FINANCIAL OFFICER AND THE REPLASTERING OF THE TOWN POOL AND RELATED WORK IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

ORDINANCE 2013-19

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A 20" HDPE WATER TRANSMISSION MAIN ACROSS FOX HOLLOW LAKE BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST THEREOF

ORDINANCE 2013-20

ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH THE NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P. WITH RESPECT TO A SENIOR CITIZEN, AFFORDABLE HOUSING PROJECT

IX. OLD BUSINESS

- a. COMMERCIAL VEHICLE DRAFT ORDINANCE**

X. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #78-2013***

AUTHORIZE AWARD OF PLANNING SERVICES FOR THE AREA IN NEED OF REDEVELOPMENT STUDY AND PLAN FOR MCGUIRE CHEVROLET PROPERTY

- b. RESOLUTION #79-2013* APPROVE FIREWORKS DISPLAY AT MEMORY PARK FOR NEWTON DAY 2013
- c. RESOLUTION #80-2013* AUTHORIZE RELEASE OF PERFORMANCE GUARANTEE POSTED BY ELIZABETHTOWN GAS, CO.
- d. RESOLUTION #81-2013* APPOINTMENT OF A CLASS II – SPECIAL LAW ENFORCEMENT OFFICER – RAUL COUCE
- e. RESOLUTION #82-2013* RESOLUTION TO SUPPORT THE SUBMISSION OF A TONNAGE GRANT APPLICATION FOR RECYCLING TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
- f. RESOLUTION #83-2013* TRANSFER OF SCHOOL MONIES FOR THE PERIOD JULY 1, 2013 TO DECEMBER 31, 2013
- g. RESOLUTION #84-2013* CAPITAL BUDGET AMENDMENT
- h. RESOLUTION #85-2013* AMENDMENT TO THE WATER/SEWER CAPITAL BUDGET
- i. RESOLUTION #86-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- j. RESOLUTION #87-2013* AWARD EMERGENCY CONTRACT TO RJR ENGINEERING CO., INC., FOR THE RE-PLASTERING OF THE MAIN POOL AT MEMORY PARK
- k. RESOLUTION #88-2013* PROVIDE EMERGENCY APPROPRIATION IN THE TOWN OF NEWTON 2013 BUDGET
- l. APPLICATION* APPLICATION FOR A OFF-PREMISE 50/50 RAFFLE FOR THE NEWTON FIRE DEPARTMENT LADIES AUXILIARY, 53 WOODSIDE AVENUE, NEWTON, NJ TO BE HELD AUGUST 15, 2013 AT 8:00PM AND NOVEMBER 21, 2013 AT 8:00PM

XI. INTERMISSION

XII. DISCUSSION

- a. MUNICIPAL ELECTION – MOVE FROM MAY TO NOVEMBER
- b. JULY 8TH MEETING CANCELLATION

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. ADJOURNMENT

TOWN OF NEWTON

Ordinance 2013-14

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON TO ESTABLISH A NEW ARTICLE III TO CHAPTER 213, SECTION 213-11, ET SEQ., REQUIRING CERTAIN LANDLORDS TO POST ADEQUATE SECURITY AGAINST THE CONSEQUENCES OF DISORDERLY BEHAVIOR OF THE TENANTS

WHEREAS, Town Council of the Town of Newton finds, determines and declares:

1. Parts of the Newton community and its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords;
2. This section is enacted to preserve the peace and tranquility of the community for its residents, and to maintain the Town as a pleasant and safe place for all persons and families to live;
3. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals; and
4. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12n, et seq., to enable municipal governing bodies to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility.

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, County of Sussex, and State of New Jersey that the Code of the Town of Newton is hereby amended to establish and adopt the municipal powers authorized by the State of New Jersey Legislature, N.J.S.A. 40:48-2.12n through 40:48-2.12r, and as may be amended, a new Article III, Chapter 213, Section 213-11, et seq., to hold certain landlords responsible for disorderly tenant behavior, as follows:

Section 1. Chapter 213, Article III, "Holding Certain Landlords Responsible for Disorderly Tenant Behavior", is hereby created and made a part of the Code of the Town of Newton.

Article III. Holding Certain Landlords Responsible for Disorderly Tenant Behavior.

213-11. The Town of Newton hereby grants to itself all such powers granted to municipalities by the State of New Jersey for holding certain landlords responsible for their tenants, including the posting of adequate security against the consequences of disorderly behavior of their tenants. Such enabling statutory powers are set forth at N.J.S.A. 40:48-2.12n et seq., as may be amended.

213-12 Definitions.

"Hearing Officer" shall mean a licensed attorney of the State of New Jersey appointed by the Town Council. The Hearing Officer shall not own or lease any real property within the Town of Newton, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

"Landlord" shall be defined as "Landlord" under the law, N.J.S.A. 40:48-2.12o, as may be amended.

213-13 Hearings and Penalties.

- A. If in any twenty-four (24) month period, two (2) complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the Newton Town Manager or any designee of the Town Manager for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.
- B. In the event a tenant is convicted of any of the conduct described in subsection A of this Section, the Town Manager or designee shall cause notice advising that the conduct specified has occurred to be served on the Landlord, in person or by registered mail, at the address appearing on the tax records of the Town.
- C. The Town Manager or designee shall cause to be served upon the Landlord, in person or by registered mail to the address appearing on the tax records of the Town, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the Town, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.
- D. At the hearing convened pursuant to subsection C of this Section, the Hearing Officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the Landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the Landlord shall be required to post a bond in accordance with the terms of the ordinance.
- E. Any bond required to be posted shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
 - 1) damages likely to be caused to public or private property and damages consequent upon disruption or affected residents' rights of fair use and quiet possession of their premises;
 - 2) securing the payment of fines and penalties likely to be levied for such offenses; and
 - 3) compensating the Town for the costs of repressing and prosecuting such incidents of disorderly behavior.

No such bond shall be in an amount less than \$500 or more than \$5,000. The Town may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the Landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the Town.

- F. A bond or other security deposited in compliance with subsection E of this Section shall remain in force for three (3) years. Upon the lapse of the three (3) year period, the Landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section 213.14 below, in which case the security shall be renewed, in an amount and for a period that shall be specified by the Hearing Officer. The Town Council may by Resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

213-14 Bond Forfeiture and Extension.

- A. If during the period for which a Landlord is required to give security pursuant to Subsection 213-13 above, a substantiated complaint is recorded against the property in question, the Town Manager or designee may institute proceedings against the Landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in Subsection 213-13.F. above, of the period for which the security is required, or for increase in the amount of security required, or for any or all of those purposes.
- B. Any forfeiture or partial forfeiture of security shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Subsection 213.13.E above. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in Subsection 213-13.E above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to effectually carry out the purposes of this ordinance effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided in Subsection 213-13.F above.
- C. A Landlord may recover from a tenant any amounts of security actually forfeited as described in Subsection B of this Section.

Section 2. 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 3. 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 4. Effective Date. This Ordinance will take effect after publication and passage according to 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 May 13, 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 May 29, 2013 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 2013-15

AN ORDINANCE REVISING SECTION 283-17.8, FOREIGN LIMOUSINE REGISTRATION, OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, the current Town Ordinance that governs the circumstances pursuant to which a limousine license may be issued, Section 283-17.B, is in need of amendment;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey, that Section 283-17.B of the Town of Newton Code is amended as follows:

Section 1. Section 283-17.B of the Town of Newton Code shall be amended to read as follows:

283-17.B. Foreign limousine registration with business address in Newton. Whenever the owner of a limousine maintains a business address in the Town of Newton; owns a limousine that is registered in another state or the District of Columbia; satisfies all of the requirements set forth in this article; and desires to obtain a license for each such limousine from the Town of Newton, said owner shall annually file for a license for each such owned limousine to be issued by the Town in accordance with N.J.S.A. 48:16.22.4(a). Pursuant to New Jersey statute, the owner may have his principal place of business in a location other than a municipality in the State of New Jersey, in which case, the owner may elect a municipality in New Jersey in which he has a business address to file the required insurance policy and receive the license to operate. The Town of Newton shall issue such license upon the owner's satisfaction of all of the requirements set forth in this article.

Section 2. 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 3. 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 4. 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 May 13, 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 May 29, 2013 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 2013-16

AN ORDINANCE AMENDING SECTION 100-24.H OF THE CODE OF THE TOWN OF NEWTON TO INCLUDE A PROVISION REGARDING FUTURE PAYMENT

WHEREAS, the Town Council of the Town of Newton finds that Section 100-24 entitled “Miscellaneous fees and charges”, as referred to in Chapter 100, “Fees and Costs” of the Newton Town Code, is in need of revision to include a provision, pursuant to N.J.S.A. 40:5-18(d), requiring certain future payments to the Town to be tendered in cash or by certified or cashier’s check.

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 1. Existing Section 100-24.H “Miscellaneous fees and charges” of the Code of the Town of Newton shall be and is hereby revised as follows:

H. Service charges for checks returned due to insufficient funds, per N.J.S.A. 40:5-18(c): \$20.00. If any individual or business has had a check or other written instrument to the Town returned for insufficient funds, all future payments to the Town must be tendered in cash or by certified or cashier’s check, per N.J. S.A. 40:5-18(d).

Section 2. 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 3. 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 4. Effective Date. This Ordinance will take effect after publication and passage according to 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 May 13, 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 May 29, 2013 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 2013-17

AN ORDINANCE TO AMEND SECTION 213-7 OF THE CODE OF THE TOWN OF NEWTON BY ADDING A NEW SUBSECTION D REGARDING PENALTIES FOR FAILURE TO OBTAIN A CERTIFICATE OF COMPLIANCE

WHEREAS, the Mayor and the Town Council of the Town of Newton have determined that an additional subsection D to existing Section 213-7 within the Property Maintenance Section of the Code of the Town of Newton is required to include a penalty provision; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey, that Section 213-7.D shall be adopted as follows.

Section 1. Section 213-7 of the Town of Newton Code shall be amended to include an additional subsection D to read as follows:

D. Violations and Penalties. For violations of this Section, regarding insufficient smoke detector and carbon monoxide alarm requirements, penalties shall be provided as set forth in N.J.A.C. 5:70-2.12. For each and every violation of the requirements for smoke detector and carbon monoxide alarm requirements, a property owner who has refused to abate such violation within five (5) days after written notice shall have been served upon him, either by certified mail or personal service, shall be subject to a fine of not more than \$1,000 per violation per day. Each and every day that such violation continues after such notices shall be considered a separate and specific violation of this Section. For a violation of N.J.S.A. 52:27D-198.1 et seq., for failure to have appropriate required portable fire extinguishers, a property owner shall be subject to a fine of not more than \$100.

Section 2. 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 3. 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 4. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, June 10, 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, June 24, 2013 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 2013-18

ORDINANCE REAPPROPRIATING \$148,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND OTHER AVAILABLE FUNDS IN ORDER TO PROVIDE FOR THE RECONSTRUCTION OF SIDEWALKS AND RELATED WORK ON STREETS AND ROADS DESCRIBED IN A LIST ON FILE WITH THE TOWN CHIEF FINANCIAL OFFICER AND THE REPLASTERING OF THE TOWN POOL AND RELATED WORK 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 \$114,699.89 of the proceeds of obligations originally made available for various public purposes and improvements of the Town of Newton, in the County of Sussex, New Jersey (the "Town") described in the chart below are no longer necessary for the purposes for which the amounts previously were authorized.

Ordinance Number	Description of Improvement and Date of Adoption of Bond Ordinance	Amount to be Reappropriated
2009-9	Fuel tanks disposal/management system, finally adopted 4/27/09	\$1,925.34
2010-6	Preliminary costs sale of property, finally adopted 5/24/10	\$2,075.75
2010-7	DPW generator and safety equipment, finally adopted 6/14/10	\$6,087.97
2010-7	Fire ladder truck, finally adopted 6/14/10	\$6,454.06
2010-7	Improvement of municipal building elevator/air conditioning/heating, finally adopted 6/14/10	\$10,670.00
2010-7	Circulation plan, finally adopted 6/14/10	\$6,350.56
2011-5	Roads (Shady, Hillside, Overlook, Slate, finally adopted 4/25/11	\$4,183.37
2011-5	Town Hall retaining wall, finally adopted 4/25/11	\$5,632.20
2011-5	DPW truck, finally adopted 4/25/11	\$1,828.30
2011-5	Police digital video surveillance equipment, finally adopted 4/25/11	\$1,202.50
2011-11	Reappropriate: alleyway, light, shade, finally adopted 7/11/11	\$16,978.93
2011-13	DPW camera, finally adopted 7/11/11	\$813.00
2012-13	Street sweeper/chipper/crack sealer, finally adopted 4/9/12	\$4,153.45
2012-13	Firehouse #2 design preliminary planning, finally adopted 4/9/12	\$20,000.00
2012-13	Park equipment and design, finally adopted 4/9/12	\$102.63
2012-18	Reappropriate: court renovations, finally adopted 6/25/12	\$1,241.83
2011-5	Hockey upgrades, finally adopted 4/25/11	\$25,000.00

Section 2. Of the \$114,699.89 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, \$89,699.89, together with \$15,300.11 now available from the General Capital Fund Balance, for a total of \$105,000.00, is hereby reappropriated or appropriated to provide for the reconstruction of sidewalks and related work on streets and roads described in a list on file in the office of the Town Chief Financial Officer.

~~Section 3. Of the \$114,699.89 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, \$25,000.00, together with \$18,000.00 now available from the Capital Reserve for Recreation Facility, for a total of \$43,000.00, is hereby reappropriated or appropriated, together with \$4,295.41 already available in Ordinance #2005-14 of the Town for Phase II pool facilities improvements, to provide for the replastering of the Town pool and related work.~~

Section 4. 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 5. 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 May 29, 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 June 10, 2013 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 2013-19

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A 20" HDPE WATER TRANSMISSION MAIN ACROSS FOX HOLLOW LAKE BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST THEREOF.

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. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Newton, in the County of Sussex, New Jersey (the "Town"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$900,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$900,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a 20" HDPE water transmission main across Fox Hollow Lake, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$900,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Town hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Town hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on

the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Town to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem

taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond 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 Wednesday, May 29, 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 Monday, June 10, 2013 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 2013-20

ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH NEWTON TOWN CENTRE URBAN RENEWAL ASSOCIATES, L.P. WITH RESPECT TO A SENIOR CITIZEN, AFFORDABLE HOUSING PROJECT

WHEREAS, the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “LTTE Law”) authorizes municipalities to enter into agreements for long term tax exemption with urban renewal entities that undertake redevelopment projects or develop low and moderate income residential units; and

WHEREAS, Newton Town Centre Urban Renewal Associates, L.P. (the “Entity”) has proposed to develop an age-restricted, low and moderate income rental housing project consisting of approximately 65 one-bedroom and two-bedroom units, approximately 1,600 square feet of commercial space, and a community room of approximately 2,200 square feet to be utilized by residents of the development and available for use by senior groups within the Town, together with ancillary parking, on land located at the intersection of Spring Street and Union Place, identified on the official tax maps of the Town as Block 8.05, Lots 4, 7, 8 and 9 (collectively, the “Land”) and commonly known as 5 Union Place, 50 Trinity Street and 58 Trinity Street (collectively, the “Project”); and

WHEREAS, the Entity has represented to the Town that the Project would not be feasible in its intended scope but for the provision of financial assistance by the Town; and

WHEREAS, in order to improve the feasibility of the Project, the Entity made an application for a long term tax exemption and financial agreement with respect to the Property (as amended and supplemented, the “Application”) pursuant to the LTTE Law, which Application is on file with the Town Clerk; and

WHEREAS, the Application indicates the Entity’s intention to apply to the New Jersey Housing and Mortgage Finance Agency for an allocation of Low Income Housing Tax Credits; and

WHEREAS, after review of the Application together with redevelopment counsel, the Town Manager recommended that the Application be approved; and

WHEREAS, the Governing Body, together with the Town Manager and redevelopment counsel for the Town, have reviewed the terms of a proposed financial agreement (the “Financial Agreement”), a copy of which has been filed with the Town Clerk and which is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the Town hereby finds that the relevant benefits of the Project to the municipality outweigh the loss, if any, of property tax revenue in granting the long term tax exemption for the Project; and

WHEREAS, the Town hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance;

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

I. GENERAL

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

II. APPLICATION FOR EXEMPTION APPROVED

The Application, which is on file with the Town Clerk and has been recommended for approval to the Governing Body by the Town Manager, is hereby accepted and approved.

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

(a) The Town Manager is hereby authorized to execute the Financial Agreement, substantially in the form as it has been presented to the Governing Body subject to modification or revision deemed necessary and appropriate in consultation with redevelopment counsel.

(b) The Clerk of the Town is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Town Manager upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Town upon such document.

(c) The Town Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Town and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the Tax Exemption Law.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

V. AVAILABILITY OF THE ORDINANCE

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

VI. EFFECTIVE DATE

This Ordinance shall take effect 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 Wednesday, May 29, 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 Monday, June 10, 2013 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

Financial Agreement



TOWN OF NEWTON

RESOLUTION #78-2013

May 29, 2013

"Authorize Award of Planning Services for the Area in Need of Redevelopment Study and Plan for McGuire Chevrolet Property"

WHEREAS, J. Caldwell & Associates, LLC was appointed as Town Planner for the Town of Newton for calendar year 2013 by the adoption of Resolution #250-2012 on December 10, 2012; and

WHEREAS, the Town of Newton has a need to utilize the services of J. Caldwell & Associates, LLC for planning services to conduct an Area in Need of Redevelopment Study and Plan for McGuire Chevrolet Property; and

WHEREAS, planning services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, J. Caldwell & Associates, LLC has submitted a proposal dated April 25, 2013 outlining the services to be provided for an amount not to exceed \$40,000; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement;

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 J. Caldwell & Associate, and LLC for planning services to conduct an Area in Need of Redevelopment Study and Plan for McGuire Chevrolet Property.

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 Wednesday, May 29, 2013.

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 #: 78 -2013

APPROVING: J CALDWELL & ASSOCIATES, LLC

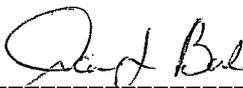
FOR THE PURPOSE OF: PLANNING SERVICES TO CONDUCT AN AREA
IN NEED OF REDEVELOPMENT STUDY AND PLAN FOR MCGUIRE
CHEVROLET PROPERTY

IN THE AMOUNT OF: NOT TO EXCEED \$40,000.00

APPROPRIATED BY: GENERAL CAPITAL -

ORD.#2013-11	REDEVELOPMENT	#30913126	\$40,000.00
--------------	---------------	-----------	-------------

DATED THIS 29th DAY OF May 2013

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER



TOWN OF NEWTON

RESOLUTION #79-2013

May 29, 2013

"Approve Fireworks Display at Memory Park for Newton Day 2013"

WHEREAS, a Resolution of the Newton 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, Garden State Fireworks of Millington, New Jersey has submitted a proposal for a fireworks display with a copy of the permit application, certificate of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at Memory Park on Saturday, June 8, 2013 as part of the annual "Newton Day" celebration with a rain-date of June 15, 2013; and

WHEREAS, 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 the Greater Newton Chamber of Commerce is granted permission for a fireworks display during the "Newton Day" celebration to take place on Saturday, June 8, 2013, with a rain-date of June 15, 2013 and that said fireworks display will be provided by Garden State Fireworks of Millington, NJ; 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 Wednesday, May 29, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #80-2013

May 29, 2013

**“Authorize Release of Performance Guarantee
Posted by Elizabethtown Gas, Co. ”**

WHEREAS, Elizabethtown Gas, Co., posted a Performance Guarantee with the Town of Newton for proposed work on Ferndale Avenue and Hillside Terrace; and

WHEREAS, in a letter dated May 16, 2013, Harold E. Pellow, P.E., L.S., of the firm of Harold E. Pellow & Associates, Inc., Town Engineer, has recommended that said Performance Guarantee currently on file with the Town of Newton for the Ferndale Avenue and Hillside Terrace projects be released, said letter is attached to and made part of this resolution;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that it hereby authorizes the release of the Performance Guarantee in the amount of \$330,019.24 posted with the Town of Newton by Elizabethtown Gas, Co., related to the Ferndale Avenue and Hillside Terrace project based on the recommendation of the Town Engineer.

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 Wednesday, May 29, 2013.

Lorraine A. Read, RMC
Municipal Clerk



HAROLD E. PELLOW & ASSOCIATES, INC.
CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
Established 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
PA - P.E. & L.S.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/28/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *ASSOCIATE*
NJ - P.E., NJ - C.M.E.,
PA - P.E.

THOMAS G. KNUTELSKY
NJ - P.E.

May 16, 2013

FAX: (973) 383-8961

MEMORANDUM TO: Mr. Thomas S. Russo, Jr., Newton Town Manager

FROM: Harold E. Pellow, P.E., L.S., Town Engineer

SUBJECT: Ferndale Terrace and Hillside Avenue – Bond for Elizabethtown Gas
HPA No. 13-086

Dear Tom:

The pavement restoration on Hillside Terrace is satisfactory, and the entire road will be milled and paved this summer. The gas company went through the lawn at Ferndale, so the bond can be returned.

Thank you.

Very truly yours,

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

HEP:mac
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\13-086 - HILLSIDE TERRACE RESURFACING\RUSSO1.DOC



TOWN OF NEWTON

RESOLUTION #81-2013

May 29, 2013

"Appointment of a Class II - Special Law Enforcement Officer – Raul Couce"

WHEREAS, §30-8 within Chapter 30, Police Department, of the Code of the Town of Newton indicates that the Town Council may appoint a Special Law Enforcement Officers for a term not to exceed one year;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body appoints the following individual as a Class II - Special Law Enforcement Officer for calendar year 2013 based on the recommendation of the Town Manager and Chief of Police:

Raul Couce

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 Wednesday, May 29, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #82-2013

May 29, 2013

“Resolution to Support the Submission of a Tonnage Grant Application for Recycling to the State of New Jersey Department of Environmental Protection”

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2012 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Newton Town Council of the Town of Newton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, a resolution should designate the individual authorized to ensure the application is properly completed and timely filed; and

WHEREAS, the Newton Town Council adopted Resolution #42-2013, authorizing entering into a Shared Services Agreement with the Sussex County Municipal Utilities Authority to provide a Certified Recycling Professional for the Town of Newton;

NOW, THEREFORE BE IT RESOLVED, by the Newton Town Council of the Town of Newton that the Town of Newton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reenee Casapulla, Recycling Coordinator for SCMUA, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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 Wednesday, May 29, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #83-2013

May 29, 2013

"Transfer of School Monies for the Period July 1, 2013 to December 31, 2013"

BE IT RESOLVED, by the Town Council of the Town of Newton that the Town Treasurer be authorized to turn over to the Treasurer of School Monies, as monies become available, \$5,891,155.00 to meet the obligations of the Newton Board of Education, exclusive of Debt Service, in accordance with the Statutes and the request of the Board of Education of Newton;

Amount of Tax Voted (Exclusive of Debt Service)	\$11,782,310.00
Amount Received to Date	0.00
Amount of This Request	<u>\$5,891,155.00</u>
Balance Due Board of Education	\$5,891,155.00

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 29, 2013.

Lorraine A. Read, RMC
Municipal Clerk

**3 YEAR CAPITAL PROGRAM 2013 - 2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

PROJECT	BUDGET APPROPRIATIONS			BONDS AND NOTES						
	ESTIMATED COST	CURRENT YEAR 2013	FUTURE YEARS	CAPITAL IMPROVEMENT FUND	CAPITAL SURPLUS	GRANTS IN AID AND OTHER FUNDS	GENERAL	SELF LIQUIDATING	ASSESSMENT	SCHOOL
reappropriate old ordinances	-114,699.89					-114,699.89				
Improve Sidewalks	105,000.00				15,300.11	89,699.89				
Pool Improvements	43,000.00					43,000.00				
TOTAL ALL PROJECTS	33,300.11				15,300.11	18,000.00				

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

It is hereby certified that this is a true copy of a resolution amending the Capital Budget section as adopted by the Governing Body on the 29th day of May, 2013.

Certified by:

_____ Date
Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #86-2013

May 29, 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 Wednesday, May 29, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #87-2013

May 29, 2013

"Award Emergency Contract to RJR Engineering Co., Inc., for the Re-plastering of the Main Pool at Memory Park"

WHEREAS, the Town Recreation Supervisor, Kerry Deckert, has advised the Purchasing Agent, Debra J. Millikin, in writing (See attached) that repairs consisting of re-plastering the main Town pool are needed on an emergent basis and could not have reasonably been anticipated since the condition of the pool was not determined until the cover was recently removed which revealed the damage to the pool. Without the repairs being undertaken in short order the pool may not be able to open on June 17, 2013 as advertised or be available for use for the full season; and

WHEREAS, it is recommended by the Purchasing Agent, Debra J. Millikin and Recreation Supervisor, Kerry Deckert, that a contract for the re-plastering of the main pool be awarded on an emergency basis to RJR Engineering Co., Inc., in the amount of \$40,552.00; and

WHEREAS, the Chief Financial Officer, Dawn L. Babcock has certified that funds are available based on the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, that it hereby awards the contract for the re-plastering of the main pool to RJR Engineering Co., Inc., of Califon, NJ in the amount of \$40,552.00.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 29, 2013.

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 #: 87-2013

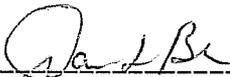
APPROVING: RJR ENGINEERING CO., INC.

FOR THE PURPOSE OF: REPLASTERING OF MAIN POOL AT MEMORY
PARK

IN THE AMOUNT OF: \$40,522.00

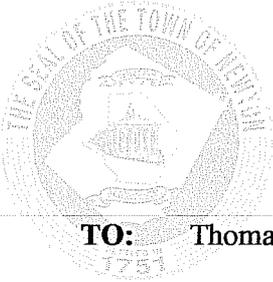
APPROPRIATED BY: CURRENT FUND
2013 EMERGENCY APPROPRIATION - POOL IMPROVEMENTS #1090300

DATED THIS 29TH DAY OF MAY, 2013

BY 

DAWN L. BABCOCK
CHIEF FINANCIAL OFFICER

Interoffice Memorandum



TO: Thomas S. Russo, Jr., Town Manager

Debra Millikin, Deputy Town Manager, Q.P.A.

FROM: Kerry Deckert

DATE: May 23, 2013

SUBJECT: Newton Pool

The pool requires emergent repairs consisting of re-plastering the main pool floor in order to open the pool for June 17, 2013. On April 4, 2013, while inspecting the pool, Kerry Deckert noted circular discolorations on the bottom of the pool. DPW Supervisor Ken Jaekel was contacted and asked to visit the pool and inspect the discolorations. Mr. Jaekel visited the pool on April 5th and advised that we should contact a pool contractor to further estimate the damage. He advised that the discolorations were areas that might bubble and crack if not addressed. In the following weeks, pool contractors were contacted to determine the extent of the damage. Finally on 4/26, RJR Engineering was able to come to the pool and advised the complete resurfacing of the pool. At this time the discolored areas had further separated from the base layer resulting in a hollow sound when tapped on. The estimate was received on 4/30. I again contacted other pool contractors to get additional quotes. On 5/14 both All State Technology and Contemporary Pools were supposed visit the pool to give me an estimate of the work to be done. All State Technology did not show. Contemporary Pools reviewed the job and offered to give an estimate after a further review by their plaster contractor. At the time of their assessment, the bubbles on the floor of the pool had started to show spiderweb like cracking. On May 21st the plaster had begun to chip apart and completely separate from the base layer leaving jagged and sharp edges which can lead to injury if left untouched. The sharp edges will continue to emerge on the floor of the pool in areas that will be in direct contact with the feet of bathers resulting in a health, welfare and safety issue to the patrons who utilize the pool. This work is an emergent repair due to the fact that the pool is scheduled to open on June 17, 2013.

Thank you, Kerry Deckert Recreation Supervisor

39 Trinity Street, Newton, New Jersey 07860-1823 • Telephone 973-383-3521 • Fax 973-383-8961



TOWN OF NEWTON

RESOLUTION #88-2013

May 29, 2013

"Provide Emergency Appropriation in the Town of Newton 2013 Budget"

WHEREAS, an emergency has arisen with respect to pool repairs and no adequate provision was made in the 2013 budget for the aforesaid purpose; and

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

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$43,000.00 and three percent (3%) of the total operations in the budget for the year is \$277,644.89;

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

- 1) An emergency appropriation be and the same is hereby made for in the amount of \$43,000.00.
- 2) Said emergency appropriation shall be provided in full in the 2014 budget.
- 3) The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
- 4) That an "Emergency Note" not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of NJSA 40A:4-51.
- 5) That such note shall be executed by the Chief Financial Officer and by the Town Clerk
- 6) That said note be dated after May 29, 2013, and may be renewed from time to time, and such note and any renewals thereof shall be payable on or before December 31, 2014.
- 7) A certified copy of this resolution be filed with the Director of the Division of Local Government Services.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Wednesday, May 29, 2013.

Lorraine Read, RMC
Municipal Clerk

STATEMENT RE:
EMERGENCY RESOLUTION

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

Need of Emergency Appropriation:

In the spring of 2013 it was observed that the pool cover had ripped and further inspection revealed that much of the water had leaked out of the pool. The Town attempted to contact the vendor who had built the pool to come on site and advise regarding the pool leak. After multiple attempts, other vendors were contacted to determine why the water had leaked. RJR engineers advised that a hydrostatic valve needed replacement. This repair was performed.

On May 21st it was discovered that the plaster on the floor of the main pool area was popping up and had jagged edges. This had now become a health, welfare and safety issue. It was determined to declare an emergency so the necessary repairs could be performed prior to the pool opening on June 17, 2013.

Date of Occurrence: **May 21, 2013**

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

Have any payments been made in connection with this emergency appropriation? **NO**

If costs are in excess of \$17,500 for either labor or materials, or both, will bids be advertised for? **Quotes have been solicited.**

If not, have resolutions been adopted declaring an exigency to exist which will not permit the advertisement for public bids? **YES**

Will work be performed by contract, force account or otherwise? **Contract.**

Signed: _____

Title: Chief Financial Officer

Dated: _____